

**Largest Shark Smuggling Prosecution;
Creation of \$1.5 Million Partnership to Restore and Rehabilitate San Francisco Bay**

After the far reaching and thorough investigation was completed in January 2006, six individuals were convicted and sentenced for their role in taking, purchasing and selling undersized California leopard sharks in violation of California state law, which prohibits the sale of juvenile sharks under 36 inches in length. This conspiracy involved the shipment for sale of thousands of sharks taken from the San Francisco Bay. These convictions are the result of an investigation conducted by NOAA Fisheries Service's Office of Law Enforcement in conjunction with the U.S. Fish & Wildlife Service, California Department of Fish & Game, the United Kingdom's Department for Environment Food and Rural Affairs (DEFRA) Fish Health Inspectorate and The Netherlands General Inspection Service (AID). The investigation began when California wildlife agents with NOAA and the U.S. Fish and Wildlife Service began monitoring internet websites dealing in baby leopard sharks. The surveillance of these websites eventually led to a Miami pet trade distributor who was caught with 18 undersized leopard sharks from California. The distributor was convicted in 2003 of one count in violation of the Lacey Act and received an 18 month sentence

The defendants' admitted to the following in their plea agreements:

1. Kevin Thompson is the pastor of the Bay Area Family Church, Holy Spirit Association for Unification of World Christianity in San Leandro, California. From 1992-2003, he led a scheme whereby members of his church illegally harvested undersized California leopard sharks from the San Francisco Bay and sold them throughout the United States and abroad. In addition to paying restitution of \$100,000, Mr. Thompson was sentenced on January 22, 2007, to one year and one day in prison and is scheduled to begin serving his sentence on March 19, 2007.
2. John Newberry admitted that from 1992-2004, he and other church members fished for undersized leopard sharks using church vessels and stored the sharks at a facility located in San Leandro, California, owned by a business associated with the church. They then shipped the sharks out of Oakland and San Francisco Airports for sale to dealers throughout the country and abroad. The sharks were sold wholesale to distributors for approximately \$9 to \$25 per shark. In addition to paying restitution of \$50,000, Mr. Newberry was sentenced to 6 months in prison and 6 months of community confinement on February 2, 2007. He is scheduled to begin serving his sentence on April 9, 2007.
3. Hiroshi Ishikawa admitted that from 1996-2003; he caught and sold undersized California leopard sharks taken from the San Francisco Bay with other church members, under the direction of John Newberry and Kevin Thompson. In addition to paying restitution of \$40,000, Mr. Ishikawa was sentenced on October 11, 2006, to three years probation.
4. Vincent Ng acknowledged that from 2001-2004; he bought and sold undersized California leopard sharks through his business, Amazon Aquarium, Inc., an aquaria business located in Alameda, California. The sharks were sold throughout the United States for \$25-\$50 per shark. In addition to paying restitution of \$100,000, Mr. Ng was

sentenced to eight months home confinement, two years probation, and is scheduled to begin serving his sentence on April 1, 2007.

5. Ira Gass admitted that from 1996 to 2003, he purchased the undersized California leopard sharks taken from the San Francisco Bay and sold them to other marine aquaria dealers throughout the United States and abroad. When shipping the sharks, Mr. Gass would intentionally mislabel them as “common sharks” in order to avoid detection by wildlife inspectors. The sharks were sold throughout the United States and abroad for \$50-\$75 per shark. In addition to paying restitution of \$100,000, Mr. Gass was sentenced on February 5, 2007, to 8 months in prison, three years of supervised release, and is scheduled to begin serving his sentence on April 17, 2007.
6. Sion Lim, a citizen of Singapore, regularly purchased and sold undersized California leopard sharks through his fish and corals wholesale distribution business in Oakland, California, Bayside Marine Aquatics. The sharks were sold throughout the United States for approximately \$25 per shark. In addition to paying restitution of \$20,000, Mr. Lim was sentenced on June 6, 2006, to one year probation, and a \$5,000 fine.

After extensive negotiations with the defendants and the attorney for the Church, the United States reached one additional resolution when the Church entered a non-diversion agreement and agreed to pay \$500,000 in restitution.

