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# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*April 2012*

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### EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, please email them to Elizabeth Janes: [REDACTED]. If you have information concerning *state or local cases*, please send it directly to the Regional Environmental Enforcement Associations' website: [www.regionalassociations.org](http://www.regionalassociations.org)

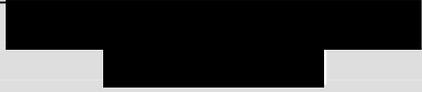


Large eagle's nest before cottonwood tree was cut down. See *U.S. v. Gardner et al.*, inside, for more details.

**AT A GLANCE:**

DISTRICT	CASES	CASE TYPE/ STATUTES
N.D. Ala.	<a href="#"><u>United States v. Preston C. Minus, Jr.</u></a>	<i>Field Baiting/ MBTA</i>
S.D. Ala.	<a href="#"><u>United States v. Giuseppe Bottiglieri Shipping Company S.P.A., et al.</u></a>	<i>Vessel/APPS, Obstruction, Conspiracy</i>
D. Alaska	<a href="#"><u>United States v. Victor A. Buchanan</u></a>	<i>Sewage Discharge/ CWA, Refuse Act</i>
C.D. Calif.	<a href="#"><u>United States v. Jin Zhao Feng et al.</u></a> <a href="#"><u>United States v. Henry Dao et al.</u></a>	<i>Rhino Horn Trafficking/ Smuggling, Lacey Act, Money Laundering, Conspiracy</i> <i>Wildlife Sales/ Lacey Act, Endangered Species Act, Migratory Bird Treaty Act</i>
N.D. Calif.	[REDACTED]	[REDACTED]
S.D. Calif.	<a href="#"><u>United States v. We Lend More, Inc., et al.</u></a>	<i>Pawn Shop/ RCRA</i>
D. Colo.	[REDACTED] <a href="#"><u>United States v. Marvin T. Ellis et al.</u></a>	[REDACTED] <i>Big Game Hunts/ Lacey Act, Conspiracy</i>

DISTRICT	CASES	CASE TYPE/STATUTES
S.D. Fla.	<p><a href="#"><u>United States v. Culinary Specialties, Inc., et al.</u></a></p> <p><a href="#"><u>United States v. Robert Fortunato et al.</u></a></p> <p><a href="#"><u>United States v. Michael W. Kimbler</u></a></p> <p><a href="#"><u>United States v. Glenn Bridges et al.</u></a></p> <p><a href="#"><u>United States v. Rush C. Maltz et al.</u></a></p> <p><a href="#"><u>United States v. Elias Garcia Garcia et al.</u></a></p> <p><a href="#"><u>United States v. Enrique Gomez De Molina</u></a></p>	<p><i>Shrimp Mislabeling/ Lacey Act; Food, Drug, and Cosmetics Act; Conspiracy</i></p> <p><i>Conch Imports/ Lacey Act, Conspiracy</i></p> <p><i>Spiny Lobster Harvest/ Conspiracy, Lacey Act</i></p> <p><i>Wildlife Imports/ Lacey Act, Conspiracy, False Statement</i></p> <p><i>Spiny Lobster Harvest/ Conspiracy, Lacey Act</i></p> <p><i>Jaguar Skin Imports/ Lacey Act, Conspiracy</i></p> <p><i>Wildlife Smuggling and Sales/ Lacey Act</i></p>
D. Guam		
D. Idaho	<p><a href="#"><u>United States v. Christopher Conk et al.</u></a></p>	<p><i>Coral Imports/ Lacey Act, Smuggling, Endangered Species Act</i></p>
D. Kan.		
W.D. Ky.	<p><a href="#"><u>United States v. Logsdon Valley Oil Company, et al.</u></a></p> 	<p><i>Brine Injection/ SDWA, Conspiracy</i></p> 

DISTRICT	CASES	CASE TYPE/ STATUTES
E.D. La.	 <a href="#">United States v. Odysea Carriers, S.A., et al.</a> <a href="#">United States v. Ilios Shipping Company S.A., et al.</a>	 Vessel/ APPS, PWSA, Obstruction Vessel/ APPS, Obstruction
W.D. La.	<a href="#">United States v. John Tuma et al.</a> <a href="#">United States v. Jason Bruno</a>	<i>Wastewater Facility/ CWA, Obstruction, Conspiracy</i> <i>Dry Cleaner/ CWA Misdemeanor</i>
D. Mass.	<a href="#">United States v. Daniel B. Birkbeck</a>	<i>Striped Bass Harvest/ Lacey Act</i>
D. Minn.	<a href="#">United States v. Craig L. Staloch</a>	<i>Pelican Colony Destruction/ MBTA</i>
W.D. Mo.	<a href="#">United States v. Teddy J. Gardner et al.</a>	<i>Eagle Nest Destruction/ BGEPA</i>
W.D. Mont.	<a href="#">United States v. Randy T. McDougall</a> <a href="#">United States v. Seville Colony, Inc., et al.</a> <a href="#">United States v. Richard Weiner et al.</a>	<i>Tiger Skull Smuggling/ Endangered Species Act</i> <i>Pesticide Application/ FIFRA, False Statement</i> <i>Big Game Hunts/ Lacey Act, Conspiracy</i>
D.N.J.	<a href="#">United States v. Vele Bozinoski</a>	<i>Asbestos Removal/ CAA, Conspiracy</i>
D.N.M.	<a href="#">United States v. Martin Aguilar</a>	<i>Bald Eagle Killing/ BGEPA</i>
E.D.N.Y.	<a href="#">United States v. Lin Feng Xu</a>	<i>Ivory Imports/ Endangered Species Act, Smuggling</i>
E.D.N.C.	<a href="#">United States v. Timothy T. Smither</a>	<i>Mislabeled Pesticides/, Conspiracy, FIFRA, Mail Fraud, Wire Fraud</i>
W.D.N.C.	<a href="#">United States v. Stephen Dickinson et al.</a>	<i>Emissions Testing/ CAA</i>
S.D. Ohio	<a href="#">United States v. Allan Wright</a>	<i>White-Tailed Deer Trafficking/ Lacey Act</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
N.D. Okla.	[REDACTED]	[REDACTED]
E.D. Penn.	<a href="#"><u>United States v. Nupro Industries Corporation et al.</u></a>	<i>Oils Manufacturer/ CWA</i>
N.D. Tex.	<a href="#"><u>United States v. Belvan Corporation et al.</u></a>	<i>Natural Gas Producer/ CAA</i>
D.V.I.	<a href="#"><u>United States v. Ashu Bhandari</u></a>	<i>Black Coral Imports/ False Statement</i>

