



Monthly

Bulletin

Environmental Crimes Section

June 2017

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Trailer loaded with illegally harvested spruce tops taken from trees in the Chippewa National Forest. See [inside](#) for more details.

Send your federal case updates
to: [REDACTED]

“People need to understand that taking plants or animals from federal lands is a serious crime punishable by substantial fines and even time in federal prison,” Assistant U.S. Attorney Laura Provinzino notes. “Mr. Edminster took responsibility for his actions. Had he not, his punishment could have been even more severe. But make no mistake, those who steal from our public lands for personal profit will be held accountable as today’s sentence shows.” [From [press release](#) of sentencing in *US v. Edminster*.]

District/Circuit	Case Name	Case Type/Statutes
Central District of California	United States v. Tyler R. Vela	Bird Feather Sales/BGEPA, MBTA
Eastern District of California	United States v. Alan F. Gomez-Paniagua United States v. Abel Toledo-Villa et al. United States v. Audencio Pineda-Gaona	Marijuana Grow/Depredation, Drugs, Firearms
Southern District of California	United States v. Ramon Torres Mayorquin et al. [REDACTED]	Sea Cucumbers/Conspiracy, Lacey Act, Smuggling [REDACTED]
District of Colorado	United States v. WillMax Capital Management, Inc., et al.	Building Renovation/CAA
[REDACTED]	[REDACTED]	[REDACTED]
District of Connecticut	United States v. Adam Boguski et al.	Hawk Killing/Conspiracy, MBTA
Northern District of Florida	United States v. Heinrich Springer et al.	Bird Imports/Conspiracy, Lacey Act, Smuggling
Northern District of Iowa	United States v. Gary A. Christianson	Building Demolition/CAA
[REDACTED]	[REDACTED]	[REDACTED]
Eastern District of Louisiana	United States v. Robert Cosse, Jr., et al. United States v. Black Elk Energy Offshore Operations, LLC et al.	Hunting on Refuge/Lacey Act, NWRA Explosion/CWA, OCSLA
District of Maine	United States v. Richard Eaton United States v. Michael Bryant et al.	Moose Killing/Lacey Act Eel Trafficking/Lacey Act
District of Massachusetts	United States v. Berkshire Power Company	Power Company/CAA, Conspiracy, Federal Power Act
[REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
District of Minnesota	United States v. Joseph Edminster	Tree Cutting/Theft of Government Property

District/Circuit	Case Name	Case Type/Statutes
Southern District of Mississippi	United States v. Mahant Singh	Fuel Discharge/CWA
██████████ ██████████	██	████████████████████
District of New Hampshire	United States v. Jeremiah S. Loui	Hawk Sale/MBTA
District of New Mexico	United States v. Robert Arellano	Dog Fighting/ Animal Welfare Act
Western District of New York	United States v. Sean P. Doctor et al.	Building Renovation/Accessory-after-the-Fact, CAA
Northern District of New York	██ United States v. William Saiff, III	████████████████████ Waterfowl Baiting/MBTA
Wester District of North Carolina	United States v. Parts Cleaning Technology of North Carolina et al.	Waste Disposal/Conspiracy, False Statement, RCRA
Northern District of Ohio	United States v. Adam D. Boylen	Wastewater Disposal/CWA
Southern District of Ohio	██ United States v. William Letona et al.	████████████████████ RINs Fraud/Conspiracy, Obstruction
████████████████████	██	████████████████████
Middle District of Pennsylvania	United States v. Keystone Biofuels, Inc., et al.	RINs Fraud/Conspiracy, False Statement
████████████████████ ██████████	██	██
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June 2017

Indictments

United States v. Parts Cleaning Technology of North Carolina et al., No. 3:17-CR-00136 (W.D.N.C.), AUSA Steven Kaufman.

On May 17, 2017, a hazardous waste company, its owner, and two employees were indicted for illegally abandoning more than 10,000 gallons of liquid hazardous waste and more than five tons of solid hazardous waste in trailers on the company's property. Parts Cleaning Technology of North Carolina (PCT), company owner David R. Crandell, and employees Timothy M. Connelly and Vincent E. Peters, Sr., were charged with conspiracy and RCRA storage violations. Connelly and Peters also are charged with making false statements (18 U.S.C. §§ 371, 1001; 42 U.S.C. §§ 6928(d)(2)(B), (d)(2)(A)).

According to the indictment, PCT was a business engaged in the collection and transportation of hazardous waste. From approximately 2011, the defendants allegedly stored hazardous waste on unpermitted trailers on PCT's property. The defendants had ongoing difficulty paying the disposal companies, which were refusing to accept their hazardous waste. After being evicted from the property in July 2014, the defendants left the waste behind.

