



Environmental Crimes Case Bulletin

U.S. Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training

This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff. To subscribe to this monthly bulletin you may [sign up for email alerts](#) on our publications page. Unless otherwise noted, all photos are provided by EPA-CID.

March—April, 2023

In This Edition:

- Michael J. Collins, M&D Transportation Inc, Diesel Tune-Ups – Region 1
- Bruce Evans Jr – Region 3
- Bien King, Khalil King – Region 3
- James Howard Spencer – Region 3
- Diesel Freak LLC, Accurate Truck Service LLC, Griffin Transportation Inc
Ryan Lalone, Wade Lalone, Dustin Rhine, James Sisson, Douglas Larsen, Craig Scholten, Ryan Bos, Robert Swainston, Randy Clelland, Scott DeKock, Glenn Hoezee – Region 5
- DuPont (E.I. du Pont de Nemours and Company Inc) – Region 6
- Dennis Cleveland – Region 7
- Lev Aslan Dermen (aka Levon Termendzhyan), Jacob Kingston, Isaiah Kingston, Rachel Kingston, Sally Kingston – Region 8
- Otilio Rodriguez, Alicia Aispuro Hernandez – Region 9

Quick Links

[Defendant Summary](#)

[Sentencings](#)

[Plea Agreements](#)

[Trials & Settlements](#)

[Indictments/
Informations](#)

Defendant Summary

Region	Defendants	Case Type/Status
1	Michael J. Collins, M&D Transportation Inc, Diesel Tune-Ups	Plea Agreement
3	Bruce Evans Jr	Sentencing
3	Bien King, Khalil King	Indictment
3	James Howard Spencer	Indictment
5	Diesel Freak LLC, Accurate Truck Service LLC, Griffin Transportation Inc Ryan Lalone, Wade Lalone, Dustin Rhine, James Sisson, Douglas Larsen, Craig Scholten, Ryan Bos, Robert Swainston, Randy Clelland, Scott DeKock, Glenn Hoezee	Indictment
6	DuPont (E.I. du Pont de Nemours and Company Inc)	Sentencing
7	Dennis Cleveland	Plea Agreement
8	Lev Aslan Dermen (aka Levon Termendzhyan), Jacob Kingston, Isaiah Kingston, Rachel Kingston, Sally Kingston	Sentencing
9	Otilio Rodriguez, Alicia Aispuro Hernandez	Plea Agreement

Former Greenfield Pennsylvania Wastewater Treatment Plant Operator Sentenced to Prison for Clean Water Act Violations

On April 28, 2023, Bruce Evans, Jr., age 41, of Greenfield Township, Pennsylvania was sentenced to one year and one day in prison for violating the Clean Water Act, and for submitting a false statement to the Pennsylvania Department of Environmental Protection (PADEP). Evans was convicted after trial in December of 2021.

According to United States Attorney Gerard M. Karam, Evans Jr. knowingly failed to operate and maintain the municipality's wastewater treatment plant in accordance with regulations and limitations specified in a permit issued by the PADEP to the Greenfield Township Sewer Authority (GTSA). The permit required that the permittee maintain the plant in good working order, properly operate and maintain all facilities and systems installed and used by the permittee to achieve compliance with the terms and conditions of the permit and meet specific numerical limits on pollutants discharged into a local waterway. As a result of the defendant's failures, pollutants were discharged in violation of the permit on multiple occasions.

Prosecutors from the U.S. Attorney's Office and the EPA presented testimony from 34 witnesses over the course of a trial that began on November 15, 2021 and ended on December 17, 2021. Evans Jr., and his father, Bruce Evans, Sr. were tried together. Witnesses included GTSA board members, Greenfield Township Supervisors, FBI and EPA CID Special Agents, multiple PADEP inspectors and supervisors, and residents who lived near sewage system lift stations where sewage overflowed.

Throughout the time covered by the charges, Bruce Evans, Sr. was a Greenfield Township Supervisor, a Greenfield Township employee, a GTSA Board Member, and the paid manager of the GTSA. Evans Jr. was an employee of Greenfield Township and the GTSA. Evans Sr. was convicted of 20 counts of Clean Water Act violations; 4 counts of wire fraud involving the misappropriation of GTSA funds for his personal benefit and the benefit of his family; and 4 counts of obstruction of certified mail sent by the PADEP addressed to his fellow GTSA board members but intercepted by Evans Sr. Evans Jr. was convicted of 4 counts of Clean Water Act violations, and 1 count of submitting a false statement to the PADEP related to representations and certifications made by Evans Jr. regarding his professional work experience. Bruce Evans, Sr. is awaiting sentencing.

