
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

November 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 Associations Information Network 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 provide only facts that are appropriate to disclose to the public.

For those who have access to the United States Department of Justice intranet website, please visit the [Environmental Crimes 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.

PRACTICE TIP REMINDER:

If you are contemplating including community service as part of a plea agreement or other case resolution in an environmental crimes case, remember that section 9-16.325 of the U.S. Attorneys' Manual (USAM) *requires* you to consult with the Environmental Crimes Section (ECS). A number of years ago, when the current version of section 9-16.325 of the USAM was adopted, there was a strong sentiment to completely eliminate community service in all cases, including environmental crimes. Fortunately, we were able to preserve community service in environmental crimes cases in large part because ECS has a robust community service guidance [document](#) with standards. Thus, section 5-11.115(B) similarly mandates that "United States Attorneys' Offices considering the use of community service *shall* consult with ECS for guidance. See [USAM 9-16.325](#). A guidance document addressing its use is available on the Environmental Crimes intranet website." (emphasis added).

Consulting with ECS can help you to formulate a more effective and appropriate community service project, which does not run afoul of the Miscellaneous Receipts Act or the Anti-Deficiency Act. It will also help to assure the continued survival and success of the community service program in environmental crimes cases.

Glossary for November 2014 Edition of the Bulletin:

The following Table of Cases is organized by District, the name of the case, the type of case, and the statutes. The Districts are spelled out within the chart, but they will be abbreviated within the summary of the case.

For example: District of Alaska will be noted as D. of Ak. The case name will be noted as United States v. John Doe.

The statutes are cited within the body of each case summary. The statutes will be abbreviated as follows:

BGEPA = Bald and Golden Eagle Protection Act
CAA = Clean Air Act
CWA = Clean Water Act
ESA = Endangered Species Act
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
MBTA = Migratory Bird Treaty Act
RCRA = Resource Conservation and Recovery Act
RHA = Rivers and Harbors Act

Other abbreviations:

EPA = Environmental Protection Agency
FBI = Federal Bureau of Investigation
NOAA = National Oceanic and Atmospheric Administration
USC = United States Code

AT A GLANCE:

DISTRICT	CASES	CASE TYPE/ STATUTES
Middle District of Alabama	United States v. Dawie Groenewald et al.	<i>Rhino Hunt/ Lacey Act, Conspiracy, Mail Fraud, Money Laundering</i>
District of Arizona	United States v. Leo Begay	<i>Feather Sales/ MBTA, BGEPA</i>
Eastern District of California	United States v. Toribio Cruz-Galvan	<i>Marijuana Grower/Drugs, Depredation of Government Property</i>
Southern District of California	United States v. Raul Antonio Gonzalez Lopez et al.	<i>Hazardous Waste Dumping/ RCRA</i>
District of Colorado	United States v. Andie Loncarich et al.	<i>Large Cat Hunts/ Lacey Act</i>
District of Delaware	United States v. Joseph L. Capano et al.	<i>Housing Developer/ CWA, False Statements</i>
Southern District of Florida	United States v. James O. McGriff	<i>Sea Turtle Eggs/ Lacey Act</i>
	United States v. New Nautical Coatings et al.	<i>Boat Painting/ FIFRA, Conspiracy, Obstruction</i>
	United States v. Gene Harris	<i>Rhino Horn / ESA, Lacey Act</i>
Eastern District of Louisiana	United States v. Marine Managers Ltd. et al.	<i>Vessel/ APPS, Obstruction, Witness Tampering</i>
Eastern District of New York	United States v. Alan Dresner et al.	<i>Fisheries/ Wire Fraud</i>
Eastern District of North Carolina	United States v. David W. Luther	<i>Prop Washing/ CWA, RHA</i>
Northern District of Ohio	United States v. Christopher L. Gattarello et al.	<i>Garbage Business/ CAA, Money Laundering, Wire Fraud, Conspiracy</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
District of Rhode Island	<u>United States v. Roberts Chemical Company</u>	<i>Chemical Processor/CAA</i>
Northern District of West Virginia	<u>United States v. Trans Energy</u>	<i>Gas Drilling/ CWA</i>

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Informations/Indictments

United States v. Toribio Cruz-Galvan, No. 1:14-CR-00225 (E.D. Calif.), AUSA Karen Escobar.



