



Monthly

Bulletin

Environmental Crimes Section

June 2019

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“Maintaining the pristine waters of Alaska is important to all residents and visitors to our state, said U.S. Attorney Schroder. “The quality of our waters is essential to Alaska’s fishing fleet. Fishing is one of the most important parts of our economy, and Alaska seafood is prized worldwide because of the quality of the catch. Protecting our waters is vital to our economy, as well as the environment.” From [press release](#) of sentencing in *U.S. v. Brannon Finney*. This photo depicts crew members preparing to dump sandblasting waste overboard. (See [inside](#) for more details on this case.)

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	United States v. Brannon Finney	Sandblast Waste Discharge/CWA
Eastern District of California	United States v. Gilberto Garcia-Garcia United States v. Mauricio Vaca-Bucio et al. United States v. Saul Arreola-Cardenas	Marijuana/Drug, Depredation of Natural Resources
Southern District of California	United States v. Cesar Daleo [REDACTED]	Marine Wildlife and Drug Sales/ Conspiracy, Drug [REDACTED]
District of Connecticut	United States v. Aleks Rakaj et al.	Asbestos Abatement/CAA
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Western District of Kentucky	United States v. Ron Ivy et al.	Mining Operations/Conspiracy, MSHA
Eastern District of Louisiana	United States v. Christopher Srubar et al.	Offshore Platform Explosion/CWA
[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
Eastern District of Michigan	United States v. IAV GmbH	Diesel Emissions Cheating Software/ Conspiracy
District of Minnesota	United States v. Rene P. Vargas	Turtle Exports/Lacey Act
[REDACTED]	[REDACTED]	[REDACTED]
District of New Jersey	United States v. Dajwan Ware et al.	Dog Fighting/Animal Fighting Venture, Conspiracy
Northern District of New York	United States v. Gary Hallinan	WWTP Operator/CWA
District of North Dakota	United States v. Jesse J. Mertins	Migratory Bird Deaths/MBTA

District/Circuit	Case Name	Case Type/Statutes
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Eastern District of Pennsylvania	United States v. David Dunham et al. United States v. U-Haul of Pennsylvania, et al.	RINs Fraud/Conspiracy, False Statement, Obstruction, Tax Propane Explosion/HMTA
Eastern District of Texas	United States v. Avin International, Ltd., et al.	Vessel/CWA, OPA, Obstruction
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Trials

***United States v. David Dunham et al.*, Nos. 5:15-CR-00235, 00602 (E.D. Pa.), ECS Trial Attorney Adam Cullman and AUSA John Gallagher.**

On May 1, 2019, a jury convicted David Dunham on 54 of 55 counts charged for engaging in a multi-million dollar conspiracy to defraud individuals and the United States in a green energy scam involving used cooking oil. Dunham was found guilty of conspiracy, false statements, wire fraud, tax fraud, and obstruction violations (18 U.S.C. §§ 371, 1001, 1343, 1519; 26 U.S.C. §§ 7206, 7212).

Between 2010 and 2012, Dunham and co-defendant Ralph Tommaso operated, respectively, Smarter Fuel, Inc., and Environmental Energy Recycling Corporation, LLC, coordinating the activities of these companies, and then formally merging under the umbrella of Greenworks Holdings, LLC. According to the evidence, the defendants falsely claimed to have produced and sold renewable fuel for which they misappropriated approximately \$50 million in payments, subsidies, and other benefits. Dunham and Tommaso defrauded government programs intended to encourage the production of renewable fuel as an alternative to traditional fossil fuel. By claiming credits for renewable fuel they never produced, and that otherwise did not qualify, they stole tens of millions of dollars from the United States government. Dunham and Tommaso also stole millions more by fraudulently claiming and generating credits that they sold to unsuspecting purchasers who believed these credits satisfied their legal obligation to introduce a certain quantity of renewable fuel per year.