The case was investigated by EPA's Criminal Investigation Division, the Federal Bureau of Investigation – Scranton Field Office, and the Pennsylvania Department of Environmental Protection. Prosecution was handled by the U.S. Attorney's Office and EPA attorneys designated as Special Assistant U.S. Attorneys.

DuPont and Former Employee Sentenced for Plant Explosion that Killed Four—Company to pay \$12M fine and donate additional \$4M to Fish & Wildlife Foundation

On April 25, 2023, E. I. du Pont de Nemours and Company Inc. (DuPont) pleaded guilty and was sentenced for criminal negligence in connection with a 2014 accident that left four company employees dead.

On Nov. 15, 2014, DuPont released approximately 24,000 pounds of a highly toxic, flammable gas called methyl mercaptan (MeSH) into the air. In addition to killing the four, the chemical release injured other DuPont employees and travelled downwind into the surrounding areas.

Former employee Kenneth Sandel, unit operations leader of the Insecticide Business Unit (IBU) where the accident occurred also pleaded guilty.

A U.S. District Judge ordered DuPont to pay a \$12 million penalty. The company must also serve two years of probation during which time the company must give the U.S. Probation Office full access to all of its operating locations. The judge also ordered Sandel to serve one year of probation.



DuPont will also make a \$4 million community service payment to the National Fish and Wildlife Foundation to address the harm they caused. The payment will help fund projects that benefit air quality in and around areas adjacent to the western shores of Galveston Bay.

As a result of this case and other related civil cases tied to the explosion, DuPont will have paid a total of \$19.26 million for its unlawful conduct.

“The failure to follow required chemical safety procedures at DuPont’s La Porte facility resulted in the deaths of four employees,” said Acting Assistant Administrator Larry Starfield for the Office of Enforcement and Compliance Assurance. “This case demonstrates the importance of holding chemical facilities accountable for implementing chemical safety requirements that are designed to protect workers and neighboring communities.”

“Four employees are dead because of DuPont’s criminal negligence,” said U.S. Attorney Alamdar S. Hamdani. “The sentence imposed sends a clear message of my office’s dedication to holding managers at industrial facilities and the corporations that own and operate those facilities accountable for violations of federal criminal laws - laws meant to protect the safety of workers and nearby communities.”

DuPont is headquartered in Wilmington, Delaware, and owns chemical manufacturing plants around the

world including a facility in La Porte, Texas. As part of its operations, the facility produces pesticides called Lannate, Vydate and other products.

The release of the MeSH on Nov. 15, 2014 resulted in airborne pesticides which travelled downwind into the city of Deer Park and beyond. In addition to killing the four employees, several others were injured.

The fatal accident occurred after an employee inadvertently left open a piping valve which caused a slushy material to block the flow of liquid MeSH into the Lannate process. To melt it, DuPont day shift employees began applying hot water to the outside of the blocked piping and opened other valves to vent MeSH gas into a waste gas system. However, the MeSH piping was still blocked at the end of the day.

As the IBU leader, Sandel was responsible for ensuring shift supervisors, operators and engineers understood and complied with government safety, health and environmental regulations. Specifically, Sandel was responsible for implementing a safety procedure at the IBU by making sure employees understood and followed the procedure's requirements and did not release toxic chemicals inappropriately to the environment.

Sandel and other employees failed to provide sufficient instructions to the oncoming shift for how to safely clear remaining blockage. It finally cleared early the next morning, and a large volume of liquid MeSH began flowing into the waste gas system. At that time, an employee mistakenly believed the waste gas system only contained materials present during normal operations and opened valves that resulted in the release of the toxic gas.

Records indicate employees at DuPont's LaPorte plant disregarded a federally mandated safety procedure when opening those valves on the waste system. Sandel should have known operators did not have a safe and effective way to drain the vent system and should have prevented it from happening.

As part of the pleas, DuPont and Sandel admitted to negligently releasing an extremely hazardous substance into the ambient air. The company also acknowledged negligently placing a person in imminent danger of death or serious bodily injury in violation of the federal Clean Air Act.

The IBU has since been demolished.