After a search warrant was executed in August 2015, state regulators discovered hazardous waste on the property for which 43 customers had paid PCT for proper disposal. Additional wastes were discovered within the building.

Between September 2014 and August 2015, Connelly and Peters allegedly made false statements to regulators about the contents of the trailers.

This case was investigated by the U.S. EPA Criminal Investigation Division and the North Carolina State Bureau of Investigation.



Indictments

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

***United States v. Robert Arellano*, No. 1:17-CR-01229 (D.N.M.), ECS Trial Attorney Ethan Eddy, AUSAs Letitia Simms and Paul Mysliwiec, and ECS Paralegal Cindy Longmire.**

On May 9, 2017, Robert Arellano was charged with 13 counts of violating the animal fighting prohibitions of the federal Animal Welfare Act (18 U.S.C. § 49; 7 U.S.C. § 2156(b)). Arellano had previously been arrested and indicted on charges in the District of New Jersey pertaining to his alleged involvement in a multi-state dog fighting network. Those charges alleged criminal acts related to transporting, delivering, buying, selling, and receiving pit bull-type dogs for dog fighting ventures and conspiring to commit these acts in New Jersey and elsewhere throughout the U.S. The charges in New Mexico pertain to fighting dogs allegedly kept by Arellano at his residence in Albuquerque. Those dogs were seized by federal authorities when Arellano was arrested last June.

This case is part of Operation Grand Champion, a coordinated effort across a number of districts to combat organized dog fighting. The phrase “Grand Champion” is used by dog fighters to refer to a dog with more than five dog-fighting “victories.” To date,

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Indictments

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85 dogs have been rescued as a result of the operation, and either surrendered or forfeited to the government. This case was investigated by the U.S. Department of Agriculture Office of the Inspector General and the FBI, with assistance from the Humane Society.

United States v. Alan F. Gomez-Paniagua, No. 1:17-CR-00118 (E.D. Calif.), AUSA Karen Escobar.

On May 4, 2017, a four-count indictment was returned charging Mexican national Alan F. Gomez-Paniagua with conspiring to cultivate, distribute, and possess with intent to distribute marijuana, cultivating marijuana, damaging public land and natural resources, and being an alien in possession of a firearm (21 U.S.C. § 841; 18 U.S.C. §§ 922, 1361).

According to court documents, Gomez-Paniagua was involved with a marijuana cultivation site in the McFarland Creek area of the Sequoia National Forest. Officers found more than 15,000 marijuana plants, 1,000 seedlings, and a loaded short-barreled shotgun with a pistol grip.

The cultivation activities caused extensive damage to the environment. Numerous oak trees had been cut down and the hillside was terraced to make room for the plants. Pesticide containers and trash were strewn throughout the area.

This case was investigated by the U.S. Forest Service; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Immigration and Customs Enforcement Homeland Security Investigations; the Southern Tri-County Central Valley California High Intensity Drug Trafficking Area Task Force; the California Department of Fish and Wildlife; the Kern County Sheriff's Office; and the California Multijurisdictional Methamphetamine Enforcement Team.

United States v. Keystone Biofuels, Inc., et al. No. 1:17-CR-00143 (M.D. Pa.), ECS Senior Litigation Counsel Howard Stewart, ECS Trial Attorney Adam Cullman, AUSA Geoffrey W. MacArthur, and ECS Contract Law Clerk Amanda Backer.

On May 3, 2017, a Pennsylvania biofuel producer and two of its officers were indicted on conspiracy and false statement charges for participating in a scheme that generated over \$10 million in U.S. EPA renewable fuels credits (RIN credits) at Keystone Biofuels, Inc., (Keystone), a company that purported to produce and sell biodiesel for use as transportation fuel (18 U.S.C. §§ 371, 1001).

According to the indictment, Ben Wootton and Race Miner were co-owners of Keystone. Wootton, serving as company president and Miner, serving as CEO, are alleged to have participated in a scheme with other coconspirators to fraudulently claim RIN credits on non-qualifying renewable fuel. Although the credits required that the fuel pass standards set by the American Society for Testing and Materials, the fuel produced by Keystone did not meet this standard, and was placed into commerce despite being "off-spec." The conspirators allegedly generated fraudulent documentation and manipulated

(Continued on page 8)

Indictments

(Continued from page 7)

samples to be sent to laboratories for testing as part of their scheme. Keystone, Wootton, and Miner also allegedly made false entries into an EPA tracking system. This case was investigated by the U.S. EPA Criminal Investigation Division, and the FBI.

United States v. Tyler R. Vela, No. 2:17-mj-00286 (C.D. Calif.), AUSA Amanda M. Bettinelli.

