



onal Defendants (USAO 10/02/2003)

06-CR-05661-JGM

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JAN 23 2007
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT

WESTERN

District of

UNITED STATES OF AMERICA
V.

IRIKA MARITIME S.A.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

CASE NUMBER: CR06-5661RBL

JOHN WOLFE and PHILIP LEMPRIERE
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) I of the Information (Plea Date: November 3, 2006)
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the organizational defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
33 U.S.C. §§ 1908(a); 33 C.F.R. § 151.25	Failure to Maintain Accurate Oil Record Book	10/05/2006	1

The defendant organization is sentenced as provided in pages 2 through 6 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 shall 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. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of any material change in the organization's economic circumstances.

Defendant Organization's
Federal Employer I.D. N/A

Defendant Organization's Principal Business Address:

Proconsa II Building
Beatriz M. De Cabal Street
Panama 5
Republic of Panama

Defendant Organization's Mailing Address:
SAME AS ABOVE

AMES D. OESTERLE
Signature of Assistant United States Attorney

January 23, 2007
Date of Imposition of Judgment

Signature of Judicial Officer

HONORABLE RONALD B. LEIGHTON, United States District Judge
Name and Title of Judicial Officer

January 23, 2007
Date

DEFENDANT ORGANIZATION: IRIKA MARITIME S.A.
CASE NUMBER: CR06-5661RBL

PROBATION

The defendant organization is hereby sentenced to probation for a term of Four (4) YEARS

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

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant organization shall also comply with the 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 organizations'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;
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: IRIKA MARITIME S.A.
CASE NUMBER: CR06-5661RBL

ADDITIONAL PROBATION TERMS

1. The defendant organization is placed on probation for a period of four (4) years, subject to the conditions of probation for organizations outlined in Chapter 8, Part D for Organizational Probation and the terms of the plea agreement entered January 23, 2006.
2. Additional conditions of probation, as set forth in U.S.S.G. § 8D1.4c, are encompassed in the Plea Agreement. These conditions include provisions that the defendant organization commit no further violations of federal, state, or local law and shall conduct all its operations in accordance with the MARPOL Protocol; develop, adopt, implement, and fund a comprehensive Environmental Management System/Compliance Plan (EMS) filed as set forth in Exhibit A to the Plea Agreement; provide the United States with full access to its vessels listed in the EMS; pay a fine in the amount of Five Hundred Thousand Dollars (\$500,000), and make a community service payment in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) as specified on pages 4 and 5 of this Judgment.
3. The defendant shall pay a special assessment in the amount of \$400.00 which shall be due immediately.

DEFENDANT IRIKA MARITIME S.A.
 CASE NUMBER: CR06-5661RBL

CRIMINAL MONETARY PENALTIES

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Community Service Payment</u>
TOTALS	\$ 400.00	\$ 500,000.00	\$ 250,000.00 (See Page 5)

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(f), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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TOTALS \$ _____ \$ _____

If applicable, restitution amount ordered pursuant to plea agreement \$ _____

The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution 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 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

X the interest requirement is waived for the X fine and/or restitution.

the interest requirement for the fine and/or restitution is modified as follows:

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

DEFENDANT ORGANIZATION: IRIKA MARITIME S.A.
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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

1. Pursuant to Title 33, United States Code, Section 1908(a), the Court, in its discretion, hereby awards the sum of Two Hundred Fifty Thousand Dollars (\$250,000), or one-half of the criminal fine imposed to Andres F. Bontog, Jr. for information he provided to the United States that led to the conviction of defendant Irika Maritime S.A.. The clerk of this court is directed to make payment of Mr. Bontog's award to Irwin H. Schwartz, Mr. Bontog's counsel, who will transmit the funds to Mr. Bontog in accordance with an "Authorization To Receive Payment" executed by Mr. Bontog.

2. The Court agrees defendant shall make a community service payment of an additional Two Hundred Fifty Thousand Dollars (\$250,000) pursuant to U.S.S.G. § 8B1.3, and in furtherance of the sentencing principles provided in 18 U.S.C. § 3553(a). Specifically, the community service payment shall be applied as follows:

A. Columbia River Estuarine Fund

One Hundred Twenty Five Thousand Dollars (\$125,000) shall be deposited into the Columbia River Estuarine Coastal Fund to be administered by the National Fish and Wildlife Foundation, a Congressionally created organization. The deposited funds shall be used to finance projects that benefit, preserve, and restore the environment and ecosystems in the waters of the United States adjoining the coastline of Washington State.

B. Puget Sound Marine Conservation Fund

One Hundred Twenty Five Thousand Dollars (\$125,000) shall be deposited into the Puget Sound Marine Conservation Fund to be administered by the National Fish and Wildlife Foundation, a Congressionally created organization. The deposited funds shall be used to finance projects that benefit, preserve, and restore the environment and ecosystems in the waters Puget Sound, the Straits of Juan de Fuca, and waters subject to tidal influence within Puget Sound and the Straits of Juan de Fuca.

In accordance with paragraph 7(c) of the Plea Agreement, defendant shall provide the clerk of this court with two checks each in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) with one made payable to "National Fish and Wildlife Foundation re: Puget Sound Marine Conservation Fund" and the other to "National Fish and Wildlife Foundation re: Columbia River Estuarine Coastal Fund." Both checks shall be sent to:

Krystyna Wolniakowski, Director
Northwest Region
National Fish and Wildlife Foundation
806 SW Broadway, Suite 750
Portland, OR 97205

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SCHEDULE OF PAYMENTS

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

X PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid:

- During the period of imprisonment, pursuant to the Bureau of Prison's Inmate Financial Responsibility Program.
- During the period of supervised release, in monthly installments amounting to not less than _____% of the defendant's gross monthly household income, to commence 30 days after the release from imprisonment.
- During the period of probation, in monthly installments amounting to not less than _____% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

X Special instructions regarding the payment of criminal monetary penalties:

MAKE CHECK(S) FOR THE CRIMINAL FINE AND SPECIAL ASSESSMENT PAYABLE TO:

United States District Court Clerk, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified at page 4 of this Judgment.

- 1. The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible.**
- 2. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.**

All criminal monetary penalties are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

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

Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- 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) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.