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## ***Trials***

### **United States v. John Tuma et al., No. 5:11-CR-00031 (W.D. La.), ECS Trial Attorney Leslie Lehnert and AUSA Mignonne Griffing.**



**Pipe discharging into river**

On March 21, 2012, a jury convicted John Tuma of discharging untreated wastewater directly into the Red River without an NPDES permit, discharging untreated wastewater into the city of Shreveport sewer system in violation of its industrial user's permit, and of obstructing an Environmental Protection Agency (EPA) inspection.

John and Cody Tuma, father and son, were each charged in a five-count indictment with Clean Water Act, conspiracy, and obstruction of justice violations (18 U.S.C. §§ 371, 1505; 33 U.S.C. §§ 1311(a), 1319(c)(2)(A)) related to

illegal discharges from the Arkla Disposal Services facility from 2005 through 2007. The Arkla facility received off-site wastewater from oilfield exploration and production operations and other industrial processes for treatment.

Cody Tuma pleaded guilty in February 2012 to a misdemeanor CWA violation for negligently discharging pollutants into the Red River and has been scheduled to be sentenced on June 20, 2012. John Tuma is scheduled to be sentenced on July 25, 2012.

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

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### **United States v. We Lend More, Inc., et al., No. 3:11-CR-003327 (S.D. Calif.), AUSA Melanie Pierson.**

On March 1, 2012, We Lend More, Inc., a pawn shop, and its owner, Marc Vogel, were convicted by a jury of violations stemming from the dumping of hazardous wastes at a local landfill in March 2011. The defendants were convicted of RCRA transportation and disposal violations, along with transportation of hazardous waste without a manifest (42 U.S.C. §§ 6928 (d)(1), (d)(2)(A), (d)(5)), for the dumping of potassium cyanide and concentrated nitric acid. When these two chemicals are combined they create a deadly hydrogen cyanide gas.



**Site where chemicals were dumped**

In March 2011, Vogel contracted with a trash hauler to dispose of items from the pawn shop that included cyanide and acids. Co-defendant Raul Gonzalez-Lopez brought a truck to the shop and removed various objects including two seven-pound containers of potassium cyanide and a gallon of nitric acid. No manifests were prepared for either of these hazardous wastes. Gonzalez-Lopez

subsequently disposed of this load including the chemicals at a landfill that was not permitted to receive hazardous waste. Workers at the landfill promptly discovered the chemicals and took precautionary measures, including hiring a hazardous waste disposal company. Vogel admitted that he knew that these chemicals could not be disposed of as ordinary waste. Gonzalez-Lopez is currently a fugitive and remains charged with three RCRA violations.

Sentencing is scheduled for May 29, 2012. This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division and the Federal Bureau of Investigation.

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## ***Informations/Indictments***

### **United States v. Victor A. Buchanan, No. 3:12-CR-00036 (D. Alaska), AUSA Retta Randall.**

On March 22, 2012, Victor A. Buchanan was charged in a two-count indictment with Clean Water Act and Refuse Act violations (33 U.S.C. §§ 407, 411, 1319(b)(2)(A), 1321(b)(3)) stemming from the illegal discharge of pollutants into the St. Paul Harbor in Kodiak, Alaska.

According to the indictment, Buchanan is the owner of the *F/V Chisik Island*, an 86-foot commercial fishing vessel. Between September 30 and October 4, 2011, the defendant allegedly discharged oily bilge water and raw sewage directly into the harbor.

This case was investigated by the United States Coast Guard.

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### **United States v. Jin Zhao Feng et al., No. 12-CR-00202 (C.D. Calif.), ECS Trial Attorney Shennie Patel and AUSAs Joseph Johns and Dennis Mitchell.**

On March 15, 2012, a 32-count superseding indictment was filed against several members of an alleged U.S.-based trafficking ring involved in the black market trade of endangered rhinoceros horn. The indictment charges the defendants with conspiracy, smuggling, Lacey Act export, Lacey Act false

labeling, and money laundering violations (16 U.S.C. §§ 3372(a)(1) and (d)(1); 3373 (d)(3) and (d)(1)(A); 18 U.S.C. §§ 371, 554, and 1956(a)(1)(A)(i)).

This case is the West Coast arm of “Operation Crash,” which is primarily focused on the illegal trade and export of endangered or CITES-protected rhinoceros horn. The defendants were arrested in February 2012 in Los Angeles, Newark, and New York City, on charges of trafficking in endangered black rhinoceros horn. Search warrants were executed and arrests were made in five states.

Charged in the indictment are: Jin Zhao Feng, a Chinese national who allegedly oversaw dozens of rhino horn shipments from the United States to China; Vinh Chuong Kha, Felix Kha, Nhu Mai Nguyen, Jin Zhao Feng, and the Win Lee Corporation are named as West Coast buyers; and Jarrod Wade Steffen is alleged to be a Texas supplier. Among the items seized during the execution of the search warrants were more than \$2 million in cash, gold bars, diamonds and Rolex watches, and 37 rhinoceros horns.

