



Monthly

Bulletin

Environmental Crimes Section

December 2017

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~Happy Holidays from the Environmental Crimes Section~

District/Circuit	Case Name	Case Type/Statutes
Central District of California	<u>United States v. United Industries LLC</u> <u>United States v. Tyler R. Vela</u>	Train Parts Dumping/Refuse Act Eagle Feather Sales/BGEPA
Eastern District of California	<u>United States v. Jose Manuel Sanchez-Zapien et al.</u>	Marijuana Grow/Drugs
██████████ ██████████	██	████████████████████
District of Connecticut	<u>United States v. Guido A. Cortes-Rodriguez</u>	Training Certificates/False Statement
Southern District of Florida	<u>United States v. Michael Hegarty</u>	Rhino Horn/Smuggling
Western District of Kentucky	<u>United States v. Daniel L. Couch, Jr.</u>	Mine Maintenance/MSHA
Northern District of New York	<u>United States v. Premier Aviation Overhaul Centers</u>	Hazardous Waste/RCRA, Accessory After-the-Fact
Western District of New York	<u>United States v. Sean P. Doctor et al.</u>	Asbestos Disposal/Accessory After-the-Fact, CAA, False Statement
Eastern District of North Carolina	<u>United States v. Gaston Saunders et al.</u>	Striped Bass Harvesting/Lacey Act, Tax Evasion
District of North Dakota	<u>United States v. Jason Halek et al.</u>	Fracking Waste/Conspiracy, Falsification of Records, False Statement, SDWA
Southern District of Ohio	<u>United States v. Rick Kesterson</u>	Osprey Killing/MBTA
Western District of Pennsylvania	<u>United States v. Wayne A. George d/b/a A Rooter Man of Pittsburgh</u>	Employee Death/OSHA
Eastern District of Texas	<u>United States v. Arongkron Malasukum</u>	Wildlife Trafficking/Lacey Act
Southern District of Texas	██ <u>United States v. Byron P. Pitre</u>	████████████████████ Turtle and Egg Sales/Lacey Act
District of Virgin Islands	<u>United States v. Terminix International Company et al.</u>	Fumigation/FIFRA
Eastern District of Virginia	<u>United States v. Tommy W. Zhou</u>	Eel Trafficking/Lacey Act
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Indictments/Informations

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Guilty Pleas

United States v. Wayne A. George d/b/a A Rooter Man of Pittsburgh, No. 17-CR-00263 (W.D. Penn.), AUSA Nelson Cohen.

On November 28, 2017, Wayne A. George, d/b/a A Rooter Man of Pittsburgh, pleaded guilty to violating OSHA for causing the death of an employee (29 U.S.C. § 666(e)).

On September 28, 2015, employee Jacob Casher, was killed when the trench he was working in collapsed at a worksite. At the direction of George, Casher was helping to replace a sewer line 11 feet below the surface in unstable soil without cave-in protection.

Sentencing is scheduled for February 21, 2018.

This case was investigated by the DOL Office of the Regional Solicitor.

United States v. United Industries, LLC, No. 2:17-CR-00726 (C.D. Calif.), AUSA Mark Williams.

On November 20, 2017, United Industries, LLC, pleaded guilty to violating the Refuse Act for depositing railcar parts into the Port of Long Beach (33 U.S.C. §§ 407, 411).

United Industries, LLC, (UI), a subsidiary of Progress Rail Services, Inc., which is a subsidiary of Caterpillar, Inc., is a company that inspected and repaired railcars for various railcar owners and operators at multiple repair facilities throughout the United States, including Terminal Island, California, in the Port of Long Beach.



Rail car parts retrieved from the water

Between approximately 1999 and 2014, UI conducted inspections and repairs for railcars owned, operated, and/or maintained by TTX Company, Pacer International, Greenbrier Company, and others. UI employees were required to inspect railcars according to guidelines established in the Field Manual of the Association of American Railroads Interchange Rules (AAR Field Manual) to determine what repairs, if any, were necessary. If an employee determined that a repair was necessary under the AAR Field Manual guidelines, the employee was required to conduct the repair. Each repair was then billed to the owner of the railcar.