The charges against DuPont and Sandel are part of EPA's National Enforcement and Compliance Initiative: Reducing Risks of Accidental Releases at Industrial and Chemical Facilities. EPA's Criminal Investigation Division conducted the investigation with assistance from the Texas Environmental Enforcement Task Force. Prosecution was handled by a DOJ litigation team.

Los Angeles Businessman, Utah Fuel Plant Operators and Employees Sentenced to Prison for \$1B Biofuel Tax Fraud Scheme

From April 6—8, 2023, five individuals were sentenced to prison for their roles in a \$1 billion biofuel tax conspiracy: Lev Aslan Dermen, aka Levon Termendzhyan, 56, was sentenced to 40 years; Jacob Kingston, 46, was sentenced to 18 years; Isaiah Kingston, 42, was sentenced to 12 years; Rachel Kingston, 67, was sentenced to seven years; and Sally Kingston, 45, was sentenced to six years.

According to court documents and testimony from Dermen’s 2020 trial, from 2010 to 2018, Dermen conspired with Jacob and Isaiah Kingston, their mother, Rachel Kingston, Jacob Kingston’s wife, Sally Kingston, and others, to fraudulently claim more than \$1 billion in refundable renewable fuel tax credits. The IRS ultimately paid out more than \$511 million in credits to Washakie Renewable Energy (“Washakie”), a Utah biodiesel company owned by Jacob and Isaiah Kingston. The Kingstons distributed the fraud proceeds among themselves and Dermen.

The Renewable Fuel Standard (RFS) program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel. The RFS program requires producers or importers of renewable fuel to generate fuel credits, known as Renewable Identification Numbers (RINs), in proportion to the amount and type of renewable fuel they produced or imported. Congress adopted the RFS program to reduce the nation's dependence on foreign oil, help grow the nation's renewable energy industry and achieve significant greenhouse gas emissions reductions. Congress also later mandated the availability of refundable tax credits for the production of renewable fuel in the United States.



In one of the schemes perpetrated by the Washakie conspirators, they purchased biodiesel, (which had been produced by others who had already claimed the tax credit and RINs). The conspirators exported the biofuel to foreign countries. The conspirators then doctored transport documents to disguise and import the biodiesel as “feedstock.” Washakie used this false paperwork to claim it produced biodiesel from the feedstock to support its filing of fraudulent claims for EPA RINs and IRS biofuel tax credits. Throughout the fraud Washakie, with other co-conspirators, fraudulently generated millions of EPA RINs that were then sold for approximately \$65 million.

Later, Dermen and the Kingstons conspired to purchase millions of gallons of biodiesel and rotate it through the U.S. shipping system to create the appearance that qualifying fuel was being produced and sold by Washakie. Washakie applied for and was paid by the IRS over \$300 million for its claimed 2013 production and over \$164 million for its claimed 2014 production. Evidence at Dermen’s trial showed that, to further create the appearance of legitimate business transactions, Dermen and the Kingstons schemed to cycle their and other co-conspirators’ fraud proceeds in more than \$3 billion in financial transactions through multiple bank accounts.

Throughout the scheme, Dermen falsely assured Jacob Kingston that Kingston and his family would be pro-

tected by Dermen’s “umbrella” of corrupt law enforcement and immune from criminal prosecution. In exchange, Jacob and Isaiah Kingston transferred over \$134 million in fraudulent proceeds to companies in Turkey and Luxembourg that were subsequently laundered internationally and through the U.S. financial system.

Money from the fraudulent claims were distributed to Dermen and the Kingstons and used to make lavish purchases in the United States, Turkey, and Belize. Dermen’s associates in Turkey bought and rebuilt a 150-foot yacht named “Queen Anne.” The Queen Anne was seized by the government in Beirut, Lebanon in 2021, and then sold in Cyprus for \$10.1 million. Dermen also caused Jacob Kingston to send more than \$700,000 on behalf of Dermen to purchase land in Belize for a planned casino, for which the government is seeking forfeiture. The government is also seeking the forfeiture of other assets in Turkey related to the fraud proceeds sent there. Jacob and Isaiah Kingston sent more than \$21 million in fraud proceeds to SBK Holdings USA, Inc., Dermen’s California-based company. Jacob Kingston used \$1.8 million of the fraud proceeds to buy a 2010 Bugatti Veyron for Dermen as a “gift,” and Dermen gifted a chrome Lamborghini and a gold Ferrari to Jacob Kingston. Dermen and Jacob Kingston also laundered \$3 million through Dermen’s company, NOIL Energy Group, to purchase a mansion in Sandy, Utah for Jacob and Sally Kingston. The Kingston defendants sent over \$35 million of their share of the fraud proceeds to their extended family and companies they owned.