On May 3, 2017, Tyler R. Vela was charged in a complaint for unlawfully selling feathers from a bald eagle and other protected migratory birds. The complaint describes an undercover investigation conducted by agents from the Fish and Wildlife Service to identify individuals who illegally traffic in eagles, red-tail hawks and other protected bird species.

According to the complaint, following a series of undercover Facebook messages, Vela sold “bustles” made from feathers taken from red-tail hawks,

turkey vultures, and bald eagles. A bustle is a string of either hawk or eagle feathers attached to a board and worn on a person’s back during Native American dance exhibitions. In 2015 and 2016, Vela allegedly negotiated prices, accepted payments, and mailed the bustles to undercover agents, in violation of the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (16 U.S.C. §§ 668(a), 703).

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement.



Bustle containing Red-Tailed Hawk feathers

Guilty Pleas

United States v. William Saiff, III, No. 1:17-CR-00100 (N.D.N.Y.), AUSA Michael F. Perry.

On May 30, 2017, William Saiff, III, pleaded guilty to two counts of violating the Migratory Bird Treaty Act for guiding waterfowl hunts over baited ponds for profit on two separate occasions in 2015 (16 U.S.C. §§ 704 (b)(2), 707(c)).

Saiff claims to have 18 years' experience as a professional hunting guide and is the owner and operator of Bill Saiff Outdoors and Seaway Waterfowl Professionals.

On October 27, 2015, he guided a hunting party over a baited pond in the Town of Cape Vincent, New York. Saiff had previously installed an underwater trough at the pond to hold bait. Prior to the hunt, he stocked the trough with corn to attract waterfowl. Investigators found the stocked trough just prior to the hunt. Saiff's hunting party shot and killed several protected waterfowl before being stopped by investigators.

On October 31, 2015, Saiff guided a hunting party over a baited pond in the Town of Rodman. He acknowledged placing approximately 50 pounds of corn along the shoreline less than ten days prior to that hunt. The hunting party killed several protected birds, including geese and ducks, before investigators intervened. Sentencing is scheduled for July 21, 2017.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and the New York State Department of Environmental Conservation Division of Law Enforcement.



Pond baited with corn

United States v. Abel Toledo-Villa et al., No. 1:16-CR-00106 (E.D. Calif.), AUSA Karen Escobar.

After investigators raided the grow site in July 2016, Toledo was later found in a vehicle that contained close to nine pounds of processed marijuana, fertilizer, a rifle, and ammunition. At sentencing, Toledo has agreed to pay \$5,233 in restitution to the U.S. Forest Service for the damage caused to public land and natural resources. Sentencing is scheduled for August 14, 2017.

This case was investigated by the U.S. Forest Service, the U.S. Immigration and Customs Enforcement Homeland Security Investigations, the Southern Tri-County High Intensity Drug Trafficking Area task force, the California Department of Justice's Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, the Kern County Sheriff's Office, the Riverside County Sheriff's Department, the Fontana Police Department, and the Victorville Police Department.

Guilty Pleas

United States v. Adam D. Boylen, No. 1:17-CR-00050 (N. D. Ohio), AUSAs Ben Gullo and Brad Beeson.

On May 18, 2017, Adam D. Boylen pleaded guilty to four violations of the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)) for dumping wastewater into tributaries of the Tuscarawas River.

Boylen was a driver employed by an Ohio-based trucking company. Boylen was responsible for loading wastewater generated from corporate facilities into a tanker truck and driving the wastewater to a designated facility located in Pennsylvania for proper disposal. The wastewater contained surfactants capable of killing vegetation and fish.

Instead of delivering the wastewater to Pennsylvania, Boylen drove the truck to remote locations in Tuscarawas County and elsewhere in central-eastern Ohio and emptied the wastewater containing surfactants into waters of the United States. He is charged with dumping into two different tributaries of the river, a wetland adjacent to the river, and the Beach City Reservoir, on numerous occasions between April 18 and May 4, 2016.

White foam flowed down tributaries and streams as a result of Boylen's actions. In one instance, the foam traveled four miles downstream, destroying vegetation at all the locations. Approximately 700 fish were killed in one of the tributaries, and collectively, more than 3,000 minnows, crayfish, frogs, and tadpoles were killed.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Ohio EPA, the Ohio Attorney General's Bureau of Criminal Investigation, the Stark County Sheriff's Offices, the Tuscarawas County Sheriff's Offices, the Ohio Department of Natural Resources, and the Ohio Department of Rehabilitation and Correction.



