



**Department of
Environmental
Conservation**

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Contact: Benning DeLaMater | (518) 402-8000
Press Office | PressOffice@dec.ny.gov

DEC ANNOUNCES CONVICTION OF MANHATTAN ANTIQUE MERCHANT IN IVORY CASE

Landmark Gallery Skirted Law by Advertising Illegal Elephant Ivory as Legal Mammoth Ivory

The corporation that owns a Manhattan art and antique store pled guilty to selling illegal elephant ivory in New York State's first Class D felony conviction since new ivory legislation was instituted in 2014, the Department of Environmental Conservation (DEC) announced today.

The case started in April 2015, when DEC Environmental Conservation Officers (ECOs) received a tip that Landmark Gallery in Midtown Manhattan was selling hand-carved ivory pieces. An investigation revealed that Landmark was advertising the pieces as carved mammoth tusks.

Changes to New York State's ivory law in 2014 made mammoth ivory illegal to sell without a permit. However dealers were given a two year sell-by period for liquidating existing stock before enforcement would take effect. This created a loophole that Landmark Gallery attempted to exploit.

"Restricting the market for ivory trade will help bring an end to the slaughtering of elephants and sends a clear message that we will not allow this immoral and criminal activity to continue in New York," **said DEC Commissioner Basil Seggos**. "The illegal ivory trade is an international issue and our state remains vigilant in its pursuit of this industry that is killing elephants at a rate of 96 animals per day. I applaud the work of our Environmental Conservation Officers, our state and federal partners and the Manhattan District Attorney's office who advanced this case, and urge other states and nations to join us in working to protect this endangered species for generations to come."

ECOs from the Bureau of Environmental Crimes Investigation (BECI) unit purchased several pieces in the store and brought the items to the American Museum of Natural History for morphological analysis. Experts at the museum determined that the pieces were carved from elephant ivory.

On June 10, 2015, ECOs were joined by U.S. Fish and Wildlife Service agents and New York State Taxation and Finance investigators in executing a search warrant at Landmark Gallery retail offices, which resulted in the seizure of 47 different elephant ivory articles valued at more than \$250,000.

"This case exemplifies our strong partnership with New York and the DEC and our commitment to working together to hold accountable those who profit from the illegal sale of wildlife," **said Honora Gordon, Northeast Region Special Agent in Charge, U.S. Fish and Wildlife Service**.

On Wednesday, the corporation that owns Landmark Gallery – 128 West 58th St. LLC. – co-owned by brothers Behrooz Torkian and Hersel Torkian, was charged with two felony charges related to the illegal sale of elephant ivory, one count of Illegal Commercialization of Fish, Shellfish, Crustaceans and Wildlife, a class D felony, and one count of Illegal Commercialization of Fish, Shellfish, Crustaceans and Wildlife, a class E felony.

“New York is one of the largest markets for illegal ivory trade in the United States,” **said New York County District Attorney, Cyrus R. Vance, Jr.** “Over the past few years, we’ve taken a hard-line approach to ending a devastating commercial practice that has resulted in the near extinction of an endangered species. In Manhattan, this has meant advocating for tougher laws and aggressively prosecuting those who sell illegal ivory. In order to protect the world’s last living elephants, ending the domestic ivory trade here at home as well as abroad must be our collective goal, and I encourage others to follow China’s recent decision to cease all ivory trading by the end of this year. I also thank Governor Andrew Cuomo and our partners at DEC for their continued commitment to this important issue.”

Landmark pled guilty to the more serious D felony, admitting to violating New York State’s more restrictive ivory ban by illegally selling elephant ivory in excess of \$25,000. Upon entering the plea, the corporation was ordered to forfeit 47 seized ivory items with an estimated value of more than \$250,000, pay to New York State Department of Taxation and Finance \$150,000 for New York State/New York City sales tax liability owed for the period of March 1, 2010 to May 31, 2015, and donate \$50,000 to the conservation organization, Wildlife Tomorrow Fund, for use in the organization’s projects involving elephant population protection, anti-poaching efforts, and land conservation.

“This investigation uncovered multiple crimes, including the failure to pay tens of thousands of dollars in sales tax to both the city and the state – funds needed to pay for a variety of critical public services that benefit all New Yorkers,” **said New York State Acting Commissioner of Taxation and Finance Nonie Manion.** “It’s a serious crime, and as this case shows, it won’t be tolerated.”

Landmark was also ordered to pay \$2,000 to DEC in restitution for state funds used in the case.

This case was investigated by DEC’s BECI officers Lt. Jesse Paluch, Lt. Liza Bobseine, and Inv. Eric Dowling and prosecuted by Assistant District Attorney Adam Maltz of the New York County District Attorney’s Office.

The comprehensive ivory legislation, signed by Governor Cuomo in 2014, strengthened criminal and civil penalties for buyers and sellers whose actions endanger elephant populations worldwide.

Due to the demand for illegal wildlife products like ivory, poachers are slaughtering elephants and selling ivory for large profit. As a result of this illegal activity, some species of elephants and rhinos are threatened with extinction. New York is believed to be the largest market for ivory in the United States.

“Wild Tomorrow Fund highly commends the efforts of the investigative team at DEC and the New York County District Attorney’s office in curbing the illegal elephant ivory trade in New York,” **said John Steward, Founder and Executive Director of Wild Tomorrow Fund.** “We also applaud the tougher ivory laws recently enacted by Governor Andrew M. Cuomo and New York State. Because of their combined hard work and persistence, New York continues to lead the national effort to save the remaining wild elephant populations from extinction. Wildlife rangers, anti-poaching units and conservation managers in Africa continue to wage a battle to

save the elephants where they live. This donated money will be used to fund wildlife law enforcement training, equipment and patrols in several African nations."

DEC reminds New Yorkers to report any environmental crime by calling DEC's toll-free, 24-hour police dispatch at 1-844-DEC-ECOS (1-844-332-3267).

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17-67