The defendants, through their companies, collected used cooking oil from restaurants and other food service locations, sometimes processing it to remove hard particles, water, and other waste. They then sold this cleaned cooking oil primarily to renewable fuel producers that used it as a “feedstock” ingredient in their production process. Dunham and Tommaso did not sell their cleaned used cooking oil as a final fuel, but fraudulently claimed otherwise, applying for and receiving government subsidies for every gallon of cleaned used cooking oil that they produced, plus more. Their claims vastly exceeded actual production. In 2010, they claimed subsidies and other payments on more than 17.5 million gallons of product, when they produced less than six million gallons. In 2011, they claimed subsidies and other payments of more than 18 million gallons, when they only produced approximately 7.5 million gallons. Of the cleaned used cooking oil they did produce, the vast majority did not qualify for credit or subsidy. Dunham and Tommaso’s fraudulent claims included more than one million gallons of process wastewater generated from cleaning the used cooking oil, the non-fuel sales of their product as a feedstock ingredient to be used by biofuel producers in buyers’ production of biofuel, and transactions that existed on paper only. Dunham and Tommaso provided false information and altered documents to government and private auditors in an effort to conceal their fraud. They directed employees to alter the documentation of obviously unqualified sales and change them to show sales that qualified for subsidies and other payments.

Dunham underreported his taxable income for the tax years 2009 and 2010. In his filings for these years, Dunham altered the dates on sales invoices, and delayed generating invoices on other sales, in order to avoid paying taxes on these sales until a subsequent tax

(Continued on page 5)

Trials

(Continued from page 4)

year. He also obstructed an Internal Revenue Service audit of Smarter Fuel.

In a related matter, William Barnes, a professional engineer, pleaded guilty in March 2016, to conspiring to provide false statements related to the approval of reports falsified on behalf of Dunham and Tommaso (18 U.S.C. § 371). He is scheduled to be sentenced on September 5, 2019. Tommaso pleaded guilty to conspiracy in November 2017 and is scheduled to be sentenced August 27, 2019.

This case was investigated by the U.S. EPA Criminal Investigation Division, IRS Criminal Investigations, Department of Agriculture Office of Inspector General, U.S. Postal Inspector Service, and the Federal Bureau of Investigation.

Indictments/ Informations

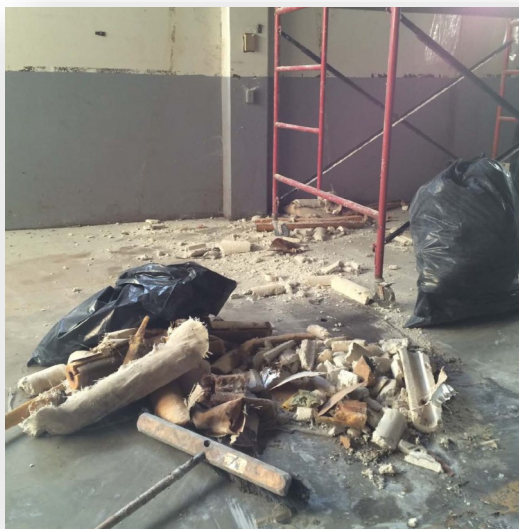
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Guilty Pleas

***United States v. Aleks Rakaj et al.*, Nos. 3:18-CR-00294, 3:19-CR-00136 (D. Conn.), AUSAs Sarala Nagala and Elena Coronado.**

On May 30, 2019, Aleks Rakaj pleaded guilty to violating the Clean Air Act (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAPs) for the illegal removal of asbestos (42 U.S.C. §§ 7412 and 7413(c)(1)). Rakaj is scheduled to be sentenced on August 14, 2019.

In November 2015, Aleks Rakaj and his two cousins, Kliton and Rezard Rakaj, purchased a commercial property located at 206 Wallace Street in New Haven, Connecticut. Prior to purchasing this property, the realtor informed them of asbestos in the building. After they bought it, they began to remove the asbestos without following the NESHAPs provisions, including: failing to adequately wet regulated asbestos-containing material while removing it from pipes, failing to notify local officials ten days prior to beginning the job, and failing to properly dispose of the material.



Asbestos-containing debris

After a local health department inspector conducted an unannounced inspection of the facility, he observed the ongoing activities as well as approximately 100 to 150 garbage bags of dry and unlabeled suspected asbestos-containing material. None of the personnel engaged in the abatement wore proper protective equipment, nor were they trained or certified in asbestos removal. After agents executed a search warrant a few weeks later, they confirmed the presence of asbestos.

On April 2, 2019, a court sentenced Kliton Rakaj and Rezart Rakaj to each pay a \$9,500 fine, complete a one-year term or probation, and perform 50 hours' community service. Both pleaded guilty to violating the CAA NESHAPs.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, with assistance from the City of New Haven Health Department and the U.S. Department of Labor Occupational Safety and Health Administration.

