

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

v

Case Number: 6:20-cr-103-Orl-40LRH

MISUGA KAIUN CO. LTD

**George M. Chalos, Retained
55 Hamilton Avenue
Oyster Bay, NY 11771**

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count One of the Information. The defendant organization is adjudicated guilty of this offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
33 U.S.C. § 1908, 18 U.S.C. § 2, and 33 C.F.R. § 151.25	Failure to Maintain Accurate Oil Record Book – Act to Prevent Pollution From Ships	May 22, 2020	One

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, 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 shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:

July 29, 2020



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

July 30, 2020

Defendant Organization's Mailing

Address:

55 Hamilton Avenue
Oyster Bay, NY 11771

Defendant Organization's IMO Number:

1773755

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PROBATION

The defendant organization is hereby placed on organizational probation for a term of **FOUR (4) YEARS**.

The defendant may move for early termination of probation after thirty-six (36) months absent good cause.

MANDATORY CONDITIONS

1. The defendant organization must not commit another federal, state or local crime.
2. The defendant organization must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
3. If this judgment imposes a fine, the defendant organization must pay in accordance with the Schedule of Payments sheet of this judgment.
4. 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.

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' 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.

ADDITIONAL CONDITIONS OF PROBATION

The defendant shall also comply with the following additional conditions of probation:

- The defendant agrees that it shall commit no further violations of MARPOL Protocol, federal, state or local law, including those laws and regulations for which primary enforcement has been delegated to the state authorities, and shall conduct all its operations in accordance with the environmental laws of the United States.
- The defendant agrees to fund and implement the environmental remedies measures set forth in the Environmental Compliance Plan (ECP), which is attached, during its term of probation, consistent with sentencing policies set forth in USSG §8D1.4.
- The defendant agrees that it will not take any adverse action against the officers and crew members who cooperated with the investigation because of their cooperation.
- The defendant agrees to comply with the terms of the Agreement on Security entered into on June 5, 2020, with the United States regarding all obligations remaining thereunder including repatriating any crewmembers remaining in the United States once the crewmembers' testimony and/or presence in the United States is no

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longer required by the United States. This obligation includes continuing to provide for the crewmembers that remain in the United States until the final resolution of all criminal charges arising from the conduct of the *M/V Diamond Queen* have been fully litigated. The defendant also agrees not to oppose, and cause others to oppose, any recommendation for payment to an individual made by the United States pursuant to 33 U.S.C. § 1908(a).

CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>
TOTALS	\$400.00	N/A	\$1,500,000.00	N/A	N/A

SCHEDULE OF PAYMENTS

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

The defendant organization shall pay a total fine of \$1,500,000 within thirty (30) days from the imposition of sentence. The \$400.00 special assessment shall also be paid within thirty (30) days.

A payment of \$375,000 will be made to one cooperating former crewmember, E.A.N., pursuant to 33 U.S.C. § 1908(a), which is set forth in the Order at Doc. 29.

All criminal monetary penalties are made to the Clerk, U.S. District Court, unless otherwise directed by the court, the probation officer, or the United States attorney.

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

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.

¹ Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

² Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.