Instead of following protocol, UI employees in Long Beach and elsewhere, knowingly failed on many occasions to properly inspect the railcars. At times, they removed functioning parts and replaced them with new or reconditioned parts, even though the parts being replaced did not meet AAR criteria for "condemnation." This was known in the railroad industry as making repairs to "green parts." UI employees also picked random repairs to make on the railcars without conducting an inspection, knowing the repairs were unnecessary. The railcar owners were then charged for these improper repairs.

In order to conceal evidence of the unnecessary repairs from inspectors, UI

(Continued on page 5)

Guilty Pleas

(Continued from page 4)

employees dumped railcar parts into the Port of Long Beach, a navigable water of the United States, from the shore alongside the Terminal Island repair facility.

After conducting two dives near the terminal in 2009, divers discovered a “large debris field” recovering approximately 14 railcar roller bearing adapters, six roof liners, and six brake shoes from the ocean floor. None of the adapters or roof liners would have needed to be replaced and only one brake shoe showed signs that it may have needed replacement.

In its plea agreement, UI also acknowledged that, between 2008 and 2014, it encouraged employees to increase repair charges and billing by conducting the unnecessary and improper repairs on railcars. The company further admitted that between 2008 and 2009, some of its employees knowingly threw and deposited railcar parts from the shore alongside its Terminal Island Facility into the Port of Long Beach on multiple occasions to conceal the improper repairs. UI is no longer involved in the railcar repair business.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Federal Bureau of Investigation, the U.S. DOT Office of Inspector General, and the Los Angeles and Long Beach Police Departments.

United States v. Jose Manuel Sanchez-Zapien et al., No. 1:17-CR-00159 (E.D. Calif.), AUSA Karen Escobar.

On November 15, 2017, Jose Manuel Sanchez-Zapien pleaded guilty to conspiring to manufacture marijuana and manufacturing marijuana in the Sequoia National Forest (21 U.S.C. §§ 846, 841).

In April and June 2017, Sanchez delivered supplies to growers at a marijuana cultivation site in the Slick Rock Creek drainage in the forest. The drop point has been used numerous times before for growers to access sites in the area, causing extensive damage to the land and natural resources. Co-defendant Maximiliano Farias-Martinez remains charged in this case. Sanchez is scheduled for sentencing on February 5, 2018.

This case was investigated by the U.S. Forest Service, with assistance from the U.S. Immigration and Customs Enforcements Homeland Security Investigations, the California Department of Fish and Wildlife, and the Social Security Administration Office of the Inspector General.

Guilty Pleas

United States v. Tyler R. Vela, No. 8:17-CR-00052 (C.D. Calif.), AUSA Amanda M. Bettinelli.

On November 13, 2017, Tyler R. Vela pleaded guilty to violating the Bald and Golden Eagle Protection Act (16 U.S.C § 668(a)). Between January and June 2016, Vela offered to sell 40 feathers from a bald eagle without being permitted to do so.

Vela is scheduled for sentencing on February 5, 2018.

This case is a result of Operation Jungle Book, a law enforcement initiative led by the United States Fish and Wildlife Service targeting wildlife smuggling.

United States v. Arongkron Malasukum, No. 4:17-CR-00162 (E.D. Tex.), ECS Trial Attorney Gary Donner and AUSA Jim Noble.

On November 9, 2017, Arongkron Malasukum pleaded guilty to illegally trafficking parts from endangered African lions and tigers in violation of the Lacey Act (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

In April 2016, Malasukum purchased a tiger skull from undercover agents, as well as lion skulls from a Texas auction house. Knowing his out-of-state purchases may draw law enforcement attention, Malasukum gave cash to the undercover agents, telling them which items to bid on. After purchasing the items, he shipped the tiger and lion skulls from Texas to his home in New York. From New York, Malasukum shipped the skulls to Thailand for sale to a wholesale buyer.



Lion and tiger claws

Between April 2015 and June 2016, he exported close to 70 packages containing skulls, claws, and parts from endangered and protected species, with a total fair market value in excess of \$150,000. All of the exports were sent to Thailand where an associate made jewelry from the teeth and claws.

