

---

# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*August 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.



**Marine wildlife seized by officials at Miami International Airport. See [U.S. v. Cordova-Corbian](#), *below*, for more details.**

**AT A GLANCE:**

<b>DISTRICT</b>	<b>CASES</b>	<b>CASE TYPE/ STATUTES</b>
Southern District of Alabama	<a href="#">United States v. Matthias Kumm et al.</a>	<i>Fish Harvesting/ Lacey Act, Witness Retaliation</i>
Eastern District of California	<a href="#">United States v. Hernan Cortez Villaseñor</a>	<i>Marijuana Grower/ FIFRA, Drugs</i>
	<a href="#">United States v. Jose Luis Garcia Villa</a>	<i>Marijuana Grower/Drugs</i>
Southern District of California	<a href="#">United States v. Pacific Tank Cleaning et al.</a>	<i>Acid Spill/ CWA, CERCLA</i>
District of Delaware	<a href="#">United States v. Pacific and Atlantic (Shipmanagers), Inc., et al.</a>	<i>Vessel/ APPS</i>
District of Colorado	<a href="#">United States v. Nicholas Rodgers et al.</a>	<i>Mountain Lion and Bobcat Hunts/ Lacey Act, Conspiracy</i>
Southern District of Florida	<a href="#">United States v. Charles R. Jamison</a>	<i>Marine Wildlife Sales/ Lacey Act, Conspiracy</i>
	<a href="#">United States v. Eric Burman</a>	<i>Spiny Lobster Imports/ Lacey Act</i>
	<a href="#">United States v. Gene Harris</a>	<i>Rhino Horn/ ESA, Lacey Act</i>
	<a href="#">United States v. Oscar Cordova-Cobian</a>	<i>Marine Wildlife Sales/ Lacey Act, Conspiracy</i>
Southern District of Mississippi	<a href="#">United States v. Ronald W. Reine et al.</a>	<i>Deer Imports/ Lacey Act, Conspiracy</i>
District of Nevada	<a href="#">United States v. Nathian Stolier et al.</a>	<i>RINS Fraud/Conspiracy, Money Laundering, Wire Fraud, CAA</i>
Eastern District of New York	<a href="#">United States v. Jones Inlet Seafood Co., et al.</a>	<i>Fisheries/ Wire Fraud, Falsification of Federal Records, Lacey Act</i>

<b>DISTRICT</b>	<b>CASES</b>	<b>CASE TYPE/ STATUTES</b>
Southern District of New York	<a href="#">United States v. Xia Ju Guan</a>	<i>Rhino Horn Imports/Smuggling, Lacey Act, Conspiracy</i>
Eastern District of North Carolina	<a href="#">United States v. Benjamin Franklin Pass et al.</a>	<i>Waste Oil Blender/ TSCA, False Statement, Tax</i>
Northern District of Ohio	<a href="#">United States v. Kelly Plating</a> <a href="#">United States v. Mark A. Goff et al.</a>	<i>Electroplater/ CWA, Conspiracy</i> <i>Oil and Gas Company/ CWA</i>
District of South Dakota	<a href="#">United States v. Robert Masterson, Sr.</a> <a href="#">United States v. Schummer</a>	<i>Wild Game Sale/ Lacey Act, MBTA</i> <i>Migratory Bird Killings/ MBTA</i>

### Additional Quick Links:

- ◇ [Informations/Indictments](#) pp. 5 - 6
- ◇ [Plea Agreements](#) pp. 6 - 10
- ◇ [Sentencings](#) pp. 11 - 15

## Informations/Indictments

### **United States v. Xiao Ju Guan a/k/a Tony Guan, No. 1:14-CR-00506 (S.D.N.Y), ECS Senior Counsel Richard Udell, AUSA Janis Echenberg, and ECS Paralegal Lisa Brooks.**

On July 29, 2014, Xiao Ju Guan (“Tony Guan”) was charged with violations stemming from the smuggling of endangered black rhinoceros horns from the United States to Canada (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d), 3373(d)(3)). Guan was arrested in March after attempting to purchase two endangered black rhinoceros horns for \$45,000 from undercover U.S. Fish and Wildlife Service agents. The defendant is a Canadian citizen and the owner of Bao Antiques, a company based in Canada and Hong Kong.

