

CLOSED

**U.S. District Court
District of South Carolina (Charleston)
CRIMINAL DOCKET FOR CASE #: 2:19-cr-00434-RMG-1**

Case title: USA v. Portline Bulk International S.A. et al

Date Filed: 05/10/2019

Date Terminated: 07/29/2019

Assigned to: Honorable Richard M
Gergel

Defendant (1)

Portline Bulk International S.A.
TERMINATED: 07/29/2019

represented by **Ryan Daniel Gilsenan**
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ATTORNEY TO BE NOTICED
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

ENFORCEMENT – CRIMINAL
PENALTIES – Failure to
Maintain Accurate Oil Record
Book – Act to Prevent Pollution
from Ships, 33 U.S.C. § 1908(a);
Aiding and Abetting, 18 U.S.C. §
2)
(1)

Disposition

The defendant is hereby sentenced to probation for a term of four (4) years as to each count to run concurrently. The defendant shall pay the mandatory \$800.00 special assessment fee and a fine in the amount of \$1,500,000.00. While on probation, the defendant shall comply with the mandatory and standard conditions of as well as the following special conditions: 1. At its own expense and at no expense to the Government, the defendant shall implement an Environmental Compliance Plan ("ECP"), docket entry 41-2. The defendant shall fully implement the ECP within 30 days of the date of sentencing. 2. Even with a portion the Surety Bond being liquidated to satisfy the criminal fine, the defendant shall fully comply with the otherwise applicable provisions of the August 27, 2018 Agreement on Security between the defendant and the U.S. Coast Guard. 2. The defendant shall pay a fine in the amount of \$1,500,000.00. The entire fine must be paid within 30 days of sentencing. The payment shall be made payable to Clerk, U.S. District Court and mailed to PO Box 835, Charleston, SC 29402. Interest on any restitution ordered as to this defendant is waived. Payments shall be adjusted accordingly, based upon the

DESTRUCTION, ALTERATION
OR FALSIFICATION OF
RECORDS IN FEDERAL
INVESTIGATIONS
(2)

defendants ability to pay as determined by the Court. At the defendant's election, the defendant may satisfy a portion of the fine by liquidating \$1,000,000.00 of the Surety Bond referenced in the August 27, 2018, Agreement on Security, also known as the Surety Agreement, with the U.S. Coast Guard. Delays or difficulties associated with the liquidation of the \$1,000,000.00 portion of the Surety Bond shall not be as basis for delaying full payment of the criminal fine by the 30-day deadline.

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Highest Offense Level (Opening)

Felony

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Disposition

Plaintiff**USA**

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Designation: Assistant US Attorney

Date Filed	#	Docket Text
05/10/2019	<u>1</u>	FELONY INFORMATION as to Portline Bulk International S.A. (1) count(s) 1, 2, Anatoli Zotsenko (2) count(s) 1, Valerii Pashtushenko (3) count(s) 1. (hhil,) (Entered: 05/13/2019)
05/10/2019	<u>6</u>	PLEA AGREEMENT as to Portline Bulk International S.A. (hhil,) (Entered: 05/13/2019)
05/13/2019	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Ryan Daniel Gilsenan appearing for Portline Bulk International S.A. (Gilsenan, Ryan) (Entered: 05/13/2019)
05/13/2019	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: Sean Houseal appearing for Portline Bulk International S.A. (Houseal, Sean) (Entered: 05/13/2019)
05/23/2019	19	Case Reassigned as to Portline Bulk International S.A., Anatoli Zotsenko, Valerii Pashtushenko to Judge Honorable Richard M Gergel. Judge Unassigned – CRI no longer assigned to the case. (pcas,) (Entered: 05/23/2019)
05/29/2019	22	NOTICE OF HEARING as to Portline Bulk International S.A. Guilty Plea Hearing set for 6/20/2019 11:00 AM in Charleston Courtroom #1, J. Waties Waring Judicial Center, 83 Meeting St, Charleston before Honorable Richard M Gergel. (cper,) (Entered: 05/29/2019)
06/13/2019	<u>41</u>	NOTICE OF CORPORATE RESOLUTION AND ECP by USA as to Portline Bulk International S.A. (Attachments: # <u>1</u> Exhibit Corporate Resolution, # <u>2</u> Exhibit Environmental Compliance Plan) (Gilsenan, Ryan) Filing corrected for event type. (ssam,) (Entered: 06/14/2019)
06/20/2019	50	Minute Entry for proceedings held before Honorable Richard M Gergel: Arraignment and Guilty Plea Hearing as to Portline Bulk International S.A. (1) Count 1,2 held on 6/20/2019. AUSA Matt Austin and DOJ Counsel Christopher Hale appear for USA. Ryan Gildenan present with Corporate Representative of Defendant. Plea Agreement Accepted Portline Bulk International S.A. (1) Guilty Count 1,2. Court Reporter Tana Hess. (hhil,) (Entered: 06/20/2019)
06/20/2019	<u>51</u>	GUILTY PLEA ENTERED as to Portline Bulk International S.A. (hhil,) (Entered: 06/20/2019)