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

Sentencings

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Sentencings

***United States v. Jason Halek et al.*, Nos. 1:14-CR-00114, 1:15-CR-00130 (D.N.D.), ECS Senior Trial Attorney Christopher J. Costantini, ECS Trial Attorney Stephen Foster, AUSA Gary Delorme, and ECS Supervisory Paralegal Lisa Brooks.**

On November 27, 2017, Jason Halek and Nathan Garber were sentenced. Halek was sentenced to time-served, followed by three years' supervised release, and ordered to pay a \$50,000 fine. Halek also will be placed in a halfway house for up to one year. Garber was sentenced to time served, followed by three years' supervised release. Restitution for both will be addressed at a future hearing.

The two previously pleaded guilty to violations stemming from the illegal operation of a saltwater disposal well. The well, named the Halek 5-22, received "produced" and "flowback" water consisting of "brine and other wastes," commonly referred to as "saltwater." "Saltwater" is a generic term used for a variety of waste liquids from oil wells, including waste fracking water, as well as brine-laden formation water.

Halek improperly injected fluids down the backside of the well, and instructed co-conspirator Garber to move a safety device called a "packer" out of its proper location, in violation of the well's permit. Garber previously pleaded guilty to conspiracy to violate the Safe Drinking Water Act and to defraud the United States. He also pleaded guilty to five substantive SDWA counts, two counts of making false statements, two counts of falsification of records, and one count of concealment or cover up of a tangible object. Halek pleaded guilty to three SDWA violations (18 U.S.C. §§ 371, 1001, 1519; 42 U.S.C. § 300h-2).

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the North Dakota Industrial Commission.

***United States v. Byron P. Pitre*, No. 2:17-CR-00734 (S.D. Tex.), AUSA Hugo Martinez.**

On November 21, 2017, Byron P. Pitre was sentenced to pay a \$2,500 fine and complete a three-year term of probation after pleading guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

In February 2017, Pitre sold and shipped three wild Louisiana box turtles to an undercover agent in Corpus Christi. The sale and transportation of wild box turtles from Louisiana to Texas is illegal under Louisiana state law. In May 2017, agents executed a search warrant at Pitre's residence in Louisiana. At that time, he admitted to obtaining turtles that were unlawfully caught in the wild and selling them to individuals in Texas, Nevada, and New Jersey. Agents also seized more than 230 box turtles, 119 map turtles, 45 leopard tortoises, 20 Sulcata tortoises, and 88 tortoise eggs.

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



Halek Well

Sentencings

United States v. Daniel L. Couch, Jr., No. 4:17-CR-00003 (W.D. Ky.), AUSA Randy Ream.

On November 20, 2017, Daniel L. Couch, Jr., was sentenced to pay a \$2,000 fine and complete a two-year term of probation. Couch previously pleaded guilty to falsifying a safety record, in violation of the Mine Safety and Health Act (30 U.S.C. § 820(f)).

As the maintenance chief at Paradise #9 Mine, Couch was responsible for weekly equipment inspections, specifically for the belt drive for coal seam 11, which is the belt drive for the entire mine and sends thousands of tons of coal to the surface on a daily basis. On May 17, 2016, a mine inspector reviewed the record book for fire suppression checks conducted on the belt drives (which contains seven separate belt drives at seven different locations) and found that no fire suppression checks had occurred for the week of May 1 through May 7, 2016. When the inspector returned two days later and re-examined the book he noticed that the book then revealed that the belt drives had been examined on May 7, 2016, by “D. Couch,” and that no hazards had been observed. Mine Safety and Health investigators determined through the mine’s underground tracking system that Couch had not even been underground at the mine on May 7, 2016. Belt drives in coal mines are a frequent source of fires and other catastrophes in the mines.

This case was investigated by the U.S. Department of Labor Mine Safety and Health Administration.

United States v. James Findlay, No. 1:17-CR-00189 (D. Idaho), AUSA Joshua D. Hurwit, with assistance from ECS Senior Trial Attorney Jeremy Korzenik.

