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# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*December 2010*

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*EDITOR'S NOTE:*

If you have other significant updates and/or interesting photographs from a case, you may email these to Elizabeth Janes: [REDACTED]). If you have information to submit on state-level cases, please send this directly to the Regional Environmental Enforcement Associations' website: [www.regionalassociations.org](http://www.regionalassociations.org).



Scrimshaw from the *U.S. v. Place Trial* [REDACTED]

AT A GLANCE:

✓ [United States v. Michael Panyard et al.](#), WL 2010 4669637, (6<sup>th</sup> Cir. Nov. 10, 2010)(unpublished slip opinion).

DISTRICTS	ACTIVE CASES	CASE TYPE/STATUTES
D. Ariz.	<a href="#">United States v. Eugene Mansfield et al.</a>	Golden Eagle Taking/ BGEPA
C.D. Calif.	<a href="#">United States v. Davis Wire Company</a>	Wire Manufacturer/ CWA Misdemeanor
C.D. Ill.	<a href="#">United States v. Leroy Hill</a>	Falsified Discharge Monitoring Reports/ CWA
E.D. La.	<a href="#">United States v. Offshore Vessels, LLC et al.</a>	Vessel/ APPS, False Statement
D. Md.	<a href="#">United States v. Jerry Decatur, Jr. et al.</a>	Rockfish Poaching and Bird Baiting/ Lacey Act, MBTA
D. Mass.	<a href="#">United States v. David Place</a> <a href="#">United States v. Albania Deleon et al.</a>	Sperm Whale Teeth Imports/ Lacey Act, Conspiracy, Smuggling Fugitive Arrested/ CAA, Conspiracy, False Statement, Mail Fraud, False Tax Returns
E.D Mich.	<a href="#">United States v. Wayne Duffiney</a>	Vessel Scuttling/ CWA
W.D.N.Y.	<a href="#">United States v. Keith Gordon-Smith et al.</a> <a href="#">United States v. Daniel Black</a>	Asbestos Abatement/ CAA, False Statement Asbestos Abatement/ CAA, False Tax Return
D. Nev.	<a href="#">United States v. Todd Davis et al.</a>	Wild Horse Killing/ Wild Horses and Burros Protection Act
S.D. Tex.	<a href="#">United States v. John Porunnolil Zacharias</a>	Vessel/ APPS, Obstruction
D. Vt.	<a href="#">United States v. Mace Security International, Inc.</a>	Tear Gas Producer/ RCRA
W.D. Wash.	<a href="#">United States v. James "Bruce" Thoreen et al.</a>	Asbestos Demolition/ CAA, Conspiracy

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## *Significant Environmental Decisions*

### *Sixth Circuit*

**United States Michael Panyard et al., WL 2010 4669637, (6<sup>th</sup> Cir. Nov. 10, 2010)(unpublished slip opinion).**

On November 10, 2010, the Sixth Circuit Court of Appeals affirmed Michael Panyard's conviction and sentence. Panyard, a former president, general manager, and sales manager for Comprehensive Environmental Solutions Inc. ("CESI"), was sentenced to serve 15 months' incarceration in April 2009. Panyard, along with two co-defendants, was convicted by a jury in October 2008 of violations stemming from the illegal discharge of millions of gallons of untreated liquid wastes from the CESI facility. Specifically, Panyard was convicted on all nine counts in the indictment, including conspiracy, Clean Water Act, and false statement counts. Former CEO Bryan Mallindine was convicted of a CWA misdemeanor for negligently bypassing the facility's required pretreatment system, and Charles Long, a former plant and operations manager, was convicted on both counts with which he was charged, which were conspiracy and a felony CWA violation.

In 2002, CESI took over ownership and operations at a plant that had a permit to treat liquid waste brought to the facility through a variety of processes and then discharge it to the Detroit sanitary sewer system. The facility contained 12 large above-ground tanks capable of storing more than 10 million gallons of liquid industrial wastes. Although the facility's storage tanks were at or near capacity, the defendants continued to accept millions of gallons of liquid wastes which the plant could not adequately treat or store. In order to create storage space at the facility for additional wastes, the defendants often bypassed treatment processes and discharged untreated wastes directly to the sewer. Employees also made false statements, and engaged in other surreptitious activities in order to conceal their misconduct.