Operation Crash is a continuing investigation by the United States Fish and Wildlife Service, with assistance from other federal and local law enforcement agencies including Immigration and Customs Enforcement Homeland Security Investigations, and the Internal Revenue Service.

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**United States v. Logsdon Valley Oil Company, et al., No. 1:12-CR-00012 (W.D. Ky.), AUSA Joshua Judd.**

On March 14, 2012, Logsdon Valley Oil Company and company employees Charles Stinson and Ralph Dowell were charged in a six-count indictment with conspiracy and violations of the Safe Drinking Water Act (18 U.S.C. §371, 42 U.S.C. §300h-2(b)(2)), stemming from the injection of brine water into sinkholes from March 2008 to June 2010.

Trial is scheduled to begin on May 30, 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division.

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**United States v. Giuseppe Bottiglieri Shipping Company S.P.A., et al., No. 1:12-CR-00057 (S.D. Ala.), ECS Trial Attorneys Todd Mikolop and Gary Donner, and Paralegal Jessica Egler.**

On March 5, 2012, the Italian-based Giuseppe Bottiglieri Shipping Company S.P.A., the owner and operator of the *M/V Bottiglieri Challenger*, and chief engineer Vito La Forgia, were charged in a four-count indictment with APPS, conspiracy, and obstruction of justice violations (18 U.S.C. §§ 371, 1519; 33 § U.S.C. 1908(a)).

During an inspection of the ship at the port of Mobile in January 2012, Coast Guard inspectors allegedly found evidence of false entries made in the oil record book, along with evidence that a bypass pipe had been removed prior to the ship's arrival at port. The defendants are further alleged to have obstructed the investigation by ordering the crew to rinse out one of waste tanks with sea water prior to reaching port.

Trial is scheduled to begin on June 4, 2012. This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. Vele Bozinoski , No. 1:12-CR-00141 (D.N.J.), AUSA Kathleen P. O'Leary.**

On March 2, 2012, Vele Bozinoski was charged in a seven-count indictment with conspiracy and Clean Air Act violations (18 U.S.C. 371; 42 U.S.C. §§ 7412(b), 7413(c)(1)) for the alleged improper removal of insulation from piping at the former Garden State Paper Mill in Garfield, New Jersey, in February 2007.

Trial is scheduled for May 7, 2012. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation.

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**United States v. Culinary Specialties, Inc., et al., No. 1:12-CR-20117 (S.D. Fla.), AUSA Norman O. Hemming, III.**

On February 23, 2012, Culinary Specialties, Inc., and company owners Walter Schoepf and Karl Degiacomi, were charged in a three-count indictment with violations stemming from the false labeling and misbranding of shrimp. Specifically, they are charged with conspiracy; Lacey Act; and Food, Drug, and Cosmetics Act violations (18 U.S.C. § 371; 16 U.S.C. §§ 3372(d)(1), 3372(d)(2), 3373(d)(3)(A); 21 U.S.C. §§ 331(a), 333(a)(2), 343(a)(1), 343(b)).

According to the indictment, from June 2008 through July 2009, the defendants conspired with Richard Stowell, United Seafood, Inc., Adrian Vela, and Sea Food Center, to violate the Lacey Act by mislabeling and selling approximately 500,000 pounds of shrimp. The shrimp, valued at more than \$400,000, was ultimately sold to supermarkets in the northeastern United States.

This case was investigated by the National Oceanic and Atmospheric Association Office of Law Enforcement.

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## ***Plea Agreements***

### **United States v. Marvin T. Ellis et al., No. 12-CR-00097 (D. Colo.), ECS Senior Trial Attorney Ron Sutcliffe, Trial Attorney Mark Romley, and AUSA Suneeta Hazra.**

On March 27, 2012, Marvin T. Ellis pleaded guilty to one count of conspiring to violate the Lacey Act (18 U.S.C. § 371) for his role in assisting out-of-state hunters to kill mountain lions and bobcats in violation of Colorado and Utah laws.

From approximately 2006 to 2010, Ellis and his five co-conspirators guided clients on hunts for animals that had been caged, trapped, or shot in the legs or feet. The group also had a practice of taking hunters (who only were licensed for hunting mountain lions in Colorado) on hunts in Utah. They also guided unlicensed hunters on bobcat hunts in both states.

Sentencing is scheduled for July 6, 2012. This case was investigated by the United States Fish and Wildlife Service, Colorado Parks and Wildlife, and the Utah Division of Wildlife Resources.

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### **United States v. Robert Fortunato et al., No. 9:12-CR-80037 (S.D. Fla.), AUSAs Norman O Hemming, III, and Antonia Barnes.**

On March 27, 2012, Robert Fortunato pleaded guilty to conspiracy and to a Lacey Act violation (18 U.S.C. § 371; 16 U.S.C §§ 3371(a)(2)(A), 3373(d)(1)(A)) stemming from the import of queen conch into the United States that was taken in violation of Bahamian law. As part of his plea, Fortunato will forfeit approximately 1,500 pounds of queen conch and a 26-foot vessel.

In February 2012, the defendant and a co-conspirator attempted to import 53 bags of queen conch, which the Coast Guard found after searching the vessel. Neither defendant possessed the required documents to legally export this seafood from the Bahamas.

Sentencing has been scheduled for June 5, 2012. This case was investigated by the National Oceanic and Atmospheric Administration, the United States Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the Florida Fish and Wildlife Conservation Commission.

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### **United States v. Timothy T. Smither, No. 5:11-CR-00371 (E.D.N.C.), AUSA Banu Rangarajan.**

On March 14, 2012, Timothy T. Smither pleaded guilty to conspiring to commit mail fraud, wire fraud, and to violating FIFRA, (18 U.S.C. § 371) stemming from his involvement in the mislabeling and misapplication of a pesticide.