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June 2019

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Guilty Pleas

United States v. Gary Hallinan, No. 5:19-CR-00194 (N.D.N.Y.), AUSA Michael Perry.

On May 10, 2019, Gary Hallinan pleaded guilty to violating the Clean Water Act for improperly discharging sewage into Lake Ontario (33 U.S.C. §§ 3342, 1311(a), 1319(c)(1)(A)). Sentencing is scheduled for September 24, 2019.

Hallinan worked as the superintendent for the City of Oswego, New York, wastewater treatment plant. His responsibilities included ensuring the plant's compliance with its State Pollutant Discharge Elimination System permit, a federally approved program under the National Pollutant Discharge Elimination System.

In December 2014, the plant's centrifuge stopped operating. As a result, it failed to adequately remove settleable solids from the wastewater. Between December 2014 and June 2015, while the centrifuge remained inoperative, Hallinan neglected to use other means to process and remove the solids, and failed to alert local environmental officials about the issue.

Due to Hallinan's negligent operation of the plant, on March 1, 2015, June 19, 2015, and June 23, 2015, the facility discharged wastewater into Lake Ontario containing settleable solids in violation of its permit.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the New York State Department of Environmental Conservation (NYSDEC).



Photos from NYSDEC inspection

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Guilty Pleas

***United States v. Ron Ivy et al.*, No. 4:18-CR-00015 (W.D. Ky.), AUSAs Randy Ream and Corinne Keel, and SAUSAs Mary Sue Taylor and Jason Grover.**

On May 7, 2019, Ron Ivy pleaded guilty to violating the Mine Safety and Health Act for interfering with dust sampling procedures and submitting false data to mine officials (30 U.S.C. § 820(c)). Ivy is a former Safety Director at Kronos Mine. Currently eight former supervisory and safety officials at Armstrong Coal Company are charged with conspiracy to defraud the Mine Safety and Health Administration (MSHA) (18 U.S.C. § 371). Trial is scheduled to begin on November 12, 2019.

Between January 2013 and August 2015, the defendants knowingly and willfully altered the company's dust-sampling procedures, by circumventing the dust-sampling regulations, submitting false samples, and by making false statements on certification cards. The dust-sampling procedures are mandatory health and safety standards designed to protect miners from pneumoconiosis, commonly known as "black lung," and silicosis, the most common coal-mine dust-caused diseases. By circumventing the dust sampling procedures, Armstrong Coal and its co-conspirators, avoided implementing ventilation and production controls that might cost more or lower production, and thus were able to save money at the expense of exposing the miners to the risks of breathing air with elevated levels of respirable coal dust.

Individuals charged are: Charley Barber, former Superintendent of Parkway Mine; Brian K. Casebier, former Safety Director at Parkway Mine; Steven Demoss, former Assistant Safety Director at Parkway Mine; Billie Hearld, former Section Foreman at Parkway Mine; John E. Scott, former employee in the Safety Department at Parkway Mine; Dwight Fulkerson, former Section Foreman at Parkway Mine; Jeremy Hackney, former Section Foreman at Parkway Mine; Glendal Hardison, manager of all of Armstrong Coal's western Kentucky mines. Armstrong Coal filed for bankruptcy in November 2017.

This case was investigated by the Mine Safety and Health Administration.

Sentencings

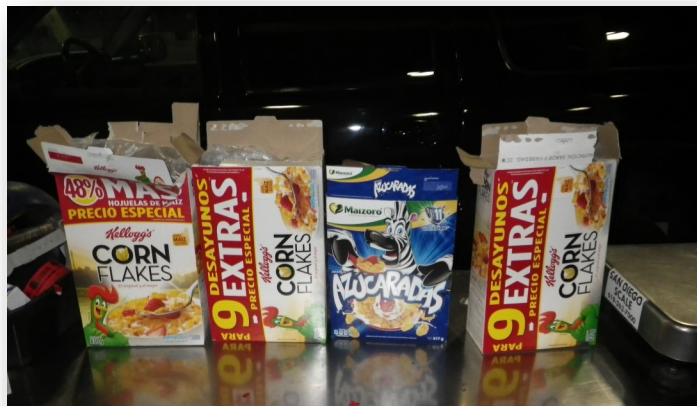
United States v. Cesar Daleo, No. 18-CR-002968 (S.D. Calif.), AUSA Melanie Pierson.