Dermen also laundered \$3.5 million through SBK Holdings USA, Inc., to purchase a mansion in Huntington Beach, California. The government now seeks forfeiture of this residence as well as a couple dozen other parcels of real property that were purchased with the Kingstons’ share of the proceeds.

“The defendants sought to illegally and fraudulently profit from a program that was designed to help reduce greenhouse gas emissions,” said Acting Assistant Administrator Larry Starfield for EPA’s Office of Enforcement and Compliance Assurance. “This case sends a clear message that EPA and our law enforcement partners will aggressively prosecute these crimes and violators will pay a heavy price.”

“The significant sentences imposed by the court reflect the breathtaking scope of the defendants’ nearly decade-long tax fraud scheme – one of the largest ever,” said Acting Deputy Assistant Attorney General Stuart M. Goldberg of the Justice Department’s Tax Division. “Dermen and members of the Kingston family cost law-abiding taxpayers more than \$500 million and attempted to steal double that. They also sought to cover their tracks by cycling billions-of-dollars in transactions through the banking system and using fuel purchases and oil tankers to give the illusion their plant was actually producing and selling biodiesel fuel eligible for IRS credits. Tax Division prosecutors and IRS-CI Special Agents not only unraveled this scheme – they uncovered, traced and recovered millions in proceeds secreted in Turkey, the United States and elsewhere.”

“Today’s verdict further demonstrates that the EPA and its law enforcement partners are committed to protecting the integrity of programs such as EPA’s Renewable Fuel Standard and the IRS’ Refundable Renewable Fuel Tax Credit,” said Robert Marsden, EPA Acting Special Agent in Charge. “These programs are a critical part of tackling climate change and achieving the greenhouse gas reductions Congress intended.”

EPA’s Criminal Investigation Division, IRS-Criminal Investigation, and the Defense Criminal Investigative Service (DCIS) of the Department of Defense Office of the Inspector General investigated the case. Prosecution was handled by a DOJ litigation team.

Owner/President of a Rhode Island Trucking Company, Truck Computer Design Service and Two Companies admits to Conspiring to Violate the Clean Air Act

On April 3, 2023, Michael J. Collins, the owner and President of a North Kingstown, RI-based trucking company, along with his two corporations, all admitted to a federal judge in Providence, Rhode Island, that they conspired together with trucking and diesel vehicle sales and service companies throughout the United States and with a foreign national to violate the Clean Air Act by selling and providing a software program that manipulated on-board computers in order to alter or bypass key features in emission control systems, announced United States Attorney Zachary A. Cunha.

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) has established standards that limit the emission of air pollutants from various types of vehicle engines. To meet those standards, vehicle manufacturers design and install certain hardware components as part of the systems that manage and treat engine exhaust to reduce multiple types of pollution.

“Our environmental laws are here to protect the clean air that every Rhode Islander deserves to breathe,” said U.S. Attorney Zachary Cunha. “When companies choose to ignore those laws and put profit over their legal duties, and spew diesel soot and contaminants across Rhode Island and New England in the process, this Office will hold them to account.”

“Tampering with diesel vehicles by installing defeat devices increases emissions of smog and soot, both of which contribute to serious health problems that often disproportionately affect families, especially children, living in underserved communities.”

“Tampering with diesel vehicles by installing defeat devices increases emissions of smog and soot, both of which contribute to serious health problems that often disproportionately affect families, especially children, living in underserved communities,” stated Tyler Amon, Special Agent in Charge for EPA’s Criminal Investigation Division for New England. “Placing profit over public health in Rhode Island has clear accountability.”

According to court documents, from roughly September of 2014 through approximately August 27, 2019, Collins, his North Kingstown company M&D Transportation, Inc.; his now-defunct computer company Diesel Tune-Ups of RI, Inc.; various trucking and diesel vehicle sales and repair companies throughout the United States; and a foreign national all conspired to alter or disable certain functions of the Electronic Control Modules (ECM) and On Board Diagnostic (OBD) monitoring systems of heavy-duty diesel vehicles such as semi-trucks or “big rigs.” These alterations were referred to in the industry as “tunes.”

