



# Department of Justice

United States Attorney Rebecca A. Gregory  
Eastern District of Texas

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## EMORY TEXAS MAN SENTENCED FOR ENVIRONMENTAL CRIMES & BRIBERY

TYLER TX – United States Attorney Rebecca A. Gregory announced today that a 51-year-old Emory, Texas man has been sentenced to federal prison for two unrelated federal crimes in the Eastern District of Texas.

**DILE KENT McNAIR** was sentenced today to 37 months in federal prison for Storage of Hazardous Wastes without a Permit and Bribery today by United States District Judge Michael H. Schneider. McNair was also ordered to pay over \$72,500.00 in restitution.

According to information presented in court, from September, 2004 through October, 2006, McNair operated the metal plating business, Extreme Metal Finishing, Inc. from a facility located at 581 West Industrial Boulevard in Point, Texas. On September 27, October 12, and October 19, 2006, Texas Commission on Environmental Quality (TCEQ) inspectors conducted inspections of the Point, Texas facility and observed and documented McNair's storage of thousands of gallons/pounds of listed and characteristic hazardous wastes. On October 12, 2006, McNair moved the operations from the Point, Texas facility to a new facility located on Farm to Market Road 515 in Emory, Texas. McNair did not move and continued to store, at the Point, Texas facility, thousands of gallons/pounds of listed and characteristic hazardous wastes. At no point during this period of time had a permit under the Resource Conservation and Recovery Act (RCRA) been issued to McNair that would have allowed him to legally receive, store or dispose of hazardous wastes at the Point, Texas facility.

McNair and the former metal plating companies that he has operated have extensive histories of civil environmental noncompliance, and two of McNair's companies, Crews Plating, Inc. and Perfection Industries, Inc, were the subject of prior criminal investigations: In 1994, McNair pleaded guilty to a Clean Water Act felony. In August, 2004, Perfection Industries, Inc. pleaded guilty to one false statement felony count related to falsification of Clean Water Act Discharge Monitoring Reports, while McNair pleaded guilty to a one felony count of Felon in Possession of a Firearm. In January 2008, United States District Judge Barbara Lynn sentenced McNair to eighteen months in federal prison, as a result of McNair's probation violations from his conviction in the Perfection Industries, Inc. case. Jude Schneider ordered that the sentence McNair received today will run consecutive to his previous sentence.

This case was investigated by the Environmental Protection Agency's Criminal Investigations

Division, Dallas Office, the Texas Commission on Environmental Quality's Special Investigation Division, Tyler Office and the Texas Environmental Enforcement Task Force.

With regards to the Bribery, on October 10, 2007, McNair went to the Rains County District Attorneys Office and met with Assistant District Attorney, April Pitts. During the course of the meeting, McNair passed to Pitts an envelope containing \$5,000.00 (fifty \$100 dollar bills) as consideration for Pitts agreeing to dismiss McNair's pending D.W.I. charge. What McNair did not know was that earlier, after one of McNair's associates had initially approached Rains County D.A., Robert Vititow, about a possible bribe, Vititow had contacted the Texas Department of Public Safety and the FBI. When McNair came to the office to consummate the "deal" the entire transaction was captured on camera.

The bribery case was investigated by the Texas Department of Public Safety's Criminal Law Investigation Division, and the FBI, Tyler Office.

"Hazardous wastes must be handled and stored safely and legally in order to protect both the public and the environment." stated Warren Amburn, Special Agent in Charge of EPA's Criminal Investigation Division in Dallas. "The defendant is a repeat violator and as today's sentence demonstrates, those who commit environmental crimes will be aggressively prosecuted."

McNair pleaded guilty to both crimes on May 20, 2008. Both cases were prosecuted by Assistant United States Attorney Jim Noble.

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