Guan and co-conspirators allegedly smuggled more than \$500,000 of rhino horns and sculptures made from elephant ivory and coral from various U.S. auction houses to Canada by driving them across the border or by having packages mailed directly to Canada with false paperwork and without the required declaration or permits. A rhino horn purchased in Florida, for example, was described on Customs paperwork as a “Wooden Horn” worth \$200.

The investigation of Guan and his company is part of Operation Libation, a segment of Operation Crash targeting the trafficking and smuggling of rhinoceros horns. This case was investigated by the U.S. Fish and Wildlife Service with assistance from Environment Canada’s Wildlife Enforcement Directorate.

[Back to Top](#)

### **United States v. Charles R. Jamison, No. 4:14-CR-10013 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**



#### **Remote surveillance of defendant illegally harvesting in Wildlife Refuge waters**

On June 25, 2014, Charles R. Jamison was charged with a Lacey Act conspiracy violation (16 U.S.C. §§ 3372(a)(2)(A), 3372(a)(4), 3373(d)(1); 18 U.S.C. § 371) for the sale and purchase of juvenile bonnethead sharks.

According to information, between approximately June 2012 and October 2012, Jamison engaged in the harvest and sale of these sharks taken from the waters off the Florida Keys without obtaining the necessary licenses or vessel permits to do so. The animals were then shipped by a variety of means, including rental truck and as commercial air cargo. Change of plea hearing scheduled for August 22, 2014.

This case was investigated by the NOAA Office of Law Enforcement and the

[Back to Top](#)

**United States v. Eric Burman, No. 4:14-CR-10008 (S.D. Fla.) AUSA Tom Watts-FitzGerald.**

On June 25, 2014, a superseding information was filed charging Eric Burman with a Lacey Act conspiracy violation (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1), 18 U.S.C. § 371) stemming from the illegal sale and purchase of Florida spiny lobster.

According to the information, Burman was engaged in the wholesale commercial seafood industry, including the export of live Florida spiny lobster, to a seafood market in China. Between August and September 2010, the defendant and others allegedly purchased spiny lobster from harvesters in Monroe County, Florida, without generating the required documentation and without obtaining the proper licensure. Subsequently, a number of shipments were made to Hong Kong of this illegally acquired lobster.

This case was investigated by the NOAA Office of Law Enforcement and Homeland Security Investigations.

[Back to Top](#)

**United States v. Kelly Plating Company et al., No. 1:14-CR-00225 (N.D. Ohio), SAUSA Brad Beeson.**

On June 24, 2014, Kelly Plating Company and Thomas E. White were charged in a two-count indictment with Clean Water Act and conspiracy violations (33 U.S.C. § 1319(c)(2)(A); 18 U.S.C. § 371) stemming from illegal discharges into the sewer system operated by the Northeast Ohio Regional Sewer District (NEORS D).

Kelly Plating is a metal plating operation located in Cleveland, Ohio. White was responsible for operating equipment that reduced the amount of pollutants discharged to the sewer system to permitted levels. Beginning in late January 2012 and continuing through May 2012, White allegedly altered the wastewater processing at the facility, bypassing pollution control equipment and discharging partially treated wastewater and sludge directly into the sewer system over the weekends. These discharges allegedly contained high concentrations of chrome and zinc.

This case was investigated by the U.S. EPA Criminal Investigation Division, the NEORS D, the Ohio Bureau of Criminal Identification and Investigation, and the Ohio Environmental Protection Agency, all members of the Northeast Ohio Environmental Crimes Task Force.

[Back to Top](#)

## Plea Agreements

**United States v. Nicholas Rodgers et al., No. 1:14-CR-00018 (D. Colo.), ECS Trial Attorney Mark Romley and ECS Senior Trial Attorney Ron Sutcliffe.**

On July 29, 2014, Nicholas Rodgers pleaded guilty to conspiracy to violate the Lacey Act (18 U.S.C. § 371). Co-defendant Christopher Loncarich is scheduled for a change of plea hearing on August 15, 2014. Between 2007 and 2010, Rodgers admitted to illegally capturing and maiming mountain lions and bobcats as part of a scheme to make it easier for their clients to hunt the cats.