In exchange for a fee, the foreign national would download tuning software through a laptop computer, provided by Collins and his companies, that was then connected to each vehicle. The tuning business was marketed on Facebook, with claims that it provided increased power and better fuel mileage and offered tuning for “BigRig semi-trucks & engines” including tuning related to emission control equipment. The Facebook page directed interested companies to contact a Rhode Island telephone number associated with Collins, M & D and Diesel Tune-Ups.

When tuning was done through a laptop computer, Collins instructed the Companies to call the foreign national for further instructions once they had received the laptop. Through a remote connection, the “tunes”

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were then downloaded onto each vehicle's ECM or computer to reprogram the vehicle's monitoring systems. The tunes tampered with the vehicle's monitoring systems so that they would not detect malfunctions in the emission control components, thereby allowing vehicles to operate without proper emission controls. As a result, "tuned" vehicles could run with increased horsepower and torque, which can reduce maintenance and repair costs, but which results in significant increases in pollutant emissions. Often, installation of the "tunes" was undertaken in concert with diesel sales and service centers that were making other changes to trucks' pollution control systems. Collins also employed the same techniques to circumvent emission controls on some of M & D's own diesel vehicles.

Customers paid Collins' companies between \$1,700 and \$3,650 for each vehicle tuned. Collins and his companies wired a portion of the funds to their foreign co-conspirator and retained a portion of the funds for themselves. From at least March of 2017 through at least June 1, 2018, Collins either deposited or caused to be deposited into the Diesel Tune-Ups bank account fees received from approximately 25 different diesel trucking or repair shops throughout the United States.

According to court documents, diesel exhaust is known to contain a variety of air pollutants identified as hazardous air pollutants under the Clean Air Act. The act of completely removing or disabling a vehicle's emission control system can increase pollutant emissions, presenting a risk to the environment and public health. More recent testing conducted by EPA indicates that the pollutant increase is even greater when the emission controls are deleted from commercial semi-tractor trailer trucks.

Collins, M&D Transportation, and Diesel Tune Ups of RI pleaded guilty to conspiracy to violate the Clean Air Act. They are scheduled to be sentenced on July 10, 2023. The defendants sentences will be determined by a United States District Court judge after consideration of the U.S. Sentencing Guidelines and other statutory factors.

The case was investigated by EPA's Criminal Investigation Division. Prosecution was handled by a DOJ litigation team.

Two Business Owners Plead Guilty to Illegally Tampering with Emission Control Devices on Diesel Vehicles

Two owners of southwest Missouri businesses pleaded guilty in federal court to their roles in a conspiracy to illegally tamper with the emissions controls of diesel vehicles. On March 9th, 2023, Dennis Cleveland and on March 13th, 2023, Robert Dyche waived their rights to a grand jury and pleaded guilty on March 13, 2023 to a federal information that charged him with one count of conspiracy to violate the Clean Air Act.

Cleveland is the owner of Affordable Towing, a roadside, recovery, hauling, and mobile repair provider for commercial and private automobiles and vehicles throughout southwest Missouri. Affordable Towing used heavy-duty, commercial diesel trucks to tow and haul away vehicles to repair facilities.

Cleveland admitted that, since 2011, he has directed his employees to physically disable emissions control components on multiple heavy-duty diesel tow trucks.

Cleveland conspired with Dyche, the owner and operator of Full Flash Tuning, which specialized in illegally tampering with the on-board diagnostic systems on those vehicles. Cleveland caused the Affordable Towing trucks to be tampered with to save money by avoiding maintenance expenses on emissions control systems and by spending less money on fuel.

This tampering is frequently referred to as “tuning” or “flashing” an on-board diagnostic system. One purpose for “tuning” is to allow the vehicles to continue to seemingly operate normally while the emissions control system is disabled, rather than forcing the vehicle’s engine into a state known as “limp mode,” which greatly limits the maximum speed of the vehicle, incentivizing the driver or owner to repair the malfunction. The use of “tuning” thereby serves to reduce the high costs associated with maintaining or repairing components of the emissions control systems on heavy-duty diesel trucks.

As a consequence of “tuning,” tampered vehicles emit substantially more harmful pollutants such as nitrogen oxides (NOx), carbon monoxide (CO), non-methane hydrocarbons (NMHC), and particulate matter (PM) into the air, presenting a risk to the environment and public health.

