
ENVIRONMENTAL CRIMES

MONTHLY BULLETIN

February 2008

EDITOR'S NOTE:

Please continue to submit information on relevant case developments in federal prosecutions for inclusion in the Bulletin. If you have any significant and or interesting photographs from the case, you may email these, along with your submission, to Elizabeth Janes: [REDACTED] Material also may be faxed to Elizabeth at (202) 305-0396. If you have information to submit on state-level cases, please send this to the Regional Environmental Enforcement Associations' website: <http://www.regionalassociations.org>.

You may quickly navigate through this document using electronic links for *Active Cases*, *Additional Quick Links* and *Back to Top*. Just hold down the ctrl key while clicking on the link.

AT A GLANCE

Districts	Active Cases	Case Type / Statutes
C.D. Calif.	<u>United States v. Virginia Star Seafood Corp. et al.</u>	<i>Mislabeled Catfish/ Lacey Act</i>
E.D. Calif.	<u>United States v. Garrett Smith</u>	<i>Turtle Smuggling/ Conspiracy, Smuggling, Lacey Act, Money Laundering</i>
D. Colo.	<u>United States v. Oscar Cueva</u> <u>United States v. Wang Hong</u> <u>United States v. Fu Yiner</u> <u>United States v. Mark Clyde Booth</u> <u>United States v. Lyle Ravenkamp</u>	<i>Int'l Trade of Exotic Skin Products/ Conspiracy, Smuggling, Money Laundering</i> <i>Leopard Hunt/ Lacey Act</i> <i>Bird Poisoning/ MBTA</i>
D. Conn.	<u>United States v. Ionia Management</u>	<i>Vessel/ Probation Violation, APPS, Obstruction, False Statement</i>
S.D. Fla.	<u>United States v. Karl Kuhn et al.</u> <u>United States v. Lawrence Beckman</u>	<i>Manatee Taking/ Endangered Species Act</i> <i>Coral Harvest/ Lacey Act</i>
S.D. Ind.	<u>United States v. Derrik Hagerman et al.</u>	<i>Wastewater Treatment Facility/ CWA</i>
D. Md.	<u>United States v. Robert Langill</u> <u>United States v. Mark Humphries</u>	<i>Asbestos Abatement Naval Station/ CAA</i> <i>Vessel/ Conspiracy, APPS, Obstruction, False Statement</i>
S. D. Miss.	<u>United States v. Robert Lucas</u>	<i>Septic Systems in Wetlands/ Appeal Bond Revoked, Conspiracy, CWA, Mail Fraud</i>
E.D. Mo.	<u>United States v. Eric Johnson</u>	<i>Sediment Runoff and Misused Bank Loans/ CWA, Bank Fraud</i>
E.D. Pa.	<u>United States v. Banko Lazic</u>	<i>Asbestos Abatement at Elementary School/ CAA</i>

Additional Quick Links

- ◇ [Indictments](#) p. 4
- ◇ [Trials](#) pp. 4 - 5
- ◇ [Pleas](#) pp. 5 - 8
- ◇ [Sentencings](#) pp. 8 - 13
- ◇ [Corrections](#) p. 14
- ◇ [Editor's Box](#) p. 15

Indictments

United States v. Garrett Smith, No. 2:07-CR-00573 (E.D. Calif.), AUSA Robert Tice-Raskin

On January 9, 2008, Garrett Smith was arrested on a previously sealed indictment charging him and an unknown international co-conspirator, known as "Turtle Man," with a variety of wildlife smuggling violations. The 21-count indictment charges both defendants with conspiracy, smuggling protected tortoises, false labeling of wildlife, unlawful sale of wildlife, and money laundering. Smith is further charged with one count of destruction or removal of property to prevent seizure during execution of a search warrant.



