

Enforcement Strategies for the LTB Law

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DoF Training Center

Enforcement Strategies for the LTB Law

- History of the LTB Law (Few affect Many)
 - Bad actors forced the issue of licenses, no one wanted the law.
 - Bad actors have forced changes to the law over the years, when the current law was not enough of a deterrent.

Enforcement Strategies for the LTB Law

- Throughout its history the LTB Law has had success.
 - Timber Theft Alert Program in the 70' and 80's
 - Industry worked with law enforcement on complaints
 - Made timber growers more aware
 - The Budweiser gang prosecuted in the 80's
 - Walnut stealing group
 - Timber theft complaints lowered but continued thru 90's
 - Ron Whitaker Logging
 - Bruce Barnes

Enforcement Strategies for the LTB Law

- Today, the bad actors still affect the IN FPC, **BUT the law is continuing to work.**
 - In the past 8+ years there have been convictions:
 - Powers Logging – Corrupt Business Practices (6 years)
 - Dillon Richardson – Theft and Unregistered Agent (multiple D felonies)(Parole and Restitution)
 - Russell McFarland, Jr. – Multiple misdemeanor convictions, other charges filed (Parole and Restitution)
 - Ron Whitaker – Theft and Unregistered Agent (multiple felonies) (Served sentences and on parole)
 - A&S Logging – License revoked for multiple non-payments to timber growers, and other charges.

Enforcement Strategies for the LTB Law

- Since their convictions
 - Scott Powers has just been charged with BWAL and Theft.
 - Dillon Richardson is said to be working with a small mill owner in SE IN.
 - Ron Whitaker has recently been charged with BWAL and a TB has been fined for using him as an agent.
 - A&S has been charged with theft and Lacy Act violations.
 - Russell McFarland, Jr.
 - We are still going through trials and hearings with charges that have been filed since the beginning.
 - However, he seemingly is out of the business. **SUCCESS?**

Enforcement Strategies for the LTB Law

- We had a meeting of representatives from IN FPC and law enforcement
- Issues and strategies for LTB Program
 - We as the IN FPC, need a shared vision in order to move forward.
 - Within the current law
 - Changes that would require in the law

Changes Within the Current Law

- We discussed ways to improve communication and knowledge across the IN FPC.
 - List fines and convictions for 60 days in the Bulletin
 - Put more information in the Bulletin concerning Agent or Bond cancellations
 - Develop a revolving committee to take in and disseminate information between DNR Law Enforcement, DNR Forestry, and Industry (to advise the LTB Forester)

Changes Within the Current Law

- What can we do to enforce the current law to better control bad actors
 - Utilize the Administrative Hearing process better
 - Fines
 - License suspensions and revocations
 - Follow through with ICO investigations when prosecutors do not file criminal charges, but there is evidence of “wrong doing”
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Changes Within the Current Law

- Audit sale records to verify bond level (ensure proprietary information protection)
 - We are currently working on keeping the information from the buyer proprietary
 - If this enacted, it will be a slow starting process as the buyers would need to be notified and it would likely start with a warning process before we start filing Administratively if we find blatant problems.

Research Changes to the Law

- Investigate a requirement that all buyers have liability insurance to include crossing a property line.
- Change bond matrix (last time changed in 1983)
- Require written contracts
 - Set minimum standards
 - Keep simple (total board feet, number of trees, and/or the purchase price)

Enforcement Strategies for the LTB Law

- Success is dependent on participation
 - Whatever strategies and changes we decide and move forward with, in order to be successful we, as the Forest Products Community of Indiana, will need to work together to be successful.