

UNITED STATES DISTRICT COURT
District of South Carolina

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

Case Number: 2:16-cr-00551-MBS-1

AEGEAN SHIPPING MANAGEMENT SA

USM Number: N/A

George M. Chalos, Esq
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to Counts 1 and 5.
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 33:1908(a) and 33:1505.

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s).
All remaining counts are dismissed on the motion of the United States.
Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

March 6, 2017
Date of Imposition of Judgment

s/ Margaret B. Seymour

Signature of Judge

Marg aret B. Seymour, Senior U S District Judge
Name and Title of Judge

March 7, 2017
Date

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 DEFENDANT: AEGEAN SHIPPING MANAGEMENT SA

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## PROBATION

The defendant is hereby sentenced to a term of probation for a term of thirty-six (36) months as to each count to run concurrently. The defendant shall pay a \$800.00 special assessment fee, a fine in the amount of \$1,700,000.00 and a community service payment in the amount of \$300,000.00, for a total of \$2,000,000.00 all due beginning immediately. While on probation, the defendant shall comply with the mandatory and standard conditions of supervision as well as the following special conditions: 1. At its own expense and at no expense to the Government, the defendant shall implement an Environmental Compliance Plan ("ECP") which was attached to the defendant's plea agreement and filed with the Court. The defendant shall fully implement the ECP within 30 days of the date of sentencing. 2. Payments shall be due as set forth: A Liquidated Bond payment of \$200,000.00 within 14 days of sentencing, a Liquidated Bond payment of \$500,000.00 within 14 days of sentencing, a payment from Defendant in the amount of \$350,000.00 within 12 months of the sentencing, a payment from Defendant in the amount of \$350,000.00 within 24 months of the sentencing and a payment from Defendant in the amount of \$300,000.00 within 35 months of the sentencing. Payments shall be made payable to Clerk, U. S. District Court and mailed to P. O. Box 835, Charleston, South Carolina, 29402. Interest on any restitution ordered as to this defendant is waived.

**Community Service Payment:** In addition to the fine, on the date of sentencing, the defendant shall be responsible for a one-time community service payment of \$300,000 to the Gray's Reef National Marine Sanctuary Foundation, a 501(c) tax-exempt organization established to fund and support conservation activities at the Gray's Reef National Marine Sanctuary. The \$300,000 shall be taken from the liquidation of the surety bond with the U.S. Coast Guard. The payment address is Gray's Reef National Marine Sanctuary Foundation, 10 Ocean Science Circle, Savannah, GA 31411. The payment shall be utilized exclusively for scientific research, environmental monitoring, and resource protection, including seaborne transportation for such purposes, in the Gray's Reef National Marine Sanctuary. Projects shall be designed so that funding will be fully expended by no later than 48 months of sentencing. The recipient shall prepare and provide to the parties and the U.S. probation office annual reports detailing expenditures, goals, progress, results, and future plans. The defendant shall not be permitted to take any tax offset or deduction for the community service payment.

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

Sanjiv Beri has been designated to serve as the court appointed monitor.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	Restitution( <u>Community Service Payment</u> )
<b>TOTALS</b>	<b><u>\$800.00</u></b>	<b><u>\$1,700,000.00</u></b>	<b><u>\$300,000.00</u></b>

The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case(AO245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Gray's Reef National Marine Sanctuary Foundation	\$300,000.00	\$300,000.00	100%
<b>TOTALS</b>	<b>\$300,000.00</b>	<b>\$ 300,000.00</b>	

Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

- The court ordered that:
  - The interest requirement is waived for the  fine  restitution.
  - The interest requirement for the  fine  restitution is modified as follows:

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**SCHEDULE OF PAYMENTS**

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$800.00 Special Assessment Fee, \$1,700,000.00 Fine and Restitution (Community Service Payment) in the amount of \$300,000.00 all due immediately.  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D, or  E, or  F below: or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment to commence after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

**Fine:**

- Liquidated Bond \$200,000 within 14 days of Sentencing
- Liquidated Bond \$500,000 within 14 days of Sentencing
- Defendant \$350,000 w/in 12 mos.
- Defendant \$350,000 w/in 24 mos.
- Defendant \$300,000 w/in 35 mos.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant’s interest in the following property to the United States:

As directed in the Preliminary Order of Forfeiture, filed \_\_\_\_\_ and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.