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Last of 10 Las Vegas Defendants Sentenced for Falsifying Emissions Test Records*DMV Database project led to indictments*

WASHINGTON – William Joseph McCown, 49, of Las Vegas, was sentenced today before District Judge Lloyd D. George of the U.S. District Court for the District of Nevada. McCown was arrested in Las Vegas in June of 2010. McCown previously entered a plea of guilty in February of this year to one count of violating the Clean Air Act (CAA) by falsifying emissions testing results, announced the Environment and Natural Resources Division of the Department of Justice, the U.S. Attorney's Office for the District of Nevada and the U.S. Environmental Protection Agency (EPA).

A grand jury in Las Vegas indicted McCown in January 2010 along with nine other defendants, all from different testing locations, accused of similarly submitting false tests to the Nevada Department of Motor Vehicles (NDMV). The cases came to the attention of Nevada authorities in 2008 when the NDMV's in-house Information Technology Division built a vehicle identification database to find possible emissions testing fraud. NDMV discovered that in 2008 alone, there were more than 4,000 false vehicle emissions certificates issued in Las Vegas.

"The emissions testing program required by the EPA and implemented by the state of Nevada is critical for the reduction of harmful pollutants in our air," said U.S. Attorney Daniel G. Bogden. "As these cases demonstrate, persons who try to circumvent the testing laws by submitting false documents and committing fraud will be prosecuted and face the possibility of prison time and fines."

"Complete and accurate tests of vehicle emissions are necessary to protect the public from harmful air pollutants," said Nick Torres, Special Agent in Charge of EPA's criminal enforcement program in Nevada. "This defendant is the last of ten emissions inspectors who were convicted of knowingly falsifying emissions documents. EPA will continue working with its law enforcement partners to protect the public and the environment."

EPA requires, under the CAA, that the state of Nevada conduct vehicle emissions testing in Carson County (Las Vegas) because the area is in serious nonattainment for carbon monoxide and ozone. The NDMV developed the Nevada Emissions Control Program to implement the

vehicle emission inspection program required by EPA, and EPA approved the program as part of Nevada's State Implementation Plan. The emission control program authorizes second generation on-board diagnostics emission tests (OBDII) for 1996 and newer gasoline-powered vehicles at more than 400 licensed inspection stations. New vehicles are exempt from testing for the first and second registration cycle.

To obtain a registration renewal, vehicle owners bring the vehicle to a licensed inspection station and pay up to a \$46.00 fee, depending on the vehicle, for testing. State licensed emissions inspectors perform the OBDII inspections using an emissions analyzer purchased from a state contractor. The analyzer downloads data from the vehicle's computer via the OBDII connection, analyzes the data and provides a "pass" or "fail" result. The pass or fail result and vehicle identification data are reported on the Vehicle Inspection Report. In addition to recording the pass or fail result, the analyzer also logs, as part of the inspection report, the electronic vehicle identification number (E-VIN) from the vehicle's computer. The E-VIN and the VIN affixed to the dash-plate on the vehicle should be the same.

By analyzing data Nevada DMV was able to detect so-called "clean-scanning," a process whereby emissions inspectors enter identifying data for a vehicle that they want to pass the inspection and then connect the analyzer to a different vehicle that they know will pass the test. The analyzer and database both record a pass result for the inspection report under the VIN provided by the emissions inspector, but will show a mismatch between the reported VIN and the E-VIN downloaded directly from the vehicle.

Ultimately, 10 inspectors were targeted for prosecution based upon the number of clean-scans performed. Nine of these inspectors had more than 200 falsifications with one inspector reaching more than 750. Investigators included only "hard" as opposed to "soft" mismatches for prosecution. Soft mismatches are those where the vehicle used to clean-scan is the same manufacturer as the vehicle that cannot pass the test. Because the VIN numbers may appear similar, it could be argued that there is a transposition or database error. Hard mismatches occur where the two vehicles are of different makes and models. Testing a Toyota and giving a testing pass result to a Ford could never be attributed to a transpositional error.

All 10 defendants eventually pleaded guilty to CAA felonies. The sentences ranged from straight probation (three years for most, five years in one instance) to eight months of home confinement.

Mr. McCown conducted the most falsifications (758). Judge George sentenced McCown to four years of probation, a \$4,000 fine and a \$100 special assessment.

The case was investigated by the U.S. Environmental Protection Agency and the Nevada Division of Motor Vehicles. The case was prosecuted by Assistant U.S. Attorney, Roger Yang from the District of Nevada and Senior Trial Attorney J. Ronald Sutcliffe of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.