
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

July 2014

EDITOR'S NOTES:

If you have significant updates and/or interesting photographs from a case, please email them to [NAME REDACTED]. If you have information concerning state or local cases, please send it directly to the [Regional Environmental Enforcement Association's webpage](#).

REMINDER: We are now producing a *separate* public version of the Environmental Crimes Section Monthly Bulletin. When submitting details about your case developments please bear in mind that the information you provide could be disclosed to the public. As such, it would be very helpful if you would include a press release whenever possible to help ensure that the facts we are using are publicly available. If a press release was not issued, then please only provide facts that are appropriate to disclose to the public.

For those who have access to United States Department of Justice website, please visit the [Environmental Crimes Section webpage](#). It has a fresh new look, and we are redoubling our efforts to provide you with current, relevant, and helpful content. You will notice that we have a streamlined home page, which now includes updated press releases and photos from the Bulletin. If you have any ideas or materials to submit, please send them to [NAME REDACTED]. We are especially looking for more recent briefs and memoranda from your cases, to ensure we have a brief bank that is up-to-date and useful.

AT A GLANCE:

DISTRICT	CASES	CASE TYPE/ STATUTES
Southern District of Alabama	United States v. John Braley et al.	<i>Fish Harvesting/ Lacey Act, Witness Retaliation</i>
Central District of California	United States v. Jonathan Carl Jarrell, et al.	<i>Wildfire/ Setting Timber on fire</i>
Southern District of California	United States v. Cheng Zhuo Liu	<i>Sea Cucumber Imports/ Smuggling</i>
	United States v. Michel Loo et al. United States v. Pacific Tank Cleaning et al.	<i>Asian Arowana Sales/ Lacey Act Acid Spill/ CWA, CERCLA</i>
District of Columbia	United States v. Patrick Brightwell	<i>Wastewater Discharges/ CWA, False Claims</i>
Southern District of Florida	United States v. eAir, LLC	<i>ODS Sales/CAA</i>
	United States v. Jonathan M. Hale	<i>Marine Wildlife Sales/ Lacey Act</i>
Northern District of Illinois	United States v. Dennis Michael Egan et al.	<i>Barge Explosion/ CWA, Seamen's Manslaughter</i>
Eastern District of Louisiana	United States v. Leonard Johnson et al.	<i>Water Testing/ CWA, Misprision of a Felony</i>
Western District of Louisiana	United States v. Colfax Treating Company	<i>Wood Treatment Facility/ CWA</i>
Eastern District of New York	United States v. Transship Discounts Ltd., et al.	<i>Piranha Shipments/ Lacey Act</i>
	United States v. Victor Gordon	<i>Elephant Ivory Sales/ Smuggling</i>
Western District of New York	United States v. Lycoming Construction Services, LLC et al.	<i>Demolition/ CAA, CWA</i>
Southern District of Ohio	United States v. Martin C. Eldridge, III	<i>ODS Venting/CAA</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
Eastern District of Texas	United States v. Ning Qiu	<i>Rhino Horn Smuggling/Conspiracy</i>
Southern District of Texas	United States v. Phillip Joseph Rivkin	<i>Renewable Fuel Program Fraud/CAA, Mail Fraud, Wire Fraud, Money Laundering</i>

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Trials

United States v. Dennis Michael Egan et al., No. 10-CR-00033 (N.D. Ill.), AUSA Timothy Chapman and SAUSA Crissy Pellegrin.

On June 9, 2014 (following a 13-day bench trial spread over several months) Dennis Michael Egan and Egan Marine Corporation (EMC) each were found guilty of negligently causing the death of an EMC crewmember (18 U.S.C. § 1115) and one count of negligently discharging oil into the waters of the United States (33 U.S.C. § 1319(c)(1)(A)).