Trash and pesticides left by illegal marijuana grow

Fertilizer, rodenticide, propane tanks, and 300 pounds of trash were removed from the grow site. It is estimated that over one million gallons of water was diverted from a nearby spring to irrigate the plants.

This case was investigated by the National Park Service.

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United States v. Dawie Groenewald et al., No. 2:14-CR-00508 (M.D. Ala.), ECS Senior Litigation Counsel Richard Udell, AUSA Brandon K. Essig, and Supervisory Paralegal Lisa Brooks.

On October 23, 2014, an indictment was unsealed charging South African nationals Dawie and Janneman Groenewald, along with their company, Valinor Trading CC (d/b/a Out of Africa Adventurous Safaris) with conspiracy to violate the Lacey Act, and to commit mail fraud and money laundering (16 U.S.C. §§ 3372(a)(2),(c)(1), 3373(d)(1)(b); 18 U.S.C. §§ 371, 1341, 1956(a)(2); 31 U.S.C. § 5324).

The defendants, who are brothers, own a large game hunting business in South Africa which allegedly sold illegal rhino hunts to American hunters at U.S. hunting shows. The hunters were each told a similar story about how the particular rhino that they would hunt was a problem animal that needed to be killed and, therefore, no export permit was available. Instead, the cost of the hunt was considerably less (\$10,000 or less) than one where a hunter could bring back a trophy. The defendants sold the horns from the rhinos killed to contacts who smuggled the horns to Asia. The hunts themselves were unlawful

because they were conducted in violation of South African law and without required hunting permits. This scheme was hidden from the American hunters, typically through a series of misleading and/or false representations that led the American hunters to assume or believe that the hunts were legal.

During the period of the conspiracy, Janneman lived in Alabama. Dawie Groenewald was previously convicted in this district for his role in smuggling a leopard skin into the United States. He, his wife, and ten others were arrested in South Africa in September 2010 on 1,872 counts of racketeering, including the illegal trade in rhinoceros horns.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, with substantial cooperation from South Africa's National Prosecuting Authority and a specialized endangered species unit within the organized crime unit of the South African Police Service, known as the Hawks. Additional assistance was provided by the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Autauga County, Alabama Sheriff's Office.

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United States v. Christopher L. Gattarello et al., No. 1:14-CR-00353 (N.D. Ohio), SAUSA Brad Beeson and AUSA James V. Maroney, Jr.

On October 1, 2014, a four-count indictment was filed variously charging three defendants with Clean Air Act, money laundering, wire fraud, and conspiracy to commit wire fraud violations (18 U.S.C. §§ 1349, 1957(a); 42 U.S.C. § 7413(c)(1)) stemming from the demolition of a former factory in Cleveland.

Gattarello owned and controlled several municipal garbage-hauling businesses in Cleveland, including Reach Out Disposal, All Points Rubbish Disposal, and Axelrod Rubbish Recycling. Robert A. Shaw, Sr., worked for Gattarello, while William S. Jackson, Jr., operated a demolition company.



Accumulated garbage

According to the indictment, in June 2011, on behalf of All Points Rubbish Disposal, Gattarello leased a 570,000 square-foot facility, representing to the lessor that paper and cardboard waste would be recycled at the facility.

In July 2011, it was estimated that it would cost \$1.5 million to remove 24,000 linear feet of asbestos containing pipe insulation at the facility. Gattarello decided not to have the asbestos removed.

Around August 2011, Gattarello directed paper and cardboard waste, as well as municipal garbage, to be delivered to the facility for recycling. Over the next several months, more garbage, paper and cardboard were delivered than could be handled, and waste began to accumulate outside the facility. By April 2012, most of the facility was filled with garbage.

In May 2012, on behalf of Reach Out Disposal, Gattarello entered into a contract to purchase the building, for the purpose of demolishing the facility and selling any metal removed as scrap. In July 2012, Jackson submitted a notice of demolition with the Cleveland Division of Air Quality (CDAQ) stating that there was no asbestos in this facility. About ten days later, the CDAQ rejected Jackson's notice because it was incomplete and stated demolition "may not begin" until a proper notice was submitted and approved.

Gattarello ordered Jackson to begin the project anyway, causing asbestos fibers to be released into the environment. Debris and asbestos that accumulated outside the facility was exposed to the elements. By the time the demolition was halted in August, 2012, approximately 40 percent of the warehouse portion of the facility had been leveled.