Smither was an employee of Miller Trophy Room. In 2000, the company decided to use a pesticide known as Termidor SC to treat animal trophy mounts, which is not authorized for indoor use. After purchasing significant amounts of the chemical, the defendant and others proceeded to re-label the product with the company's



**Mislabeled pesticide**

name and address. From 2004 through 2009, the illegally labeled Termidor SC was shipped to customers nationwide. The defendant and others took an additional step of creating false Material Safety Data Sheets to conceal the actual ingredients of the product. While treating their trophy mounts, several customers reported adverse reactions when their arms and hands came into contact with the chemical.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the North Carolina Department of Agriculture Structural Pest Control and Pesticides Division, and the North Carolina State Bureau of Investigation.

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**United States v. Ashu Bhandari, No. 3:11-CR-00028 (D.V.I.), ECS Trial Attorney Christopher Hale and AUSA Nelson Jones.**

On March 12, 2012, Ashu Bhandari pleaded guilty to six false statement violations (18 U.S.C. § 1001(a)(3)).

Bhandari is the former president and CEO of GEM Manufacturing, a company that makes black coral jewelry. The defendant participated in a scheme to illegally import this CITES-protected species into St. Thomas during 2008 and 2009. The coral was used to make high-end jewelry and art objects that were subsequently sold through GEM-operated retail galleries. Because the company’s coral supplier could



**Raw black coral**

not obtain the required export permits, the defendants falsely labeled the boxes that were shipped with coral as containing plastics. GEM was previously sentenced to pay \$2.3 million in fines and community service.

Bhandari is scheduled to be sentenced on June 14, 2012. This case was investigated by the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

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**United States v. Michael W. Kimbler et al., No. 4:12-CR-10002 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On March 12, 2012, Michael W. Kimbler and Michael Bland pleaded guilty to conspiring to illegally harvest spiny lobsters (18 U.S.C. § 371) from artificial habitat placed in the Florida Keys National Marine Sanctuary.

The defendants were involved in the illegal harvest of spiny lobster from April 2007 through approximately September 2011. Placing any artificial structure on the seabed within the Sanctuary is prohibited. Under NOAA supervision, they have begun removing these artificial structures, using their own vessels and at their own expense.

Kimbler and Bland, along with other unnamed individuals, made multiple landings of lobster that exceeded the daily harvest and possession limit of 250 lobsters, and concealed the excess harvest by failing to report their catch as well as fraudulently using another person's documentation. Kimbler's involvement in the scheme was valued at more than \$200,000 in retail value, while Bland's exceeded \$70,000. The two will be forfeiting two vessels and equipment used to commit this crime. They also will surrender dive endorsements, navigation equipment, and location data for all their artificial habitat sites.

Sentencing is scheduled for June 19, 2012. This case was investigated by the National Oceanic and Atmospheric Administration Office for Law Enforcement and the United States Fish and Wildlife Service Office of Law Enforcement.

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**United States v. Odysea Carriers, S.A. et al., Nos. 2:12-CR-00056 and 105 (E.D. La.), AUSAs Emily Greenfield and Dorothy Manning Taylor.**

On March 8, 2012, Odysea Carriers, S.A., (Odysea) pleaded guilty to obstruction, and to APPS and Ports and Waterways Safety Act (PWSA) violations (18 U.S.C. §1519; 33 U.S.C. §§ 1908(a), 1232(b)(1)). The charges stem from the illegal overboard discharges of sludge and oily water in 2011 from the *M/V Polyneos*, an Odysea-operated cargo ship.

From June 2011 through October 2011, crew members used a bypass hose to pump the contents of the vessel's bilge tank, bilge oil tank, and sludge tank directly overboard. The chief engineer Pedro Guerrero falsified the oil record book by omitting these discharges, and by stating that the incinerator had been used to handle with these wastes, which was untrue. Guerrero previously pleaded guilty to a false statement violation (18 U.S.C. § 1001(a)(3)) and is scheduled to be sentenced on May 2, 2012. The PWSA violation stems from the company's failure to notify authorities of cracks found in the ballast tanks. Odysea is scheduled to be sentenced on July 25, 2012.

This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. Nupro Industries Corporation et al., No. 2:12-CR-00011 (E.D. Penn.), AUSA Sarah L. Grieb.**

On March 2, 2012, Nupro Industries Corporation (Nupro), d/b/a Neatsfoot Oil Refineries Corp., and Advance Technologies, pleaded guilty to tampering with a monitoring method under the Clean Water Act (33 U.S.C. § 1391(c)(4)).

Nupro manufactures oils (at its Neatsfoot plant) and esters (at the Advance Technologies facility). Both processes generated wastewater that was classified as a hazardous waste and was

required to be sampled and treated before being discharged to the Philadelphia POTW. From November 2006 to June 2007, Nupro and operations director Peter Shtompil watered down samples that were taken of the wastewater before it was discharged into the city's sewer system. Shtompil pleaded guilty in January 2012 to a similar violation, and he is scheduled to be sentenced on April 27, 2012.

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

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**United States v. Glenn Bridges et al., No. 2:12-CR-14002 (S.D. Fla.), AUSA Norman O. Hemming, III.**



**Turtle shells**

On March 1, 2012, Glenn Bridges pleaded guilty to a Lacey Act conspiracy and to a substantive Lacey Act violation, along with a false statement charge (18 U.S.C. §§ 371, 1001; 16 U.S.C. § 3372) for his involvement in the illegal import of wildlife in violation of Bahamian laws and regulations.

In November 2011, Bridges and co-defendants attempted to import spiny lobster and queen conch, along with Hawksbill, Loggerhead, and Green sea turtle shells into Port St. Lucie, Florida. Specifically, the three attempted to conceal 155 spiny lobster tails, seven sea turtle shells, and 34 conchs hidden in various compartments on their sport-fishing vessel. When questioned, Bridges told a Coast Guard officer that he only had a few fish on board the boat. Gregory Johnson and Sharon Vollmer remain charged in a ten-count indictment.