Former plant manager Donald Kaniowski previously pleaded guilty to a CWA violation and was sentenced to complete a three-year term of probation. Kaniowski provided substantial assistance to the government and testified at trial. CESI previously pleaded guilty to CWA and false statement violations and was sentenced to pay \$750,000, which included a \$600,000 fine. Mallindine previously was sentenced to serve a three-year term of probation, to include 90 days' home confinement, and Long was sentenced to serve 24 months' incarceration.

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## ***Trials***

**United States v. David Place, No. 1:09-CR-10152 (D. Mass.), ECS Trial Attorneys Gary Donner and Jim Nelson and ECS Paralegal Ben Laste**



**Sperm whale teeth**

On November 19, 2010, David Place was convicted by a jury on seven felony counts related to the illegal importation and trafficking of sperm whale teeth and narwhal tusks. Place was found guilty of conspiracy, Lacey Act, and smuggling violations for buying and importing sperm whale teeth and narwhal tusks into the United States, as well as for selling the teeth after their illegal importation. He was acquitted on one Lacey Act misdemeanor violation.

Evidence at trial proved that, from 2001 to 2006, Place knowingly purchased and imported sperm whale teeth and narwhal tusks into the United States in violation of federal law. He conspired with others located in Ukraine to import the protected whale teeth for resale in the United States. Place owns Manor House Antiques Cooperative in

Nantucket. Sperm whale teeth are commonly used for scrimshaw and can fetch large sums of money from collectors and tourists. Scrimshaw is an art form which involves the substantial etching or engraving of designs upon, or the substantial carving of figures, patterns, or designs from, any bone or tooth of any whale, dolphin or porpoise. Sentencing is scheduled for February 10, 2011.

This case was investigated by the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service, with assistance from Immigration and Customs Enforcement.

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**United States v. Keith Gordon-Smith et al., No. 6:08-CR-06019 (W.D.N.Y.), ECS Senior Trial Attorney Dan Doohar [REDACTED] AUSA Craig Gestring [REDACTED], and ECS Paralegal Lisa Brooks [REDACTED].**

On November 12, 2010, after a three-week trial, Keith Gordon-Smith and his Rochester-based asbestos abatement company, Gordon-Smith Contracting, Inc., (GSCI) were convicted by a jury of 11 counts, including eight Clean Air Act violations and three false statements.

Evidence at trial proved that GSCI workers violated asbestos work practice standards at the west wing of the Genesee Hospital complex, which was scheduled to be demolished in the summer of 2009. The first violations took place between January and May 2007, when Gordon-Smith ordered GSCI workers to tear out copper pipes, ceiling tiles, and scrap metal from the west wing, a six-story structure that contained over 70,000 square feet of asbestos. Gordon-Smith had a contract with the site owner that provided him with 50 percent of the salvage value of all copper pipe and scrap metal. When the workers



**Asbestos clump**

removed the pipes and scrap metal, they were repeatedly exposed to asbestos, described to the jurors as falling on them "like snow." The workers were not wearing any protective clothing and often would wear their asbestos-contaminated clothing back to their homes. Large amounts of asbestos were left hidden in the west wing and were not properly disposed off-site.

Evidence further proved that Gordon-Smith and the company made false statements to an OSHA inspector who had received complaints from GSCI workers. The OSHA inspector visited the site three times in September and October 2007, and on each occasion Gordon-Smith lied and told the inspector that GSCI workers had not removed any copper pipes or other materials from the west wing.

Gordon-Smith and the company also were convicted of six counts of failing to provide required notice to EPA prior to commencing asbestos abatement projects at six different sites in the Rochester area between 2005 and June 2008, including several schools. Francis Rowe, a former project manager for GSCI, was acquitted by the jury of the single CAA count charged.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division and the Department of Labor Office of the Inspector General, with assistance from the Occupational Safety and Health Administration and the New York Department of Labor Asbestos Control Bureau.