Cleveland, through Affordable Towing, contracted with Dyche on multiple occasions to “tune” or “flash” the emissions control systems of Affordable Towing vehicles, thereby causing multiple fleet vehicles to be altered in such a way that the vehicles released pollutants into the air that far exceeded the legally allowable amounts under the Clean Air Act. Each diesel truck would continue to operate normally, as if the vehicle were operating in accordance with existing Clean Air Act restrictions, rather than go into limp mode.

In addition to personally tuning Affordable Towing vehicles, Dyche, on multiple occasions, would take the vehicles to an unidentified entity in Rogersville, MO, to “tune” the vehicles, for which he was compensated by Affordable Towing.

Under federal statutes, Cleveland is subject to a sentence of up to seven years in federal prison without parole. Dyche is subject to a sentence of up to five years in federal prison without parole. The maximum statutory sentence is prescribed by Congress and is provided here for informational purposes, as the sentencing of the defendant will be determined by the court based on the advisory sentencing guidelines and other statu-

tory factors. A sentencing hearing will be scheduled after the completion of a presentence investigation by the United States Probation Office.

This case was investigated by EPA's Criminal Investigation Division. Prosecution is being handled by a DOJ litigation team.

Couple Pleads Guilty to Smuggling \$2 Million in Illegal Pesticides and Veterinary Drugs

Otilio Rodriguez Toledo and Alicia Aispuro Hernandez, husband and wife from Thermal, California, pleaded guilty in federal court on March 28, 2023 to conspiring to smuggle and distribute \$2 million worth of Mexican pesticides and veterinary drugs that are not approved for use in the United States.

The defendants acknowledged that since at least December of 2018, they had been engaged in smuggling pesticides and veterinary drugs from Mexico into the United States, and then distributing them within the United States. The pesticides involved were primarily Taktic and Bovitraz, which are not registered with the EPA for use in the United States. The smuggled veterinary drugs included Tetragent Aves, Metabolase, Ter-ramicina, Cipio Vet, Baytril Max, Tylovet, Catterrol, Penicilina, and Tylosma, which are not approved by the FDA for use in the United States.

The defendants admitted that the smuggled pesticides and veterinary drugs were brought in through the Calexico Port of Entry in Imperial County and placed in storage units near the border. The smugglers would send photographs of the products at the storage units as proof of delivery.

They also admitted they later picked up the products from the storage units and distributed them to others within the United States. As part of their plea agreement, the defendants agreed that the value of the smuggled goods was more than \$1 million but less than \$2.2 million and further agreed that the government could seek the forfeiture of up to \$2.2 million in proceeds obtained from the sale of the smuggled goods.



According to experts at the U.S. Environmental Protection Agency and elsewhere, the active ingredient in the pesticides Taktic and Bovitraz is amitraz, which is toxic to bees and humans if it is released into hives and ultimately ends up in honey, honeycomb and beeswax.

Misuse of amitraz-containing products in beehives can result in exposures that could cause neurological effects and possibly reproductive effects in humans from the consumption of contaminated honey. Signs of neurotoxicity from exposure to amitraz has been documented in multiple animal species, including central nervous system depression, decrease in pulse rate, and hypothermia.

“These rules are in place to protect animals, people and the environment from harmful pesticides and drugs,” said U.S. Attorney Randy Grossman. “Public safety is our top priority and we intend to enforce those laws.” Grossman thanked the prosecution team and investigators on the case who relentlessly pursued the leaders of this smuggling organization.

“The defendants in this case smuggled illegal and hazardous chemicals into the United States for profit knowing they were banned and posed a significant health and safety threat to humans, wildlife and the environment,” said Chad Plantz, Special Agent in Charge, HSI San Diego. “This guilty plea highlights HSI’s steadfast

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commitment to working with our partners to pursue, arrest, and bring to justice anyone who threatens the well-being of our communities.

“The FDA regulates animal drugs as part of its mission to protect the public health, which includes ensuring that prescription animal drugs are lawfully distributed and dispensed pursuant to a valid prescription,” said Acting Special Agent in Charge Brian G. McClune, FDA Office of Criminal Investigations Kansas City Field Office. “We will continue to pursue and bring to justice those who attempt to evade the law.”

“The defendants’ conduct put consumers at risk,” said Scot Adair, Special Agent in Charge of the EPA’s criminal enforcement program in California. “The pesticides they attempted to distribute were smuggled into the United States from Mexico and are illegally used in beehives. The defendants in this case made millions of dollars in ill-gotten gains through the illegal sale of this unregistered pesticide.”