Bridges is scheduled to be sentenced on May 21, 2012.

This case was investigated by the National Oceanic and Atmospheric Administration, the United States Coast Guard, Customs and Border Protection, and the Florida Fish and Wildlife Conservation Commission.

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**United States v. Randy T. McDougall, No. 4:11-CR-00038 (D. Mont.), AUSA Jessica Betley.**

On March 1, 2012, Randy T. McDougall pleaded guilty to a violation of the Endangered Species Act (16 U.S.C §§ 1538(a)(1)(A) and 1540(b)(1)) stemming from the smuggling of a tiger skull. The skull was found in the defendant's luggage as he crossed the border from Canada into Montana in September 2010.

Sentencing is scheduled for June 18, 2012. This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Allan Wright, No. 1:11-CR-00103 (S.D. Ohio), ECS Trial Attorney Jim Nelson and ECS Paralegal Rachel Van Wert.**

On February 24, 2012, Allan Wright pleaded guilty to four misdemeanor Lacey Act violations (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)), for trafficking in illegally harvested white-tailed deer and making false records while employed as a wildlife officer for the Ohio Department of Natural Resources Division of Wildlife.

The defendant knowingly sold an Ohio resident hunting license to a South Carolina resident who then illegally shot three deer during the 2006 white-tailed deer season. Using his authority as a wildlife officer, Wright seized white-tailed deer antlers from a hunter who had illegally killed a deer during the 2009 season. Rather than dispose of the antlers through court proceedings, he facilitated the transport of the antlers to another individual in Michigan.

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

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## *Sentencings*

**United States v. Ilios Shipping Company S.A. et al., Nos. 2:11-CR-00262, 00263, 00286 (E.D. La.), ECS Trial Attorney Ken Nelson, AUSA Emily Greenfield, and ECS Paralegal Jessica Egler.**



**Tank used to conceal illegal hoses**

On March 27, 2012, Ilios Shipping Company S.A. was sentenced to pay a \$2 million criminal penalty, and will complete a three-year term of probation. Of this amount, \$250,000 will be used to fund community service projects aimed at the restoration of marine and aquatic resources in the Eastern District of Louisiana. The company previously pleaded guilty to APPS and obstruction violations (33 U.S.C. § 1908(a); 18 U.S.C. §§ 1505, 1519) stemming from the routine illegal discharge of oily bilge wastes from the *M/V Agios Emilianos* between April 2009 and April 2011.

Ilios was the operator of this 738-foot bulk carrier cargo ship that hauled grain from New Orleans to various ports around the world. Crew members also falsified entries that were made in the oil record book (ORB) for those illegal discharges.

Ship's master Valentino Mislant and chief engineer Romulo Esperas previously pleaded guilty to conspiracy to obstruct justice. Specifically, Mislant admitted to his role in destroying evidence and instructing crewmembers to lie to the Coast Guard during the vessel's inspection in April 2011. Esperas admitted to falsifying the ORB and to directing the illegal discharges. Both men stated that they were ordered to carry out these activities by one of the company's senior managers. Esperas further stated that this senior manager refused to provide funding for the proper discharge of the oily waste to shore-side facilities. They each were sentenced to serve three-year terms of probation.

This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. Rush C. Maltz et al., No. 4:11-CR-10012 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On March 27, 2012, Rush C. Maltz and Titus A. Werner were sentenced for their involvement in a conspiracy (18 U.S.C. § 371) to illegally sell and transport spiny lobster. Maltz will serve an 18 month-term of incarceration followed by a two-year term of supervised release. Maltz also will forfeit \$62,000, which represents the proceeds from the sale of the two vessels used to commit the offenses. Werner will serve one year and one day of incarceration followed by a one-year term of supervised release. Neither was ordered to pay a fine.



**Artificial habitat removed from Sanctuary**

From May 2007 through March 2009, co-defendant Scott A. Greager was the owner of Holiday Seafood Key West (Holiday Seafood). Using a Florida Wholesale Dealer's License issued in the name of Conch Republic Seafood Company, Greager knowingly made numerous purchases of spiny lobster from Maltz and Weiner in excess of the legal daily limit of 250. The three defendants also admitted that Greager made payments from an account in the name of Holiday Seafood to his co-conspirators for lobster they harvested, and he attempted to conceal the illegal activity from state officials by issuing trip tickets under another person's name. In August 2008, on seven separate occasions, Greager purchased a total of more than 5,000 pounds of lobster with a wholesale value of almost \$40,000. Greager was previously sentenced to serve 90 days' incarceration, followed by one year of home detention as a condition of two years' supervised release, for his role in this Lacey Act conspiracy.

Under the plea agreement Maltz and Werner will complete the removal of over 200 "casitas" that they illegally placed in the Florida Keys National Marine Sanctuary that were used to capture the lobsters.

This case was investigated by the National Oceanic and Atmospheric Administration Office for Law Enforcement.

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**United States v. Belvan Corporation et al., Nos. 6:11-CR-00050, 6:12-CR-00001 - 03 (N.D. Tex.), AUSA Paulina Jacobo.**

On March 23, 2012, Belvan Corporation was sentenced to pay a \$500,000 fine and will complete a five-year term of probation to include the initiation of an employee environmental awareness training program.

The company previously pleaded guilty to a Clean Air Act violation (42 U.S.C. § 7412(c)(2)(B)) stemming from equipment failure at the Belvan Midway Lane Gas Processing Plant, a natural gas processing facility. The company failed to notify officials that its sulfur recovery unit (SRU) had shut down from October 2005 through December 2008 allowing excessive levels of sulfur dioxide and other pollutants to be released to the atmosphere.