Loncarich is a big game outfitter and hunting guide who operates mainly in western Colorado on the border with Utah. He outfits and guides hunts for mountain lions and bobcats in the Bookcliffs Mountains, which span the Colorado-Utah border. Hunting Mountain lions and bobcats is labor-

intensive. The hunting season for the cats runs from November to March when snow is likely to be on the ground. After the dogs discover a cat's track in the snow, they follow the cat until they corner it, enabling the hunter to kill it.

The indictment alleges that Loncarich and his assistant guides devised a scheme whereby they would trap the cats in cages prior to hunts and release them when the client was nearby. They allegedly resorted to shooting the cats in the paws or legs or placing leghold traps on them to keep the cats from moving. Despite knowing that many of the hunters did not have proper tags or licenses to take the animals in Utah, the defendants helped them bring the cats back to Colorado and provided falsified seals for the hides.

Three of Loncarich's assistant guides have pleaded guilty to Lacey Act violations in connection with their guiding activities with him. Loncarich remains charged with conspiracy and Lacey Act violations (18 U.S.C. §371; 16 U.S.C. §§ 3372(A)(2)(a), 3373(d)(1)(B)). Rodgers is scheduled to be sentenced on November 7, 2014.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, the Colorado Parks and Wildlife, and the Utah Division of Wildlife Resources.

[Back to Top](#)

**United States v. Nathan Stoliar et al., No. 2:14-CR-0006 (D. Nev.), ECS Assistant Chief Wayne Hettenbach, Deputy Criminal Chief AUSA Crane Pomerantz, Asset Forfeiture and Money Laundering Section Trial Attorney Darren McCullough, and ECS Paralegal Casey Layman.**

On July 22, 2014, Australian national Nathan Stoliar pleaded guilty to violations stemming from his role in the illegal export of biodiesel and the generation of fraudulent biodiesel credits worth in excess of \$41 million. Stoliar pleaded guilty to conspiracy to defraud the government, conspiracy to launder money, two counts of wire fraud, and one count of false statements under the Clean Air Act. (18 U.S.C §§ 371, 1956(h), 1343; 42 U.S.C. § 7413(c)(2)(A)). He is required to forfeit \$4 million and pay \$1 million in restitution. Co-defendant James Jariv remains charged in a multi-count indictment.

The Energy Independence and Security Act of 2007 created a number of federally-funded programs that provide monetary incentives for the production of biodiesel and to encourage biodiesel use in the United States. Biodiesel producers and importers generate and attach credits known as "renewable identification numbers" or RINs to the gallons of biodiesel they produce or import. Because certain companies (such as companies that sell transportation fuel in the United States) need RINs to comply with regulatory obligations, RINs have significant market value. They are routinely bought and sold in the marketplace.

Beginning around September of 2009, Stoliar and co-defendant James Jariv, operated and controlled a company called City Farm Biofuel located in Vancouver, British Columbia, Canada. The company claimed to be a producer of biodiesel made from feedstocks such as animal fat and vegetable oils. Stoliar and Jariv also formed a company called Canada Feedstock Supply that was supposed to have supplied City Farm with feedstocks. Jariv operated and controlled a company based in Las Vegas, Nevada, called Global E Marketing (GEM).

Using these three and other closely held companies, Stoliar and others engaged in a scheme whereby they: claimed to produce biodiesel at the City Farm facility, claimed to import and sell biodiesel to GEM, and generated and sold RINs based upon this alleged production, sale, and importation. In reality, no biodiesel produced at City Farm was ever imported and sold to GEM. The defendants used GEM to claim to blend the biodiesel with petroleum diesel, allowing them to sell the RINs separately from any actual biodiesel. Using this scheme, Stoliar and co-defendants falsely claimed to import, purchase, and blend more than 4.2 million gallons of biodiesel. They then sold the fraudulent RINs generating more than \$7 million.