In January 2005, an explosion occurred aboard an EMC tank barge (a vessel slightly shorter than a football field), while it was transiting the Chicago Sanitary and Ship Canal in Chicago, Illinois. At the time of the explosion, the *EMC-423* was loaded with approximately 600,000 gallons of clarified slurry oil (CSO), a petroleum refining byproduct. The evidence proved that Egan and the company were negligent in directing crewmember Alexander Oliva to use an open flame from a propane-fueled torch to heat a cargo pump on the deck of the barge in preparation for offloading the CSO. The flame was used because the barge's onboard heating system was disconnected from the cargo pump. The use of an open flame on a loaded petroleum barge is unlawful under Coast Guard regulations and violates industry safety standards.

The explosion occurred after the flame from the torch ignited hydrocarbon vapors emanating from one of the barge's cargo tanks. Oliva was killed in the blast, which tore off (or peeled back) approximately two-thirds of the deck plating and caused several large pieces of equipment to land on the banks of the canal and the Cicero Avenue Bridge during rush hour traffic. Though causing some property damage, the flying debris did not cause any additional injuries to other crew members or bystanders.

Sentencing is scheduled for September 24, 2014. This case was investigated by the U.S. Guard Investigative Service and the U.S. EPA Criminal Investigation Division.

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United States v. Jonathan Carl Jarrell et al., No. 2:14-CR-00055 (C.D. Calif.), AUSAs Amanda Bettinelli and Joe Johns.



Home burned by wildfire

On May 22, 2014, after a three-day trial, Jonathan Carl Jarrell was convicted by a jury of charges stemming from an illegal campfire that caused a massive fire in January of this year. Jarrell was found guilty of a felony offense of unlawfully setting timber afire and a misdemeanor fire related offense (18 U.S.C. § 1855; 16 U.S.C. 551). Two other defendants, Clifford Eugene Henry, Jr., and Steven Robert Aguirre each were found guilty on May 16th of a felony and three misdemeanor charges related to the fire.

The fire started on the morning of January 16. By that evening, it had consumed more than 1,700 acres of federal, state, local, and private lands. The fire destroyed five residences, damaged 17 additional structures, and resulted in injuries to one civilian and two firefighters. The defendants were detained by local police after they were seen escaping the fire. All three eventually admitted to their involvement in starting the campfire that got out of their control. The campfire was determined to have been started on federal lands within the Angeles National Forest.

Jarrell is scheduled to be sentenced on July 31, 2014, and Henry and Aguirre are set for August 4, 2014. This case was investigated by the U.S. Forest Service, the Glendora Police Department, the Los Angeles County Fire Department’s Arson/Fire Investigation Unit, and CAL FIRE.

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Informations/Indictments

United States v. Philip Joseph Rivkin, No. 4:14-CR-00250 (S.D. Tex.), ECS Trial Attorney Leslie Lehnert.

On June 19, 2014, Philip Joseph Rivkin, a/k/a Felipe Poitan Arriaga, was charged in a 68-count indictment for his fraudulent involvement in the federal renewable fuel program. The indictment includes allegations of wire fraud, mail fraud, Clean Air Act false statements, and money laundering (18 U.S.C §§ 981 (a)(1)(C), 982 (a)(1), (b)(1), 1341, 1343, 1957; 42 U.S.C. § 7413 (c)(2)(A)). The defendant was arrested when he arrived in Houston from Guatemala where he had been deported upon officials learning that he had fraudulently secured Guatemalan citizenship. Rivkin was remanded into custody pending trial.

Starting around February of 2009, Rivkin operated and controlled several companies in the fuel and biodiesel industries, including Green Diesel LLC, Fuel Streamers Inc., and Petro Constructors LLC, all based in Houston. It is alleged that Rivkin claimed to have produced millions of gallons of biodiesel at the Green Diesel's facility and then generated and sold renewable identification numbers (RINs) based upon this claim. In reality, no biodiesel was ever produced at the Green Diesel facility. The indictment alleges that this scheme enabled the defendant to generate and sell approximately 45 million fraudulent RINs resulting in millions of dollars in sales. Rivkin is also alleged to have caused fraudulent tax credit claims based on fictitious biodiesel production.