Wastewater spill

Guilty Pleas

***United States v. Heinrich Springer et al.*, Nos. 1:16-CR-00005, 00017 (N.D. Fla.), AUSA Gregory McMahon with assistance from ECS Trial Attorney Richard J. Powers.**

On May 17, 2017, Heinrich Springer pleaded guilty to conspiracy, Lacey Act, and smuggling violations (18 U.S.C. §§ 371, 545; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(A)) for the unlawful smuggling of protected bird species in and out of the United States. Springer was charged in June 2016 with co-defendants Nicolaas Peters, Gonzalo Paredes, and Kathia Chave (who remain at large). Another coconspirator, Anthony Gilyard was charged separately, pleaded guilty, and was previously sentenced in July 2016.

Between May 2010 and October 2014, Springer conspired with several others to acquire and smuggle protected birds including endangered and threatened species, for Gilyard's personal collections. Springer and Gilyard acquired these birds through barter and purchases on eBay, arranging for them to be shipped through intermediaries in Italy, England, and Germany and then imported through the Port of Anchorage, where Springer resides. Springer and Gilyard also hunted, and paid a local outfitter in Peru, to kill and collect birds in violation of that country's wildlife laws. He then illegally brought the birds out of Peru and into the United States in his luggage.

Gilyard pleaded guilty to conspiracy, two Lacey Act violations, and two smuggling counts for smuggling protected bird species in and out of the United States (18 U.S.C. §§ 371, 545; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(3)(A)). He was sentenced to one day time-served, followed by one year of supervised release, and was ordered to pay a \$20,000 fine. He also will abandon over 450 birds, and will write a letter or article for the *National Taxidermy Newsletter*. Springer is scheduled to be sentenced on August 28, 2017.

This case was investigated by the U.S. Fish and Wildlife Service.

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Guilty Pleas

United States v. Sean P. Doctor et al., No. 1:12-CR-00308 (W.D.N.Y.), AUSA Aaron Mango.

On May 15, 2017, two individuals and a company pleaded guilty to violations related to the Clean Air Act. Sean P. Doctor pleaded guilty to making a false statement under the CAA (42 U.S.C. §§ 7412, 7413(c)(2)(A)). Raj Chopra pleaded guilty to accessory after the fact to a false statement under the CAA (18 U.S.C. § 3), and Chopra's company, Comprehensive Employee Management, (CEM), pleaded guilty to making a CAA false statement (42 U.S.C. §§ 7412, 7413(c)(2)(A)).

CEM, an environmental consulting company, provided consulting services to Doctor and his asbestos abatement company, S.D. Specialty Services, LLC. Between December 2009 and January 2010, S.D. Specialty employees performed asbestos abatement work at the Roosevelt Park Shelter. During the project, they removed asbestos from the shelter and transported the material to a waste container at CEM on Grand Island.

In March 11, 2010, Doctor and CEM devised paperwork that falsely indicated the asbestos had been transported to CEM from the shelter on that date. The asbestos, however, had been stored at the Grand Island location prior to March 2010. This false statement was included in the shipping manifest created when a local waste disposal company retrieved the waste container at CEM. Sentencing is scheduled for August 28, 2017.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the New York State Department of Environmental Conservation Police BECI, with assistance from the New York State Department of Labor Asbestos Control Bureau.



Asbestos-containing material left on ground outside Doctor's office

Guilty Pleas

United States v. Black Elk Energy Offshore Operations, LLC, No. 2:15-CR-00197 (E.D. La.) and ***United States v. Wood Group PSN***, Nos. 2:15-CR-00197, 6:16-CR-00192 (E.D. La., W.D. La.), ECS Senior Trial Attorney Kenneth Nelson; and AUSAs Emily Greenfield, Nicholas Moses, and Myers Namie; and ECS Contract Law Clerk Chris Kopf.

On May 12, 2017, Black Elk Energy Offshore Operations (BEE) agreed to plead guilty to eight felony violations of the Outer Continental Shelf Lands Act (OCSLA) and one misdemeanor count of violating the Clean Water Act (43 U.S.C. § 1350(c)(1); 33 U.S.C. §§ 1321(b)(3), 1319(c)(1) (A)). BEE also has agreed to pay a \$4.2 million fine. However, since the company is bankrupt and is managed by a trustee, the fine will remain a general unsecured claim against BEE. Sentencing is scheduled for August 17, 2017.



Fire on platform after explosion

On February 23, 2017, Wood Group PSN was ordered to pay \$7 million for falsely reporting over several years that personnel had performed safety inspections on facilities in the Gulf of Mexico, and \$1.8 million for negligently discharging oil into the Gulf of Mexico both in violation of the CWA. Wood Group also was ordered to pay \$700,000 in community service.