Gattarello and Shaw are further alleged to have been involved in causing the loss of nearly \$1.2 million from AIM Business Capital LLC, (AIM) a company in the business of purchasing accounts receivable, such as invoices billed to customers for goods and services. In 2011 and 2012, on behalf of Reach Out Disposal and Axelrod Rubbish Recycling, Shaw entered into contracts with AIM for the purchase of receivables from Reach Out and Axelrod. Gattarello directed the creation of fraudulent invoices for the companies and directed that they be submitted to AIM.

Several of these defendants are also being prosecuted in state court.

This case was investigated by the FBI, the U.S. EPA Criminal Investigation Division, the Ohio Environmental Protection Agency, the Ohio Bureau of Criminal Investigation, and the IRS.

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United States v. Joseph L. Capano et al., No. 14-CR-00053 (D. Del.), AUSA Jennifer Welsh.

On September 23, 2014, Joseph L. Capano and Riverbend Community LLC were indicted on three counts of making false statements to federal authorities and conspiracy to violate the Clean Water Act (18 U.S.C. § 371; 33 U.S.C. §§ 1311(a), 1319(c)(2)(a)).

The indictment alleges that the defendants conspired with others to discharge pollutants into wetlands without a permit, during a residential development project in April 2007 through October 2009. Despite being made aware of the presence of wetlands on this parcel back in 2005, and the issuance of a cease and desist order in 2009 by the Army Corps of Engineers (ACOE), the defendants went ahead with construction and excavation activities.

Capano also is charged with making multiple false statements to the ACOE regarding the installation of a water main pipe across wetland areas, including the execution of a false affidavit, and withholding material information from the Corps.

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

Plea Agreements

United States v. James O. McGriff, No. 1:14-CR-14051 (S.D. Fla.), AUSA Lauren Jorgensen.

On October 20, 2014, James O. McGriff pleaded guilty to a Lacey Act violation (16 U.S.C. § 3372(a)(1)) for removing sea turtle eggs from a beach on Hutchinson Island in August 2014.

In August 2014, a witness observed and photographed McGriff as he dug into sea turtle nests, removing the eggs. Shortly later, wildlife officials confronted the defendant and placed him under arrest for trespassing into a private community that was clearly marked “No Trespassing.” After the witness positively identified McGriff, the officials discovered two additional nests had been disturbed. They also found a backpack nearby that contained 299 sea turtle eggs. Twelve of the eggs were held as evidence, and the remaining 287 sea turtle eggs were returned to nests. After being advised of his rights, McGriff admitted to poaching two nests.

McGriff has a prior conviction for a similar offense from 2002 and has been detained since September. He is scheduled to be sentenced on February 13, 2015. This case was investigated by the U.S. Fish and Wildlife Service.

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United States v. New Nautical Coatings et al., No. 1:14-CR-20081 (S.D. Fla.), AUSAs Alejandro Soto and Maria Medetis.

On October 3, 2014, two companies and four individuals pleaded guilty to charges stemming from their involvement in a scheme to illegally sell an unregistered pesticide and to obstruct justice.

New Nautical Coatings, Inc., d/b/a Sea Hawk Paints, manufactured and sold an anti-fouling coating in the United States called Sea Hawk Biocop Antifouling Coating (Biocop). David Norrie, Erik Norrie, Jason Revie, and Tommy Craft all were employed with the company. Biocop contained tributyltin methacrylate (TBT), a pesticide registered under FIFRA that has been found to have a significant harmful effect on marine life. In March 2005, the EPA cancelled New Nautical's registration for Biocop, making it unlawful for the company to manufacture the product in the United States after December 1, 2005, or to sell it in the U.S. after December 31, 2005. At the time, New Nautical was the last manufacturer of TBT-based anti-fouling coatings in this country.

In order to continue manufacturing and selling the paint after the registration was cancelled, New Nautical sold its inventory of the banned pesticide to distributors, including codefendant Sea Hawk Refinish Line, Inc., a company that sold paints and automotive products and shared an address with New Nautical. Between 2006 and 2009, the defendants illegally sold this product to distributors, creating falsified documentation to complete the transactions.

Revie and Craft pleaded guilty to FIFRA violations (7 U.S.C. § 136j(a)(1)(A)). New Nautical and David Norrie each pleaded guilty to conspiracy to obstruct justice (18 U.S.C. §§ 371, 1505). Sea Hawk and Erik Norrie each pleaded guilty to conspiracy to violate FIFRA (18 U.S.C. §371, 7 U.S.C. § 136j(a)(1)(A)).

