

UNITED STATES DISTRICT COURT

OCT 2 3 2007

		District of	CLERK, Alaska	U.S. DISTRICT COURT NCHORAGE, AK
UNITED STATES OF AMERICA V.		JUDGMENT (For Organization	IN A CRIMINAL CAS	-
POLAR TA	NKERS, INC.	CASE NUMBE	ER: 3:07-cr-00124-H	IRH
		Robert Bundy Defendant Organizat	ion's Attorney	
THE DEFENDANT	ORGANIZATION:			
X pleaded guilty to coun	t(s) 1 of the Felony Infor	mation.		
pleaded nolo contende which was accepted by		-		
was found guilty on co after a plea of not guil				
The organizational defend	ant is adjudicated guilty of	these offenses:		
Title & Section 33 U.S.C. § 1908(a)	Nature of Offense Failure to Maintain a	n Oil Record Book	Offense Ended 06/09/2004	Count
☐ The defendant organiz	zation has been found not g	•		·
☐ Count(s)		is are dismissed on the	motion of the United States.	
It is ordered that t of name, principal business are fully paid. If ordered changes in economic circu	he defendant organization n address, or mailing address to pay restitution, the defer mstances.	nust notify the United States atto s until all fines, restitution, costs, andant organization must notify	orney for this district within 30 and special assessments impose the court and United States a	days of any change ed by this judgment ttorney of material
Defendant Organization's Federal Employer I.D. No.: 51	0100387	October 23, 200	7	
		Date of Imposition of	f Judgment	
Defendant Organization's Princi	pai Busiliess Address.	REDACT	TED SIGNATURE	
900 Threadneedle	-	Signature of Judge		
Houston, TX 77079-2919		H BUCCEL HO	I I AND HE DISTRICT HE	DCE
		Name and Title of Ju	LLAND, U.S. DISTRICT JU idge	DGE
			23/07	
Defendant Organization's Mailir	ng Address:	Date		
Same As Above				
		<u> </u>		

AO 245E

Sheet 2 - Probation

Judgment-Page of

DEFENDANT ORGANIZATION: POLAR TANKERS, INC.

CASE NUMBER:

3:07-cr-010124-HRH

PROBATION

The defendant organization is hereby sentenced to probation for a term of: 3 years.

This term consists of 3 years on count 1 of the Felony Information. After Polar Tankers, Inc. has completed 2 years of its probationary term, the company may request the court to terminate probation.

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 organizations's representative and to be the primary contact for 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;
- 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.

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants Sheet 2B — Probation

Judgment--Page 3 of 7

DEFENDANT ORGANIZATION: POLAR TANKERS, INC.

CASE NUMBER: 3:07-cr-00124-HRH

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant to commit no violations of regulations or environmental permits of the United States, including those for the primary enforcement for which primary enforcement has been deligated to the State of Alaska.
- 2. The defendant shall perform organizational community service as detailed in Section V.B. of the Plea Agreement. That provision says that as a special condition of probation the defendant will perform organization community service pursuant to Section 8B 1.3 of the United States sentencing commission guidelines, and in furtherance of the principles provided for under 18 U.S.C. Section 3553(a) by paying the sum of \$2,000,000.00 on the day of sentencing to the National Fish and Wildlife Foundation.

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants Sheet 3 — Criminal Monetary Penalties Judgment — Page DEFENDANT ORGANIZATION: POLAR TANKERS, INC. CASE NUMBER: 3:07-cr-00124-HRH CRIMINAL MONETARY PENALTIES The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4. Restitution <u>Assessment</u> 500,000.00 **TOTALS** 400.00 ☐ 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. Name of Payee Total Loss* **Restitution Ordered Priority or Percentage** TOTALS 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

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

☐ fine

be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ fine

the interest requirement is waived for the

the interest requirement for the

restitution.

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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(Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants Sheet 4 — Schedule of Payments

Judgment — Page 5 of	7	

DEFENDANT ORGANIZATION: POLAR TANKERS, INC.

CASE NUMBER: 3:07-cr-00124-HRH

SCHEDULE OF PAYMENTS

Hav	ing a	ssessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:
A	X	Lump sum payment of \$ 500,400.00 due immediately, balance due
		X not later than October 23, 2007, or in accordance with C or D below; or
В		Payment to begin immediately (may be combined with \Box C or \Box D below); or
C		Payment in (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:
All	crimi	nal monetary penalties are made to the clerk of the court.
The	defe	ndant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
1110	4010	name organization shall receive create for all payments previously made toward any eliminal monetary penalties imposed.
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		at and Several
	Def cor	endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and responding payee, if appropriate.
	The	defendant organization shall pay the cost of prosecution.
		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:

AO 245E

Judgment — Page 6 of 7

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	FENDANT ORGANIZATION: POLAR TANKERS, INC. SE NUMBER: 3:07-cr-00124-HRH
CA	SE NUMBER: 3.07-CI-00124-HRH STATEMENT OF REASONS
	The court adopts the presentence report and guideline applications WITHOUT CHANGE.
	OR The court adopts the presentence report guideline applications BUT WITH THESE CHANGES:
	Presentence Report waived.
Gui	ideline Range Determined by the Court:
	The defendant organization is a criminal purpose organization pursuant to U.S.S.G. §8C1.1.
	OR
	The calculation of the guideline fine range is unnecessary because the defendant organization cannot pay restitution pursuant to U.S.S.G. §8C2.2(a).
	OR
	Total Offense Level:
	Base Fine: Statutory maximum \$500,000.00, USSC Guidelines do not apply to the fine calculation.
	Total Culpability Score:
	Fine Range: \$ to \$
	Disgorgement amount of \$ is added to fine pursuant to U.S.S.G. §8C2.9.
	Fine offset amount of \$ is subtracted from fine pursuant to U.S.S.G. §8C3.4.
	Fine waived or below the guideline range because of inability to pay pursuant to U.S.S.G. §8C.3.3.
RE	STITUTION DETERMINATIONS
Tot	al Amount of Restitution: \$ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
	For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
	For offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
X	Restitution is not ordered for other reasons:
	No damage or loss established.
	Partial restitution is ordered, pursuant to 18 U.S.C. § 3553(c) for the following reason(s):

AO 245E	(Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants
	Attachment A — Statement of Reasons

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	Judgi	ment — Page	7	of	7	

DEFENDANT ORGANIZATION: POLAR TANKERS, INC. CASE NUMBER:

3:07-cr-00124-HRH

STATEMENT OF REASONS

The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

Guidelines N/A except as to probation: at least 1 and up to 5 years. Defendant is required to spend \$5,000,000.00 on a Focused Environmental Management Systems, pay \$2,000,000.00 to the National Fish & Wildlife Foundation in addition to the maximum statutory fine.

OR

The	e sentence departs from the guideline range:
	upon motion of the government, as a result of a defendant's substantial assistance, or
П	for the following specific reason(s):