On May 31, 2019, a court sentenced former border patrol agent Cesar Daleo to 30 months' incarceration for conspiring to distribute a controlled substance used to make fentanyl, and 24 months for conspiring to smuggle sea cucumber *Isostichopus fuscus*. The sentences will run concurrently (18 U.S.C. § 371; 21 U.S.C. §§ 846 and 841).

Between 2014 and 2016, on at least 80 occasions, Daleo paid another individual to smuggle bags of dried sea cucumber into the United States from Mexico. The value of the sea cucumber exceeded \$250,000. Sea cucumber is prized for its supposed medicinal properties. *Isostichopus fuscus* is the only species of sea cucumber found in Mexico that is protected under the Convention on International Trade in Endangered Species.

Daleo also conspired to distribute 4-anilino-N-phenethyl-4-piperidine (4ANPP), which is a primary ingredient for manufacturing fentanyl. Authorities arrested Daleo on August 29, 2017, while travelling into Mexico with a package that he believed contained 4ANPP. Daleo retrieved the package, shipped from China, at a post office box in San Ysidro. Law enforcement previously placed Daleo under surveillance after he retrieved 13 similar packages from the same post office box. Agents intercepted the latest package a few weeks earlier at the Los Angeles International Airport and replaced the kilogram of 4ANPP with another innocuous substance. After Daleo retrieved the package, officers arrested him before he could cross the border into Mexico. One kilogram of 4ANPP is enough to manufacture approximately 25 kilograms of fentanyl in a Mexican drug lab.

This case was investigated by the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, Homeland Security Investigations, Customs and Border Protection, the U.S. Postal Inspection Service, and the U.S. Drug Enforcement Administration.



Sea cucumber smuggled in cereal boxes

Sentencings

***United States v. Dajwan Ware et al.*, Nos. 1:17-CR-01229, 18-CR-00683 (D.N.M., D.N.J.), ECS Trial Attorney Ethan Eddy, AUSAs Paul Mysliwiec and Letitia Simms, and ECS Law Clerk John Jones.**

On May 29 and 30, 2019, a court sentenced Dajwan Ware and Robert A. Elliott, Sr., to 24 months' incarceration for their participation in an extensive dog-fighting ring. The final defendant to be sentenced in this case, Justin Love, is scheduled for July 1, 2019.

In October 2018, a jury convicted Ware, Elliott, Love, and Robert Arellano of conspiracy to violate the animal fighting prohibitions of the federal Animal Welfare Act; selling, transporting, and delivering dogs intended for use in an animal fighting venture; and possessing dogs intended for use in animal fighting ventures. Arellano also pleaded guilty to an additional charge in a case that was transferred from the District of New Mexico. Between May 2012 and June 2016, Arellano participated in 13 different dog fights in New Mexico (18 U.S.C. §§ 371, 49; 7 U.S.C. § 2156(b)).

The evidence at trial established that Arellano sold and shipped two fighting dogs to Love and co-conspirator Anthony "Monte" Gaines by air cargo in December 2014. One of those dogs was subsequently fought in a test fight the following day, and sustained a serious injury. Gaines also transported a fighting dog named "Bubbles" to Ware in order to hide her from law enforcement after local authorities in New Jersey located Gaines's dog fighting yard. For his part, Elliott, Sr., housed a dog named "Fancy" on behalf of Gaines and co-conspirator Frank Nichols, and possessed twelve fighting dogs of his own.

This case is part of Operation Grand Champion, a multi-jurisdictional dog fighting investigation. It was investigated by the U.S. Department of Agriculture Office of Inspector General, Homeland Security Investigations, and the Federal Bureau of Investigation. To date, 11 defendants from five states have been convicted and sentenced to a total of 219 months in prison. Additionally, 113 dogs have been rescued, and either surrendered or forfeited to the government.

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Sentencings

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***United States v. Christopher Srubar et al.*, No. 2:15-CR-00197 (E.D. La.), ECS Senior Trial Attorney Kenneth Nelson, ECS Trial Attorney Charlie Lord, and AUSAs Emily Greenfield and Nicholas Moses.**

On May 29, 2019, a court sentenced Christopher Srubar and Curtis Dantin to complete one-year terms of probation. Srubar also will pay a \$2,500 fine. Both previously pleaded guilty to a misdemeanor Clean Water Act (CWA) violation for their roles in the November 2012 explosion on an offshore oil production platform located in the Gulf of Mexico (33 U.S.C. § 1319(c)(1)(A)).