Burmese Tortoises

According to the indictment, Smith, working with the "Turtle Man" (who is believed to reside in Singapore), engaged in a conspiracy to illegally smuggle wild tortoises into the United States for sale. The overseas conspirator and others acting at his direction obtained Burmese Star Tortoises and Indian Star Tortoises in Asia and sold them to Smith via e-mail transactions. The tortoises, illegally imported into this country using misleading labels and without proper documentation, then were sold to distributors and customers across the United States. Approximately 30 protected Indian Star Tortoises and five protected Burmese Star Tortoises were imported illegally. Burmese Star adults can sell on the black market for up to \$7,000 each, with Juveniles and sub-adults selling for approximately \$3,750.

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

[Back to Top](#)

Trials

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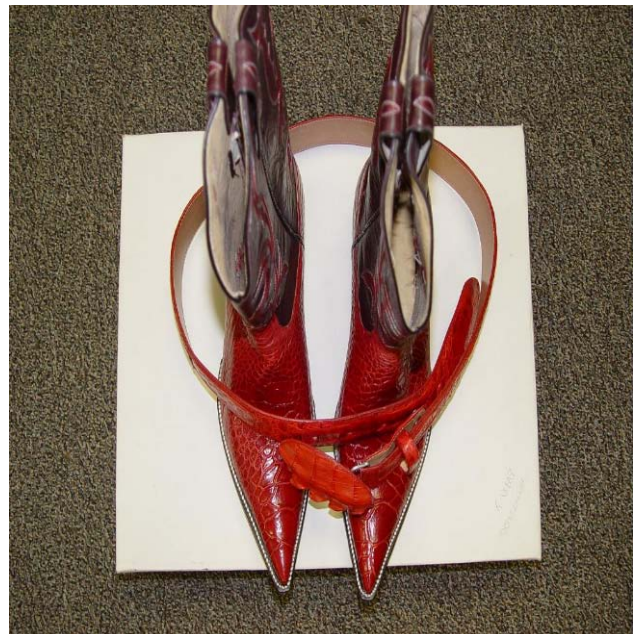
[Back to Top](#)

Pleas

United States v. Oscar Cueva, No. 1:07-CR-00358 (D. Colo.), ECS Senior Trial Attorney Robert Anderson [REDACTED], ECS Trial Attorney Colin Black [REDACTED] and AUSA Linda McMahan [REDACTED]

On January 18, 2008, Oscar Cueva pleaded guilty to a felony count of conspiracy to smuggle protected sea turtle and exotic skins and skin products into the United States and to launder funds in support of that smuggling.

Cueva and ten others were indicted in Denver in August 2007, following a multi-year U.S. Fish and Wildlife undercover investigation named "Operation Central." Cueva was charged with co-defendants Miguel Vazquez Pimentel, Martin Villegas Terrones, and Esteban Lopez Estrada, all Mexican nationals, in connection with the smuggling of sea turtle and other exotic leathers and exotic leather products into the United States from Mexico. Cueva, acting as a "mule" or middleman, received sea turtle and other exotic skins, boots, and other products from his co-defendants in Mexico and brought these products into the United States in violation of U.S. and international law. In furtherance of the smuggling activities, Cueva also participated in the transfer of funds from the United States to Mexico.



Boots and belt made from exotic skins

There are seven known species of sea turtles. Five of the seven species are listed as "endangered" under the U.S. Endangered Species Act. Sea turtles are often killed illegally for their meat, skins, eggs and shell, all of which have commercial value. Cueva was involved in smuggling into the United States wildlife parts and products with a total fair market value of between \$200,000 and \$400,000.

This case is the culmination of a three-year undercover operation conducted by the United States Fish and Wildlife Service and the result of a joint operation among the Department of Justice;

the United States Fish and Wildlife Service, Branch of Special Operations; and Mexican law enforcement authorities.

[Back to Top](#)

United States v. Virginia Star Seafood Corporation, et al., No. 2:07-CR-00449 (C.D. Calif.), ECS Senior Trial Attorney Elinor Colbourn [REDACTED] ECS Trial Attorney Mary Dee Caraway [REDACTED] and AUSA Joe Johns ([REDACTED])

On January 14, 2008, David Wong pleaded guilty to violating the Lacey Act for purchasing and re-selling a specific species of fish in the catfish family when he reasonably should have known that the fish had been imported illegally.