Wood Group previously entered into a global plea agreement in the Western District of Louisiana to resolve criminal activity in both the Western and Eastern Districts of Louisiana. Wood Group pleaded guilty to a negligent CWA violation for the illegal discharge of oil into the Gulf in the Eastern District of Louisiana (33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(3)). This case arose out of an explosion on an oil production platform in 2012 that killed three workers, injured several more, and discharged 500 barrels of oil into the water. For this offense, Wood Group was ordered to pay a \$1.8 million fine, and make a community service payment of \$200,000.

In the Western District of Louisiana, Wood Group pleaded guilty to one false statement charge for creating approximately 87 false documents that were required to be maintained under the OCSLA (18 U.S.C. § 1001). The company falsely claimed documents to have inspected and serviced oil platforms. For this offense, the company will pay a \$7 million fine, and make a \$500,000 community service payment.

In May 2016, the District Court dismissed the OCSLA counts against the contractor defendants. The government has appealed and oral argument before the Fifth Circuit Court of Appeals was held on May 1, 2017.

This case was investigated by the Department of Interior Office of Inspector General and the U.S. EPA Criminal Investigation Division.

Guilty Pleas

***United States v. Mahant Singh*, No. 3:17-CR-00020 (S.D. Miss.), ECS Senior Trial Attorney Jeremy Korzenik and AUSA Gaines Cleveland.**

On May 3, 2017, Mahant Singh pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(1)(B)). Singh admitted to discharging the contents of an underground fuel storage tank into a sewage line connected to the Yazoo City wastewater treatment system, which created a fire or explosion hazard and risked contaminating local water supplies.

Singh was the operator of a convenience store and gas station in Yazoo City, Mississippi. At the end of April 2016, water from rainstorms leaked into one of the underground gasoline storage tanks at the 49 Quick Stop through an inadequately maintained tank cap. The presence of water in the fuel storage tank triggered an automatic shut off, preventing the dispensing of gasoline. Instead of removing the gasoline and water mixture from his tank (as he had a year earlier), on April 28, 2016, Singh pumped some of the contaminated liquids into an opening in the sewage line. He turned on a pump connected to the hoses, forcing liquid from the tank into the sewer line while he waited on customers at in the store. The discharge caused gasoline fumes to pervade a neighboring school requiring its evacuation. POTW officials also detected gasoline at the wastewater treatment plant a few miles from Singh's store.

Sentencing is scheduled for July 17, 2017.

This case was investigated by the U.S. EPA Criminal Investigation Division.

***United States v. Richard Eaton*, No. 1:17-CR-00058 (D. Maine), AUSA Chris Ruge.**

On April 19, 2017, Richard Eaton pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)).

In January 2014, Eaton received a set of moose antlers that had come from New Brunswick, Canada, through Maine and across several other state borders to West Virginia. Eaton had illegally killed the moose in Canada.

This case was investigated by the U.S. Fish and Wildlife Service and Environment and Climate Change Canada.

Sentencings

United States v. Berkshire Power Company, LLC et al., Nos. 3:16-CR-30021, 15-CR-30001-30002 (D. Mass.), AUSA Sarah Bloom, SAUSA Daniel Licata, and RCEC Dianne Chabot.

On May 30, 2017, Frederick Baker was sentenced to pay a \$5,000 fine and will complete a 30-month term of probation. Baker, an operations and maintenance manager at Berkshire Power Plant, previously pleaded guilty to conspiracy and CAA tampering violations (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C)). Berkshire Power Company, LLC (BPC) and Power Plant Management Services, LLC (PPMS) were sentenced on May 22, 2017. BPC will pay a \$2,750,000 fine and make a \$750,000 community service payment. PPMS was ordered to pay a \$500,000 fine and make a \$250,000 community service payment.

BPC, the owner of Berkshire Power Plant, and PPMS previously pleaded guilty to conspiracy and Clean Air Act violations for tampering with emissions equipment. They also admitted to making false statements under the CAA for submitting false information to both environmental and energy regulators (18 U.S.C. § 371; 42 U.S.C. §§ 7413(c)(2)(A), (c)(2)(C)). In addition, PPMS pleaded guilty to a violation of the Federal Power Act, the first ever criminal charges under this statute, for making false statements to the regional power grid administrator, ISO-New England, regarding the plant's availability to produce power (16 U.S.C. §§ 824(v), 825(o)).

Between January 2009 and March 2011, BPC engaged PPMS to manage the plant, including overseeing day-to-day operations and maintenance, and to act as the owner's representative for the facility. A PPMS employee served as the plant's general manager and as BPC's on-site representative. BPC also retained EthosEnergy Power Plant Services, LLC (formerly Wood Group Power Plant Services, LLC) to provide day-to-day plant operation and maintenance.