From approximately September 2009 through December 2013, Stoliar and Jariv also purchased in the United States large quantities of a biodiesel-petroleum blend, known as B-99, which is 99% biodiesel and 1% or less of petroleum diesel. Stoliar knew that this B-99 was RIN-less and had already been used to generate RINs by another party, and had also been used to allow another party to claim a tax credit available to those who blend B-100 into B-99. Because RIN-less B-99 cannot be used lawfully to generate a RIN, and cannot be used to claim the tax credit, it sells at a substantially lower price than B-100.

Stoliar and his co-defendants also exported significant amounts of the RIN-less B99 they bought in the United States to Canada. Stoliar then sold the biodiesel in Canada, and conspired with his co-defendants to not acquire and provide RINs to the United States for these exports as required. In doing so, Stoliar and Jariv failed to turn over to the U.S. RINs worth in excess of \$34 million, keeping this money for themselves.

Finally, Stoliar and Jariv conspired to launder the proceeds of their crimes, utilizing foreign banking institutions and complex financial transactions to promote their illegal schemes and distribute the proceeds of their crimes. Accounts were utilized in Nevada, Canada and Australia, and transactions between the defendants' closely held companies were falsely described as other legitimate transactions involving biodiesel.

This case was investigated by the U.S. EPA Criminal Investigation Division and the FBI, with assistance from the U.S. Secret Service and the Department of Homeland Security.

[Back to Top](#)

### **United States v. Jones Inlet Seafood Co., et al., No. 14-CR-00378 (E.D.N.Y.), ECS Trial Attorney Christopher Hale and ECS Paralegal Casey Layman.**

On July 16, 2014, Jones Inlet Seafood Co., Inc., (JISC), company president Michael G. Mihale, and vice president Bruce Larson, Jr., pleaded guilty to charges stemming from their roles in systematically underreporting fluke (summer flounder) that was being harvested as part of the federal Research Set-Aside (RSA) Program.

Specifically, Mihale and Larson pleaded guilty to one count of wire fraud and one count of falsification of federal records (18 U.S.C. §§ 1343, 1519). The two directed unwitting subordinates to falsify and submit at least 65 fisheries dealer reports from June 2009 to December 2011. JISC pleaded guilty to falsifying federal records as well as to a Lacey Act false labeling violation (18 U.S.C. §§ 1519; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii)) for the knowing use of false documents in connection with approximately \$100,000 worth of fluke that was shipped to customers in Connecticut and New Jersey.

This case is related to *United States v. Joseph, et al.* As a federal fish dealer, JISC possessed a NOAA permit to purchase fish directly from commercial fishing vessels without having to go through an intermediary. In June 2009, Mihale and Larson learned that Joseph, captain of the *F/V Stirs One*, was consistently overharvesting fluke through Joseph's abuse of the RSA Program. By June 2009, on behalf of JISC, Mihale and Larson were making regular purchases of illegal fluke from Joseph at the Point Lookout, New York waterfront.



**Jones Inlet Seafood**



In an effort to conceal his activities, Joseph submitted both electronic and hard copies of logs and reports containing false data. NOAA relies on these documents to set quotas and implement other management measures designed to ensure sustainable fisheries. Between June 2009 and December 2011, Mihale and Larson worked with Joseph to file approximately 65 false dealer reports with NOAA, defrauding the United States of 56,000 pounds of overharvested and underreported fluke valued at \$116,000.

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

[Back to Top](#)

**United States v. Ronald W. Reine et al., No. 1:14-CR-0008 (S.D. Miss.), AUSA Darren LaMarca.**

On July 7, 2014, Ronald W. Reine, Brian R. Reine, Bruce A. Swilley, Jr., and Omni Pinnacle, LLC, pleaded guilty to conspiracy to violate the Lacey Act (18 U.S.C. § 371) for importing live white-tailed deer into Mississippi.