Three company executives were previously sentenced after each pleaded guilty to a negligent endangerment violation under the CAA (42 U.S.C. § 7413 (c)(4)). Michael Davis, vice president of engineering and operations, was sentenced to pay a \$50,000 fine; Daniel Valmer Meacham, operations manager, was ordered to pay a \$22,000 fine; and Robert Mark Stewart, the environmental coordinator,

was sentenced to pay a \$15,000 fine. In addition, they each were sentenced to serve a one-year term of probation during which they will undergo environmental awareness training.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Texas Commission on Environmental Quality, and the Texas Parks and Wildlife Department.

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**United States v. Martin Aguilar, No. 1:10-CR-03101(D. N. M.), AUSA Fred J. Federici.**

On March 16, 2012, Martin Aguilar was sentenced to serve a two-year term of probation. A fine was not assessed. Aguilar, a member of the Kewa Pueblo, previously pleaded guilty to violating the Bald and Golden Eagle Protection Act (16 U.S.C. § 668).

In February 2010, Aguilar and his son each shot a bald eagle. The defendant took the eagles to his home where he removed and kept the feathers. He told agents a few days later that he had killed the birds, but that he did not have the required license.

Aguilar further stated that he is a medicine man at the Santo Domingo Pueblo, and that he has shot and killed five bald eagles since 1992.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Christopher Conk et al., Nos. 1:11-CR-00279, 286 (D. Idaho), AUSA George Breitsameter.**

On March 14, 2012, Christopher Conk was sentenced to complete a two-year term of probation and will perform 100 hours of community service. A fine was not assessed.

Conk, a board member for the Idaho Aquarium in Boise, Idaho, previously pleaded guilty to smuggling, Lacey Act trafficking, and an Endangered Species Act violation (18 U.S.C. § 554; 16 U.S.C. §§ 3372(a)(1), 1538(d)(1)) for illegally shipping protected live corals to buyers around the world. The defendant's ex-wife Deidra Davison pleaded guilty to an ESA violation and to a misdemeanor Lacey Act trafficking charge. Davison also was sentenced to serve a two-year term of probation and will perform 80 hours of community service.

Investigators became aware of Conk and Davison after one of their suppliers was found to be illegally harvesting coral in the Florida Keys National Marine Sanctuary. The two operated a web-based business called Coral Fanatics LLC, which was in the business of selling a mix of aqua-cultured and "wild caught" colonies. Between May and September 2008, Davison packaged and shipped coral that were mislabeled as "minerals," "aquacultured zoa fragments," and "aquacultured ricordea fragments," to customers in the Netherlands and Great Britain. None of these shipments were accompanied by the required paperwork.

Conk was arrested after an undercover agent contacted Conk and made arrangements for three shipments of coral to Vienna, Austria, in 2010. When the agent received the packages, the documents mischaracterized the contents and they were not properly labeled as containing wildlife.

This case was investigated by United States Immigration and Customs Enforcement, the National Oceanic and Atmospheric Administration Office of Law Enforcement, and the United States Fish and Wildlife Service.

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**United States v. Lin Feng Xu, No. 1:11-mj-00940 (E.D.N.Y), ECS Senior Trial Attorney Richard Udell and AUSA William Sarratt.**



**Ivory carving concealed in defendant's luggage**

On March 13, 2012, Lin Feng Xu was sentenced to time served, followed by four years of supervised release, and was ordered to pay a \$50,000 criminal fine. Xu also will forfeit 18 pieces of ivory.

The defendant previously pleaded guilty to smuggling and to violating the Endangered Species Act (18 U.S.C. § 545; 16 U.S.C. § 1538) in connection with the illegal export of African elephant ivory in his carry-on luggage.

In September 2011, Xu was apprehended at J.F.K. Airport in New York, before boarding a flight to China. When questioned about several carved objects found in his luggage that were apparently made of ivory, Xu initially stated that he did not know what they were made from and that they had been purchased for approximately \$3,000 to \$4,000 at U.S. auction houses. In pleading guilty, the defendant subsequently admitted to knowing that the carvings were ivory and that they were worth approximately \$50,000. Xu also had packed the ivory carvings in aluminum foil to conceal their outline from x-ray screening.

This case was investigated by the United States Fish and Wildlife Service, Immigration and Customs Enforcement, and the Transportation Safety Administration.

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**United States v. Jason Bruno, No. 6:10-CR-00244 (W.D. La.), AUSA Myers P. Namie.**

On March 12, 2012, Jason Bruno was sentenced to complete a one-year term of probation and will perform 300 hours of community service. A fine was not assessed.

Bruno, the former owner and manager of One Low Price Cleaners, previously pleaded guilty to a one-count information charging a misdemeanor violation of the Clean Water Act (33 U.S.C. § 1319 (c)(1)(B)) for his dumping a chemical into the local POTW.

In May 2009, the local fire department responded to an emergency call regarding individuals who were overcome by noxious fumes emanating from a local shopping center, several of whom were transported to a local emergency room. Investigators subsequently determined that tetrachloroethylene (also known as PERC) had been dumped into the drains from Bruno's cleaners business, which was located in this shopping center, from December 2007 through May 2009.

At one point in time, the cleaners had been using a hazardous waste disposal company to properly dispose of the wastewater; however, it stopped using the service to avoid paying the pickup and disposal fees.

This case was investigated by the Louisiana Environmental Crimes Task Force, which includes the United States Environmental Protection Agency Criminal Investigation Division, the Louisiana Department of Environmental Quality Criminal Investigation Division, and the Louisiana State Police.

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**Chemicals dumped into sewer**

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**United States v. Stephen Dickinson et al., Nos. 3:11-CR-00101 and 102 (W.D.N.C.) AUSA Steven Kaufman.**

On March 7, 2012, Stephen Dickinson and Alexander Edwards were sentenced after previously pleading guilty to Clean Air Act violations (42 U.S.C. § 7213 (c)(2)(A)). Both will pay \$1,000 fines. Edwards also will serve 60 days' incarceration, followed by four months' home confinement, and two years' supervised release. Dickinson will complete a two-year term of probation.

