



The State Energy &
Environmental Impact Center
NYU School of Law

Criminal Enforcement of Environmental Violations Training Series

Session 1 Part 1: General Enforcement Principles and Issues

June 6, 2022, 1:00 pm - 3:00 pm EST

Speaker Bios

Bethany Davis Noll

Executive Director, State Energy & Environmental Impact Center

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Bethany Davis Noll is an expert in administrative and environmental law and an experienced litigator. She is also an adjunct professor at NYU Law and co-chair of the Environmental Law Committee of the New York City Bar Association. Prior to joining the Center, she was Litigation Director at the Institute for Policy Integrity, where she wrote articles, led amicus briefing in cases challenging the Trump administration's rollbacks of environmental and other rules, and ran Policy Integrity's "Roundup: Trump-Era Agency Policy in the Courts." She previously served as Assistant Solicitor General in the New York State Attorney General's Office, where she filed briefs in major environmental cases in the Supreme Court and earned the Louis J. Lefkowitz Memorial Award for her work. Bethany was also an associate at Debevoise & Plimpton LLP and served as a clerk for the Honorable Chester J. Straub in the Second Circuit Court of Appeals and for the Honorable Shira A. Scheindlin in the District Court for the Southern District of New York. Bethany received a J.D. with distinction from Stanford Law School and a B.A., magna cum laude, from Barnard College.

Todd Kim

Assistant Attorney General, U.S. Department of Justice

Todd Sunhwaee Kim is the Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice. He began his career in the Division, joining its Appellate Section through the Attorney General's Honors Program. As a career public servant for over seven years, he represented the interests of the United States in courts around the country, working on cases involving Clean Air Act and Clean Water Act enforcement, Superfund site cleanup, Native American land rights, the establishment of national monuments, environmental crimes, and more.

Kim was then appointed the first Solicitor General for the District of Columbia, a role he held for over eleven years. As Solicitor General, he was the chief appellate lawyer representing the District and managed a large staff in cases of national and local importance. After three years as a partner at Reed Smith LLP, he returned to public service upon appointment as the Deputy General Counsel for Litigation, Regulation, and Enforcement at the U.S. Department of Energy.

He is a graduate of Harvard University and Harvard Law School, where he was an Executive Editor of the Harvard Law Review. He clerked for the Honorable Judith Rogers of the U.S. Court of Appeals for the District of Columbia Circuit. He was born and raised in New Jersey.

Kevin LaPointe

Resident Special Agent in Charge, USEPA, Region 4

Assistant Special Agent-in-Charge (ASAC) Kevin LaPointe has worked for CID since 2002 and has spent his entire career in CID's Southeast Area Branch. He served as a Special Agent (SA) in the Atlanta Area Office until 2006, when he transferred to the Charlotte Resident Office. He served as the Resident Agent-in-Charge of the Charlotte Resident Office since 2009. He was promoted to ASAC of CID's Atlanta South Investigations in 2020. ASAC LaPointe's environmental criminal investigations have resulted in over 70 convictions, totaling over 4 billion dollars in fines, community service projects and restitution. ASAC LaPointe was CID's case agent in the United States V. Duke Energy case that resulted after a large coal ash spill in North Carolina. At the time of sentencing, it was the 2nd largest financial penalty in the history of the EPA and remains as the largest federal criminal fine in North Carolina history. Prior to EPA, ASAC LaPointe worked as a federal police officer in California. ASAC LaPointe supervises all CID criminal investigation leads and cases in Georgia, Mississippi, Alabama and Florida. ASAC LaPointe's work with CID has focused on complex criminal violations of the Clean Water Act. Prior to joining CID, ASAC LaPointe served as a Federal Police Officer in San Diego. He graduated with honors from National University with a Bachelor of Science Degree in Criminal Justice.

Erica Pencak

Trial Attorney, Environmental Crimes Section, USDOJ, Environmental and Natural Resources Division

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Erica Pencak graduated from Georgetown University Law Center in 2007; after graduation, she completed a two-year fellowship at the U.S. Environmental Protection

Agency's Office of Regional Counsel in San Francisco, CA. In 2009, she joined the Department of Justice's Environment and Natural Resources Division in the Environmental Enforcement Section (EES). During her time with EES, she was a member of the Deepwater Horizon Clean Water Act civil trial team and also worked on the fraudulent conveyance case in the Tronox bankruptcy, which resulted in the recovery of billions of dollars for environmental cleanup at hundreds of sites across the country. In 2016, Erica transferred to ENRD's Environmental Crimes Section, where she works on pollution, wildlife trafficking, worker safety, and animal welfare cases. In her spare time, Erica teaches yoga and is an avid rock climber, modern dancer, and quilter. She has worked or interned at numerous environmental organizations, including the Environmental Law Institute, Defenders of Wildlife, the Center for International Environmental Law, and the United Nations Environment Programme.

