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Criminal Enforcement/Clean Air Act: U.S. Department of Justice News Release States Louisiana Company/Owner Plead Guilty to Tampering with Diesel Truck Emission Control Monitoring Devices

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The United States Department of Justice (“DOJ”) announced in a March 15th news release that Power Performance Enterprises Inc. (“PPEI”) and its owner (Kory B. Willis) pleaded guilty to :

- Conspiracy to violate the Clean Air Act
- Violating the Clean Air Act

The alleged violations are stated to have involved tampering with the monitoring devices of emissions control systems of diesel trucks.

United States Attorney Phillip A. Talbert for the Eastern District of California is quoted in the news release as stating that:

... The defendants sold products nationwide that allowed drivers to illegally tamper with emissions controls in a manner that caused dramatic increases in emissions.

DOJ cites court documents stating that PPEI and its owner were:

... among the nation’s most prominent developers of custom software known as “tunes,” and in particular, “delete tunes.”

Tunes are stated to have the ability to alter a diesel truck’s fuel delivery, power parameters and emissions.

The news release states that PPEI and its owner have agreed to pay a total of \$3.1 million in criminal fines and civil penalties.

Defendants are stated to be scheduled to be sentenced in the criminal case by U.S. District Judge John A. Mendez on August 23rd . The news release further states:

Willis faces a maximum statutory penalty of five years of incarceration on the conspiracy count, two years of incarceration on the tampering count, and for each count a maximum fine of \$250,000 or twice the gross pecuniary gain derived from the offense. PPEI faces for each count a maximum fine of \$500,000 or

twice the gross pecuniary gain derived from the offense. Under the plea agreements, the defendants agree to jointly and severally pay a \$1,550,000 criminal fine. The sentences will be determined at the discretion of the court after consideration of all applicable statutory factors and the Federal Sentencing Guidelines, which take into account a number of variables.

A copy of the news release can be downloaded [here](#).