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## Fugitive Arrests

### United States v. Albania Deleon et al., No. 1:07-CR-10277 (D. Mass.), AUSA Jonathan Mitchell and SAUSA Peter Kenyon

 <b>WANTED</b> 	
by the U.S. Environmental Protection Agency CRIMINAL INVESTIGATION DIVISION	
<b>Name:</b>	Deleon, Albania
<b>Alias:</b>	
<b>Sex:</b>	Female
<b>Race:</b>	White
<b>Date of Birth:</b>	11/10/1969
<b>Place of Birth:</b>	Dominican Republic
<b>Height:</b>	5'6"
<b>Weight:</b>	160 lbs
<b>Eyes:</b>	Brown
<b>Hair:</b>	Brown
<b>Scars/Tattoos:</b>	
<b>FBI #:</b>	732609RC0
<b>NIC #:</b>	W186219351
<b>Last Known Address:</b>	Salem, New Hampshire
	
<b>Case Summary:</b>	
<ul style="list-style-type: none"> <li>Deleon was convicted in Federal District Court, District of Massachusetts on November 19, 2008, on twenty-eight felony charges relating to her role as President of Environmental Compliance Training (ECT), a certified asbestos training provider.</li> <li>Deleon, through ECT, issued fraudulent asbestos training certificates to hundreds of individuals who did not complete training required by state and federal law.</li> <li>Deleon and others significantly benefitted from the illegal enterprise by selling fraudulent training certificates and making false statements to the Commonwealth of Massachusetts. Additionally, she employed the fraudulently licensed workers through her temporary employment agency, Methuen Abatement Staffing.</li> <li>An arrest warrant was issued for Deleon for violating post-trial release conditions. She additionally failed to appear for her sentencing hearing that was scheduled for March 23, 2009.</li> <li>Deleon is a naturalized United States Citizen who is originally from the Dominican Republic and her whereabouts are unknown.</li> </ul>	
<small>Anyone with information regarding this fugitive should contact the U. S. Environmental Protection Agency, Criminal Investigation Division - Boston, Massachusetts at: 1-617-919-2300 or complete the form located at: <a href="http://www.epa.gov/compliance/criminal/fugitives/report-location-form.html">http://www.epa.gov/compliance/criminal/fugitives/report-location-form.html</a></small>	
<small>U.S. EPA/CID Wanted Poster April 2, 2009 <a href="http://www.epa.gov/fugitives">www.epa.gov/fugitives</a></small>	

On October 30, 2010, Albania Deleon, a fugitive since March 2009, was arrested in the Dominican Republic after absconding just prior to her sentencing. She was subsequently returned to Massachusetts and is scheduled to be sentenced on January 20, 2011.

Deleon, owner of the Environmental Compliance Training School (ECTS), was convicted by a jury two years ago on charges that she sold asbestos-removal training certificates to hundreds of undocumented workers who had not taken the mandatory training course. She then sent them out to perform asbestos removal work, for which she paid them but without withholding taxes. Deleon was convicted on 22 counts, including conspiracy to make false statements, to encourage undocumented workers to reside in the United States, and to hire them; five false statement violations; 16 counts of procuring false payroll tax returns; and five counts of mail fraud.

ECTS was the largest certified asbestos training school in Massachusetts. Between 2001 and 2006, Deleon routinely issued asbestos certificates to people who did not attend required training courses or pass required tests. Many of those who received fraudulent certificates were illegal immigrants who then worked for a temporary service company, Methuen Staffing, also owned by Deleon, at demolition and construction sites overseeing asbestos removal. She sent these employees to job sites throughout Massachusetts, as well as to other states, including New Hampshire, Maine, and Connecticut.

The tax violations stem from the defendant's concealing the size of her payroll from the IRS to avoid paying taxes. She did this, among other ways, by maintaining two payrolls where she deducted the correct amount of tax for some of her employees, but paid the majority of them using a second payroll wherein income taxes were not withheld nor were payroll taxes paid. Finally, the mail fraud convictions stem from Deleon's mailing to insurance representatives workers compensation insurance documentation that concealed the existence of those workers who received paychecks without taxes withheld, thereby reducing the amount of workers compensation insurance that she was required to pay.

Co-defendant Jose Francisco Garcia-Garcia previously pleaded guilty to a false statement violation for issuing the false certifications and is currently a fugitive.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division, Immigration and Customs Enforcement, the Internal Revenue Service Criminal Investigation Office, the Social Security Administration Office of Inspector General, the United States Department of State, the Massachusetts Insurance Fraud Bureau, and the Massachusetts Division of Occupational Safety.

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## *Informations and Indictments*

### **United States v. Mace Security International, Inc., No. 5:10-CR-00147 (D. Vt.), AUSA Joseph Perrella**

On November 17, 2010, Mace Security International, Inc. (Mace), and company president Jon Goodrich were charged with a RCRA violation for allegedly storing hazardous waste at the Mace facility without a permit.