From January 2011 through December 2012, Brian Reine operated a wildlife enclosure in Lamar County, Mississippi, known as Half Moon Ranch. Ronald Reine operated a wildlife enclosure in Pearl River County, Mississippi, known as Oak Investments, LLC or “Hunter’s Bluff.” The defendants conspired to unlawfully bring live white-tailed deer into Mississippi from Indiana and Pennsylvania for the purpose of breeding and killing trophy-sized buck deer.

Sentencing is scheduled for October 1, 2014. This case was investigated by the U.S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries, and Parks.

[Back to Top](#)

**United States v. Hernan Cortez Villaseñor, No. 1:12-CR-00184 (E.D. Calif.), AUSA Karen Escobar.**



**Small marijuana plants**

On July 7, 2014, Hernan Cortez Villaseñor, a marijuana cultivator, pleaded guilty to FIFRA and drug violations (21 U.S.C. §§ 841,846; 7 U.S.C. §§136j(a)(1)(A), 136l(b)(2)). At the time of sentencing, Cortez has agreed to pay \$3,328 to the U.S. Forest Service for the damage caused by his marijuana operation located in the Greenhorn Creek area of the Sequoia National Forest. The Greenhorn Creek site sustained extensive damage due to the destruction of native oak trees and other vegetation to make room for nearly 9,000 marijuana plants. Fertilizers and pesticides were spread throughout the site including

Fosfuro de Zinc, a common Mexican rat poison. Approximately 30 containers of this poison were found at Cortez’s residence. There have been five defendants prosecuted in this matter. [See *U.S. v. Garcia Villa in Sentencing section, below.*]

Cortez is scheduled for sentencing on September 22, 2014. This case was investigated by the U.S. Forest Service, the U.S. DEA, ICE Homeland Security Investigations, U.S. EPA Criminal Investigation Division, and the Kern County Sheriff’s Office.

[Back to Top](#)

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

On July 3, 2014, Gene Harris 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 is scheduled for sentencing on September 24, 2014.

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.

[Back to Top](#)



**Black rhino horn sold through defendant**

## Sentencings

### **United States v. Jose Luis Garcia Villa, No. 1:12-CR-00184 (E.D. Calif.), AUSA Karen Escobar.**



**Can of rat poison**

pesticides, including a highly toxic and illegal rat poison from Mexico called Fosfuro de Zinc or zinc phosphide, were spread throughout the site. Garcia is subject to deportation after he serves his sentence. A total of five people were prosecuted in this case.

This case was investigated by the U.S. Forest Service, the DEA, ICE Homeland Security Investigations, the U.S. EPA Criminal Investigation Division, and the Kern County Sheriff's Office.

[Back to Top](#)

### **United States v. Pacific and Atlantic (Shipmanagers), Inc., et al., Nos. 1:14-CR-00034, 00035, 00036 (D. Del.), AUSA Edmond Falgowski**

On July 24, 2014, vessel operator Pacific and Atlantic (Shipmanagers), Inc., was sentenced to pay a \$500,000 fine and will complete a three-year term of probation. The company previously pleaded guilty to an APPS violation (33 U.S.C. § 1908(a)) for the illegal overboard discharges of oily wastes from the *M/V Bulk Victory*.

Investigation revealed that between January and September 2013, the vessel discharged approximately 34 metric tons of oily bilge water and waste sludge into the ocean. These discharges were not recorded in the oil record book. As part of the sentencing, the ship will be banned from calling on U.S. ports.

On July 21, 2014, first assistant engineer



***M/V Bulk Victory***

Ismael Castano and chief engineer Sofronio Marquez pleaded guilty to an APPS violation and were immediately sentenced to serve one and two-year terms of probation, respectively. Fines were not assessed.

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

[Back to Top](#)

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



**Acid spill in street**

On July 24, 2014, Jorge Luquin was sentenced to pay a \$5,000 fine and will complete a three-year term of probation.

Luquin was a production manager for Pacific Tank Cleaning. In March 2011, a valve on a 275-gallon container of acidic tank cleaning solution caused the tank's contents to leak onto the ground, and into 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 pleaded guilty to a CERCLA violation and Pacific Tank Cleaning pleaded guilty to a CWA violation (33 U.S.C. §§ 1311, 1342, 1319(c)(1)(A); 42 U.S.C. §§ 9602, 9603(b)(3)). The company 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.

