

payment of \$3,401.37 for “Asbestos and Abatement Removal,” even though **RIMMASCH** knew **WASATCH** had not performed asbestos abatement and removal in accordance with the Scope of Work and was not entitled to the requested progress payment.

All in violation of 18 U.S.C. § 1343.

COUNT FIVE

22. Paragraphs 1 through 19 are hereby realleged and incorporated by reference for the purpose of charging Count Five.

23. From on or about October 11, 2016, through and including on or about January 19, 2017, in the District of Wyoming, the Defendants, **JOHN ELDON RIMMASCH** and **WASATCH RAILROAD CONTRACTORS**, knowingly caused the release of asbestos, a hazardous air pollutant listed pursuant to 42 U.S.C. § 7412, into the ambient air, thereby at the time knowingly placing other persons in imminent danger of death and serious bodily injury.

In violation of 42 U.S.C. § 7413(c)(5)(A) and 18 U.S.C. § 2.

FORFEITURE NOTICE

24. The allegations contained in Counts One through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

25. Upon conviction of an offense in violation of Title 18, United States Code, Section 1343 set forth in Counts One through Four of this Indictment, the Defendants, **JOHN ELDON RIMMASCH** and **WASATCH RAILROAD CONTRACTORS**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

26. If any of the property described above, as a result of any act or omission of the Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

A TRUE BILL:

Ink Signature on File in Clerk's Office
FOREPERSON



L. ROBERT MURRAY
Acting United States Attorney

PENALTY SUMMARY

DEFENDANT NAME: **JOHN ELDON RIMMASCH and
WASATCH RAILROAD CONTRACTORS**

DATE: November 16, 2021

INTERPRETER NEEDED: No

VICTIM(S): Yes

OFFENSE/PENALTIES:

Ct: 1 - 4 18 U.S.C. § 1343
(Wire Fraud)

0 to 20 Years Imprisonment
Up to \$250,000 Fine
Up to 3 Years Supervised Release
\$100 Special Assessment

Ct: 5 42 U.S.C. § 7413(c)(5)(A)
18 U.S.C. § 2
(Knowing Endangerment)

0 to 15 Years Imprisonment
Up to \$250,000 Fine (individual)
Up to \$1,000,000 Fine (organization)
Up to 3 Years Supervised Release
\$100 Special Assessment

TOTALS: *0 to 95 Years Imprisonment*
Up to \$1,250,000 Fines (individual)
Up to \$2,000,000 Fines (organization)
Up to 3 Years Supervised Release
\$500 Special Assessments

AGENT: Katharine E. Kovacek, OIG

AUSA: Thomas Szott, Assistant United States Attorney
Richard H. Baird, Special Assistant United States Attorney

ESTIMATED TIME OF TRIAL: More than 5 days

**WILL THE GOVERNMENT
SEEK DETENTION IN THIS
CASE:**

No

**ARE THERE DETAINERS
FROM OTHER
JURISDICTIONS:**

No