Srubar, Dantin, and Don Moss (who previously pleaded guilty) acted negligently for conducting hot work operations on the platform that caused a massive explosion on the platform. Approximately 500 barrels of oil spilled into the Gulf of Mexico and a significant portion of it caught fire. Grand Isle Shipyard LLC (which supplied personnel) also pleaded guilty to a CWA negligence count and was sentenced to pay a \$500,000 fine. Black Elk Energy Offshore Services (which owned and operated the platform), and Wood Group PSN (which also supplied personnel) pleaded guilty and were sentenced in 2017. A court previously sentenced Moss to pay a \$2,500 fine and complete a one-year term of probation.

This case was investigated by the Department of Interior Bureau of Safety and Environmental Enforcement and the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. Brannon Finney*, No. 1:19-CR-00004 (D. Alaska), AUSA Jonas Walker.**

On May 22, 2019, a court sentenced Brannon Finney to pay an \$8,000 fine, complete an 18-month term of probation, perform 40 hours of community service, and make a \$2,000 community service payment to the National Fish and Wildlife Foundation. The court further ordered Finney to publish a public apology in a government-approved fishing trade publication.

Finney, the captain of the *F/V Alaskan Girl*, pleaded guilty to violating the Clean Water Act for directing his crew to dump approximately 16,000 pounds of sandblast waste into Sumner Strait (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)).

On June 15, 2017, the vessel was en route from Wrangell to Petersburg, Alaska, with four bags on board (known as super sacks or brailer bags). Each bag contained 4,000

(Continued on page 16)

Sentencings

(Continued from page 15)

pounds of sandblast waste. The waste, generated from the vessel's recent re-painting, was a mixture of the copper slag used to remove the paint from the vessel as well as approximately 15 gallons of paint chips removed in the sandblast process.

While filming for a potential cable TV reality show, a cameraman joined the crew on the *Alaskan Girl*. Video footage taken on board captured one of the brailer bags hanging over the side of the vessel while two crewmembers sliced through the bag with a knife. Afterwards, black sandy waste spilled from the sliced bag into the water, while at least one of the crew audibly cheered.

Once the vessel arrived in Petersburg, the cameraman filmed an interaction between an Alaska Wildlife Trooper and Finney. In the video, the Trooper informed Finney of a complaint he received concerning the vessel leaving the shipyard in Wrangell with sandblasting waste aboard. When questioned further, Finney admitted they had dumped it overboard. Finney unlawfully discharged the waste into Sumner Strait to avoid spending approximately \$1,500 for proper disposal.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the Alaska Wildlife Troopers.

***United States v. IAV GmbH*, No. 2:16-CR-20394 (E.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell; Criminal Fraud Trial Attorneys Philip Trout, Mark Cipolletti and Gary Winters; AUSA John K. Neal, and ECS Law Clerk Amanda Backer.**

On May 22, 2019, a court sentenced IAV GmbH (IAV) to pay a \$35 million fine and complete a two-year term of probation, to include the engagement of an independent corporate compliance monitor.

IAV, a German company that engineers and designs automotive systems, pleaded guilty for its role in a long-running scheme with Volkswagen AG (VW) to sell diesel vehicles in the United States by using a defeat device to cheat on U.S. emissions tests. IAV pleaded guilty to one count of conspiracy to defraud the U.S. and VW's U.S. customers and to violate the Clean Air Act by misleading the Environmental Protection Agency and U.S. customers about whether certain VW and Audi-branded diesel vehicles complied with U.S. emissions standards (18 U.S.C. § 371). IAV and its co-conspirators knew the vehicles did not meet U.S. emissions standards, worked collaboratively to design, test, and implement cheating software to cheat the U.S. testing process, and IAV knew that VW concealed material facts about its cheating from U.S. regulators and customers.

This plea agreement represents the most recent charges in an ongoing criminal investigation by U.S. authorities into unprecedented emissions cheating by VW. In March 2017, VW pleaded guilty to criminal charges that it deceived U.S. regulatory agencies, including the EPA and the California Air Resources Board, by installing defeat devices in diesel vehicles emissions control systems that were designed to cheat emissions tests. VW paid a criminal fine of \$2.8 billion and is subject to the oversight of an independent corporate compliance monitor for three years. Prosecutors previously indicted eight individuals in connection with this matter, two of whom have pleaded guilty and been sentenced. The other six are believed to reside in Germany.

