

# UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

V.

SANFORD LTD.

**JUDGMENT IN A CRIMINAL CASE**  
(For Organizational Defendants)

**FILED**

**JAN 15 2013**

CASE NUMBER: 11-352-01

Paul Honigberg, Esq. and Gregory ~~Courts for the District of Columbia~~  
Defendant Organization's Attorney

Clerk, U.S. District & Bankruptcy  
Court for the District of Columbia

### THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) \_\_\_\_\_
- pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- was found guilty on count(s) One (1), Two (2), Three (3), Four (4), Five (5), and Seven (7) of Sup. Ind. filed 1/5/12.  
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC 371	Conspiracy	7/15/2011	1
33 USC 1908(a)	Knowing Failure to Maintain Accurate Oil Record Book - Act to Prevent Pollution from Ships	7/9/2010	2

The defendant organization is sentenced as provided in pages 2 through 11 of this judgment.

- The defendant organization has been found not guilty on count(s) Six (6).
- 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. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer ID No N/A

1/11/2013  
Date of Imposition of Judgment

Defendant Organization's Principal Business Address

22 Jellicoe Street, Freemans Bay  
Post Office Box 443  
Auckland, New Zealand 1010

Beryl A. Howell  
Signature of Judge

Beryl A. Howell U.S. District Judge  
Name of Judge Title of Judge

January 14, 2013  
Date

Defendant Organization's Mailing Address

22 Jellicoe Street, Freemans Bay  
Post Office Box 443  
Auckland, New Zealand 1010

DEFENDANT ORGANIZATION: SANFORD LTD.  
CASE NUMBER: 11-352-01**ADDITIONAL COUNTS OF CONVICTION**

<b><u>Title &amp; Section</u></b>	<b><u>Nature of Offense</u></b>	<b><u>Offense Ended</u></b>	<b><u>Count</u></b>
18 USC 1519	Falsification of Records	7/9/2010	3
33 USC 1908(a)	Knowing Failure to Maintain Accurate Oil Record Book - Act to Prevent Pollution From Ships	7/14/2011	4
18 USC 1519	Falsification of Records	7/14/2011	5
33 USC 1907(a) and 1908(a)	Discharge Without Operating Separating Equipment - Act to Prevent Pollution From Ships	7/15/2011	7

DEFENDANT ORGANIZATION: SANFORD LTD.  
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### PROBATION

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

CONCURRENT TERMS OF THIRTY SIX (36) MONTHS ON COUNTS ONE (1) THROUGH FIVE (5) AND SEVEN (7).

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).

See page 5 for additional Standard Conditions of Supervision.

### 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; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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### **SPECIAL CONDITIONS OF SUPERVISION**

Environmental Compliance Plan - Defendant Sanford LTD's vessels shall be prohibited from calling on United States ports during the period of probation, unless Defendant Sanford LTD seeks permission of the Court to lift the prohibition on entry upon a showing that the Defendant Sanford LTD has implemented and maintained an Environmental Compliance Plan satisfactory to the Court.

Community Service - The defendant organization is ordered to pay \$500,000.00 as community service to the National Marine Sanctuaries Foundation for the benefit of marine sanctuaries in and around American Samoa.

Fine - The defendant organization shall pay the balance of any fine owed at a rate of no less than \$25,000.00 each month and provide verification of same to the Probation Office.

The Probation Office shall release the presentence investigation report to all appropriate agencies in order to execute the sentence of the Court.

DEFENDANT ORGANIZATION: SANFORD LTD.  
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### **ADDITIONAL STANDARD CONDITIONS OF SUPERVISION**

Special Assessment - The defendant corporation shall pay a total special assessment of \$2,400.00 as to Counts One (1) through Five (5) and Seven (7). This special assessment shall be due immediately and shall be payable to the Clerk of the Court for the U.S. District Court, District of Columbia.

Fine Obligation - The defendant shall pay a total fine of \$1,900,000.00. The fine shall be due immediately and shall be payable to the Clerk of the Court for the U.S. District Court, District of Columbia.

Change of Address - Within 30 days of any change of address, the defendant corporation shall notify the Clerk of the Court for the U.S. District Court, District of Columbia, of the change until such time as the financial obligation is paid in full.

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**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>
<b>TOTALS</b>	\$ 2,400.00	\$ 1,900,000.00	\$ 0 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.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____ 0.00	\$ _____ 0.00
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- 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.

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### 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 \$ 2,400.00 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 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:

The defendant organization shall pay a special assessment of \$2,400.00 and a fine in the amount of \$1,900,000.00. The special assessment and fine are immediately payable to the Clerk of the Court for the U. S. District Court, District of Columbia. If not paid immediately, the defendant organization shall pay the balance of any fine owed at a rate of no less than \$25,000.00 each month and provide verification of same to the Probation Office.

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.