The defendants are scheduled to be sentenced by a U.S. District Judge on June 21, 2023. This case was investigated by Homeland Security Investigations, EPA’s Criminal Investigation Division, and FDA’s Office of Criminal Investigations. Prosecution is being handled by a DOJ litigation team.

NYC Mother and Son Charged with Interstate Shipment of Misbranded Animal Drugs

On April 26, 2023, Bien King, 70, of Congers, NY and Khalil King, 36, of New York, NY were charged by indictment with conspiracy, distribution of unregistered and misbranded pesticides, and interstate shipment of misbranded animal drugs.

The indictment alleges that Bien King and her son, Khalil King, jointly operated a business called “Little City Dogs,” based in New York City. The defendants purchased unapproved animal drugs and pesticides, including ivermectin, nitenpyram, praziquantel, and fipronil, from various Chinese suppliers. The defendants’ Chinese suppliers routinely mislabeled the shipments to avoid inspection by United States Customs and Border Protection inspectors. According to the indictment, once the defendants received the shipments from China, they used various locations, including a Manhattan office, to mix and repackage these drugs and pesticides for resale to customers throughout the United States. According to the indictment, the defendants’ company received over \$4 million from the sale of these misbranded, unregistered, and unapproved pesticides and animal drugs.

If convicted, the defendants face a maximum possible sentence of 19 years in prison, up to 3 years of supervised release, a \$1,450,000 fine, and a \$550 special assessment.

The case was investigated by the FDA’s Office of Criminal Investigations and EPA’s Criminal Investigation Division. Prosecution is being handled by a DOJ litigation team.

An indictment is merely an allegation, and all defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

Virginia Mayor Indicted for Violating Federal Clean Water Act

On March 27, 2023, a federal grand jury in Roanoke, Virginia indicted James Howard Spencer, the Mayor of Glen Lyn, Virginia, for his alleged violation of the Clean Water Act (CWA).

The indictment, returned under seal March 9, 2023 and unsealed following the defendant's initial court appearance, charges Spencer with three counts of violating the CWA.

"The protection of our nation's waters is critical to ensuring environmental justice for all the residents of the Western District of Virginia," United States Attorney Christopher R. Kavanaugh said. "When individuals – especially those in positions of authority – pollute our rivers and streams in violation of the law, our Office will hold them accountable."

"The defendant abused his position of authority and violated the public's trust by ordering public employees of Glen Lyn to illegally discharge raw sewage into the East River, a tributary of the New River," said Acting Special Agent in Charge Richard Conrad. "EPA is committed to prosecuting those who choose to violate our environmental laws, especially those who hold a position of public trust such as Mayor Spencer."

The indictment alleges that Spencer directed employees of the Town of Glen Lyn to pump sewage and other pollutants from a pump station located behind the Glyn Lyn Post Office into the East River, which is a perennial stream and tributary of the New River. Spencer took these alleged actions on three separate occasions, in the summer of 2019, December 2020, and again in June 2021.

United States Attorney Christopher R. Kavanaugh, Colonel Gary T. Settle, Superintendent of the Virginia State Police, and Acting Special Agent in Charge Richard Conrad made the announcement.

The ongoing investigation is being jointly handled by EPA's Criminal Investigation Division and the Virginia State Police.

Assistant U.S. Attorney and Environmental Justice Coordinator Michael Baudinet is prosecuting the case for the United States.

An indictment is merely an allegation, and all defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

Three Companies and Eleven Individuals Charged In Major Clean Air Act Case—Defendants Accused of Disabling Emissions Controls on Semi-Trucks; Some Plea Agreements Signed, Investigation Ongoing in One of the Largest Cases of Its Kind

GRAND RAPIDS, MICHIGAN — On April 26, 2023, U.S. Attorney for the Western District of Michigan Mark Totten announced that three companies and eleven individuals were charged with violating the Clean Air Act in an aftermarket scheme to disable the emissions control systems of semi-trucks. While the investigation is ongoing, the case is one of the largest of its kind ever charged in the United States. The corporate defendants are Diesel Freak LLC, of Gaylord, and Accurate Truck Service, LLC, and Griffin Transportation, Inc., of Grand Rapids.