This case was investigated by the Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division.

Sentencings

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United States v. Mauricio Vaca-Bucio et al., No. 1:18-CR-00158 (E.D. Calif.), AUSA Karen Escobar.

On May 13, 2019, a court sentenced Rodolfo Torres-Galvan to 46 months' incarceration for conspiring to manufacture, distribute, and possess with intent to distribute marijuana (21 U.S.C. §§ 841, 846).

Officers apprehended Felipe Angeles Valdez-Colima, Mauricio Vaca-Bucio, and Torres, on July 6, 2018, in the Kiavah Wilderness area of the Sequoia National Forest, a federally-designated wilderness area. They saw Valdez and Torres emerge from the forest at a known drop point used by marijuana cultivators to access grow sites in this remote area. The men entered a vehicle driven by Vaca-Bucio that law enforcement later stopped and searched. Officers found freshly harvested marijuana in their vehicle and located more than 1,000 plants at the grow sites on the interconnected trails from the drop point. They also found illegal pesticides, including carbofuran and zinc phosphide, in the vehicle and on site. The defendants caused extensive damage to public lands and natural resources.

This case was investigated by the U.S. Forest Service, with assistance from the U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations, the Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, the California National Guard, the Kern County Sheriff's Office, and the Kern County Probation Office.

Sentencings

United States v. U-Haul Company of Pennsylvania et al., No. 2:18-CR-00247 (E.D. Pa.), AUSA Elizabeth Abrams.

On May 7, 2019, a court sentenced the U-Haul Company of Pennsylvania (U-Haul) and general manager Miguel Rivera. They previously pleaded guilty to violating the Hazardous Materials Transportation Act for an explosion that caused two fatalities (49 U.S.C. § 5124). The company will pay a \$1 million fine, complete a two-year term of probation, and implement a propane compliance program to be submitted to Department of Transportation officials within 45 days of sentencing. Rivera will pay a \$2,000 fine, complete a two-year term probation, and perform 100 hours of community service.



Cylinders filled with propane are at risk of exploding when placed on their sides

In July 2014, a propane cylinder attached to a food truck exploded while parked on a street in Philadelphia. As the propane ignited, a fireball enveloped the truck, seriously injuring several individuals and causing significant property damage. Two people later died from their injuries.

A subsequent investigation revealed that U-Haul willfully and recklessly allowed untrained workers to handle propane. As the manager, Rivera was trained and certified to handle propane, but many of the workers were not. Surveillance footage revealed untrained workers filling propane cylinders more than 60 times over a three-week period.

This case was investigated by the Department of Transportation Office of Inspector General; the Federal Bureau of Investigation; and the Bureau of Alcohol, Tobacco, Firearms, and Explosives; with assistance from the Philadelphia Police, the Philadelphia Fire Department, and the Pipelines and Hazardous Materials Safety Administration.

Sentencings

***United States v. Rene P. Vargas*, No. 18-CR-00188 (D. Minn.), AUSA Miranda E. Dugi.**

On May 6, 2019, a court sentenced Rene P. Vargas to complete a three-year term of probation, perform 300 hours of community service, and pay \$2,374 in restitution to the U.S. Fish and Wildlife Service. Vargas previously pleaded guilty to violating the Lacey Act for illegally exporting turtles to Hong Kong (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)).

From approximately June 1, 2017, through June 14, 2017, Vargas attempted to submit three packages for international shipment containing a total of 38 box turtles. He falsely labelled the packages as “toys” or “components.”



Box turtles

North American box turtle populations, native to the United States and Mexico, are declining due to habitat loss and illegal trade, including export to Hong Kong and China for use in food, traditional medicine, and the pet trade. Although not currently threatened with extinction, box turtles are protected under the Convention on International Trade in Endangered Species.

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

***United States v. Saul Arreola-Cardenas*, No. 1:18-CR-00159 (E.D. Calif.), AUSA Angela Louise Scott.**

On May 6, 2019, a court sentenced Saul Arreola-Cardenas to 27 months' incarceration, followed by five years' supervised release. Cardenas also will pay \$23,932 in restitution to the U.S. Forest Service. He previously pleaded guilty to conspiracy to grow marijuana, which also caused damage to public lands and natural resources (21 U.S.C. §§ 841, 846).