Sentencing is scheduled for December 5, 2014.

This case was investigated by the U.S. EPA Criminal Investigation Division and Office of Inspector General, and the Florida Fish and Wildlife Conservation Commission.

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United States v. Trans Energy, No. 5:14-CR-00043 (N.D.W.V.), AUSA David Perri and SAUSA Perry McDaniel.

On October 1, 2014, Trans Energy, Inc., pleaded guilty to three misdemeanor violations of the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A), 1344) in connection with its natural gas drilling activity in Northern West Virginia.

Trans Energy transitioned from shallow gas wells to deeper, horizontally drilled wells in the Marcellus Shale in 2008. The company used more than six million gallons of water to frack each horizontal well. In order to avoid the cost of trucking water to the well site, Trans Energy constructed impoundments on stream channels near the well drilling pads, but did not obtain 404 permits from the Army Corps of Engineers. The company admitted to discharging materials such as rock, sand, soil, and stone into streams at Wolf Run, the North Fork of Grave Creek, and the Left Fork of Maggoty Run, all perennial streams that eventually (after a few miles) flowed into the Ohio River.

The company admitted that it failed to properly train and supervise its employees and that it relied upon the unsubstantiated representations of a nearby property owner when determining whether a 404 permit was necessary.

The company recently settled a \$3 million federal civil settlement for similar violations at 15 sites across the state.

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

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Illegal impoundment

United States v. David W. Luther, No. 7:14-CR-00004 (E.D.N.C.), AUSA Banu Rangarajan.



Shoreline location of oyster nursery

On September 29, 2014, David W. Luther pleaded guilty to violating the Clean Water Act and the Rivers and Harbors Act (33 U.S.C. §§ 403, 406, 1311, 1319(c)(1), 1344.)

On July 29, 2012, officers with the North Carolina Marine Patrol responded to a complaint of dredging in waters near Surf City, North Carolina. They determined that Luther was "prop washing" using his vessel, *The Raven*. Despite being ordered to stop this activity, the defendant continued to dredge just three hours later.

On August 10, 2012, a Notice of Violation and Request to Cease Unauthorized Development was sent to Luther and hand-delivered four days later. The defendant again, however, continued his dredging activities in an area determined to be a primary nursery area for oysters.

Prior to sentencing, Luther agreed to purchase .21 acres of coastal wetland restoration to compensate for the impacts he made to wetlands and other jurisdictional waters. If he fails to make the

purchase, Luther will not to contest a \$50,000 additional fine. Sentencing is scheduled for January 5, 2015.

This case was investigated by the U.S EPA Criminal Investigation Division, the North Carolina State Bureau of Investigation, the U.S. Army Corps of Engineers, and the North Carolina Marine Patrol.

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Sentencings

United States v. Alan Dresner et al., Nos. 2:14-CR-00201 and 00225 (E.D.N.Y.), ECS Trial Attorney Christopher Hale and ECS Paralegal Casey Layman.

On October 22, 2014, fish dealer Alan Dresner was sentenced after previously pleading guilty to a wire fraud violation (18 U.S.C. § 1343) for systematically underreporting fluke (summer flounder) that was being harvested as part of the federal Research Set-Aside (RSA) Program. Dresner will serve four months' incarceration, followed by three years' supervised release. He will pay a \$6,000 fine and make a \$15,000 community service payment to the Cornell Cooperative Extension (C.C.E.) of Suffolk County to



Summer flounder

pay for the enhancement of fluke habitat in the waters of Long Island through the C.C.E.'s Marine Meadows Program. Lastly, Dresner was ordered to pay \$510,000 in restitution to the Marine Resources Account of the New York State Conservation Fund. He will surrender his federal dealer license and is banned from accessing the NOAA SAFIS computer system.

Anthony Joseph, captain of the *F/V Stirs One*, previously pleaded guilty to mail fraud, wire fraud, and false records violations for submitting hundreds of falsified fishing logs and aiding and abetting the submission of falsified dealer reports. Between July 2009 and December 2011, the defendants falsified fisheries dealer reports as part of a scheme to defraud the United States of 246,376 pounds of overharvested and underreported fluke valued at approximately \$625,000.