Wong admitted to purchasing and re-selling frozen *Pangasius hypophthalmus* fillets, a type of catfish, marketed by the approved trade names of "swai" or "tra," but referred to in some seafood markets as "basa." The fish that Wong purchased was labeled as "sole" and imported without the payment of the required anti-dumping duty of 63.88 percent.

Between November 2005 and May 2006, in a series of six transactions, Wong purchased on behalf of his employer, over \$197,000 worth of frozen fish fillets from Virginia Star Seafood Corporation ("Virginia Star"). In each of these transactions, the fish ordered and received was labeled as "sole." Wong knew, however, that the fish he purchased was in fact *Pangasius hypophthalmus*, and was properly subject to both an import and anti-dumping duty.

An anti-dumping duty was placed on *Pangasius hypophthalmus* imports from Vietnam in January 2003 after a petition was filed by American catfish farmers alleging that this fish was being sold in the United States at less than fair market value. According to the indictment, between July 2004 and June 2005, Virginia-based seafood companies Virginia Star and International Sea Products Corporation, illegally imported from Vietnamese companies Binh Dinh, Antesco and Anhaco more than ten million pounds of Vietnamese catfish by identifying the fish to U.S. Customs and Border Protection officials as other species of fish, including sole, grouper, flounder and conger pike.

The indictment further alleges that, after the Vietnamese catfish was imported into the United States, Henry Nguyen and other salesmen for the Virginia companies marketed and sold the illegally imported catfish to seafood buyers including Wong of True World Foods, Inc., Henry Yip of T.P. Company, and David Chu of Dakon International. Yip entered a guilty plea to a misbranding violation in November 2007. True World Food Chicago LLC, a subsidiary of Wong's then-employer, True World Food, Inc., entered a guilty plea to a single Lacey Act violation last month.

This case was investigated by Immigration and Customs Enforcement, the National Marine Fisheries Service, and the Food and Drug Administration.

[Back to Top](#)

United States v. Mark Clyde Booth, No. 07-CR-00485 (D. Colo.), ECS Senior Trial Attorney Bob Anderson ([REDACTED]) ECS Trial Attorney Jim Nelson ([REDACTED]) and AUSA Greg Holloway ([REDACTED])

On January 11, 2008, Mark Clyde Booth pleaded guilty to a single felony Lacey Act false labeling count. Both admitted he had falsified CITES permit applications for the importation of the trophy parts of a leopard he illegally killed in South Africa in 2003. Claiming that the animal was killed in Zimbabwe, Booth's leopard along with four others that were killed illegally were imported to Denver in November 2004. In his plea agreement, the defendant has agreed to serve a three-year term of probation, pay a \$10,000 fine and make a \$5,000 community service payment. Booth also will be

banned from any hunting during the probationary period. He is scheduled to be sentenced on March 22, 2008.

Booth is the fifth individual to be convicted in this case, including the two South African guides who arranged the illegal hunts, the Denver taxidermist who accepted the shipment, and another U.S. hunter.

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

[Back to Top](#)

United States v. Wang Hong et al., No. 1:07-CR-00357 (D. Colo.), ECS Senior Trial Attorney Bob Anderson ([REDACTED] Trial Attorney Colin Black [REDACTED] AUSA Linda McMahan [REDACTED]

On January 3, 2008, Wang Hong pleaded guilty to smuggling. Wang Hong was charged together with another Chinese national, Stephen Cheng, in relation to several shipments of violin bows decorated with Hawksbill sea turtle shell, as well as 10 kilograms of raw Hawksbill sea turtle shell, sent from China to the United States. The sea turtle product was sold to agents working undercover in Colorado during 2006 and 2007. Wang was the first Chinese defendant to plead guilty in the Operation Central investigation, and a third Chinese national, Fu Yiner, was sentenced this month (*SEE* Sentencing Section below).