On November 20, 2017, James Findlay was sentenced to complete a one-year term of probation and pay \$100 in restitution. Findlay previously pleaded guilty to a misdemeanor violation of the Clean Water Act for negligently disposing of a waste to a POTW in violation of a pretreatment standard (33 U.S.C. §§ 1317(d), 1319(c)(1)(A)).

Findlay is the owner and operator of Sawtooth Fusion, LLC, a medical research company whose address also was his residence. Between April 2012 and October 2014, Findlay obtained and stored quantities of depleted uranium and uranium powder. He purchased depleted uranium from an aircraft salvage company in large blocks with a combined weight of approximately 50 pounds. He also extracted uranium from various items through a process that included soaking the items in muriatic acid. Findlay subsequently dumped the chemicals into a sink in his apartment and into the Boise sewer system.

This case was investigated by the U.S. EPA Criminal Investigation Division and the U.S. Nuclear Regulatory Commission, with assistance from the Boise Police Department, and the Idaho Department of Environmental Quality.

Sentencings

United States v. Terminix International Company LP, No. 3:17-CR-00007 (D.V.I.), ECS Senior Litigation Counsel Howard Stewart, AUSA Kim L. Chisholm, RCEC Patricia Hick, and ECS Paralegal Ashley Patterson-Chandler.

On November 20, 2017, Terminix International Company LP (Terminix LP) and Terminix International USVI LLC (Terminix USVI) were sentenced to more than \$10 million in fines, community service, and restitution payments. Terminix USVI will pay a \$4.6 million fine and approximately \$1.2 million in restitution to the EPA for response and clean-up costs. Terminix LP will pay a fine of \$4.6 million and will perform community service related to training commercial pesticide applicators in fumigation practices and a separate health services training program.

The companies previously pleaded guilty to violating FIFRA for illegally applying fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands (7 U.S.C. §§ 136j(a)(2)(G), 136j(b)(1)(B)). A family of four from Delaware vacationing at a St. John resort in March 2015 fell seriously ill after the unit below them was fumigated.

The EPA banned the indoor use of methyl bromide products in 1984. The few remaining uses are severely restricted due to their acute toxicity, and the products must be applied only by a certified applicator. After the government began its investigation, Terminix LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories, except for one remaining project at the Port of Baltimore.

Terminix USVI, the Virgin Islands operation of Terminix LP, provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. In October 2014 and March 2015, the defendants applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests. The companies also applied the chemical in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015. These fumigation treatments were referred to as “tape and seal” jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that they could not enter the building for two to three days after a treatment.

On March 18, 2015, two Terminix USVI employees fumigated a lower rental unit at Sirenusa in St. John. The upper unit was occupied by the Esmond family. Methyl bromide migrated upstairs, causing serious injury to and hospitalization of the entire family.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Virgin Islands’ government, and the Agency for Toxic Substances and Disease Registry.

Sentencings

United States v. Guido A. Cortes-Rodriguez, No. 3:16-CR-00234 (D. Conn.), AUSA Anastasia E. King and SAUSA Peter Kenyon.

On November 15, 2017: Guido A. Cortes-Rodriguez was sentenced to complete a two-year term of probation (the first six months of which are to be spent in home confinement) and perform 160 hours of community service. Cortes previously pleaded guilty to making false statements for fabricating lead paint and asbestos abatement training certifications (18 U.S.C. § 1001(a)(3)).

Between 2013 and February 2016, Cortes was a training instructor at the North Star Center for Human Development, an organization that offered a variety of training courses and certification to individuals working with lead paint and asbestos. Cortes was the training manager and a primary instructor for those courses.

On December 16, 2015, Cortes sent notice to the Connecticut Department of Public Health about a few asbestos and lead abatement courses that were being offered at the end of the month and in early January 2016. He was identified as the training manager and primary course instructor for both courses. An undercover FBI agent attempted to attend the lead abatement course, skipping the first three days. Upon arrival, the agent learned that no course was being conducted at North Star that day, and in fact, no classes had been conducted for weeks.