After receiving a tip regarding a possible grow area, officers apprehended Cardenas on July 12, 2018, in the Sequoia National Forest. Agents found the defendant carrying buckets on a trail near the site. Upon further investigation of the site, they found approximately 1,400 plants, thousands of pounds of trash, irrigation hoses, camping equipment, fertilizer, and pesticides. The defendant and others cut native trees, brush, and other vegetation, as well as killed wildlife in the area.

This case was investigated by the U.S. Forest Service with assistance from the Kern County Sheriff's Office, and the U.S. Immigration and Customs Enforcement.

Sentencings

***United States v. Avin International, Ltd, et al.*, Nos. 1:18-CR-00116 - 118 (E.D. Tex.), ECS Trial Attorney Lauren Steele and AUSA Joseph Batte.**

On May 3, 2019, a court sentenced Avin International, Ltd. (Avin) and Nicos I.V. Special Maritime Enterprises (Nicos) to pay a \$4 million fine and complete four-year terms of probation. The court further required that all vessels operated by the companies implement an environmental compliance plan, including inspections by an independent auditor. The companies previously pleaded guilty to Oil Pollution Act, obstruction, and Clean Water Act violations (33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(5); 18 U.S.C. § 1505).



M/T Nicos I.V.

Nicos owned the *M/T Nicos I.V.*, and Avin operated the ship. Prior to July 6, 2017, the vessel's ballast system became contaminated with oil, which was discharged twice from the vessel into the Port of Houston during deballasting operations. Crewmembers informed Master Rafail-Thomas Tsoumakos and Chief Officer Alexios Thomopoulos of these discharges, and Tsoumakos failed to report them as required under the Clean Water Act. Neither discharge was recorded in the vessel's oil record book.

After leaving the Port of Houston, Tsoumakos and Thomopoulos instructed the deck crew to open the ballast tanks, where they saw oil in several of the tanks. After arriving in Port Arthur, additional oil began bubbling up next to the vessel, which Tsoumakos reported to the U.S. Coast Guard. During the ensuing investigation, both Tsoumakos and Thomopoulos lied to the Coast Guard, stating, among other things, that they had not been aware of the oil in the ballast system until after the discharge in Port Arthur, and that they believed the oil got into the ballast tanks when the vessel took on ballast water in Port Arthur.

Tsoumakos and Thomopoulos pleaded guilty to making false statements to the Coast Guard and the court sentenced them to pay \$10,000 fines (18 U.S.C. § 1001(a)(2)).

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

Announcements

***[The Environmental Crimes Website](#) has been redesigned. Information has been arranged by subject matter, we have added additional images, and generally streamlined the site. The brief bank update is ongoing. For those who have access, we welcome your feedback. ***

When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the “Environment/Wildlife” topic. This will help ensure that your case is not overlooked for reporting in the Bulletin.

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#) .

Please send [REDACTED] any pleadings you believe would be useful for posting in the [Brief Bank](#). Older materials are still available on the [Document Bank Archives](#) page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys’ Manual.

A public version of the [Bulletin](#) is available for non-law enforcement readers.

Environmental Crimes Section Attorneys: (Main # 202-305-0321)

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Senior Litigation Counsel	Richard Udell	████████
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Senior Counsel	Kris Dighe	████████
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Senior Trial Attorney	Georgiann Cerese	████████
Senior Trial Attorney	Christopher Costantini	████████
Senior Trial Attorney	Daniel Dooher	████████
Senior Trial Attorney	Todd Gleason	████████
Senior Trial Attorney	David Kehoe	████████
Senior Trial Attorney	Jeremy Korzenik	████████
Senior Trial Attorney	Ken Nelson	████████
Trial Attorney	Cassandra Barnum	████████
Trial Attorney	Mary Dee Carraway	████████
Trial Attorney	Ryan Connors	████████
Trial Attorney	Adam Cullman	████████
Trial Attorney	Stephen DaPonte	████████
Trial Attorney	Gary Donner	████████
Trial Attorney	Patrick Duggan	████████
Trial Attorney	Ethan Eddy	████████
Trial Attorney	Matthew Evans	████████
Trial Attorney	Stephen Foster	████████
Trial Attorney	Christopher Hale	████████
Trial Attorney	Joel LaBissonniere	████████
Trial Attorney	Samuel (Charlie) Lord	████████
Trial Attorney	Shennie Patel	████████
Trial Attorney	Erica Pencak	████████
Trial Attorney	Richard Powers	████████
Trial Attorney	Lauren Steele	████████