The defendant is further charged with creating false records and making false statements to conceal his claims of biodiesel production, importation, and RIN generation. Finally, the indictment alleges that Rivkin laundered the proceeds of his crimes, using banking institutions and complex financial transactions in an attempt to conceal these funds from government enforcement. A notice of forfeiture lists the following: cash in excess of \$29 million; three vehicles including a Lamborghini, a Maserati, and a Bentley; a Canadair LTD airplane; and millions of dollars' worth of artwork that was previously seized from Rivkin in 2012 and is now included in a civil action for forfeiture.

This case was investigated by the U.S. EPA Criminal Investigation Division, the U.S. Secret Service, IRS Criminal Investigation, and Homeland Security Investigations. Assistance was provided by the Guatemalan Special Investigations Unit.

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Plea Agreements

United States v. Martin C. Eldridge, III, No. 2:14-CR-00119 (S.D. Ohio), SAUSA Heather Robinson, RCEC Brad Beeson, and AUSA Mike Marous.



On June 24, 2014, Martin C. Eldridge, III, pleaded guilty to violating the Clean Air Act (42 U.S.C. § 7413 (c)(1)) for venting a refrigerant into the air after stealing almost 50 air conditioning units. Between August and October 2013, Eldridge and codefendants targeted apartment complexes and small businesses to steal the AC units. They then removed the copper and other parts from the units to be sold at a scrap yard. HCFC-22 refrigerant was vented when the tubing was cut.

Destroyed air conditioning units

Eldridge has been in state custody since October 2013. A sentencing date has not yet been set for this case. This is the first federal case of its kind in this district.

This case was investigated by the scrap metal theft task force, which includes the Columbus Division of Police and the U.S. EPA Criminal Investigation Division.

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United States v. Ning Qiu, No. 4:14-CR-00099 (E.D. Tex.), ECS Trial Attorney Gary Donner, AUSA Jim Noble, and ECS Paralegal Lisa Brooks.

On June 24, 2014, Ning Qiu, an appraiser of Asian art, pleaded guilty to participating in an illegal wildlife smuggling conspiracy (18 U.S.C. § 371) in which rhinoceros horns and objects made from rhino horn and elephant ivory worth more than \$1 million were smuggled from the United States to China.

Qiu was identified as part of “Operation Crash,” a nationwide effort led by the U.S. Fish and Wildlife Service and the Justice Department to investigate and prosecute those involved in the black market trade of rhinoceros horns and other protected species. Qiu pleaded guilty to a one-count information charging him with conspiracy to smuggle and to violate the Lacey Act.

The defendant admitted to being one of three antique dealers in the U. S. paid by Zhifei Li, the admitted “boss” of the conspiracy, to help obtain wildlife items and smuggle them to Li via Hong Kong. Li was sentenced to serve 70 months’ incarceration for playing a leadership role in the conspiracy by arranging for financing to pay for the wildlife, purchasing and negotiating the price,

directing how to smuggle the items out of the U.S., and obtaining the assistance of additional collaborators in Hong Kong to receive the smuggled goods and then smuggle them to mainland China.

Qiu worked at an auction house in Dallas as an appraiser of Asian artwork and antiques, specializing in carvings made from rhinoceros horns and elephant ivory. He met Li in 2009 through his work at the auction house, and then entered into the conspiracy with Li, traveling throughout the U.S. to purchase raw and carved rhinoceros horns and elephant ivory for Li. Upon purchasing the items, Li transferred funds directly into Qiu's bank accounts here and in China. After acquiring the items for Li, Qiu arranged for them to be smuggled to a location in Hong Kong, which was provided by Li. Between 2009 and 2013, the defendant purchased and smuggled into Hong Kong at least five raw rhinoceros horns weighing approximately 20 pounds. Qiu smuggled the raw rhino horns by wrapping them in duct tape and hiding them in porcelain vases. Customs and shipping documents were falsified by labeling the contents as vases or handicrafts.

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

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United States v. Patrick Brightwell, No. 1:13-CR-00315 (D.D.C.), ECS Senior Trial Attorney Lana Pettus, AUSA John Hooks, and ECS Paralegal Ashleigh Nye.



