

# UNITED STATES DISTRICT COURT

District of Guam

UNITED STATES OF AMERICA  
V.

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

FUKUICHI GYOGYO KABUSHIKI KAISHA

CASE NUMBER: 1:19-CR-00024

Daniel J. Berman, Retained Counsel  
Defendant Organization's Attorney

**THE DEFENDANT ORGANIZATION:**

- pleaded guilty to count(s) 1-3
- 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:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
33 USC § 1908(a)	Act to Prevent Pollution from Ships	4/1/2019	1-2
18 USC § 1505	Obstruction of an Agency Proceeding	4/2/2019	3

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. 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 I.D. No.: \_\_\_\_\_

7/11/2019  
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:

Kabushiki Kaiysa 5-9-25, Nakaminato, Yaizu-shi,  
Shizuoka-ken, 425-0021 Japan



**/s/ Frances M. Tydingco-Gatewood**  
**Chief Judge**  
**Dated: Jul 18, 2019**

Defendant Organization's Mailing Address:

DEFENDANT ORGANIZATION: FUKUICHI GYOGYO KABUSHIKI KAISHA  
CASE NUMBER: 1:19-CR-00024

### **PROBATION**

The defendant organization is hereby sentenced to probation for a term of :  
5 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 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.

DEFENDANT ORGANIZATION: FUKUICHI GYOGYO KABUSHIKI KAISHA  
CASE NUMBER: 1:19-CR-00024

Judgment—Page 3 of 5

### **ADDITIONAL PROBATION TERMS**

1. No vessel owned or operated by FUKUICHI shall be permitted to enter the Exclusive Economic Zone, Territorial Sea, or a port or terminal belonging to or appertaining to the United States without the express permission of the U.S. Coast Guard Captain of the Port ("COTP") responsible for the area.
2. In the event FUKUICHI wants one of its owned or operated vessels to enter the Exclusive Economic Zone, Territorial Sea, or a port or terminal belonging to or appertaining to the United States, it shall implement and submit a comprehensive Environmental Compliance Plan ("ECP") and associated vessel audits to the relevant COTP thirty days prior to entry, who shall have full discretion whether to deny or permit entry. The submitted ECP must include annual audits of FUKUICHI's vessels to ensure they are in compliance with MARPOL. None of these conditions shall be construed to prevent entry of a vessel owned or operated by FUKUICHI into the United States pursuant to a valid claim of force majeure.



DEFENDANT ORGANIZATION: FUKUICHI GYOGYO KABUSHIKI KAISHA  
CASE NUMBER: 1:19-CR-00024

### 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 \$ 1,501,200.00 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:

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.