The Hawksbill sea turtle is listed as endangered under the Endangered Species Act. This case was investigated by the United States Fish and Wildlife Service and is the result of a joint operation among the Department of Justice; the United States Fish and Wildlife Service, Branch of Special Operations; and Mexican law enforcement authorities.

[Back to Top](#)

United States v. Eric Johnson, No. 4:07-CR-00760 (E.D. Mo.), AUSA Michael Reap ([REDACTED] and SAUSA Ann Rauch [REDACTED]

On December 20, 2007, Eric Johnson pleaded guilty to violating the Clean Water Act for failing to maintain runoff controls at his building site, resulting in storm water run-off into Dry Branch Creek. Johnson also pleaded guilty to bank fraud stemming from his misusing bank loans on a development project.

Johnson, the owner and operator of a construction site known as Providence on Peine and Providence Meadows developments, had obtained construction storm water permits. In August 2004, inspectors observed numerous permit violations at both Providence sites, including lack of inspections and failure to maintain runoff controls, resulting in the off-site migration of a significant amount of sediment and accumulation of sediment to Dry Branch Creek.

From 2003 to 2006, Johnson was in the business of developing and building residential subdivisions in both St. Charles and Lincoln counties. Johnson had a long history of violations at all the sites including stormwater discharges and filling of wetlands. Upon discovery of these violations by the Missouri Department of Natural Resources, Army Corps of Engineers, and USEPA, the defendant would dissolve his businesses and move on to the next project. Johnson also has liens and lawsuits filed by subcontractors on all his developments.

In addition, Johnson had obtained a loan with First Service Bank, now known as Stifel Bank and Trust, for \$2.6 million to develop a residential subdivision known as Woodsmill Estates. An escrow account was opened at a title insurance company to pay subcontractors of the development. During the time of the loan, however, Johnson used the escrow money to pay bills and subcontractors on other projects. The bank ultimately discovered this practice and foreclosed on the loan, which

resulted in a loss to the bank in excess of \$100,000. Johnson's business partner, who co-signed on the loan, has incurred losses between \$400,000 and \$500,000.

Johnson is scheduled to be sentenced on March 7, 2008. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation.

[Back to Top](#)

Sentencings

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[Back to Top](#)

United States v. Robert Lucas et al., No. 1:04-CR-00060 (S.D. Miss.), ECS Assistant Chief Deborah Harris [REDACTED] ECS Senior Trial Attorney Jeremy Korzenik [REDACTED], AUSA Jay Golden [REDACTED] ECS Paralegal Josh Allen [REDACTED] and ENRD Appellate Attorney Katherine Barton [REDACTED]

On January 22, 2008, Judge Guirola revoked Robert Lucas, Jr.'s appeal bond after finding that he had continued to commit the same type of offenses for which he was convicted. Lucas was ordered to report to jail on January 22nd. On January 24th, Lucas filed a motion in the Fifth Circuit for an emergency stay of that order that was summarily denied.

The court had allowed the defendant to remain free pending the resolution of his Fifth Circuit appeal. Lucas, whose release was conditioned on good behavior, had continued to sell and lease wetland lots at his Big Hill Acres development to new tenants, and he was filling wetlands at Big Hill Acres, as well as at another one of his developments. Evidence of these post-conviction crimes was presented at a recent hearing before the judge who presided over the trial in 2005.

After seven weeks of trial, Lucas, his daughter Robbie Wrigley, M.E. Thompson, Jr., Big Hill Acres, and Consolidated Investments, Inc., were convicted in February 2005 on all counts. Lucas, Wrigley, Thompson, Jr., and the two companies were found guilty on 40 counts arising from their development of a large tract of the wetland known as Big Hill Acres in southern Mississippi. They were further convicted of conspiracy and mail fraud for selling home sites on this property to hundreds of families despite numerous warnings from public health officials that the illegal septic systems they

were installing in saturated soil were likely to fail and could cause contamination of the property and the drinking water aquifer.