Truck backed up to storm drain

On June 5, 2014, Patrick Brightwell pleaded guilty to a Clean Water Act violation and one count of making a false claim against the United States for billing the United States for work not properly completed (33 U.S.C. §1319; 18 U.S.C. § 287).

Brightwell was the Phoenix Industries (Phoenix) representative overseeing the performance of the company's contract with the National Park Service to clean out storm water sewer system inlets, catch basins, and oil-water separators on

NPS property, including the National Mall, in Washington, D.C. After Phoenix employees and subcontractors cleaned the storm water sewer components of sludge, debris, and wastewater using a vacuum truck, the waste material was supposed to be transported to a landfill in Maryland for disposal. Instead, Brightwell directed them to empty the truck at a storm drain in a parking lot on NPS property, within a short distance of the Potomac River. This conduct occurred from approximately the spring of 2009 to June 2011. Brightwell instructed them to conceal their activity from NPS officials and law enforcement and, when two of the truck operators were caught in the act of discharging waste at the parking lot in June 2011, Brightwell instructed them to lie to law enforcement.

Subcontractor B&P Environmental LLC, and a B&P employee previously pleaded guilty to CWA violations.

Sentencing is scheduled for September 3, 2014. This case was investigated by the U.S. EPA Criminal Investigation Division and the U.S. Park Service.

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United States v. Lycoming Construction Services, LLC et al., Nos. 1:14-CR-00040, 000087 (W.D.N.Y.), AUSA Aaron Mango.

On May 28, 2014, Leo M. Williams, the owner of Lycoming Construction Services, LLC, pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311, 1319(c)(1)(A)) stemming from an illegal demolition project.

From January 2012 to November 2013, Williams was involved in the demolition of the Dahlstrom industrial complex. This project involved the destruction of a cluster of condemned buildings on either side of the Chadakoin River, a water of the United States. During the demolition, a significant amount of water contaminated with dust and debris flowed offsite directly into the river.

Lycoming previously pleaded guilty to a Clean Air Act violation (42 U.S.C. §§ 7412, 7413(c)(1)). Prior to commencing the project, asbestos was identified in some of the buildings. In February 2012, employees working on behalf of Lycoming entered one of the condemned buildings and removed regulated asbestos-containing material without adequately wetting it.

The company is scheduled to be sentenced on August 13, 2014, and Williams is scheduled for September 3, 2014. This case was investigated by the U.S. EPA Criminal Investigation Division, the U.S. Coast Guard Investigative Service, the New York State Department of Environmental Conservation Police, with assistance provided by the New York State Department of Labor, Asbestos Control Bureau.

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United States v. Colfax Treating Company, No. 1:14-CR-00110 (W.D. La.), AUSA Joseph Jarzabek.



Wood treating facility

On May 23, 2014, Colfax Treating Company pleaded guilty to a misdemeanor Clean Water Act violation (33 U.S.C. § 1319(c)(1)(A)) for negligently discharging wastes to the local POTW, in violation of its permit.

The company operated a wood treating facility in Pineville, Louisiana. A variety of chemicals are used in the treatment process, including pentachlorophenol. On June 13, 2008, the company discharged wastewater containing 7.1 mg/l of pentachlorophenol into the POTW, in violation of the 5.64 mg/l concentration limits allowed under the company's permit.

Sentencing is scheduled for July 31, 2014. This case was investigated by the U.S. EPA Criminal Investigation Division, the Louisiana Department of Environmental Quality, and the FBI.

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Sentencings

United States v. David Braley et al., Nos. 1:13-CR-00238, 00239, 1:14-CR-00076 (S.D. Ala.), ECS Trial Attorney Colin Black and AUSA Maria Murphy.

