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Northern District of California

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Alameda Real Estate Developer And Its President Plead Guilty To Securities Fraud And Wildlife Violations

OAKLAND- An Alameda County development company, Wildlife Management, LLC, and its President, James Tong, pleaded guilty to crimes related to the illegal submission to the City of Dublin of a forged payment receipt, announced Acting U.S. Attorney Brian J. Stretch and U.S. Fish and Wildlife Service Special Agent in Charge Jill Birchell. The two plea agreements relate to charges that the defendants, after submitting the forged document, illegally caused a residential development site to be graded while sediment flowed off-site into a pond which was habitat for the California Tiger Salamander, a species protected under the Endangered Species Act. If accepted by the court, the plea agreements will result in a global resolution of state and federal criminal charges pending against the defendants that will result in a \$1 million payment for restitution and a conservation easement on 107 acres of land in Contra Costa County.

Wildlife Management, LLC, based in Dublin, California, financed and developed residential and commercial real estate projects in the East Bay. Real estate developers like Wildlife Management are required to mitigate for the loss of threatened or endangered species or its habitats when a project impacts a protected species or its habitat. According to the plea agreement, during the development of the Dublin Ranch North real estate project in Dublin, Calif., a person acting on behalf of Wildlife Management submitted to the City of Dublin a forged \$3.2 million mitigation receipt from the Ohlone Preserve Conservation Bank with the intent to deceive the City into believing Wildlife Management had purchased mitigation credits when it had not. Wildlife Management pleaded guilty to securities fraud, in violation of 18 U.S.C. § 513(a). In connection with the plea, Wildlife Management would pay \$175,000 in restitution to resolve the federal case. The restitution would be paid to the National Fish and Wildlife Foundation, a non-profit organization established by Congress to administer such funds.

Tong, 70, of Pleasanton, Calif., and President of Wildlife Management, pleaded guilty to a criminal violation of the Endangered Species Act. In connection with the plea, Tong admitted he

directed the grading activities at Dublin Ranch North without the City's required mitigation measure and without authorization from wildlife officials. The grading activities caused sediment to run off into a pond on the adjoining property which provided habitat for the California Tiger Salamander. In the federal case, Tong was charged with one count of violating the Endangered Species Act, in violation of 16 U.S.C. §§ 1538(a)(1)(G) and 1540(b)(1). Tong also pleaded nolo contendere to a criminal forgery charge pending against him in state court. To resolve both the federal and state criminal cases, Tong has agreed to pay \$350,000 to the Alameda County Fish and Game Commission, \$175,000 to the Contra Costa County Fish and Wildlife Propagation Fund, and \$300,000 to the California Department Fish and Wildlife. The funds paid to the California Department of Fish and Wildlife would be split equally between the Pollution Account and the Preservation Fund. If the plea agreement is accepted by the court, Tong also will provide a conservation easement on a 107-acre parcel of land in Contra Costa known as the Brown Ranch that provides habitat for endangered species. The value of the easement is estimated to be \$3 million and it would prohibit any future owners from developing the property. In addition, Tong put \$330,000 into an account to help manage the Brown Ranch.

The guilty pleas were received by United States District Judge Jon S. Tigar on January 8, 2016. Sentencing for Tong and Wildlife Management is scheduled to take place before Judge Tigar in Oakland on March 11, 2016, at 9:30 a.m.

Assistant U.S. Attorney Maureen Bessette is prosecuting the federal case with the assistance of Vanessa Quant. Deputy Attorney General Jason Malinsky prosecuted the state case. The prosecution was the result of an investigation by the California Department of Fish and Wildlife and the U.S. Fish & Wildlife Service.

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