As early as 1996, inspectors from the U.S. Army Corps of Engineers ("ACOE") informed Robert Lucas that substantial portions of the Big Hill Acres property contained wetlands and could not be developed as home sites. The Mississippi Department of Health and other regulatory agencies issued warnings to the defendants of the public health threat they were creating by continuing to install septic systems in saturated soil. Neither those warnings nor cease and desist orders from both the ACOE and EPA deterred the defendants from installing the septic systems. As a result, residents suffered from seasonal flooding and the discharge of sewage from failing septic systems onto the ground around their homes.

Wrigley and Thompson, Jr., were each sentenced in December 2005 to serve 87 months in prison followed by three years of supervised release, and they each must pay a \$15,000 fine. Big Hill Acres, Inc., was ordered to pay a \$4.8 million fine and will complete a five-year term of probation. Consolidated Investments, Inc., was sentenced to serve five years' probation and is required to pay a \$500,000 fine.

This case was investigated by the United States Environmental Protection Agency and the Federal Bureau of Investigation, with assistance from the Environmental Protection Agency Region Four Wetlands Section and the United States Department of Agriculture's Soil Conservation Service.

[Back to Top](#)

United States v. Fu Yiner et al., No. 1:07- CR-00360 (D. Colo.), ECS Senior Trial Attorney Bob Anderson [REDACTED], ECS Trial Attorney Colin Black [REDACTED], and AUSA Linda McMahan [REDACTED]

On January 22, 2008, Chinese national Fu Yiner was sentenced to serve 138 days of incarceration (time served) for his role in smuggling endangered Hawksbill sea turtle shell and shell products from China into the United States. Fu pleaded guilty earlier this month to one felony smuggling violation.

Fu knowingly sent four shipments of raw shell and guitar picks made from Hawksbill sea turtle shell from China to undercover agents in Colorado during 2006 and 2007. The five kilograms of unworked shell and 300 guitar picks together were valued at over \$3,000. Another Chinese national, Wang Hong, pleaded guilty January 3rd to a similar smuggling violation.

This case was investigated by the United States Fish and Wildlife Service and is the result of a joint operation between the Department of Justice; the United States Fish and Wildlife Service, Branch of Special Operations; and Mexican law enforcement authorities.

[Back to Top](#)

United States v. Karl F. Kuhn II et al., No. 07-CR-60227 (S.D. Fla.), AUSA Tom Watts-FitzGerald [REDACTED]

On January 18, 2008, Charles Podesta, Jr., and Karl Kuhn II were each sentenced for the "taking" of a West Indian Manatee by hooking it on a fishing line, in violation of the Endangered Species Act. Podesta will complete 30 days' incarceration followed by 30 days' home confinement and one year of supervised release. He also will perform 100 hours of community service and post to his "MySpace"® web site a public apology for his conduct. Kuhn will serve 15 days' incarceration followed by one year of supervised release and also will be required to perform 100 hours of community service.

On March 13, 2007, Podesta posted a pair of videotape clips on the “MySpace” website he maintained under the name “Nerezza.” The video clips depicted the defendants attempting and ultimately succeeding in hooking and fighting a manatee in a Fort Lauderdale-area canal. Kuhn was identifiable directly from the video clips, while Podesta was later identified through follow-up investigation on other postings to the site.

According to data collected by the Florida Fish and Wildlife Conservation Commission Marine Mammal Pathobiology Laboratory, 26 manatee deaths have been associated with fishing gear between 1974 and 2006.

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

[Back to Top](#)

United States v. Branko Lazic, No. 2:07-CR-00324 (E.D. Pa.), ECS Senior Counsel Rocky Piaggione [REDACTED] **AUSA Albert Glenn** [REDACTED] **and SAUSA Joseph Lisa** [REDACTED]

On January 11, 2008, Branko Lazic, owner of Bilaz, Inc., was sentenced to serve six months’ home confinement as a condition of three years’ probation and must complete 50 hours’ community service. Lazic pleaded guilty in June 2007 to one Clean Air Act violation for the improper removal of asbestos from the Mattison Elementary School in Ambler, Pennsylvania, in June 2002.

