

Smuggling crackdown continues

A series of CFC smuggling convictions and arrests appears to be having the intended impact on illegal activities

The banning of CFC production in the U.S. at the end of this year has created a lucrative black market for the refrigerant at a cost of several millions of dollars in lost excise taxes this year alone. To stop the flow of illegal CFCs, the Internal Revenue Service, U.S. Environmental Protection Agency and the U.S. Customs Service have joined forces.

The effort already has resulted in several arrests and convictions. Three more persons have been convicted in the ongoing crackdown of CFC smuggling into this country since two smugglers pleaded guilty in May.

A U.S. District Court jury in Miami found Jose Prieto, 47, Hialeah, Fla., guilty June 16 on charges of smuggling CFC refrigerants into the U.S. Paul J. Zborovsky, 53, Cape Coral, Fla., a codefendant in the case, entered a guilty plea on smuggling charges just prior to the trial, according to the U.S. Justice Department.

Prieto and Zborovsky were charged with conspiracy to import into the U.S. an unspecified number of cargo containers, each holding an estimated 1,200 cylinders of R-12. In addition the defendants were charged with one count of violating the Clean Air Act prohibition against importing R-12 without consumption allowances issued by EPA.

The indictment also charged the two with illegally diverting into domestic commerce one cargo container of R-12 which was then in bond and the subject of false paperwork

intended to convince the U.S. Customs Service that it would be reshipped from the U.S. to Caracas, Venezuela.

Prieto and Zborovsky each face up to five years in jail and total fines in excess of \$860,000. Sentencing was scheduled for Sept. 6 before U.S. District Court Judge C. Clyde Atkins, who presided over the trial.

The convictions of Prieto and Zborovsky are the second since the U.S. began its smuggling crackdown. The first occurred in May when Adi Dara Dubash, 41, Country Club of Miami, Fla., and Homi Patel, 62, Palm Springs North, Fla., pleaded guilty to charges of conspiring to smuggle hundreds of cylinders of R-12 into the U.S. and violating the Clean Air Act.

U.S. District Court Judge Wilke Ferguson sentenced Dubash to 22 months in prison and a \$6,000 fine on July 24. Patel was sentenced to three years of probation on July 25 because he was considered a "bit player" in the smuggling scheme and also because he cooperated with the government, said Thomas Watts-Fitzgerald, assistant U.S. Attorney.

The government earlier dismissed charges against Louis Acinupara, 52, New Jersey, who had been arrested with Patel and Dubash.

In another related case, John Tominelli, Miami, Fla., operator of a Customs licensed warehouse in Medley, Fla., pleaded guilty June 23 to charges of violating the Clean Air Act by providing documentation enabling others to smuggle 11 cargo containers of CFC in the U.S. He is scheduled for sentencing Oct. 13.

In yet another case, Irma Henneberg, 50, Fort Lauderdale, Fla., was arrested March 23 and charged with 35 counts of filing false statements with the U.S. Customs Service to conceal the smuggling of at least about 50 cargo containers containing 880 tons of CFC refrigerants into the U.S. Her trial was scheduled to begin Aug. 1.

Are the efforts paying off? Watts-Fitzgerald says arrests and convictions have disrupted the traditional patterns of smuggling, but to what extent is difficult to determine. "The enforcement has caused a reduction in smuggling," he says.

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