On June 26, 2014, two defendants were sentenced for their involvement in the illegal harvesting of Gulf reef fish along the Alabama and northern Florida Gulf Coasts in 2012 and 2013. David Braley was sentenced to serve a total of 63 months' incarceration; 30 months for a violation of the Lacey Act and 63 months' concurrent for retaliation against a witness who had provided information in the case (16 U.S.C. §§ 3372, 3373; 18 U.S.C. § 1513(b)(2)). Specifically, he threatened physical violence against this witness through Facebook postings. Braley was further ordered to pay \$3,731.18 in restitution to the owner of the vessel he used to illegally catch and sell the fish and \$319.82 to the National Marine Fisheries Service (which is three percent of the \$10,660 market value of his documented illegal catch).

John Whitworth was sentenced to complete a three-year term of probation and will pay \$14,050 in restitution. A total of eight defendants have pleaded guilty to Lacey Act violations (16 U.S.C. §§ 3372, 3373) for their involvement in this illegal fishing scheme, and only two (Nancy McArdle and Mathias Kumm) remain to be sentenced.

On June 25, 2014, Hunter Evans was sentenced to serve a three-year term of probation and will pay \$304.32 in restitution. James Martin was sentenced to serve five months' incarceration, followed by five months' home confinement, as a special condition of three years' supervised release. Martin also will pay \$144.60 in restitution. Tiffany Wilson was sentenced to complete a five-year term of probation and will pay \$3,296 in restitution. She also will be held jointly and severally liable (with Braley) for restitution in the amount of \$259.68 to the National Marine Fisheries Service. Josh Jones was sentenced to complete a five-year term of probation and to pay \$16.20 in restitution.

This case was investigated by the NOAA Fisheries Office of Law Enforcement, the Florida Fish and Wildlife Conservation Commission, and the Alabama Marine Resources Division.

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United States v. eAir, LLC, No. 1:14-CR-20392 (S.D. Fla.), RCEC Jodi Mazer and AUSA Tom Watts FitzGerald.

On June 20, 2014 eAir, LLC was sentenced after pleading guilty to a Clean Air Act violation (42 U.S.C. § 7413(c)(1)) in connection with the illegal sale and distribution of refrigeration equipment that contained restricted ozone-depleting substances (ODS). The company was sentenced to pay a \$200,000 fine and will make a \$75,000 community service payment to the Southern Environmental Enforcement Network. It also will complete a five-year term of probation, implement an environmental compliance plan, and pay \$6,000 to reimburse U.S. Customs and Border Protection (CBP) for costs incurred for storing the illegal merchandise.



Boxes of refrigeration components pre-charged with HCFC-22

eAir is in the business of importing and distributing merchandise, including air conditioning equipment and condensers. CBP records revealed documentation filed on behalf of eAir for equipment that contained HCFC-22. Despite having knowledge of the ban against the sale and distribution of

such equipment, the company arranged for its manufacture by an affiliated company in China between approximately February and July 2010. eAir subsequently executed more than 100 separate invoices for the sale of approximately 5,033 units or components containing HCFC-22, in violation of the CAA. This case is a result of multi-agency initiative known as Operation Catch-22, which has focused on the smuggling and distribution of ODS. To date, almost a dozen individuals and corporations have been prosecuted.

The task force includes the U.S. EPA Criminal Investigation Division, ICE Homeland Securities Investigations, the Florida Department of Environmental Protection, and the Miami-Dade Police Department.

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United States v. Transship Discounts Ltd., et al., No. 13-CR-00696 (E.D.N.Y.), ECS Trial Attorney Cassie Barnum.

On June 12, 2014, Transship Discounts Ltd. was sentenced to pay a \$35,000 fine and \$35,000 in restitution. The company also will complete a two-year term of probation. Company owner Joel Rakower was previously sentenced to serve a three-year term of probation and to pay a \$5,000 fine. Rakower and his solely-owned corporation previously pleaded guilty in 2011 to mislabeling imported piranhas in violation of the Lacey Act (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(B)).

The defendants purchased piranhas from a Hong Kong tropical fish supplier and imported them to Queens, New York. In March 2011, shortly after New York City prohibited possession of piranhas, Rakower instructed his foreign supplier to falsely label the piranhas on packing lists as silver tetras, a common aquarium fish. In 2011 and 2012, Transship submitted packing lists to the Fish and Wildlife Service containing false identifications for 39,548 piranhas, worth approximately \$37,376, which Transship then sold to fish retailers in several states.