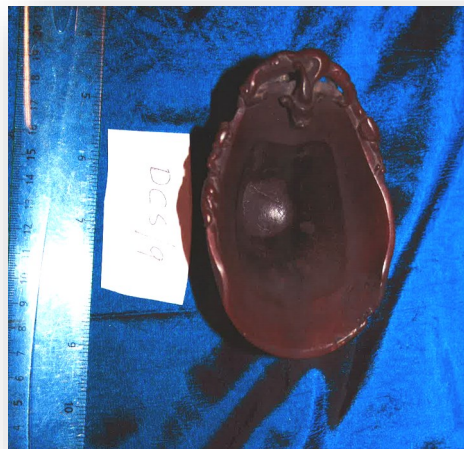
After contacting Cortes and indicating that he was interested in trying to get work as soon as possible, Cortes provided the agent with a list of items he would need to obtain a certificate, including his Social Security number, passport-type photos, and \$1,260. Cortes issued the agent three falsified certificates, covering asbestos and lead abatement courses, as well as an OSHA safety course. Subsequent investigation determined that Cortes produced fraudulent training certificates on multiple occasions.

This case was investigated by the U.S. EPA Criminal Investigation Division and Office of Inspector General, the Federal Bureau of Investigation, and Homeland Security Investigations.

United States v. Michael Hegarty, No. 14-CR-20347 (S.D. Fla.), ECS Trial Attorney Gary Donner and AUSA Tom Watts-FitzGerald.

On November 14, 2017, Irish national Michael Hegarty was sentenced to 18 months' incarceration, followed by three years' supervised release. Hegarty pleaded guilty to facilitating the transportation and concealment of a libation cup carved from an endangered rhinoceros horn that was illegally smuggled from the United States to Great Britain (18 U.S.C. § 554).

In mid-April 2012, Hegarty and a co-conspirator joined a Miami resident to attend an auction in North



Libation cup smuggled by Hegarty

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Carolina where a second co-conspirator worked as the bidder on behalf of the three, making a winning bid for a libation cup. After Hegarty and his first co-conspirator received the cup in Florida, the co-conspirator smuggled it out of the United States in his luggage.

The co-conspirator, along with two other Irish nationals, was arrested in London, while attempting to sell the cup to a Hong Kong native. Hegarty was arrested via an INTERPOL Red Notice and extradited to the United States from Belgium. His co-conspirator was convicted on unrelated charges in England, is currently incarcerated there, and will face wildlife trafficking charges in Florida.

This case is part of Operation Crash and was investigated by the U.S. Fish and Wildlife Service.

United States v. Rick Kesterson, No. 2:17-CR-00092 (S.D. Ohio), AUSA Mike Marous and SAUSA Heather Robinson.

On November 13, 2017, Rick Kesterson was sentenced to complete a two-year term of probation and ordered to pay \$500 in restitution to the Ohio Department of Natural Resources. Kesterson also will forfeit his hunting license and perform 52 hours of community service at Burr Oak State Park

Kesterson previously pleaded guilty to violating the Migratory Bird Treaty Act (16 U.S.C. §§ 703, 707(a)) after he was seen striking an Osprey with a pipe after he shot the bird out of the air with a shotgun.

In April 2015, wildlife officials received a complaint on the Turn in a Poacher (TIP) hotline reporting the shooting of an Osprey. Eyewitnesses stated they were watching the bird with binoculars when they heard two shots and saw the Osprey fall from the air into a pond.

Kesterson was seen using a fishing line to retrieve the bird from the water. He then struck it with a stick or pipe and carried it down a dirt road. Investigators subsequently found the Osprey partially submerged in a creek in the woods.

The following day, during the execution of a search warrant, investigators approached a residence belonging to Kesterson's parents, in which Kesterson resides in the basement. Despite his mother telling authorities she was the only person home, investigators found Kesterson hiding in his bedroom.

The residence was filled with smoke that smelled like marijuana and it was later determined that Kesterson attempted to burn a handful of marijuana in a wood burning stove when he saw the officers coming up the driveway. Live marijuana plants, grow lights, and a significant amount of drying marijuana were found throughout the residence. The Athens County Sheriff's Office is handling this aspect of the matter.

This case was investigated by the U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources.