PPMS and BPC directed the Wood Group employees at the plant to tamper with the air pollution monitoring equipment to conceal the fact that the facility was emitting air pollutants in excess of permitted levels. This tampering was accomplished by intentionally skewing the plant's Continuous Emissions Monitoring System (CEMS) so it would show lower emissions levels than were actually being produced. BPC and PPMS then used this inaccurate data when filing emissions reports with the U.S. EPA and the Massachusetts Department of Environmental Protection.

The community service payments will go toward the American Lung Association to fund a program for the replacement of polluting wood burning stoves in western Massachusetts. In addition, BPC and PPMS have agreed to pay \$3,042,563 plus interest to the Federal Energy Regulatory Commission in civil penalties and disgorgement for their misrepresentations to ISO-New England regarding the plant's availability to produce power. EthosEnergy agreed to resolve allegations that it violated the Commonwealth's Public Health Law dealing with air pollution stemming from its employees' involvement with the tampering at the plant. Under the terms of the state consent judgment, EthosEnergy will pay a \$1.1 million civil penalty, and make a \$200,000 payment to fund the installation of electric vehicle charging stations in the Commonwealth.

(Continued on page 18)

Sentencings

(Continued from page 17)

Scott Paterson, a plant instrument and control technician, is scheduled to be sentenced on June 8, 2017, after pleading guilty to conspiracy and CAA tampering violations (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C)). At the direction of the PPMS on-site general manager, Baker directed Wood Group employees, including Paterson, to tamper with the CEMS. Due to the Wood Group's extensive cooperation, the case against EthosEnergy is being resolved with a civil settlement.

The criminal case was investigated by the U.S. EPA Criminal Investigation Division, the Mass. Environmental Crimes Strike Force, and the Mass. Environmental Police. The state civil case is being handled by Assistant Attorney General Frederick Augenster, with assistance from the Mass. Department of Environmental Protection.



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Sentencings

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***United States v. Audencio Pineda-Gaona*, No. 1:16-CR-00156 (E.D. Calif.), AUSA Karen Escobar.**

On May 22, 2017, Mexican nationals Audencio Pineda-Gaona, and Candelario Jimenez-Ramirez, aka Candelario Rodriguez-Jimenez were each sentenced to two and a half years in prison for conspiring to cultivate, distribute and possess with intent to distribute marijuana grown on land in the Sequoia National Forest (21 U.S.C. § 841). They were each ordered to pay \$5,252 in restitution to the U.S. Forest Service to cover the cost of cleaning up the site.

In August and September 2016, the defendants and others were found trimming marijuana buds in the grow site in the Giant Sequoia National Monument in Tulare County. Agents found close to 6,000 plants and 200 pounds of processed marijuana. They also a holster and a shoulder rig for a 9 mm handgun and ammunition.

The operation caused extensive damage to the land and natural resources. Native trees and shrubs were cut down to make room for the plants. Water was diverted from a tributary of the Kern River, which supports Kern River Rainbow Trout. Banned pesticides and large amounts of trash also were found.

This case was investigated by the U.S. Forest Service, the California Department of Justice's Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, and the Tulare County Sheriff's Office.

June 2017

Sentencings

***United States v. Gary A. Christianson*, No. 3:16-CR-03055 (N.D. Iowa), AUSAs Tim Vavricek and Matthew Cole.**

On May 18, 2017, Gary A. Christianson was sentenced to complete a three-year term of probation and will perform 40 hours of community service. Christianson previously pleaded guilty to violating the Clean Air Act (42 U.S.C. § 7413(c)(2)(B)).

Between November 2014 and January 2015, Christianson was an owner/operator of a demolition and renovation operation that removed asbestos from a facility known as the former Kossuth County Home. The facility contained floor tiles and pipes covered with regulated asbestos-containing material. Christianson failed to provide authorities with written notice of his intention to demolish and renovate the building.

This case was investigated by the U.S. EPA Criminal Investigation Division.

***United States v. Michael Bryant et al.*, No. 2:16-CR-00129 (D. Maine), ECS Trial Attorneys Cassie Barnum and Shane Waller, and ECS Paralegal Ashley Chandler-Patterson.**

On May 17, 2017, Michael Bryant was sentenced to pay a \$5,000 fine, \$45,000 in restitution, and will complete a three-year term of probation. The restitution will be paid to the states of Massachusetts, New Jersey, and Virginia.

Bryant is one of seven individuals who pleaded guilty to violating the Lacey Act in October 2016 for trafficking in more than \$1.9 million worth of juvenile American eels, also known as “elvers” (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

Yarann Im, Mark Green, John Pinkham, Thomas Reno, George Anestis, and Bryant each pleaded guilty to selling or transporting elvers in interstate commerce that they had harvested illegally, or knew had been harvested illegally, in various East Coast states, including Virginia, New Jersey, and Massachusetts. Thomas Choi pleaded guilty to exporting elvers that he knew had been harvested illegally in New Jersey, Massachusetts, and elsewhere.