The defendants formerly worked as service technicians for Hendrick BMW. From June 2010 through March 2011, several technicians were found to be using equipment known as an OBDII simulator that enabled them to falsify emissions test results and bypass the State of North Carolina's vehicle emissions program. Illegal inspections were performed on the defendants' personal vehicles and those of family and friends; arrangements often included cash payments to the defendants.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the North Carolina State Bureau of Investigation, and the North Carolina Division of Motor Vehicles License and Theft Bureau.

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**United States v. Henry Dao et al., Nos. 2:12-CR-00011, 124, and 158 (C.D. Calif.), AUSA Amanda Miller Bettinelli.**



**Red-whiskered Bulbul**

sentenced to pay a \$390 fine plus \$242 in restitution, perform 50 hours of community service, and complete a one-year term of probation. Trejo previously pleaded guilty to a violation of the Migratory Bird Treaty Act (16 U.S.C. § 703) for selling a live Western Scrub-Jay after posting an ad on Craigslist.

These cases are the result of Operation Cyberwild, a task force that focused on Internet advertisements placed by sellers of wildlife in Southern California and Southern Nevada. During the investigation, officials recovered live endangered fish, protected migratory birds, an elephant foot, and pelts from a tiger, a polar bear, a leopard and a bear. A total of nine people have been charged.

These cases were investigated by the United States Fish and Wildlife Service and the California Fish and Wildlife Game, with substantial assistance from the Humane Society.

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On March 5, 2012, Henry Dao was sentenced to pay a \$1,750 fine and will complete a one-year term of probation for posting two live Red-whiskered Bulbul birds for sale on a website used to trade and sell “softbills.” Dao previously pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372 (A)(4), 3373 (d)(3)(B)) for illegally selling an invasive or injurious species, which had also been transported in interstate commerce. On March 8<sup>th</sup>, Dan Tram Huynh was sentenced to pay a \$2,500 fine, complete a two-year term of probation, and perform 300 hours of community service. Huynh previously pleaded guilty to an Endangered Species Act violation (16 U.S.C. §§ 1538(a)(1)(F), 1540(b)(1)) for attempting to sell Asian arowana fish to an undercover agent after offering the fish for sale on Craigslist. On March 15<sup>th</sup>, Karla Trejo was



**Western Scrub-Jay**

**United States v. Elias Garcia Garcia et al., No. 1:11-CR-20525 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On March 5, 2012, Elias Garcia Garcia and Maria Angela Plancarte were each sentenced to serve a year and a day of incarceration, followed by two-year terms' of supervised release. A fine was not assessed and the defendants each face deportation from the United States upon completion of their term of imprisonment. They previously pleaded guilty to a Lacey Act conspiracy violation (16 U.S.C. § 3372; 18 U.S.C. § 371) for their involvement in the interstate sale of jaguar skins illegally imported into the United States from Mexico in 2010.



**Jaguar skin**

The defendants offered to sell jaguar skins in person to potential customers in Texas and by electronic means elsewhere. Additionally, they made repeated trips to South Florida, transporting jaguar skins in their car to sell to Florida customers, while purporting to do business for the plant seed company that they jointly operated.

In November 2010, they sold two jaguar pelts to undercover agents in Texas for a total of \$3,000 and offered the agents up to ten jaguar skins at a time for any future sale. A second sale of skins allegedly was made to undercover agents in Homestead, Florida, resulting in a payment of \$4,000, of which \$1,000 was a deposit against the future sale of up to ten skins.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Enrique Gomez De Molina, No.1:11-CR-20808 (S.D. Fla.), ECS Trial Attorney Shennie Patel and AUSA Tom Watts-FitzGerald.**



**Slow Loris**

On March 2, 2012, Enrique Gomez De Molina was sentenced to serve 20 months' incarceration, followed by one year of supervised release. De Molina also will pay a \$6,000 fine and will forfeit all smuggled wildlife in his possession. The defendant previously pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)) for smuggling wildlife from Indonesia into the United States, which was used in taxidermy pieces and offered for sale in galleries and on the Internet. De Molina's illegal wildlife trafficking activities extended from late 2009 through February 2011, included numerous species and shipments, and involved contacts in Bali, Indonesia, Thailand, the Philippines, Canada, and China. Among the animals he possessed were the parts, skins, and remains of whole cobras, pangolins, hornbills, and the skulls of babirusa (a species of pig) and orangutans, skins of a Java kingfisher, and a carcass remnant of a Slow Loris, none of which were properly declared when imported into the United States or accompanied by the required CITES permits.

De Molina incorporated the various animal parts into taxidermy pieces at a studio in downtown Miami. He offered these pieces through galleries and on the Internet for prices ranging up to \$80,000. Despite the interception of two shipments in late 2009, which ultimately were forfeited and abandoned by the defendant, he continued to solicit protected wildlife from his suppliers via the Internet.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Daniel B. Birkbeck, No. 1:11-CR-10224 (D. Mass.), ECS Trial Attorneys Gary Donner and Jim Nelson, and ECS Paralegal Christina Liu.**

On February 29, 2012, Daniel Birkbeck was sentenced to pay a \$10,000 fine and will complete a one-year term of probation. He previously pleaded guilty to a Lacey Act wildlife trafficking violation (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)) for illegally harvesting striped bass in 2009. Birkbeck also was ordered to forfeit \$5,000 in lieu of the truck and boat used in the offense.

Commercial fishing for striped bass in both Massachusetts and Rhode Island is governed by a quota system, which was enacted in response to declining fish populations. As of 2003, Rhode Island's commercial striped bass quota has been 243,625 pounds and Massachusetts' quota has been 1,159,750 pounds. As a result, the Massachusetts commercial striped bass season is open longer than the Rhode Island season.