The defendant and his company were hired to remove asbestos from several areas in the elementary school, which was undergoing renovation. Lazic admitted that he left the elementary school during the asbestos removal process despite knowing that it was likely the workers he employed would not properly remove the asbestos.

After the removal work was completed in preparation for the new school year, janitors and teachers removed a white dust residue from the floors and furniture. Lazic will further pay \$6,097 in restitution to RT Environmental, Inc., which was the lead contracting company that had to pay for the subsequent cleanup. This is the amount that was not reimbursed by insurance companies and other subcontractors.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Pennsylvania Attorney General’s Office.

[Back to Top](#)

United States v. Robert Langill, No. 8:07-CR-00425 (D. Md.), ECS Trial Attorney Noreen McCarthy [REDACTED] **and AUSA Gina Simms** [REDACTED]

On January 10, 2008, Robert Langill was sentenced to serve 60 days’ incarceration, followed by 10 months’ home detention, and two years of supervised release, for violating the Clean Air Act in connection with asbestos abatement at the U.S. Naval Air Station, Patuxent River.

From 2001 to 2004, Langill was employed with a Maryland asbestos abatement company as an asbestos abatement project supervisor. In 2003, the company entered into an agreement with the U.S. Navy to remove asbestos-containing material from several buildings undergoing renovation or demolition at the U.S. Naval Air Station, Patuxent River, Maryland.

From October 2003 to January 2004, Langill directed the removal of transite panels containing asbestos from Buildings 692, 213 and 425 in a manner that violated federal asbestos abatement work practice standards, in that workers were directed to remove the panels by smashing them with hammers and crowbars, allowing the transite to fall to the ground and break, causing asbestos fibers to be released into the environment. The transite panels from Building 692 had not been adequately wetted

and no notification of the abatement activity had been given to the Maryland Department of Environment prior to the commencement of the abatement activity. In addition, unlabelled, improperly sealed bags of the broken asbestos-containing transite panels from Building 692 were stored on the grounds of the naval facility overnight in a truck owned by the company.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Naval Criminal Investigative Service.

[Back to Top](#)

United States v. Mark Humphries, No. 2:06-CR-00299 (D. Md.), ECS Trial Attorney Malinda Lawrence (██████████) ECS Senior Trial Attorney Richard Udell (██████████) with assistance from AUSAs Tonya Kowitz (██████████) and Michael Cunningham (██████████)



M/V Tanabata

On January 10, 2008, Mark Humphries, the former chief engineer of the *M/V Tanabata*, a vessel managed by Pacific Gulf Marine ("PGM"), was sentenced to serve six months' incarceration, followed by two years' supervised release, for conspiring to make illegal discharges of oily waste and for lying to the Coast Guard. Specifically, Humphries was convicted by a jury in October 2007 of conspiracy with four objects: to make illegal discharges, in violation of APPS; to maintain a false ORB, in violation of APPS;

to make false statements, in violation of 18 U.S.C. §1001; and to obstruct an agency proceeding, in violation of 18 U.S.C. §1505. He also was convicted of two false statement violations and acquitted on an obstruction violation.

Evidence proved that the *Tanabata* had a removable bypass pipe that was used to discharge oily waste without the use of an oily-water separator ("OWS"). Humphries' former subordinates, including other engineers, testified that he did not use the OWS. Humphries referred to the bypass pipe as the "illegal pipe" and directed that it be hidden when the ship was in port so that it would not be discovered by the Coast Guard.

Humphries deliberately bypassed the OWS on the *Tanabata*, and concealed the crime by making false entries in the oil record book. This practice involved a number of subordinate engine department crew members, including students at U.S. maritime academies receiving on-the-job training as cadets. Humphries had participated in and directed similar criminal conduct on two other ships.