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

**United States v. Benjamin Franklin Pass et al., No. 7:12-CR-00085 (E.D.N.C.), ECS Trial Attorney Shennie Patel and AUSA Banu Rangarajan.**

On July 16, 2014, Benjamin Franklin Pass and his company, P&W Waste Oil Services, Inc. (P&W), were sentenced. Pass will serve 42 months' incarceration and was ordered to pay restitution in the amount of \$21,373,143 for clean-up costs associated with the environmental contamination at his business and affected victim-businesses, and an additional \$538,857 to the IRS for federal income taxes he failed to pay between 2002 and 2011. P&W also was ordered to pay \$21,373,143 in restitution for the losses incurred by Colonial Oil and International Paper as a result of the defendants' mishandling of used oil contaminated with PCBs that led to widespread contamination and millions of dollars in clean-up costs.

The company will complete a five-year term of probation to take remedial action to address the environmental contamination at its facility and other leased property in eastern North Carolina, including, but not limited to, the proper treatment and disposal of PCB-contaminated waste oil.



**Sign posted on defendants' property**

The defendants previously pleaded guilty to two TSCA violations, a false statement charge, and tax-related charges (15 U.S.C. §§ 2605, 2614(1)(c), 2615(b); 18 U.S.C. §§ 1001, 7203). P&W is a company engaged in the business of collecting used oil for blending for industrial use. The operation included a tank farm consisting of multiple tanks ranging from 20,000 gallons to 500,000 gallons. The facility is located near the Cape Fear River and a federally recognized wetland. As part of its operations, P&W transported, processed, and marketed used oil contaminated with polychlorinated biphenyls (PCBs). The company received the used oil from a variety of companies, including automotive service stations, transformer repair companies, and marinas.

In July 2009, an employee transported waste oil containing fluid from five transformers that were contaminated with PCB concentrations in excess of 500 parts per million. Despite knowledge of the investigation into the defendants' illegal handling of PCB-contaminated used oil, Pass and a company employee (at Pass' direction) continued to unlawfully dilute the contaminated used oil. The mishandling of the PCB-contaminated used oil led to wide-spread contamination at the tank farm and other sites.

This case was investigated by the U.S. EPA Criminal Investigation Division, the IRS Office of Criminal Investigations, and the U.S. Coast Guard Criminal Investigative Services.

[Back to Top](#)

### **United States v. Oscar Cordova-Cobian, No. 1:14-CR-20481 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**



**Marine wildlife seized at MIA**

On July 15, 2014, Oscar Cordova-Cobian pleaded guilty to, and was sentenced for illegally exporting marine wildlife, specifically live corals, live rock, clams, and other marine invertebrates, in violation of the Lacey Act (16 U.S.C. §§ 3372(a)(1), (a)(4), 3373(d)(1)(A)). Cobian was sentenced to serve a two-year term of probation and is subject to deportation procedures.

The defendant is a resident of Caracas, Venezuela, and operates a website through which he engages in the commercial sale of marine life, including ornamental fish and corals. In May 2014, Cobian attempted to export 136 specimens in checked baggage on his way from Miami to Venezuela. He did not possess the required permits and did not submit the necessary paperwork to wildlife officials at the airport.

This case was investigated by the U.S. Fish and Wildlife Service, who have conducted a long-term investigation of the illegal harvesting and sale of marine life resources in South Florida known as Operation Rock Bottom.

[Back to Top](#)

### **United States v. Robert Masterson, Sr., No. 4:14-CR-40061 (D.S.D.), AUSA Meghan Dilges.**

On July 15, 2014, Robert Masterson, Sr., pleaded guilty to, and was sentenced for Migratory Bird Treaty Act and Lacey Act violations (16 U.S.C. §§703, 3372(A)(2)(a)). Masterson was ordered to pay a \$3,000 fine and \$5,025 in restitution to the U.S. Fish and Wildlife Service. He also will complete a two-year term of unsupervised probation.