Eels are highly valued in East Asia for human consumption. Historically, Japanese and European eels were harvested to meet this demand; however, overfishing has led to a decline in their population. As a result, harvesters have turned to the American eel to fill the void.

The seven defendants all illegally harvested, sold, transported, or exported elvers, knowing they had been harvested in violation of state law. Further, as a means of concealing the illegal sale and export of elvers, the defendants used Maine or Florida eel harvest licenses (theirs or others) to claim that they were obtained legally from Maine or Florida waters. Elver export declaration packages submitted to authorities included this false documentation used to disguise the illegal origins of the elvers and to facilitate their export from the United States.

This case was investigated by the U.S. Fish and Wildlife Service.

Sentencings

United States v. WillMax Capital Management, Inc., et al., No. 1:16-CR-00355 (D. Colo.), AUSA Thomas O'Rourke and SAUSA Linda Kato.

On May 17, 2017, Willmax Capital Management, Inc., and senior corporate manager Tom Williams, were sentenced after previously pleading guilty to violating the Clean Air Act (42 U.S.C. §§ 7413(c)(1),(c)(4)). Willmax was ordered to complete a five-year term of probation and will pay the costs of a medical monitoring program. This includes immediately transferring \$250,000 to National Jewish Health in Denver, Colorado, to be used for a five-year Medical Screening Program. The company will pay additional restitution to be determined at a hearing scheduled for August 7, 2017. Williams was sentenced to eight months' incarceration, followed by one year of supervised release. He also was ordered to pay a \$100,000 fine.



Asbestos dust covering items inside an apartment

In early 2014, the Overlook at Mile High Apartment Complex underwent renovations. WillMax Capital hired A&A Hauling and Concrete to sand asbestos-containing mastic glue off of concrete floors located in the common areas. The complex is comprised of multiple towers, each with approximately 50 units. The sanding of the asbestos (which occurred without precautions to protect people from asbestos exposure) resulted in a significant asbestos spill, exposing more than 100 residents, workers, firefighters, and others to airborne asbestos fibers. Dust from the unpermitted operation resulted in the contamination of hallways, stairwells, the interior of some apartments, and tenants' personal property. As a result, more than 100 tenants were evacuated and housed in nearby hotels. A&A and Overlook workers were not provided with any form of personal protective equipment, nor were the tenants advised of any asbestos-related work.

WillMax Capital failed to conduct an inspection to determine whether asbestos was present before starting the renovation. Williams was the ultimate decision-maker for renovation activities at the Overlook, including the abatement of asbestos-containing materials, and his subordinates relied on him to alert them when such activities might disturb asbestos.

This case was investigated by the U.S. EPA Criminal Investigation Division.

Sentencings

United States v. Robert Cosse, Jr., et al., No. 2:17-CR-00092 (E.D. La.), AUSA Myles Ranier.

On May 16, 2017, Robert Cosse, Jr., and Dean Ockmond, Jr. were sentenced after pleading guilty to crimes related to illegal hunting on the Delta National Wildlife Refuge. The Refuge is comprised of 48,000 acres of marsh and wetlands that were set aside in the early 1930's to serve as a refuge and breeding ground for migratory birds and other wildlife.

After receiving complaints of illegal hunting on the Refuge, the U.S. Fish and Wildlife Service conducted a lengthy investigation and determined that Cosse was illegally maintaining a deer stand and a feeder that expelled corn to

attract deer and hogs on a remote portion of the Refuge. During the winter of 2015/2016, Cosse and his associates repeatedly hunted with firearms in this area.

In January 2016, agents observed Ockmond shoot and kill an 11-point white-tailed buck at the illegal feeder. The defendants then transported the deer in violation of the Lacey Act. Cosse pleaded guilty to 16 misdemeanor counts of violating the National Wildlife Refuge Act and one violation of the Lacey Act (16 U.S.C. §§ 668(dd), 3372, 3373). He was sentenced to complete a three-year term of probation, pay a \$8,775 fine, and will forfeit an ATV and a John Deere tractor that were used to illegally traverse the Refuge. Ockmond pleaded guilty to a Lacey Act violation. He will complete a two-year term of probation, pay a \$2,025 fine, and forfeit the deer mount.

This case was investigated by the U.S. Fish and Wildlife Service.

