

UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND District of Maryland

UNITED STATES OF AMERICA V.

Efploia Shipping Co. S.A.

JUDGMENT IN A CRIMINAL CASE (For Organizational Defendants)

CASE NUMBER: MJG-1-11-CR-00652-001

Gregory F. Linsin & Jeanne Marie Grasso Defendant Organization's Attorney

FILED 2012 FEB 27 P 1:02 CLERK'S OFFICE DISTRICT OF MARYLAND

THE DEFENDANT ORGANIZATION:

- pleaded guilty to counts 1,2,3 & 4 of the Information
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 organizational defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18§1505, 33§1908, 33§1908, 18§1001.

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

The defendant organization has been found not guilty on count(s)

Count(s) is are dismissed on the motion of the United States.

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

Defendant Organization's Federal Employer I.D. No.:

Defendant Organization's Principal Business Address:

111, Filonos Street

GR-18535, Piraeus

Greece

Defendant Organization's Mailing Address:

same

January 25, 2012 Date of Imposition of Judgment

Signature of Judge (Handwritten signature)

Marvin J. Garbis, United States District Judge Name and Title of Judge

February 24, 2012 Date

DEFENDANT ORGANIZATION: **Efploia Shipping Co. S.A.**
CASE NUMBER: MJG-1-11-CR-00652-001

PROBATION

The defendant organization is hereby placed on organizational probation for 3 years pursuant to 18 U.S.C. § 3561 (c)(1) as to counts 1,2,3 and 4 to run concurrent for a total term of 3 years.

The defendant organization shall not commit another federal, state or local crime.

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

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: **Efploia Shipping Co. S.A.**
CASE NUMBER: MJG-1-11-CR-00652-001

ADDITIONAL PROBATION TERMS

Defendant shall commit no further violations of MARPOL 73/78, federal, state or local law, and shall conduct all its operations in accordance with environmental laws of the United States

Defendant shall make timely payments of the monetary amounts as set forth herein including all special assessments, fines, quarterly payments and community service payments

Defendant shall develop, adopt, establish, implement and fund a comprehensive environmental compliance plan, including the remedial measures set forth in the Environmental Compliance Plan ("ECP"), set forth as Attachment 2 to the Plea Agreement, consistent with the sentencing policies set forth in USSG § 8D1.4. As set forth in the ECP, the Defendant shall retain the services of an outside Third Party Auditor to perform external audits and fund a Court Appointed Monitor to perform the duties set forth in the ECP and to report to the Court and Office of Probation.

Defendant shall, within three days of sentencing, pay the sum of Two Hundred and Seventy Five Thousand Dollars (\$275,000.00) to the National Fish and Wildlife Foundation under the condition that the said Foundation shall divide the funds equally and earmarked for funding from non-profit organizations to improve, restore or study the water quality of Chesapeake Bay or other related aquatic or marine resources in the State of Maryland and to identify illegal and point source pollution. Defendant shall not seek any reduction in its tax obligations by virtue of this payment. Neither Defendant nor any related entity or agent, shall characterize, publicize or refer to this payment as a voluntary donation or contribution.

DEFENDANT ORGANIZATION: **Efploia Shipping Co. S.A.**
 CASE NUMBER: MJG-1-11-CR-00652-001

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
TOTALS	\$ 1,600.00 (\$400.00 on each count 1,2,3 &4)	\$	925,000.00(\$462,500.00 each on counts 2 & 3)	\$	-0-

- The determination of restitution is deferred until _____ . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization 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>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0	\$ _____ 0
---------------	------------	------------

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization does not have the ability to pay interest, and it is 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.

DEFENDANT ORGANIZATION: **Efploia Shipping Co. S.A.**

CASE NUMBER: MJG-1-11-CR-00652-001

SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ 1,600.00(assessments) due immediately, balance due

- not later than _____, or
- in accordance with C or D below; or

B Payment to begin immediately (may be combined with C or D below); or

C Payment _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Special instructions regarding the payment of criminal monetary penalties:

The total criminal fine of Nine Hundred and Twenty Five Thousand Dollars (\$925,000.00) shall be paid to the Clerk, United States District Court within thirty six (36) months of January 25, 2012 in quarterly payments of equal amounts of principal plus interest, with the first payment due May 25, 2012 and the last installment and any unpaid balance or principal and interest paid by December 24, 2014. The provisions regarding collection, interest and penalties set forth in 18 U.S.C. §§ 3572(h)(i) and 3612 shall apply.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization 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 organization shall pay the cost of prosecution.

The defendant organization shall pay the following court cost(s):

The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

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.