Sentencings

***United States v. Gaston Saunders et al.*, Nos. 4:14-CR-00008, 10 (E.D.N.C.), ECS Trial Attorneys Shennie Patel, Lauren Steele, Shane Waller, and Joel LaBissonniere; AUSA Banu Rangarajan; ECS Law Clerk John Jones; and ECS Paralegal Diane Greenberg.**

On November 8, 2017, Gaston Saunders was sentenced to complete a six-month term of probation and will pay \$653,795.87 in restitution. John Lewis will complete a three-year term of probation, pay a \$3,000 fine, and \$41,611.17 in restitution.

Both commercial fishermen previously pleaded guilty to Lacey Act trafficking charges for the illegal harvest and sale of Atlantic striped bass off the coast of North Carolina. Saunders also pleaded guilty to one count of federal tax evasion and three counts of failure to file federal taxes (16 U.S.C. §§ 3372(a)(1), 3373(d)(1); 26 U.S.C. §§ 7201, 7203).

In February 2010, NOAA received information that commercial trawlers were illegally fishing for Atlantic striped bass in the EEZ off the coast of North Carolina. Upon receiving the information, NOAA and the U.S. Coast Guard began an investigation, resulting in the prosecution of several fishermen. Between 2009 and 2010, the defendants illegally harvested several thousand pounds of Atlantic striped bass from the EEZ, which they sold to various fish dealers, using a variety of methods to conceal their harvests.

Further investigation revealed that, despite earning a substantial income from his commercial fishing, Saunders had not filed a tax return since 1999. Beginning in 2010, to avoid the IRS, he directed his wife to deposit his fishing income into their joint bank account, then withdraw the money the same day and use those funds to purchase cashier's checks, primarily in denominations of less than \$10,000 each. His wife placed the cashier's checks in a safe deposit box, cashing them over the years as they needed money. Between October 2010 and August 2014, Saunders caused his wife to deposit approximately 20 checks worth \$432,419, converting the money to cashier's checks. In total, he and his wife failed to pay \$544,946 in federal taxes.

This case was investigated by the NOAA Office of Law Enforcement, with assistance from the U.S. Coast Guard, the North Carolina Marine Patrol, and the Virginia Marine Police.

***United States v. Tommy W. Zhou*, No. 2:17-CR-00009 (E.D. Va.), ECS Trial Attorneys Cassie Barnum and Shane Waller, AUSA Joseph Kosky, and ECS Paralegal Ashley Patterson-Chandler.**

On November 3, 2017, Tommy W. Zhou was sentenced to 18 months' incarceration, followed by three years' supervised release. Restitution will be determined at a later date. Zhou previously pleaded guilty to trafficking more than \$150,361 worth of juvenile American eels, aka "elvers" or "glass eels," in violation of the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

In 2010, Zhou established a seafood distribution company known as Wilson Group Sea Trading LLC. The company's principle place of business was Brooklyn, New York, and its operations included importing seafood for domestic consumption and exporting seafood to international markets. In 2013, the defendant obtained a Maine elver dealer

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license, authorizing him to purchase and resell elvers harvested in Maine. Thereafter, using his Maine dealer license to cover his illegal activity, Zhou began purchasing and exporting elvers that were actually harvested from Virginia waterways in violation of Virginia law.

This plea was the result of "Operation Broken Glass," a multi-jurisdiction U.S. Fish and Wildlife Service investigation into the illegal trafficking of American eels.

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United States v. Premier Aviation Overhaul Center, No. 5:17-CR-00232 (N.D. N.Y.) AUSA Michael Perry.

On November 1, 2017, Premier Aviation Overhaul Center, an airplane maintenance and painting company, was sentenced after pleading guilty to omitting material information regarding hazardous waste on a trash compactor label (18 U.S.C. § 3; 42 U.S.C. § 6928(d)(3)). The company will pay a \$40,000 fine and implement a hazardous waste reduction plan.