06/20/2019	<u>52</u>	WAIVER OF INDICTMENT by Portline Bulk International S.A. (hhil,) (Entered: 06/20/2019)
07/12/2019	54	NOTICE OF HEARING as to Portline Bulk International S.A.: Sentencing set for 7/24/2019 10:00 AM in Charleston Courtroom #1, J. Waties Waring Judicial Center, 83 Meeting St, Charleston before Honorable Richard M Gergel. (cper,) (Entered: 07/12/2019)
07/13/2019	<u>55</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Portline Bulk International S.A. held on June 20, 2019, before Judge Richard M. Gergel. Court Reporter/Transcriber Tana J. Hess, Telephone number/E-mail 843.779.0837 tana_hess@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 8/5/2019. Redacted Transcript Deadline set for 8/13/2019. Release of Transcript Restriction set for 10/11/2019. (thes,) (Entered: 07/13/2019)
07/19/2019	<u>56</u>	MOTION to Designate Payments to Whistleblowers per APPS by USA as to Portline Bulk International S.A.. Proposed order is being emailed to chambers with copy to opposing counsel (Attachments: # <u>1</u> Proposed Order for Whistleblower Award)(Hale, Christopher) (Entered: 07/19/2019)
07/24/2019	58	Minute Entry for proceedings held before Honorable Richard M Gergel: Sentencing held on 7/24/2019 as to Portline Bulk International S.A.. Court approves Third Party Auditor and Court Appointed Monitor. Court Reporter Karen Martin. (cper,) (Entered: 07/24/2019)
07/24/2019	<u>59</u>	ORDER granting <u>56</u> Motion to Designate Payments to Whistleblowers as to Portline Bulk International S.A. (1). Signed by Honorable Richard M Gergel on 7/24/19.(cper,) (Entered: 07/24/2019)
07/29/2019	<u>60</u>	JUDGMENT as to Portline Bulk International S.A. (1), Count(s) 1, 2, The defendant is hereby sentenced to probation for a term of four (4) years as to each count to run concurrently. The defendant shall pay the mandatory \$800.00 special assessment fee and a fine in the amount of \$1,500,000.00. While on probation, the defendant shall comply with the mandatory and standard conditions of as well as the following special conditions: 1. At its own expense and at no expense to the Government, the defendant shall implement an Environmental Compliance Plan ("ECP"), docket entry 41-2. The defendant shall fully implement the ECP within 30 days of the date of sentencing. 2. Even with a portion the Surety Bond being liquidated to satisfy the criminal fine, the defendant shall fully comply with the otherwise applicable provisions of the August 27, 2018 Agreement on Security between the defendant and the U.S. Coast Guard. 2. The defendant shall pay a fine in the amount of \$1,500,000.00. The entire fine must be paid within 30 days of sentencing. The payment shall be made payable to Clerk, U.S. District Court and mailed to PO Box 835, Charleston, SC 29402. Interest on any restitution ordered as to this defendant is waived. Payments shall be adjusted accordingly, based upon the defendants ability to pay as determined by the Court. At the defendant's election, the defendant may satisfy a portion of the fine by liquidating \$1,000,000.00 of the Surety Bond referenced in the August 27, 2018, Agreement on Security, also known as the Surety Agreement, with the U.S. Coast Guard. Delays or difficulties associated with the liquidation of the \$1,000,000.00 portion of the Surety Bond shall not be as basis for delaying full payment of the criminal fine by the 30-day deadline. Signed by Honorable Richard M Gergel on 7/29/2019. (Attachments: # <u>1</u> Environmental Compliance Plan)(ssam,) (Entered: 07/29/2019)
07/29/2019	<u>62</u>	SATISFACTION OF JUDGMENT re <u>60</u> Judgment,,,,,, <i>Filing of Receipt from the Clerk of Court evidencing Payment in Full by PBI of the Fine and Special Assessment</i> (Attachments: # <u>1</u> Supporting Documents – Receipt from Clerk of Court for Full Payment of Fine and Special Assessment)(Gilsenan, Ryan) (Main Document 62 replaced with corrected document provided by filing user on 7/30/2019) (ssam,). (Entered: 07/29/2019)

05/19/2020	<u>63</u>	MOTION for Extension of Time by Portline Bulk International S.A.. No proposed order(ltap,) (Entered: 05/19/2020)
05/19/2020	64	TEXT ORDER: Defendant has moved, with the consent of the Government, to extend the time for Defendant to complete this years environmental audits until January 30, 2021. (Dkt. No. 63). This extension is necessitated by limitations on travel caused by the global Covid-19 pandemic. For good cause shown, the motion is granted. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 5/19/20.(ltap,) (Entered: 05/19/2020)