The Bennington facility of Mace produces tear gas and pepper spray products, and generates hazardous wastes during the manufacturing process. The charges stem from an emergency removal action conducted by the EPA and Vermont Department of Environmental Conservation beginning in January 2008. During the initial inspection, inspectors observed more than 80 drums of unlabeled chemicals in the mill buildings. There were no signs indicating the storage of hazardous chemicals or hazardous waste in these areas although some of the containers were found to contain hazardous waste.

According to the allegations, Mace and Goodrich knowingly stored hazardous waste at the Vermont Mill Properties facility for several years in excess of allowable amounts. The charges further allege that the defendants obtained multiple estimates for proper removal of the hazardous waste, but never followed through with the removal.

This case was investigated by the Environment Protection Agency Criminal Investigation Division.

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### **United States v. Aramais Moloian, No. 2:10-CR-20666 (E.D. Mich.), AUSA Jennifer Blackwell and SAUSA Crissy Pellegrin**

On November 9, 2010, Aramais Moloian, the president and owner of Chem-Serve Corporation, Inc., a chemical soaps and dyes business incorporated in Michigan since 1968, was charged with four RCRA violations for the illegal storage and disposal of hazardous waste over approximately a three-year period.

Moloian was the subject of numerous inspections and warnings by the Michigan Department of Environmental Quality (now the Michigan Department of

Natural Resources and Environment), from October 2005 through March 2008, when

the MDEQ issued a cease and desist order. Numerous inspections revealed that some of the warehouses on the approximately five-acre site were severely dilapidated with caved-in roofs and missing walls. Many of the drums stored at Chem-Serve were rusted and leaking, with some of them found in a partially-roofless warehouse. Some drums were unlabeled, or had unreadable labels, while



**Dilapidated drums spilling hazardous waste**

others were un-sealed and open to the elements. Many of the deteriorating drums were stored three-high in areas of the facility where they had remained for several years. EPA sampling of the property in January 2008 confirmed that the contents of numerous drums tested positive for corrosivity.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division and the Michigan Department of Natural Resources and Environment.

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## *Plea Agreements*

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[REDACTED]

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**United States v. James Robert Soyars, Jr., No. 10-CR-00090 (D. Colo.), AUSA Linda Kaufman  
and SAUSA Linda Kato**

On October 27, 2010, James Robert Soyars, Jr., pleaded guilty to two of nine counts charged in an indictment stemming from illegal asbestos abatement projects. Soyars pleaded guilty to two Clean Air Act violations for failing to properly dispose of regulated asbestos-containing material (RACM) and with transporting this material in unmarked vehicles.

Soyars was the owner and operator of Talon Environmental, an asbestos abatement company located in Colorado. He also was a certified asbestos abatement supervisor. In February 2005, after the company began having financial difficulties, Talon instructed employees to store RACM in storage units that had been rented from a public storage company.

In September 2005, Talon removed RACM from a bowling alley, most of which ultimately ended up in a public storage unit, after Soyars assured state inspectors that the material was going to be properly disposed of. In August 2006, the defendant engaged in similar illegal storage activities during the abatement of an office building by directing employees to place approximately 100 bags of RACM inside another public storage unit.

After inspectors were tipped off to this activity, they found some of the storage units to be so full that the doors were bulging outward, with a significant amount of loose dry powder spread inside the units. After the execution of a search warrant in 2006, a cleanup was undertaken at the public storage facility at the cost of approximately \$436,000. Soyars is scheduled to be sentenced on February 3, 2011.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division and the National Enforcement Investigations Center, with assistance from the Colorado Department of Public Health and the Environment.

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**United States v. Daniel Black, No. 1:10-CR-00303 (W.D.N.Y.), AUSA Aaron Mango**

On October 22, 2010, Daniel Black pleaded guilty to two-count information charging a Clean Air Act violation for failure to conduct an inspection before starting an asbestos abatement and to a tax violation for filing a false tax return.

In July 2008, Black, the president of Blackstone Business Enterprises, Inc. (BBEI), authorized the cleanup of a four-story building in Jamestown, New York. Using an employment agency, Black hired four temporary workers to complete the project. The work included the removal of steam pipes later confirmed by inspectors to contain asbestos insulation from three floors.