In February 2014, one or more company employees placed large sheets of plastic containing hazardous chromium waste into a



Execution of search warrant

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trash compactor without updating the labels on the trash compactor to disclose the presence of hazardous waste inside. The chromium waste was generated when Premier Aviation stripped paint from older airplanes, and it remained stored in the trash compactor (an unapproved method of disposal for the hazardous waste) for approximately two weeks prior to being seized by law enforcement. Subsequent tests revealed that the levels of chromium on the plastic sheets in the trash compactor were approximately 23 times higher than the legal limit. Premier Aviation admitted that it failed to report that one or more of its employees had stored and maintained chromium illegally in the trash compactor.

In its plea, the company agreed to provide the EPA with quarterly statistics specifying the hazardous waste generated, stored, and disposed at its facility; to provide specific waste and emergency response training to all of its employees who handle paint, paint stripping processes, or any other hazardous waste materials; and to abide by a Hazardous Waste Reduction Plan. Officials also will be allowed to inspect the facility at any time.

This case was investigated by the U.S. EPA Criminal Investigation Division and the New York Department of Environmental Conservation.

United States v. Sean P. Doctor et al., No. 1:12-CR-00308 (W.D.N.Y.), AUSA Aaron Mango.

On November 1, 2017, Sean P. Doctor was sentenced to pay a \$2,000 fine and complete a one-year term of probation. Doctor, along with Raj Chopra and Chopra's company, Comprehensive Employee Management, (CEM) previously pleaded guilty to violations related to the Clean Air Act. Doctor pleaded guilty to making a false statement under the CAA (42 U.S.C. §§ 7412, 7413(c)(2)(A)). Chopra pleaded guilty to being an accessory after-the-fact to a false statement under the CAA (18 U.S.C. § 3), and CEM pleaded guilty to making a CAA false statement (42 U.S.C. §§ 7412, 7413(c)(2)(A)). CEM and Chopra are scheduled to be sentenced on December 19, 2017.

CEM, an environmental consulting company, provided consulting services to Doctor and his asbestos abatement company, S.D. Specialty Services, LLC. Between December 2009 and January 2010, S.D. Specialty employees performed asbestos abatement work at the Roosevelt Park Shelter. During the project, they removed asbestos from the shelter and transported the material to a waste container at CEM on Grand Island.

In March 11, 2010, Doctor and CEM devised paperwork that falsely indicated the asbestos had been transported to CEM from the shelter on that date. The asbestos, however, had been stored at the Grand Island location prior to March 2010. This false statement was included in the shipping manifest created when a local waste disposal company retrieved the waste container at CEM.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the New York State Department of Environmental Conservation Police BECI, with assistance from the New York State Department of Labor Asbestos Control Bureau.

Announcements

The Regional Environmental Enforcement Associations [website](#) is up and running again. News from state, local, and Canadian cases is posted there.

As a reminder, ECS now tracks **worker safety and animal welfare crimes**, in addition to our pollution and wildlife docket [see [Section 5-11.101](#) of the U.S. Attorneys' Manual.] Please send us pleadings and other relevant information about your worker safety and animal welfare cases so that we can maintain a database for these cases and provide an accurate and complete description of case issues and strategies, developments in case law, and useful pleading examples.

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.

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

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

Position	Name	Phone
Chief	Deborah Harris	████████
Deputy Chief	Joseph Poux	████████
Assistant Chief	Thomas Ballantine	████████
Assistant Chief	Wayne Hettenbach	████████
Assistant Chief	Lana Pettus	████████
Assistant Chief	Jennifer Whitfield	████████
Senior Litigation Counsel	Howard P. Stewart	████████
Senior Litigation Counsel	Richard Udell	████████
Senior Counsel for Wildlife	Elinor Colbourn	████████
Senior Counsel	Kris Dighe	████████
Senior Trial Attorney	Jennifer Blackwell	████████
Senior Trial Attorney	Georgiann Cerese	████████
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	John Arbab	████████
Trial Attorney	Cassandra Barnum	████████
Trial Attorney	Mary Dee Carraway	████████
Trial Attorney	John Cashman (USCG)	████████
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	Thomas Franzinger	████████
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	Mark Romley (Denver Field Ofc.)	████████
Trial Attorney	Brendan Selby	████████
Trial Attorney	Lauren Steele	████████
Trial Attorney	Shane Waller	████████