Between January and April 2013, the defendant unlawfully sold wild game, specifically geese, which had been received under the auspices of the Sportsman against Hunger Program. Masterson, d/b/a/ Bob's Custom Meat, held a Federal Fish and Wildlife Special Purpose Permit, authorizing him to receive and possess migratory birds lawfully taken during the 2012 goose hunting seasons. This permit specifically required that all geese received be donated to a not-for-profit distribution center and that any purchase, sale, barter, or trade of the migratory birds, or any parts of migratory birds, was illegal.

During the course of the investigation, Masterson illegally sold goose jerky on several occasions in early 2013.

This case was investigated by the U.S. Fish and Wildlife Service and the South Dakota Department of Game, Fish, and Parks.

[Back to Top](#)

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

On July 11, 2014, Matthias Kumm was sentenced to complete a five-year term of probation with a special condition of six months' home confinement. He also will pay approximately \$1,500 in restitution. Kumm is the seventh of eight defendants to be sentenced on Lacey Act violations (16 U.S.C. §§ 3372(a)(2)(A), 3372(a)(4), 3373(d)(1)(B)) 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 during the investigation (18 U.S.C. § 1513(b)(2)). Braley threatened physical violence against this witness through Facebook postings. He was 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). Nancy McArdle, the final defendant, is scheduled to be sentenced on October 30, 2014.

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.

[Back to Top](#)

**United States v. Glen Schummer, No. 5:14-CR-50035 (D.S.D.) AUSA Meghan Dilges.**

On July 11, 2014, Glen Schummer pleaded guilty to, and was sentenced for Migratory Bird Treaty Act violations (16 U.S.C. §§ 703, 707(a)).

Schummer was sentenced to pay a \$500 fine and \$17,500 in restitution to the Black Hills Raptor Program. He also will complete a one-year term of unsupervised probation and is banned from hunting during that year.

On February 5, 2014, a hawk was observed to be caught in a pole trap on property owned by the defendant. Investigation revealed that the defendant had two illegal pole traps on his property. He used the devices to trap and kill great-horned owls and various species of hawks. Once the migratory birds were trapped, Schummer would either shoot and kill the birds, or club them, and then dispose of them by throwing them into a



**Hawk caught on pole trap**

nearby river. He admitted to trapping and killing at least ten migratory birds, including great-horned owls and hawks on his property over the last several years.

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

[Back to Top](#)

### **United States v. Mark A. Goff et al., No. 4:13-CR-00113 (N.D. Ohio), SAUSA Brad Beeson.**



#### **Stormwater drain**

After receiving an anonymous call in January 2013, inspectors found a hose connected to a storage tank that was discharging wastewater into a stormwater drain at the facility. The stormwater drain flowed into an unnamed tributary of the Mahoning River and ultimately into the river, where an oily sheen was clearly visible. Lupo directed employee Michael Guesman on numerous occasions to discharge storage tanks at night over a several-month period. Guesman pleaded guilty to a CWA violation and was sentenced to serve a three-year term of probation and perform 300 hours of community service. A fine was not assessed. Lupo has pleaded guilty and charges against the company are pending.

This case was investigated by the Ohio EPA, the Ohio Department of Natural Resources, the U.S. EPA Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, the Youngstown Department of Public Works, and the Youngstown Fire Department.

[Back to Top](#)

On July 7, 2014, Mark A. Goff was sentenced to serve a three-year term of probation and was ordered to complete 300 hours of community service. Goff previously pleaded guilty to a felony Clean Water Act violation (33 U.S.C. § 1319(c)(2)(A)) for his role in the discharge of brine and oil-based drilling mud that eventually flowed into the Mahoning River, a water of the United States.

Goff was an employee of Hardrock Excavating LLC. The company provides services to the oil and gas industry in Ohio and Pennsylvania, including the storage of brine and oil-based drilling mud. There are approximately 58 mobile storage tanks at the facility and each holds approximately 20,000 gallons. Starting in October 2012 and continuing over the next few months, Goff illegally discharged oil

drilling wastes into a stormwater drain on nine occasions, at the direction of company owner Benedict Lupo.