PGM, an American-flagged car-carrier ship based in Baltimore, pleaded guilty to and was sentenced last January for charges of making illegal discharges of oil-contaminated waste from each of four ships managed by the company. After learning of the investigation, PGM conducted and voluntarily disclosed the results of an internal investigation and cooperated with investigators and prosecutors. PGM was sentenced to pay a \$1 million fine and an additional \$500,000 in community service payments. The company is completing a three-year term of probation under the terms of an

environmental compliance program that includes audits by an outside firm and review by a court-appointed monitor. Humphries is the fifth chief engineer to have been prosecuted for similar crimes in this investigation.

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

[Back to Top](#)

United States v. Ionia Management et al., No. 3:07-CR-00199 (D. Conn.), ECS Trial Attorney Lana Pettus [REDACTED] AUSA Bill Brown [REDACTED] and Supervisory AUSA Anthony Kaplan [REDACTED]

On January 10, 2008, a probation violation hearing was held with the court finding that Ionia Management ("Ionia") had violated probation by bringing one of its ships into a U.S. port without the required monitoring equipment. The judge will determine a penalty after receiving the Special Master's first report.

Ionia, a Greek company that manages a fleet of tanker vessels, was sentenced last month to pay a \$4.9 million fine and will complete a four-year term of probation. A Special Master will be appointed to oversee the company's record-keeping on a monthly basis. This Special Master will hold hearings every six months to interview crew members and review records to ensure compliance. Also as part of the sentence, no ship owned by Ionia Management will be permitted into U.S. ports without first having installed in it special pollution monitoring equipment.

Ionia was convicted by a jury in September on all 18 counts of the indictment, including several charges that were transferred from three other districts to Connecticut for trial. Ionia already was on probation in the Eastern District of New York for a similar case in 2004 at the time of these new offenses.

The indictments, returned in Connecticut, Florida, New York, and the Virgin Islands, variously charged Ionia and two crew members with falsifying records to conceal the illegal discharge of waste oil, using and presenting false oil record books to the Coast Guard during port inspections, and with obstruction. Petros Renieris, the chief engineer of the *M/T Kriton*, recently was sentenced to pay a \$9,000 fine and complete two-years' probation. After pleading guilty to an APPS violation, Renieris admitted that he deliberately ignored the conduct of employees he supervised as they dumped oil-contaminated wastes from the ship, bypassing the oily water separator. He also admitted to destroying the bypass hose while the Coast Guard conducted an inspection of the ship.

Second engineer Edgardo Mercurio was sentenced in October 2007 to pay a \$1,000 fine and will complete a one-year term of probation. He earlier pleaded guilty to four APPS violations, one from each of the four districts where he had been charged.

This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division, with assistance from the Secret Service.

[Back to Top](#)

United States v. Lyle Ravenkamp, No. 1:07-mj-01245 (D. Colo.), ECS Senior Trial Attorney Robert Anderson [REDACTED] and AUSA Linda McMahan [REDACTED]

On January 3, 2008, Lyle Ravenkamp pleaded guilty and was sentenced for his role in the poisoning deaths of more than 2,200 migratory birds on agricultural land. Ravenkamp pleaded guilty to a misdemeanor violation of the Migratory Bird Treaty Act for the misapplication of the chemical insecticide Carbofuran in June 2006 to a 95-acre sunflower field in Lincoln County, Colorado.

Ravenkamp admitted that he applied the compound on the surface of the field, instead of below the surface, as he knew it was intended to be used. As a result, more than 2,200 migratory birds, including Mourning Doves, Horned Larks, Western Meadowlarks, Red-winged Blackbirds, and Common Grackles died after ingesting the insecticide, which is known to be highly toxic to birds.

The defendant was sentenced to pay the maximum fine of \$15,000, pay an additional \$15,000 in restitution to the Colorado Wildlife Heritage Fund, and relinquish his pesticide applicator's license. Ravenkamp also will complete a three-year term of probation during which time he must perform community service in the form of specific wildlife habitat improvements to two parcels of property Ravenkamp owns in Lincoln County. These improvements will be coordinated with the Colorado Division of Wildlife and are valued at approximately \$30,000.