The income tax offense involved Black's failing to report a total of \$536,196 over a three-year period in reportable income that he received from BBEI, which resulted in a total tax loss of \$191,669.

As part of the plea agreement, the company agreed to pay a penalty of \$205,000 to OSHA to resolve citations issued during the agency's inspection of the project. BBEI also will pay \$25,000 to the New York State Department of Labor Asbestos Control Bureau to resolve the notice of violations issued during its inspection.



**Storage unit stuffed with RACM**

This case was investigated by the Environmental Protection Agency Criminal Investigation Division, and the Internal Revenue Service Criminal Investigation Division.

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**United States v. Leroy Hill, No. 4:09-CR-40045 (C.D. Ill.), AUSA Matt Cannon** [REDACTED]  
**and RCEC Crissy Pellegrin** [REDACTED]

On October 14, 2010, Leroy Hill, the former wastewater treatment operator of a John Deere facility in Moline, Illinois, pleaded guilty to three felony Clean Water Act violations stemming from violations of the facility's discharge permit.

This case was initiated after John Deere self-disclosed that Hill failed to report more than 100 violations of the company's discharge permit from 2000 through January 2005. The company has since made changes to its monitoring procedure, including the addition of new updated equipment as well as a notification system to detect any future violations. If a discharge occurs at the facility that does not meet the permitted parameters, an e-mail notification is sent to multiple recipients, including more than one person at corporate headquarters.

Hill was initially charged in a 26-count indictment (24 counts of failure to report permit discharge violations and two CWA false statements for discharge monthly reports submitted to the City of Moline). The defendant pleaded guilty to two counts charging him with failure to report and with one false statement violation. Sentencing is scheduled for February 4, 2011.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division.

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## *Sentencings*

**United States v. John Porunnolil Zacharias, No. 6:10-CR-00039 (S.D. Tex.), ECS Senior Litigation Counsel Howard Stewart** [REDACTED]

On November 17, 2010, chief engineer John Porunnolil Zacharias was sentenced to pay a \$300 fine and to complete a five-year term of probation. Zacharias previously pleaded guilty to a two-count indictment charging an APPS violation for failing to maintain an oil record book and an obstruction violation for providing inspectors with a false engine room sounding log and for altering a center fuel oil tank by installing a "dummy" sounding tube to conceal the contents of the tank.

In October 2009, the United States Coast Guard conducted a Port State Control Inspection of the *M/V Lowlands Sumida*, a 37,689 gross ton bulk cargo vessel registered in Panama. During the inspection they received information from one of the crewmen alleging that a chief engineer was using the center fuel tank to store oily waste water and that the waste water then was discharged overboard by tricking the oil content meter on the ship's oil water separator. The defendant admitted to installing the "dummy" sounding tube, which would show the tank as empty when measured even though there was liquid in the tank.

This case was investigated by the Coast Guard Investigative Service, the Environmental Protection Agency Criminal Investigation Division, and the Texas Commission on Environmental Quality Environmental Crimes Unit.

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**United States v. Wayne Duffiney, No. 1:07-CR-20501 (E.D. Mich.), AUSA Janet Parker****The Misty Morning**

On November 16, 2010, Wayne Duffiney was sentenced to serve 50 months' incarceration and was ordered to pay \$57,308 in restitution to the Coast Guard. Duffiney was convicted by a jury in April 2009 on three of the four counts charged stemming from the intentional sinking of his boat in waters connected to Lake Huron. In October 2009, his wife Michelle was arrested on a criminal complaint for allegedly helping her husband avoid his sentencing, by, among other things, claiming her husband had committed suicide. After failing to appear for sentencing he was arrested eight months later in Costa Rico.

In May 2007, Duffiney hauled his 44-foot boat, the *Misty Morning*, through the town of Cheboygan, Michigan, to the Cheboygan River without a trailer and dumped the boat into the navigable river. Duffiney then towed the damaged boat out into Lake Huron under cover of darkness and left it in the navigation channel. The next day, when Coast Guard officials discovered it, the boat was nearly vertical in the lake, with the bow at or near the surface and the stern toward the bottom. Duffiney was forced to tow it back into the Cheboygan River where he left it mostly submerged for a day or so before he pulled it from the water.

