



# Department of Justice

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Northern District of Georgia

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## **FISH IMPORTER INDICTED FOR IMPORTING ENDANGERED ASIAN BONYTONGUE FISH AND STONY CORAL INTO THE U.S.**

Atlanta, GA - QI GUI NIE, 33, of Charlotte, North Carolina, has been indicted by a federal grand jury on charges of illegally importing, and attempting to import endangered and prohibited wildlife into the United States through the port of Atlanta, and violating the Lacey Act. A U.S. Magistrate Judge has not yet set a date for NIE's arraignment.

United States Attorney David E. Nahmias said, "The commercialization of wildlife is big business, and those engaged in businesses that trade in wildlife must follow the law. This businessman allegedly broke laws intended to protect endangered fish and coral, and he will now face justice."

James Gale, Special Agent in Charge, Southeast Region, U.S. Fish and Wildlife Service, Office of Law Enforcement, said of today's indictment: "This case is an excellent example of the U.S. Fish & Wildlife Service's commitment to investigate and interdict the commercialization of endangered and other protected wildlife species. The ten endangered Asian Arowana fish in this case have a fair market value of about \$25,000. Our agents will continue to concentrate on and aggressively pursue individuals who purchase and trade in protected species of wildlife."

According to United States Attorney Nahmias, the charges and other information presented in court: In October 2008, NIE, doing business as Lucky Fin, Inc., a North Carolina based wildlife importer, imported and attempted to import into the United States from Vietnam ten live endangered Asian Bonytongue fish. During a wildlife inspection of NIE's shipments into the United States, a Fish and Wildlife inspector discovered false bottoms hidden in boxes containing legally-imported fish and coral. The fish were located in the hidden compartments.

The Asian Bonytongue fish, which is commonly referred to as the Asian Arowana fish, are highly sought after by the Asian community because it is believed that the fish will bring good fortune and protection to the owner. Asian Arowana fish are protected under the Endangered Species Act through an international treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or "CITES." It is alleged in the indictment that NIE also violated the Lacey Act and the Endangered Species Act when he knowingly imported into the United States CITES-protected stony coral without having the proper CITES permits.

The United States is one of 167 nations currently party to the CITES treaty. CITES treaty partners cooperatively protect fish, wildlife and plant species on a global scale from over-exploitation through international trade. Federal regulations adopted pursuant to the CITES treaty require that protected species may be legally imported only after certain permits are obtained, the importation into the U.S. occurs at designated ports of entry and the importation is declared to, and inspected by, the U.S. Fish and Wildlife Service and U.S. Customs.

The Lacey Act, enacted in 1900, is the first national wildlife law, and was passed to assist states in enforcing wildlife laws. It provides additional protection to fish, wildlife, and plants that were taken, possessed, transported or sold in violation of state, tribal, foreign, or U.S. law. The Endangered Species Act, enacted in 1973, provides protection to fish, wildlife, and plants listed as endangered or threatened and identify critical habitat. Unless permitted by regulation, it is unlawful to import, export, take, sell, purchase, or receive, in interstate or foreign commerce any species listed as endangered or threatened.

NIE faces a maximum sentence of 20 years in prison on the importation charge and five years on each of the two Lacey Act counts; he faces fines of up to \$250,000 on each count in the indictment. In determining the actual sentence, the Court will consider the United States Sentencing Guidelines, which are not binding but provide appropriate sentencing ranges for most offenders.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

This case is being investigated by Special Agents of the U.S. Fish and Wildlife Service, Office of Law Enforcement.

Assistant United States Attorney Mary C. Roemer is prosecuting the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States

Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is [www.usdoj.gov/usao/gan](http://www.usdoj.gov/usao/gan).