As a federal fish dealer, Dresner held a NOAA permit to purchase fish directly from commercial fishing vessels without having to go through an intermediary. In July 2009, Dresner learned that Joseph (with his federally licensed trawler) was consistently overharvesting fluke through Joseph's abuse of the RSA Program. By July 2009, Dresner was making regular purchases of illegal fluke from Joseph.

In an effort to conceal his activities, Joseph submitted both electronic and hard copies of logs and reports containing inaccurate data. NOAA relies on these documents to set quotas and implement other management measures designed to ensure sustainable fisheries. According to the plea agreement, Joseph remarked that the RSA Program was a "license to steal" because the program allowed him to launder what would otherwise be illegal fluke by pretending those fluke were caught under the RSA Program. He was also heard referring to the RSA Program as the "Research Steal-Aside." Joseph is scheduled to be sentenced in May 2015.

This case was investigated by NOAA National Marine Fisheries Service, with assistance from the New York State Department of Environmental Conservation Police.

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United States v. Roberts Chemical Company, No. 1:14-CR-00094 (D.R.I.), AUSA Terrence Donnelly.

On October 7, 2014, Roberts Chemical Company was sentenced to pay a \$200,000 fine, complete a five-year term of probation, and publish a public apology. The company previously pleaded guilty to a Clean Air Act violation (42 U.S.C. § 7413(c)(1)) for failing to develop and implement a Risk Management Plan (RMP). The RMP was required to minimize the possibility of an ethyl ether release from its former Pawtucket, R.I., facility, and to protect workers, the community and emergency responders, in the event of a release or fire involving ethyl ether.

Roberts Chemical is in the business of storing, distributing and repackaging chemicals, some of which are designated as extremely hazardous. Ethyl ether is a volatile and flammable liquid. EPA regulations require facilities storing more than 10,000 pounds of ethyl ether to develop and implement a RMP. Despite storing more than 27,000 pounds of ethyl ether in November and December of 2008, the company failed to develop and implement a Plan.

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

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United States v. Leo Begay, No. 3:13-CR-08124 (D. Ariz.), ECS Trial Attorneys Joel LaBissonniere and Richard Powers, ECS Paralegal Casey Layman, with assistance from AUSA Jennifer Levinson.



Fan made from aninga and hawk feathers

On October 6, 2014, Leo Begay was sentenced to serve four months' incarceration to be served over two summer vacations (or two months each year). Begay also will pay a \$1,000 fine.

Begay previously pleaded guilty to a five-count indictment charging him with violations of the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (16 U.S.C. §§ 668(a), 703(a), 707(b)(2)). He admitted to selling fans in 2008 and 2009 that were comprised of feathers from federally-protected birds. The investigation was initiated after the Navajo Nation Department of Fish and Wildlife received a complaint concerning a Navajo tribal member in Arizona who was selling eagle and other migratory bird feathers.

Begay is the last defendant to be sentenced following a nationwide investigation – Operation Silent Wilderness – by the U.S. Fish and Wildlife Service and the Navajo Nation Department of Fish and Wildlife into the illegal killing and commercialization of protected eagles and other migratory birds.

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United States v. Andie Loncarich et al., Nos. 1:13-mj-00046 and 00047 (D. Colo.), ECS Senior Trial Attorney Ron Sutcliffe and ECS Trial Attorney Mark Romley.

Andie Loncarich and her sister, Caitlin, were sentenced on September 30, 2014. Caitlin pleaded guilty to two misdemeanor Lacey Act violations and was sentenced to pay a \$1,000 fine, serve a one-year term of probation, and perform 60 hours of community service. Andie pleaded guilty to one misdemeanor Lacey Act violation (16 U.S.C. §§ 3372(a), 3373(d)) and was sentenced to pay a \$500 fine, complete a one-year term of probation, and perform 36 hours of community service.

From approximately 2006 to 2010, the sisters, along with four other assistant hunting guides, took out-of-state hunters on hunts to kill mountain lions and bobcats in violation of Colorado and Utah laws. The animals had been caged, trapped, or shot in the legs or feet. The group also took hunters who were licensed to hunt mountain lions only in Colorado on hunts in Utah. They also guided unlicensed hunters on bobcat hunts in both states. Their father has also been prosecuted and awaits sentencing.

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

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United States v. Marine Managers Ltd. et al., No. 2:14-CR-00118 (E.D. La.), ECS Trial Attorney Ken Nelson, AUSAs Gregory Kennedy and Emily Greenfield, and ECS Paralegal Jessica Pannett.