Duffiney was convicted of violating the Clean Water Act by discharging pollutants into the navigable waters of the United States; of sinking or causing the sinking of the *Misty Morning* in the navigable channels of Lake Huron; and of failing to mark the sunken vessel with navigation aids after it was sunk in the Lake Huron navigation channel. He was acquitted on the charge of willfully causing and permitting destruction and injury to the boat in the territorial waters of the United States.

This case was investigated by the Coast Guard and the Michigan Department of Environmental Quality.

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**United States v. Jerry Decatur, Jr., et al., Nos. 8:09-CR-00164 - 165 (D. Md.), ECS Senior Trial Attorneys Kevin Cassidy [REDACTED] and Wayne D. Hettenbach [REDACTED], ECS Trial Attorney Jeremy Peterson [REDACTED] AUSA Stacy Belf [REDACTED] and ECS Paralegal Kathryn Loomis [REDACTED]**

On November 9, 2010, Jerry Decatur, Jr., and Jerry Decatur, Sr., were sentenced to serve 10 months and eight months' incarceration, respectively, followed by three years' supervised release. The defendants also each will pay a \$1,000 fine and \$18,999 in restitution to the National Fish and Wildlife Fund. The father and son previously pleaded guilty to a Lacey Act violation for illegally taking and over-harvesting striped bass. Jerry Decatur, Jr., also pleaded guilty to a Migratory Bird Treaty Act baiting violation for placing corn in an area to attempt to attract and take migratory birds.

On approximately 13 occasions between 2004 through 2007, the Decaturs illegally harvested a total of more than 10,000 pounds of striped bass from the Potomac River. The commercial fishermen fished out of season and kept over-sized fish or used nets that violated applicable regulations. They then sold the catch to two fish wholesalers in Washington, D.C. Additionally, they failed to affix tags

to the majority of the striped bass that they caught, thereby exceeding their limit by thousands of pounds. In 2003 through 2007, Decatur harvested a total of more than 65,000 pounds over their limit. The fair market retail value of this rockfish was in excess of \$329,000.

This investigation was conducted by an interstate task force formed by the Fish and Wildlife Service, the Maryland Natural Resources Police, and the Virginia Marine Police Special Investigative Unit.

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**United States v. Offshore Vessels, LLC et al., No. 2:10-CR-00 183, 235 (E.D. La.), ECS Senior Trial Attorney Dan Doohar [REDACTED] AUSA Dee Taylor [REDACTED], and ECS Paralegal Jessica Egler [REDACTED]**

On November 4, 2010, Offshore Vessels, LLC, was sentenced to pay a \$1,750,000 fine, to make a \$350,000 community service payment, and to complete a three-year term of probation, while operating under an environmental compliance plan. OSV was the owner and operator of the *R/V Laurence M. (L.M.) Gould (R/V Gould)*, a 2,966 gross ton U.S.-flagged ship that served as an ice-breaking research vessel for the National Science Foundation on research voyages to and from Antarctica.

From July, 2005 through September, 2005, oily waste water was stored in the vessel's bilge water holding tank, which could hold approximately 12,000 gallons. When the tank reached its capacity, crew members intermittently discharged the oily wastewater from the bilge tank directly overboard. The company previously pleaded guilty to an APPS violation and Michael Murphy, a former chief engineer, previously pleaded guilty to submitting a false statement, in violation of 18 U.S.C. § 1001. Murphy presented a false ORB to inspectors during an inspection of the ship.

This case was investigated by the Coast Guard Investigative Service.

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**United States v. Todd Davis et al., No. 3:10-CR-00030 (D. Nev.), AUSA Sue Fahami [REDACTED]**

On November 4, 2010, two men who shot and killed five mustangs in violation of the Wild Horses and Burros Protection Act each were sentenced to serve six months' incarceration followed by one year of supervised release.

Todd Davis and Joshua Keathley admitted to shooting the horses last fall on government-owned rangeland near the California state line about 150 miles northwest of Reno. According to court records, on or about November 28, 2009, Davis and Keathley drove to Northern Washoe County to look for locations to set traps. Davis, who was driving, stopped when he saw eight to ten wild horses. The two exited the vehicle and Keathley shot one horse with a rifle and observed the horse fall to the ground. Keathley then handed the rifle to Davis who shot at the rest of the horses, killing a total of five wild, free roaming horses. Prior to leaving the scene, Keathley removed approximately ten spent ammunition casings.