“Today’s criminal charges send a loud message of accountability to polluters who flout our environmental laws,” said U.S. Attorney Totten. “These rules not only protect the planet; they also protect people – especially the most vulnerable. They safeguard the water we drink, the lakes we fish, and the air we breathe. To the owners and drivers of the vehicles that participated in this scheme and are now spewing harmful pollutants: get them fixed now.” The individual defendants are in the included table.

The three companies, Ryan Lalone, Wade Lalone, Douglas Larsen, Craig Scholten, Ryan Bos, Robert Swainston, Randy Clelland, Scott DeKock, and Glenn Hoezee have all signed plea agreements indicating their intent to plead guilty to a felony information. Dustin Rhine and James Sisson were indicted by a federal grand jury. Arraignments and change of plea hearings will occur on dates to be set by the U.S. District Court.

According to public records filed in the case, Ryan Lalone owns Diesel Freak LLC and Wade Lalone, Rhine, and Sisson were employed there. Accurate Truck Service, LLC, is owned by Larsen, Scholten, and Bos, and Swainston and Clelland were employed there. Griffin Transportation, Inc., is owned by Scholten and Bos. DeKock used to own a shipping

Defendant	Age	City
Ryan Lalone	47	Gaylord
Wade Lalone	44	Gaylord
Dustin Rhine	32	Indian River
James Sisson	42	Mt. Pleasant
Douglas Larsen	51	Wayland
Craig Scholten	58	Byron Center
Ryan Bos	45	Grandville
Robert Swainston	50	Hopkins
Randy Clelland	33	Grand Rapids
Scott DeKock	45	Hudsonville
Glenn Hoezee	55	Howard City



company, at which Hoezee was employed.

Accurate Truck Service, LLC, removed or altered the hardware components of vehicles with heavy-duty diesel engines, which components controlled the vehicles' emissions. Diesel Freak LLC reprogrammed the engine computers of the vehicles so that they would continue to function even after the hardware was removed or altered. This process is sometimes referred to as a "deletion," that is, "deleting" the emissions controls from the vehicles. "Deleting" emissions controls from the vehicles can improve performance and fuel economy and save maintenance costs. Tampering with or removing emissions controls can drastically increase the emissions of nitrogen oxides, particulate matter, carbon monoxide, and non-methane hydrocarbons found in vehicle exhaust. Exposure to and inhalation of these chemicals at greater levels is associated with serious health risks.

Griffin Transportation, Inc., and the company DeKock formerly owned engaged Accurate Truck Service, LLC, and Diesel Freak LLC to "delete" trucks owned, operated, or leased by the companies. During the conspiracy, Diesel Freak LLC was involved in at least 362 deletions; Accurate Truck Service, LLC, in at least 83 deletions; Griffin Transportation, Inc., in at least 12 deletions; and DeKock's former company in at least 4 deletions. Accurate Truck Service, LLC, and Griffin Transportation, Inc., have agreed to pay a combined \$1 million fine. Diesel Freak LLC has agreed to pay a \$750,000 fine subject to defense arguments regarding inability to pay. Any fine is a part of the criminal sentence and ultimately within the discretion of the sentencing judge.

"By illegally tampering with emissions controls on diesel trucks operating throughout the United States and Canada, defendants caused the excessive release of diesel exhaust containing toxic gases and impurities harmful to public health and the environment," said Acting Special Agent in Charge Richard Conrad of the U.S. Environmental Protection Agency's Criminal Investigation Division ("EPA-CID"). "This case highlights EPA and our law enforcement partners' continued efforts to prosecute those who violate environmental and public health laws in the U.S. for financial gain."

A conviction for conspiracy is subject to a prison term of up to five years and a fine of up to \$250,000 for an individual, \$500,000 for an organization, or twice the gain from the offense, among other penalties. A conviction for violating the Clean Air Act carries a prison term of up to two years and the same fines, among other penalties.

The purpose of the Clean Air Act is, among other things, "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." In passing the Act, Congress found that "the increasing use of motor vehicles[] has resulted in mounting dangers to the public health and welfare."

EPA's Criminal Investigation Division is conducting the investigation with assistance from Homeland Security Investigations, the U.S. Department of Transportation, Office of Inspector General, and the Michigan Department of Natural Resources, Environmental Investigation Section. Assistant U.S. Attorney Justin M. Presant is prosecuting the cases.

An Indictment is merely an accusation. All defendants are presumed innocent unless and until proven guilty in a court of law.

