North Carolina Department of Justice Environmental Crimes Team May 2012 Adjudicated and Closed Cases

WEST

1. Ramsey, Linda Allen

Case Number:

2009-00922

Agent:

ASAC Judy Billings

Date Opened:

04/01/09

County:

Madison/Buncombe

Other Agencies:

EPA CID

- DENR, Division of Compliance Services Branch of Public Water Supply reported alleged falsification of test data.
- It appears owner/operator Linda Ramsey may be substituting water samples for nitrate and total coliform testing.

Update:

- Federal search warrant executed at business on May 12, 2010. Ramsey confessed to falsifying water collection samples.
- > Pled guilty in February, 2011.
- > Has been cited for trying to intimidate witnesses.
- Ramsey was arrested and charged with state charges of conspiracy to commit larceny for hiring two subjects to remove items belonging to her ex husband, Winfred Ramsey, from the property on Nix Drive that is under foreclosure proceedings in Madison County.
- > Sentencing set for May 16, 2012. Knox is exposed to up to 60 months in Federal Prison.

2. Miller Trophy Room

Case Number:

2010-00298

Agent:

ASAC Judy Billings

Date Opened:

02/02/2010

County:

Stanly

Other Agencies:

EPA, NCAG

- Complaint from former employees regarding the misuse and mislabeling of the EPA registered pesticide Fipronil, brand name Termidor SC. Termidor is a chemical barrier application intended for outdoor application only for termites and fire ants.
- The chemical was used in taxidermy restoration and preservation by MTR in indoor applications.
- The Termidor was also re-labeled as a "trade secret" and no MSDS information was distributed to customers who requested it.
- MTR was also operating without a taxidermy or pesticide application permit/license.

Update:

- Search of the MTR business office was conducted on 02/04/2010 by SBI, EPA CID, EPA Region 4 Pesticide Control and North Carolina Department of Agriculture Structural Pest Control Division.
- ➤ Business records, computers and samples of chemicals, liquids and pesticides were seized during the search.
- Analysis has been received for the swabs of mounts from a client in Apex, NC treated by MTR that tested positive for Fibronil.
- > Moved from eastern district of NC to western district of NC, Indictments pending.
- > Plea agreements reached with Tim and Denise Smithers in October 2011

> Tim and Denise Smither pled guilty to Federal Fraud and Pesticide Violation Charges in Federal Court on March 14, 2012. Pending Sentencing.

3. Dickinson, Stephen Craig

Case Number:

2011-00774

Agent:

ASAC J. S. Billings

Date Opened:

March 30, 2011

County:

Mecklenburg

Other Agencies:

EPA

- Information was received indicating employees were falsifying EPA emissions testing on vehicles for the past nine months.
- Allegations were also made that the facility was using unlicensed inspectors to run emissions tests on vehicles for customers for the past two to three years.
- Allegations were also made of improper disposal of used fuel in storm drains at the facility.

Update:

- Stephen Craig Dickinson and Alex Edwards pled guilty to Federal clean air act violation.
- > Jin Chang was arrested and charged with two counts of false statement and a clean air act violation.
- > Plea agreements reached with all defendants in case.
- > Craig Dickinson sentenced in Federal Western District of NC on March 07, 2012; received two years supervised probation and \$1000.00 fine.
- Alex Edwards sentenced in Federal Western District of NC on March 07, 2012; received 60 days Bureau of Prisons; 4 months home confinement; 2 years supervised release; \$1000.00 fine.
- > Sentencing pending for defendants Chang, Cheung and Nguyen.
- Cheung sentenced to 10 months confinement, 5 months Bureau of Prisons and 5 months electronically monitored home confinement, 36 months supervised release and \$100.00 special assessment.

EAST

1. Barry Freedman Farms

11115

2007-03681

Agent:

SA Scott Faircloth

Case Number: Date Opened:

10/02/07

County:

Columbus

Other Agencies:

DENR and EPA

- DENR reported a hog waste spill that originated at the Freedman Farm.
- Spill area spans over 1.5 miles.
- SBI has conducted interviews and taken aerial photos.