Due to their extremely aggressive and territorial nature, piranhas are either banned or regulated in 25 states, making them illegal to own or sell. As an injurious species, they could pose a serious risk if they escaped into native water systems, potentially damaging ecosystems through aggressive predation or injuring people or animals.

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

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United States v. Leonard Johnson et al., Nos. 2:13-CR-000270, 00271 (E.D. La.), AUSA Emily Greenfield.

On June 11, 2014, Leonard Johnson was sentenced to pay a \$250 fine and will complete a three-year term of probation. He also is prohibited from engaging in water toxicity testing.

Johnson was a supervisor at Laboratory Technology (LT), a company that performed water toxicity tests for companies that were involved in the production of oil and gas in the Gulf of Mexico. These companies are responsible for the management of wastewater that is generated during oil and gas production. From approximately July 2008 through June 2012, the defendant did not follow the

required protocol for toxicity testing for samples provided by client companies. Johnson instructed lab employees and co-defendant Martha Hebert to falsify information that was given to their clients, who in turn used this information to prepare their monthly discharge monitoring reports (DMRs) that were filed with the U.S. EPA. Hebert was responsible for sending clients the results of these tests and knew Johnson was certifying the information as accurate. Johnson previously pleaded guilty to a Clean Water Act false statement violation (33 U.S.C. 1319 § (c)(4)) and Hebert pleaded guilty to misprision of a felony 18 U.S.C § 4).

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

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United States v. Cheng Zhuo Liu, No. 3:13-CR-04347 (S.D. Calif.), AUSA Melanie Pierson.

On June 9, 2014, Cheng Zhuo Liu was sentenced to pay a \$500 fine and complete a two-year term of probation. Liu previously pleaded guilty to smuggling protected sea cucumbers, in violation of the Endangered Species Act (18 U.S.C. § 545) in October 2013. Liu admitted that he smuggled 100 pounds of dried sea cucumber into the United States from Mexico that he had concealed in the spare tire area of his vehicle. The sea cucumbers have a market value of between \$5,000 and \$10,000. The defendant forfeited the animals in his possession at sentencing.

Sea cucumbers serve a useful role in the marine ecosystem as they help recycle nutrients, breaking down detritus and other organic matter. Due to overfishing, many species of sea cucumber are protected under CITES Appendix III and require a permit from the country of origin and a U.S. Fish and Wildlife Import/Export permit to import them into the United States. Liu had neither permit.

Currently a thriving black market in sea cucumbers is being driven by demand in Asia where a pound may sell for as much as \$300. In China, the sea cucumber is used in Chinese cuisine as well as for alleged medicinal purposes.

In addition to smuggling from Mexico, India has been grappling with the smuggling of a large quantity of sea cucumbers to Indonesia, Japan and Sri Lanka. Similarly, illegal harvesting from the Caribbean Sea off the shores of the Yucatán Peninsula has devastated the population of sea cucumbers and resulted in conflict in the community as rival gangs struggle to control the illegal harvest.

This case was investigated by NOAA, with assistance from Homeland Security Investigations, and the U.S. Fish and Wildlife Service.

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United States v. Jonathan M. Hale 4:12-CR-10023 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**Live rock with coral attached**

On June 6, 2014, Jonathan M. Hale was sentenced after pleading guilty to a Lacey Act violation (16 U.S.C. §§ 3372, 3373) stemming from the illegal sale of marine wildlife. Hale will pay a \$10,000 fine and complete a two-year term of probation.

Hale was the chairman and CEO of Country Critters of Long Island, Inc., located in New York. The company was engaged in the sale of various species of wildlife, including mammals, reptiles, and fish.

In September 2012, at Marathon Shores, Florida, the defendant met with a marine life supplier and discussed pricing of various marine life species, including tarpon, sharks, and live rock bearing specimens of coral known as *Ricordea florida*. Hale then placed an order for 100 *Ricordea*.