Sentencings

***United States v. William Letona et al.*, Nos. 2:16-CR-00207, 00180 (S.D. Ohio), ECS Trial Attorney Adam Cullman, ECS Senior Trial Attorney Jeremy Korzenik, AUSA Mike Marous, and former ECS Paralegal Casey Rybak.**

On May 12, 2017, William Letona was sentenced to six months' community confinement, followed by six months' home detention, and three years' supervised release. He also will perform 100 hours of community service. Letona previously pleaded guilty to conspiring to obstruct a grand jury investigation (18 U.S.C. § 371). Co-defendant Malak Jalal was sentenced for his involvement in a RINs fraud scheme and obstruction of justice. Jalal will serve 60 months' incarceration, followed by three years' supervised release. He also will pay a \$12,500 fine and \$1,017,087 in restitution to be divided among Pasadena Refining, Hess Corporation, and the IRS. Jalal previously pleaded guilty to conspiracy and obstruction for tampering with records and participating in a "rounding" scheme designed to illegally claim RINs and tax credits multiple times on the same material (18 U.S.C. §§ 371, 1519).

Jalal formerly served as a managing partner and co-owner of Unity Fuels and Letona was his employee. Unity's primary business was to collect and process used cooking oil, selling it as "recycled vegetable oil" to biodiesel producers. In 2011, Jalal conspired with others to purchase a fuel called "biomass" that was not processed and was kept in separate tanks at Unity. They then agreed that this material would be sold back (either alone or blended with other product that Unity had on hand) to "Company A" as purported "recycled vegetable oil." This arrangement allowed multiple RINs and tax credits to be generated.

In June 2014, Jalal was served a subpoena *duces tecum*. Following the receipt of the subpoena, he ordered that a number of records related to Unity's biomass purchases be altered or falsified for purposes of obstructing the grand jury. Letona helped Jalal destroy documents following his employer's receipt of the subpoena.

This case was investigated by the IRS Criminal Investigation and the U.S. EPA Criminal Investigation Division.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sentencings

United States v. Jeremiah S. Loui, No. 1:16-CR-00207 (D.N.H.), AUSA Bill Morse.

On May 10, 2017, Jeremiah S. Loui was sentenced to pay a \$1,000 fine for violating the Migratory Bird Treaty Act (16 U.S.C. §§ 703(a), 707 (a)).

In September 2012, Loui bought and resold a taxidermied Northern Goshawk on the Internet. He also sold or possessed 14 other taxidermied protected birds of prey and made false statements to a law enforcement officer. Loui will forfeit any interest he has in any of the 15 protected birds.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the U.S. Postal Inspection Service.



Northern Goshawk

[REDACTED]

[REDACTED]

[REDACTED]

[illegible][illegible]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Sentencings

United States v. Adam Boguski et al. Nos. 16-CR-00031, 00144 (D. Conn.), AUSA Harold Chen.

On May 2, 2017, Adam Boguski was sentenced to one year of probation for killing red-tailed hawks and Cooper's hawks in September and October 2015. Boguski will pay a \$250 fine and perform 60 hours of community service at a local animal shelter. Co-defendant Thomas Kapusta was sentenced in October 2016 to pay a \$5,500 fine, complete a one-year term of probation, and perform 90 hours of community service at a shelter.

The defendants were racing pigeon enthusiasts who constructed and maintained a pigeon coop. They kept a large number of racing pigeons and let them fly outside regularly for exercise. Viewing hawks as a threat to their pigeons, the defendants systematically captured the hawks in a trap designed to capture birds of prey, shot and killed them in the trap, and disposed of their carcasses. Kapusta was aware this was illegal, and instructed Boguski to refer to the hawk trap as a "breeding cage" if law enforcement ever inquired. The two pleaded guilty to conspiracy and to violating the Migratory Bird Treaty Act (16 U.S.C. §§ 703, 707(a); 18 U.S.C. § 371).

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, and the Environmental Conservation Police of the Connecticut Department of Energy and Environmental Protection, with assistance from the Stamford Police Department.



Coopers Hawk

Announcements

As a reminder, ECS now tracks **worker safety and animal welfare crimes**, in addition to our pollution and wildlife docket [see [Section 5-11.101](#) of the U.S. Attorneys' Manual.] Please send us pleadings and other relevant information about your worker safety and animal welfare cases so that we can maintain a database for these cases and provide an accurate and complete description of case issues and strategies, developments in case law, and useful pleading examples.

Please send [REDACTED] any pleadings you believe would be useful for posting in the [Brief Bank](#). Older materials are still available on the [Document Bank Archives](#) page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

A public version of the [ECS Bulletin](#) is available for non-law enforcement readers.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys' Manual.

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Assistant Chief	Thomas Ballantine	████████
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Senior Trial Attorney	Daniel Dooher	████████
Senior Trial Attorney	Todd Gleason	████████
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