Birkbeck, a licensed commercial fisherman in both states, harvested striped bass that he took from Rhode Island waters after the state's commercial fishing season had closed in 2009. He then transported 10,163 pounds of fish to a dealer in Massachusetts where he sold it for approximately \$27,347 without properly identifying the fish with Rhode Island commercial striped bass tags.

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

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**United States v. Craig L. Staloch, No. 11-mj-00382 (D. Minn.), AUSA Kevin Ueland.**

On February 27, 2012, farmer Craig L. Staloch was sentenced to pay a \$12,300 fine, complete a two-year term of probation, and perform 100 hours of community service. Staloch previously pleaded guilty to a violation of the Migratory Bird Treaty Act (16 U.S.C. §§ 703, 707) for destroying a large colony of American White Pelicans in May 2011.

The defendant rented acreage next to Minnesota Lake and grew corn and soybeans. In May 2011, a state inspector visited this farmland that was home to approximately 3,000 pelicans with almost 1,500 active nesting sites. Inspectors made a second visit to make an accurate count and found that the colony had been destroyed. This colony of pelicans used to reside on an island in the lake, but after losing their nesting site they moved to where Staloch planted his crops. The defendant complained that the birds' feet and droppings had ruined his crops, causing him to lose \$20,000.

This case was investigated by the United States Fish and Wildlife Service.

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**Surviving Pelican chick**

**United States v. Preston C. Minus, Jr., No. 7:12-CR-00051 (N.D. Ala.), AUSA Henry Cornelius.**

On February 22, 2012, Preston C. Minus, Jr., pleaded guilty to, and was sentenced for a Migratory Bird Treaty Act violation (16 U.S.C. §§ 703, 707) for illegally placing bait on his property in order to attract mourning doves for hunters. Minus was ordered to pay a \$5,775 fine and complete a three-year term of probation, during which he is banned from any hunting activity.

The defendant was observed in 2009 illegally baiting a field. In September 2009, on the opening day of mourning dove season, agents identified 37 hunters who paid a total of approximately \$3,700 to hunt on the defendant's property. Approximately 84 mourning doves were killed over the baited area.

This case was investigated by the United States Fish and Wildlife Service and the Alabama Division of Wildlife and Freshwater Fisheries.

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**United States v. Seville Colony, Inc., et al., No. 4:11-CR-00084 (D. Mont.), AUSAs Kris McLean and Laura Weiss.**



**Poisoned horse**

On January 30, 2012, Seville Colony, Inc., Thomas Wipf, and Edward Waldner were sentenced following convictions related to the illegal application of a pesticide.

In April 2011, two horses were found to have been poisoned with oats laced with strychnine on the Blackfeet Indian Reservation. Investigators determined that pesticide had been added to oats that were spread around gopher holes and subsequently eaten by the horses. Approximately 300 acres were cleaned up, and eight-55-gallon drums of poisoned oats and soil were removed.

Seville Colony and Thomas Wipf (the pesticide applicator) pleaded guilty to FIFRA violations (7 U.S.C. §§ 1361(b)(2);136j(a)(2)(G)), and Edward Waldner (the Seville treasurer) pleaded guilty to a false statement violation (18 U.S.C §10019a)(2)). Seville was sentenced to pay \$90,274 in restitution to EPA for cleanup costs and will complete a one-year term of probation. Waldner and Wipf will each pay \$1,000 in restitution and also will complete one-year and six-month terms, respectively, of unsupervised probation.

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

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**United States v. Teddy J. Gardner, et al., No. 4:11-CR-00195 (W.D. Mo.), AUSA Jess E. Michaelsen.**

On January 24, 2012, four individuals were sentenced after pleading guilty to a violation of the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 (a)), for the destruction of two Bald Eagle's nest.

During the course of logging timber in March and April 2010, Teddy J. Gardner (d/b/a Joe Gardner Logging and Sawmill Company) and Michael G. Gardner cut down cottonwood trees containing clearly visible Bald Eagle nests. The owners of the property, Ronald L. Gibson, and his son Todd A. Gibson, had contracted with the Gardners to cut down the trees.



**Bald eagle nest**

The larger nest (*pictured*) had been on the property for at least a decade and was quite a draw for people who came every spring to watch the mating pair and their offspring. The nest was described as being approximately ten-feet wide and bigger than the bed of a pick-up truck.

The Gibsons were each sentenced to pay a \$5,000 fine and will complete two-year terms of probation. They also will perform 100 hours of community service in the Big Muddy National

Wildlife Refuge located in Columbia, Missouri. The Gardners will each complete two-year terms of probation and perform 100 hours of community service. Fines were not assessed.

This case was investigated by the Missouri Department of Conservation and the United States Fish and Wildlife Service.

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**United States v. Richard Weiner et al., Nos. 1:11-CR-00077 and 00102 (D. Mont.), AUSA Kris McLean.**

On January 6, 2012, Richard Weiner and Matt Weiner were sentenced after pleading guilty to conspiracy and Lacey Act violations (18 U.S.C. § 371; 16 U.S.C. §§ 3372, 3373(d)(2)) for unlawfully guiding nonresident hunters on hunts in Montana. Numerous big game animals were killed and then transported to Oregon from 2007 through 2010. Richard Weiner was sentenced to pay a \$40,000 fine and Matt Weiner will pay a \$20,000 fine. Both are jointly and severally responsible for \$20,000 in restitution to the state of Montana. They are banned from hunting anywhere in the world during a three-year term of probation and banned from hunting in Montana for life.

David "Bud" LaRoche was a hunter who participated in a hunt guided by the Weiners. He was sentenced to pay a \$2,500 fine, plus \$8,000 in restitution to Montana, and will complete a three-year term of probation. LaRoche also is prohibited from hunting anywhere in the world during the term of probation and is banned for life from any hunting in Montana.

These cases were investigated by the United States Fish and Wildlife Service and the Montana Department of Fish, Wildlife, and Parks.