California leopard sharks are a species of shark within the Triakidae family and are commonly found in ocean waters along the Oregon, California, and Baja Mexico coasts. Leopard sharks are commonly found in bays and estuaries from the California/Oregon border south to Baja, Mexico. Major pupping areas where young California leopard sharks are born are found within San Francisco and Monterey Bays as well as the southern California coast. The pupping season extends from March through July with a peak between April and May. Pups are born live and are approximately 10 inches in length. In January 1994, California leopard sharks were afforded extra protection under California State law when the California Department of Fish & Game Code placed a minimum size limit of 36 inches for any commercial take of the species within California jurisdiction. This size limit was implemented because the California leopard shark is a slow growing species that does not reach sexual maturity until between 7 to 13 years of age. The species may live as long as 30 years. Because of these factors and others, including increased commercial and sport fishing, California State wildlife authorities have established these management measures to ensure the species' ability to maintain healthy stocks in the wild.

The Monterey Bay Aquarium in Monterey, California, the John G. Shedd Aquarium in Chicago, Illinois, and the Cabrillo Aquarium in San Pedro, Calif., collaborated with and assisted federal wildlife agents and Illinois Conservation officers in the transport and care of 19 baby leopard sharks confiscated during the course of the investigation. The baby sharks, which ranged in size from eight-and-a-half to 17 ½ inches, were shipped to California in July 2004 by Shedd Aquarium staff and received further care at the Monterey Bay Aquarium. Nine were ultimately returned to the wild in Monterey Bay in the summer of 2004. Four remain on exhibit at The Monterey Bay Aquarium as items of great interest; seven died either at the Shedd Aquarium or Monterey Bay Aquarium because of their poor condition at the time they were confiscated.

The Chicago U.S. Attorney's Office entered into pretrial diversion with two additional individuals associated with the case who agreed to pay \$5,000 each and perform community

service. The U.S. Attorney's office in Los Angeles has also prosecuted individuals in connection with this case. The investigation led back to the Bay Area where the principal suppliers were located.

The extensive international criminal investigation spanned several years and involved the following: executing 6 search warrants; issuing more than 50 grand jury subpoenas; interviewing more than 50 witnesses; analyzing more than 50,000 pages of documents, including invoices, memoranda from the web of shark smugglers and legitimate dealers, and tax and bank records; coordinating multiple federal, state, and international agencies, including the U.S. Fish & Wildlife Service, the California Department of Fish & Game, the United Kingdom's Department for Environment Food and Rural Affairs - Fish Health Inspectorate; the Netherlands General Inspection Service, Ministry of Agriculture - Nature and Food Quality and Ministry of Justice, the Japanese Custom Service, the German Federal Agency for Nature Conservation, the Canadian Ministry of the Environment - Environment Canada, the French Custom's Intelligence and Investigative Directory, Belgium's Sante Publique, Securite de la Chaine Alimentaire et Environnement; and Spain's Ministerio de Agricultura Secreatria General de Pesca Maritima.

Investigators estimate that for the time period from 1992 to 2004, 20-25,000 leopard shark pups were poached from San Francisco Bay by the two groups investigated, and between 30-33,000 pups were poached by various groups along the Los Angeles, Ventura and Santa Barbara county coasts between 1992 and 2003. In addition information obtained through the investigation indicated there is a significant take of leopard shark pups caught as bycatch by bay (or grass) shrimp (*Crangon franciscorum*) trawl vessels in San Francisco Bay.

Assistant United States Attorney's Maureen Bessette and Stacey Geis and NOAA Special Agent Torres worked with the National Fish & Wildlife Foundation to create the *California Marine Protected Areas Implementation Fund* which is designed to work with the state of California at protecting marine areas in the San Francisco Bay. This fund will serve to acquire, create, and enhance leopard shark habitat in the San Francisco Bay, in order to protect the ecosystems that the sharks and other marine wildlife need to survive. The team prevailed on its request to the Court to have the defendants' \$410,000 in restitution paid into this Fund. The Church also agreed to place its \$500,000 restitution payment into this Fund. The Fund came at a time that the state of California has stated its need for creating areas of marine habitat protection in the Northern District of California, but did not have sufficient funds to proceed with these efforts.

AUSAs Bessette and Geis and Agent Torres then forged a partnership with the state of California and with three private foundations who designated an additional \$600,000 to restore and rehabilitate marine wildlife habitat in the San Francisco Bay, which will further the purposes of the fund. The state of California Coastal Conservancy designated \$300,000 for the fund, and the other \$300,000 came from the combined contributions of the David and Lucile Packard Foundation, the William and Flora Hewlett Foundation, and the Gordon and Betty Moore Foundation

This creative resolution comes at a time when scientists throughout the world agree that our oceans and their marine life are on the brink of disaster and that the only way to reverse this downward trend is to create new marine reserves to protect ecosystems and habitat for all marine wildlife.