In a phone call made in early October 2012, the supplier advised Hale that he had acquired the requested marine life near Key West, and told the defendant that he must not reveal the source of the coral, because it was illegal to harvest them from that area.

Thereafter, a shipment including six live rocks bearing approximately 111 specimens of *Ricordea florida* was shipped from Florida to New York for wholesale in the amount of \$444. The retail fair market value of the *Ricordea* exceeded \$2,200.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and NOAA Fisheries Office of Law Enforcement.

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United States v. Victor Gordon, No. 1:11-CR-00517 (E.D.N.Y.), AUSA Darren LaVerne.

On June 4, 2014, Victor Gordon, the owner of a Philadelphia African art store, was sentenced to serve 30 months' incarceration. Gordon also will pay a \$7,500 fine to go to the African Elephant Conservation Fund.

The defendant previously pleaded guilty to smuggling African elephant ivory into the United States (18 U.S.C. § 545). At the time of his arrest in June 2011, agents seized approximately one ton of elephant ivory, one of the largest U.S. elephant ivory seizures on record.

Between May 2006 and April 2009, Gordon paid a co-conspirator to travel to Africa to purchase raw elephant ivory and have it carved to Gordon's specifications. In advance of the trips, Gordon provided the co-conspirator with photographs or other depictions of ivory carvings, which served as templates for the African carvers. He further directed the co-conspirator to stain or dye the elephant ivory so that the specimens would appear old. Gordon planned and financed the illegal importation of the ivory from Africa to the United States through JFK Airport and sold the carvings to customers at his store in Philadelphia. As part of the plea, Gordon also will forfeit \$150,000, and all of the seized ivory valued in excess of \$400,000.

**Elephant tusks**

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

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United States v. Michel Loo et al., Nos. 12-CR-002245, 14-CR-00396 (S.D. Calif.), AUSA Melanie Pierson.**Asian arowana**

luck in the Asian culture and are believed to preserve its owner from death through its own death.

On May 30, 2014, Michael Loo was sentenced to pay a \$1,000 fine and will complete a three-year term of probation. Loo previously pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372 (a)(1), 3373 (d)(1)(B)) for selling endangered Asian arowana fish to an undercover agent for \$2,800 via a Craigslist advertisement.

The Asian arowana fish, also known as the bonytongue or dragon fish, can grow up to three feet in length and looks like a dragon in flight. The fish are symbols of prosperity and

Co-defendant Kiem Tran, the owner of the Fish Warehouse, was sentenced on May 16 to the same terms as Loo. Tran admitted that he engaged in transactions with Loo involving Asian arowana, knowing that the fish are an endangered species and that they had been brought into the United States illegally.

As a result of the investigation, 13 Asian arowana fish were seized and have been kept at the Scripps Aquarium and the San Diego zoo.

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

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United States v. Pacific Tank Cleaning et al., Nos. 3:14-CR-00394 and 00395 (S.D. Calif.), AUSA Melanie Pierson.

On May 27, 2014, Pacific Tank Cleaning, Inc. was sentenced to pay a \$50,000 fine, complete a three-year term of probation, and pay \$11,238 in restitution to the San Diego Department of Environmental Health Services. The company and production manager Jorge Luquin previously pleaded guilty to Clean Water Act and CERCLA violations (33 U.S.C. §§ 1311, 1342, 1319(c)(1)(A); 42 U.S.C. §§ 9602, 9603(b)(3)), respectively, stemming from an acid spill that occurred at its facility in March 2011.



The failure of a valve on a 275-gallon **Street stained from acid spill** container of acidic tank cleaning solution caused the tank's contents to leak onto the ground, and down a nearby alley and street. The company admitted that although an employee advised management of the spill, the employee in charge of the facility failed to notify the National Response Center. Luquin knew that the tank had leaked, but made no effort to contain the spill outside the facility. Luquin is scheduled to be sentenced on July 24, 2014.

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

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