On October 2, 2014, operator Marine Managers Ltd. was sentenced to pay an \$800,000 fine and will make a \$100,000 community service payment. The company also will complete a three-year term of probation and implement an environmental compliance plan.

The company previously pleaded guilty to a two-count information charging it with an APPS violation for failing to maintain an oil record book (ORB), and an obstruction charge for submitting a false document to the U.S. Coast Guard (33 U.S.C. § 1908(a), 18 U.S.C. § 1519). Chief Engineer of the *M/V Trident Navigator*, Matthaios Fafalios, is charged with failing to maintain an accurate ORB, obstruction of justice, and witness tampering (33 U.S.C. § 1908 (a), 18 U.S.C. §§ 1505, 1512). Trial is scheduled for December 8, 2014.

According to the indictment, during the last week of December 2013, Fafalios instructed a crew member to construct a bypass to allow for the illegal overboard discharge of oily bilge waste. Several metric tons were discharged, circumventing the ship's oil water separator and oil content monitor. These discharges were not recorded in the ORB. The indictment further alleges that Fafalios confiscated a crew member's cell phone that contained a photograph of the bypass and subsequently deleted the picture.

In January 2014, Coast Guard personnel boarded the ship while it was anchored in the Mississippi River near New Orleans. A tip from a crewmember led them to the bypass. Fafalios allegedly was uncooperative and further obstructed the Coast Guard investigation by instructing crewmembers to deny knowledge of the bypass.

This case was investigated by the U.S. Coast Guard.

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M/V Trident Navigator

United States v. Gene Harris, No. 2:14-CR-20354 (S.D. Fla.), AUSA Tom Watts-FitzGerald.

On October 1, 2014, Gene Harris was sentenced to pay a \$10,000 fine and will complete a three-year term of probation to include six months' home detention. Harris previously pleaded guilty to Endangered Species Act and Lacey Act charges (16 U.S.C. §§ 1540(b), 3372(a)(1), (a)(4), 3373(d)(1)(B)) stemming from the illegal purchase of black rhinoceros horns.

Harris was involved in the retail sale of wildlife products, including taxidermy mounts, from locations in Miami, Florida, and Laredo, Texas. Between June 2011 and July 2011, Harris engaged in a series of phone conversations from Miami with a customer in California to arrange for the sale of black rhinoceros horns to the customer by a couple living in Phoenix, Arizona.

In July 2011, Harris and the customer travelled to Phoenix, where the customer purchased a full black rhinoceros shoulder mount, including the two horns for approximately \$60,000 cash. The horns were removed from the mount, and a falsified invoice was prepared in an effort to make the transaction appear to be solely an intra-state deal, by listing a third-party Arizona resident as the buyer. Harris was paid a \$10,000 finder's fee.

This case was investigated by the U.S. Fish and Wildlife Service as part of Operation Crash, an ongoing multi-agency effort to detect, deter, and prosecute those engaged in the illegal killing of rhinoceros and the unlawful trafficking of rhinoceros horns.

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United States v. Raul Antonio Gonzalez Lopez et al., No. 3:11-CR-03327 (S.D. Calif.), AUSA Melanie Pierson.

Landfill

On September 2, 2014, Raul Antonio Gonzalez Lopez was sentenced to time-served. A fine was not assessed. Lopez was the final defendant in this case involving the illegal disposal of hazardous waste at a landfill.

Marc Vogel and his company, We Lend More, were convicted by a jury in February 2011 of RCRA transportation and disposal violations (42 U.S.C. §§ 6928 (d)(1), (d)(2)(A), (d)(5)). They were sentenced to complete three-year terms of probation and Vogel was ordered to pay a \$25,000 fine. The convictions of Vogel and the company were affirmed by the Ninth Circuit in August 2013.

In pleading guilty to a RCRA disposal violation, Lopez admitted to the following facts: On March 12, 2011, he drove to We Lend More to pick up trash, which included containers of acid and potassium cyanide. The following day, Lopez dumped the trash at a local landfill, which was not permitted to accept hazardous waste.

The evidence established that, if the cyanide and acid had been accidentally mixed together by landfill operators, a deadly hydrogen cyanide gas could have resulted. Lopez was arrested in January 2014 after fleeing to Mexico

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

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