Update:

- William Barry Freedman was indicted on one (1) count of the Clean Water Act and two (2) counts of false statements in Federal Grand Jury.
- > Freedman Farms, Inc. was also indicted on one (1) count of the Clean Water Act and two (2) counts of false statements in Federal Grand Jury.
- Barry Freedman was sentenced to six months active Federal Prison (has to report no sooner than July 1, 2012); six months house arrest after prison sentence is complete.
- Freedman Farms Inc. has to pay \$1.5 million dollars which \$500,000.00 was paid on the date of sentence and \$200,000.00 for the next five years, starting in the year 2013.
- > \$75,000 went to SEEN for environmental training, and \$1 million went to protecting Wetlands and the sensitive watershed of Browder's Branch in Columbus County, NC.

2. Foy, Randy

Case Number:

2010-01316

Agent:

SA Cecil Cherry

Date Opened:

May 19, 2010

County:

Jones

Other Agencies:

None

- Randy Foy allowed P and F Trucking to dump petroleum contaminated soil on his farm in Trenton, North Carolina.
- Bryant Pridgen was subcontracted by New River Air Station to haul fuel contaminated soil from New River Air Station to Whitakers, North Carolina.
- Pridgen and Foy struck an agreement to dispose of the soil improperly.

Update:

- Randy Foy was sentenced in US court on Monday April 30, 2012. He received 31/2 years federal probation; the first 6 months are to be served on house arrest. Foy was ordered to pay 15,000.00 in fines.
- Foy was ordered to pay for a third of an acre of wetlands when an environmental group to be named later buys an acre or more of wetlands at a time to be determined later.
- > Foy will also forfeit 40,000.00 in government funding for his farm as a result of him contaminating wetlands.

3. Waddell, Billy Ray

Case Number:

2010-02391

Agent:

SA C. V. Cherry

Date Opened:

August 23, 2010

County: Jones

Other Agencies:

DENR

• Allegations of falsifying records at the waste water treatment plant by Town Manager, Billy Waddell.

• It is believed Waddell falsified and forget the reports he was required to turn into the Department of Natural Resources.

Update:

> Pled guilty to falsifying records.

Received 24 months supervised probation.

4. Belangia, John

Case Number:

2011-00164

Agent:

SA C. V. Cherry

Date Opened:

January 21, 2011

County:

Jones

Other Agencies:

DENR

• It is believed Belangia was falsifying records at waste water treatment plant.

 Belangia allegedly documented purchasing dechlorinating chemicals when in fact he only took the money and claimed he purchased chemicals.

Update:

Pled guilty falsifying records.

➤ Received 24 months supervised probation.

5. Mayo, Troy

Case Number:

2011-00167

Agent:

SA P. E. Munson

Date Opened:

January 19, 2011

County:

Hyde

Other Agencies:

Division of Coastal Mgt.

Mayo has in the past filled in wetlands on his property.

 Mayo has previously restored the wetlands, but has again filled in approximately one acre of wetlands.

Update:

> DA has declined prosecution on this matter.

Civil proceedings are being conducted by EPA Civil and Division of Coastal Management.

> Troy Mayo found liable for environmental damage to wetlands during civil proceedings.

6. Andrews, Willie Lee

Case Number:

2011-01081

Agent:

ASAC J. E. Smith

Date Opened:

May 6, 2011

County:

Martin

Other Agencies:

DENR

Possibly untreated waste water flowing out of facility into the tributary waters of Tranters

• Water tests were performed by facility employees were consistently within limits.

Update:

➤ Andrews estimated that they had illegally expelled 50,000 to 60,000 gallons of solids, within the past year.

- Andrews was charged with 2 counts falsifying documents.
 Pled guilty to 2 counts of falsifying documents, received Prayer for Judgment.