Bradley Roberts

Assistant Attorney General, Washington State Attorney General's Office
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Brad Roberts is a Managing Assistant Attorney General in the Environmental Protection Division, specializing in the prosecution of environmental crimes. Prior to joining the Washington State Attorney General's Office in October 2019, Brad was a Regional Criminal Enforcement Counsel at the United States Environmental Protection Agency where we worked on the investigation and prosecution of federal environmental crimes in Alaska, Washington, Oregon, and Idaho. Brad began his career as a Deputy District Attorney in Los Angeles.

Banu Rangarajan

Trial Attorney, Environmental Crimes Section, DOJ, Environmental and Natural Resources Division

Ms. Rangarajan is currently a Trial Attorney with the Environmental Crimes Section (ECS) with the United States Department of Justice. Prior to joining ECS, Ms. Rangarajan served the government for over 23 years as an Assistant United States Attorney with the United States Attorney's Office of the Eastern District of North Carolina, primarily responsible for the prosecution of complex white collar crimes, including environmental crimes, federal crop insurance fraud, and Department of Defense corruption/bribery matters. Ms. Rangarajan graduated with honors from the University of Michigan Law School and thereafter clerked for the Honorable Julian Abele Cook, Jr., in the Eastern District of Michigan. After her clerkship, she joined the Department of Justice through the Attorney General's Honors Program and worked with the Environmental Defense Section for over two years before joining the United States Attorney's Office in the summer of 1997.

Bill Sherman

Chief, Environmental Protection Division, Washington State Attorney General's Office
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Bill Sherman is chief of the Environmental Protection Division of the Washington State Attorney General's Office. The Environmental Protection Division brings litigation under state and federal laws that protect Washingtonians and our environment, including civil lawsuits and environmental criminal prosecutions under state law. He is a graduate of the University of Michigan Law School, where he was editor-in-chief of the Michigan Law Review. He has served as Special Assistant to U.S. Interior Secretary Bruce Babbitt, as a Deputy Prosecuting Attorney in King County, and as a Visiting Professor at Seattle University School of Law.

Stephen Smith

Investigator, North Carolina State Bureau of Investigations

Born and raised in Southeastern North Carolina, Special Agent Stephen "Steve" Smith graduated in 1999 from the University of North Carolina at Wilmington with a B.S. in Criminal Justice. Special Agent Smith served four years as a probation/parole officer with the State of North Carolina and in 2005 became a Special Agent with the North Carolina State Bureau of Investigation. Special Agent Smith's first assignment was narcotics in the Coastal District of the NCSBI. Special Agent Smith was the district's Marijuana Eradication Coordinator and served as Task Force Officer with Homeland Security during his time in the district. Special Agent Smith transferred to the Diversion and Environmental Crimes Unit (DECU) of the NCSBI in 2013. The unit was recently brought into The Criminal Enterprise Investigation Unit which encompasses DECU, Clandestine Laboratories, and Wiretap Investigations. Special Agent Smith obtained his North Carolina Law Enforcement Teaching Certificate in 2010 and is an adjunct instructor for The Brunswick County Community College's Basic Law Enforcement Training program and teaches at the NCSBI Academy.

Laura Thoms

Senior Attorney, Environment Enforcement Section, USDOJ, Environmental and Natural Resources Division
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Laura Thoms is a Senior Attorney with the Environmental Enforcement Section (EES) at the U.S. Department of Justice, where she prosecutes civil environmental claims under multiple federal statutes. Over her 16 years with EES, Ms. Thoms has resolved dozens of cases through litigation and settlement, resulting in over \$100 million in civil penalties, \$70 million in cost recovery and natural resource damages, and hundreds of millions in

injunctive relief. Ms. Thoms recently led the civil team in a civil and criminal matter involving the largest-ever inland spill of produced water; collectively, the civil settlement and criminal plea agreement imposed \$35 million in criminal fines and civil penalties. In 2019, Ms. Thoms was awarded the Arthur S. Fleming Award in legal achievement for her Clean Water Act enforcement work.

Jennifer Whitfield (Moderator)

Assistant Chief, Environmental Crimes Section, USDOJ, Environmental and Natural Resources Division

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Jennifer A. Whitfield is an Assistant Section Chief in the Environmental Crimes Section of the U.S. Department of Justice, Environment and Natural Resources Division, and supervises the criminal prosecution of environmental and wildlife enforcement cases brought by that office. Ms. Whitfield started in the Environmental Crimes Section as Trial Attorney in 1998 and has worked on several complex criminal environmental enforcement cases. Ms. Whitfield has litigated cases involving violations of the - Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, Hazardous Materials Transportation Act, Pipeline Safety Act, Safe Drinking Water Act, and Federal Insecticide, Fungicide, and Rodenticide Act, and the Lacey Act. She also conducts local and international training on the investigation and prosecution of environmental crimes. Ms. Whitfield began her legal career in 1988 as an Assistant State's Attorney in the Cook County State's Attorney's Office in Chicago, Illinois. From 1996 to 1998 she supervised the Environmental/Health Division of that Office and was responsible for overseeing the criminal prosecution of environmental, safety, and other health related offenses. Ms. Whitfield has a B.A. in Biology from Augustana College in Rock Island, Illinois, and a J.D. from DePaul University College of Law in Chicago, Illinois.