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McHENRY MAN DENIES CHARGES OF FALSIFYING STUDENTS' TESTS FOR EPA CERTIFICATION AS REFRIGERANT TECHNICIAN

CHICAGO – A McHenry, Ill., man pleaded not guilty today to a federal indictment charging him with falsifying tests he administered on behalf of the U.S. Environmental Protection Agency to certify technicians who handle ozone-depleting and “greenhouse gas” refrigerants, such as chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). The defendant, **Louis Molenda**, 33, of McHenry, was charged with one count of making false statements in an indictment returned by a federal grand jury on Jan. 30, announced Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois. Molenda entered the plea at his arraignment today before Judge Ruben Castillo in U.S. District Court in Chicago. He is free on his own recognizance and his next court date was set for Feb. 27.

Molenda worked as a free lance proctor for Nugent Associates, a New York company that ran a certification program under EPA approval for technicians who handle CFCs and HCFCs. As a proctor, he could administer Clean Air Act Section 608 certification tests that Nugent Associates mailed to him, under EPA regulated testing conditions.

Molenda would then mail completed tests back to Nugent Associates for grading. After grading, Nugent Associates would mail technician certificates to persons passing the tests. EPA regulations required that only properly certified technicians may handle these substances, especially during maintenance, service, and repair of machines using refrigerants. Molenda also worked as an instructor of heating, ventilating, and air conditioning at Universal Technical Institute in Glendale Heights, Ill.

According to the indictment, in November 2001, Molenda offered members of his UTI classes that for a fee of \$105 he would take the Clean Air Act Section 608 certification test for the student and guarantee a EPA universal certificate without any training. That month, he allegedly gave 13 students who accepted his offer blank tests for their signatures and then fraudulently filled in the answers. He then mailed the tests to Nugent Associates for grading, concealing the true person completing the test.

In December 2001, after Nugent Associates suspected cheating and requested that Molenda retest all of the students, he allegedly gave 11 students new tests for signature, filled in the answers and mailed the tests to Nugent Associates for grading, again concealing the true person completing the test. As a result of the alleged fraud, Nugent Associates issued EPA technician certification cards to most of the students for whom Molenda submitted false tests.

Mr. Fitzgerald announced the indictment with Penelope Prochazka, Special Agent-in-Charge in Chicago of the U.S. EPA Criminal Investigation Division.

If convicted, Molenda faces a maximum penalty of five years in prison and a \$250,000 fine. Note, however, that the Court would determine the appropriate sentence to be imposed under the United States Sentencing Guidelines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the United States has the burden of proving guilt beyond a reasonable doubt.

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