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

[Back to Top](#)

United States v. Lawrence Beckman, No. 9:07-CR-80137 (S.D. Fla.), AUSA Tom Watts-FitzGerald [REDACTED]

On December 20, 2007, Lawrence Beckman was sentenced to serve three months' incarceration followed by two years' supervised release and will pay a \$2,000 fine. Beckman pleaded guilty in October 2007 to Lacey Act violations in connection with the illegal importation of more than 500 pounds of live rock, coral, and sea fans illegally harvested from Bahamian waters. According to court documents, in October 2002, Beckman made a commercial harvesting trip from Lake Worth Inlet, Florida, to the Bahamas aboard his vessel the MARY ANNE. The purpose of the trip was to acquire merchandise to sell in an aquarium supply business owned by Beckman. The defendant failed to obtain written permission from Bahamian authorities, as required by Bahamian conservation laws, to harvest hard and soft coral species within the Commonwealth of the Bahamas.

After securing 500 specimens of *Gorgonia*, commonly referred to as sea fans, and 500 pounds of live rock and coral, Beckman steered a course for Lake Worth Inlet. En route, the Coast Guard spotted his boat running without required navigation lights and intercepted the vessel.

Coast Guard boarding officers noted four large drums of fuel on the deck of the vessel and multiple sets of scuba equipment. During a safety and document check, they located the contraband corals in specially equipped "live wells" and in a converted fuel tank below a hatch cover in the main cabin, and they took the MARY ANNE to the Coast Guard Station at Lake Worth Inlet. Beckman subsequently admitted that he had been on a commercial harvesting trip to an area about 1.5 nautical miles east of Sandy Cay in the Bahamas and that he did not possess any permit from the Commonwealth allowing him to harvest marine resources from Bahamian waters.

Coral reef destruction has been the subject of intense debate both within the United States and at the meetings of the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a treaty to which the United States and approximately 150 other countries are party. Loss of reef habitat, which is one of the most productive and diverse ecosystems, is a world-wide concern. As nurseries for marine species of commercial value, as well as a source of income from recreational fishing and eco-tourists, and a protective barrier for coastlines, a significant effort is underway to preserve the existing reef structures and reverse their decline.

This case was investigated by the NOAA Fisheries Office of Law Enforcement and the United States Coast Guard.

[Back to Top](#)

CORRECTION:

In the January 2008 edition of the Bulletin we neglected to credit EPA Regional Counsel Dave Mucha for his involvement in the Hagerman et al. prosecution below:

United States v. Derrik Hagerman et al., No. IP06-CR-0139 (S.D. Ind.), AUSA Steve Debrot and SAUSA David Mucha [REDACTED].

On November 15, 2007, Derrik Hagerman, president and owner of Wabash Environmental Technologies (“WET”), was sentenced to serve five years’ incarceration after being convicted by a jury earlier this year on all 10 CWA falsification counts charged. WET also was similarly convicted and was sentenced to complete a five-year term of probation. Both defendants will be held jointly and severally liable for \$237,680 in restitution to the USEPA Hazardous Substance Superfund.

The defendants were convicted of CWA violations for falsifying monthly monitoring reports and discharge monitoring reports, which were sent to the Indiana Department of Environmental Management (“IDEM”). WET formerly operated a waste water treatment facility that accepted liquid waste water from industrial customers. The waste water was treated and eventually discharged into the Wabash River.

The company was permitted to discharge wastes into the river within specific limitations. From January 2004 to November 2004, the defendants reviewed data indicating that they had repeatedly violated their permit limits for ammonia, biological oxygen demand, total suspended solids, copper, zinc and phenol. Hagerman and WET then created and submitted to the IDEM false reports showing few, if any, violations. The court at sentencing described Hagerman’s conduct as “cold-blooded deception for profit”.


This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, IDEM, the Indiana Department of Natural Resources, the Defense Criminal Investigation Service and the FBI.

[Back to Top](#)

[Back to Top](#)

Are you working on Environmental Crimes
issues?

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Elizabeth R. Janes
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