This case was investigated by the Bureau of Land Management Office of Law Enforcement and Security, with assistance from the Lovelock Police Department, the Washoe County Sheriff's Office, the Washoe County Forensic Services Division, the Nevada Department of Wildlife, and the California Department of Fish and Game. The Humane Society and the State of Nevada Commission for the Preservation of Wild Horses also contributed to this investigation.

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**United States v. James “Bruce” Thoreen et al., No. 2:10-CR-00062 (W.D. Wash.), AUSA Jim Oesterle**

On October 29, 2010, James “Bruce” Thoreen, the owner of JT Environmental, Inc., was sentenced to pay a \$4,000 fine and will complete a two-year term of probation for his involvement in the illegal removal of asbestos during a 2008 demolition project.

Wolfgang "Tito" Roempke was the owner of a vacant building that was demolished. Roempke conspired with Thoreen and Michael Neureiter, owner of A&D Company Northwest, Inc., to conceal the fact that regulated asbestos containing material (“RACM”) was present in the building. They did this by submitting falsified documentation to the authorities, thereby preventing the required monitoring of the demolition and asbestos disposal project.



Demolition waste

After Roempke received a survey of the building that confirmed the presence of RACM, he obtained quotes from two asbestos abatement companies for the proper removal of the material. Having been told it would cost approximately \$20,000, he contacted co-defendants Thoreen and Neureiter for the purpose of implementing a new survey. Neureiter told Thoreen to complete the survey in such a way as to not find any RACM in the building. Thoreen proceeded to take samples from parts of the building where asbestos was unlikely to be found and informed Roempke that it would cost \$8,000 to remove the material. When Thoreen gave the samples to a lab for analysis, he instructed that the lab to use a specific methodology ensuring that the test results would not trigger any asbestos work practice standards. Notification containing this falsified information was then transmitted to the Puget Sound Clean Air Act Agency stating that no asbestos would be removed as part of the demolition project.

Roempke recently pleaded guilty to a Clean Air Act violation, and Neureiter and Thoreen pleaded guilty to a CAA conspiracy charge.

This case was investigated by the Environmental Protection Agency Criminal Investigation Division and the Puget Sound Clean Air Agency.

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**United States v. Eugene Mansfield et al., No. 3:10-mj-04215 (D. Ariz.), AUSA Camille Bibles**

On October 26, 2010, five Hopi tribal members were sentenced for their involvement in the taking of two golden eagles in violation of a permit. Eugene Mansfield, Brendan Mansfield, Eldrice Mansfield, Emmett Namoki, and Lucas Namoki, Jr., were all sentenced to pay \$250 each in restitution to the Hopi Wildlife and Ecosystems Management program and will complete a one-year term of unsupervised probation.

According to the three-count complaint, one of the defendants who received the permit told the others that they could collect the eaglets when apparently it was too early to do so. Two eaglets were subsequently removed from their nest which was located at Elephant Butte on the Navajo Nation.

When questioned by authorities, one of the defendants stated that there is a great deal of competition for eaglets among Hopi collectors.

This case was investigated by the Fish and Wildlife Service, the Hopi Cultural Preservation Office, the Hopi Resource Enforcement Services, and the Navajo Fish and Wildlife Division of Natural Resources.

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**United States v. Davis Wire Corp., No. 2:10-CR-00966 (C.D. Calif.), AUSA Dennis Mitchell**

On October 26, 2010, Davis Wire Corp., a wire manufacturer, was sentenced to pay \$1.5 million in restitution to the Los Angeles County Sanitation District for discharging acidic wastewater into the public sewer system. The company also was ordered to pay a \$25,000 fine.

Davis Wire previously pleaded guilty to a misdemeanor CWA violation for negligently discharging industrial wastewater with acidic levels in excess of permitted levels on several occasions between February and April 2008.

Davis Wire has an extensive history of noncompliance from approximately 2004, including repeated discharges of highly acidic wastewater. In February 2008, a Los Angeles County Sanitation District employee traced acidic wastewater he found in the Irwindale trunk line to the company's plant, which uses sulfuric acid in manufacturing galvanized and reinforcement wire products. Under its discharge permit, Davis Wire is supposed to pretreat its wastewater to neutralize the acid before discharging it to the public sewer system.

The case was prosecuted by the Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, Los Angeles County Public Works, Los Angeles County Fire Department, and the California Department of Toxic Substances Control.

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