

Toni Woodward

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, March 13, 2024 8:17 AM
To: Phillip Hornthal; Wes Haskett; Cliff Ogburn; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell; FBI; Elizabeth Morey; dkole@southernshores-nc.gov; dkole@southernshores-nc.gov; dkole@southernshores-nc.gov
Cc: Mark Batenic; Paula Sherlock; Sheila Kane; Matt Neal; rneilson@southernshores-nc.gov; rneilson@southernshores-nc.gov; planningboard@southernshores-nc.gov; planningboard@southernshores-nc.gov
Subject: Southern Shores Federal Labor Trafficking Violations
Attachments: image003.png; image002.png; image001.jpg

>>Warning! The source of this email is from outside of the firm.<<

Good Morning Law Enforcement,

I am writing you to inform you that Attorney Philip Hornthal is violating Federal Labor Trafficking Laws relating to forced labor by means of abuse of legal process.

Southern Shores, through their attorney Philip Hornthal is forcing me to spend money on an attorney to submit a lot sub-division plan as they refuse to provide one single reason explaining how Southern Shores believes they LEGALLY changed land use in Southern Shores without an eminent domain transaction or the land owners permission (when Wes Haskett knowingly changed lot width requirements so lots that could be sub-divided as a right and used for 2 separate single family homes could no longer be divided without the towns approval-which Attorney Philip Hornthal has now proven involves forced labor to respond to his abuse of legal process).

It is my position that Southern Shores must correct their zoning amendment which violates eminent domain transaction requirements and not abuse legal process by forcing me to file litigation against the town (which of course causes me financial damages and lost time from work...in addition to emotional distress).

The emails below also prove Southern Shores through their attorney Philip Hornthal refuse to answer the question "What zoning code prohibits a second floor overhang from encroaching in the 15' side set back requirement when the footprint of the house (and first floor of the house) conform with the 15' side setback requirement?"

I asked the question above because Wes Haskett was told by me that my side set back is 14' and Wes Haskett said my side setback "encroaches" and is the problem with a lot subdivision. I now know that I mistakenly told Wes Haskett the side setback is 14' because the first floor of my house is without a doubt in compliance with zoning code and the survey provided to Wes Haskett by me probably was not true and correct.

Please arrest attorney Philip Hornthal for Federal Labor Trafficking Violations and any Federal Criminal

Conspiracy Law Violations for advising Southern Shores to continue violating laws they have not one single reason for believing they have not violated.

Federal Labor Trafficking statutes are attached below as well as the evidence against Philip Hornthal. Philip Hornthal has suggested I obtain advice from an attorney and my attorneys advice (which obviously cost money) would sound something like this:

"Dear Southern Shores, your attorney Philip Hornthal is currently in violation of Federal Labor Trafficking laws and his advice will result with Southern Shores being found liable in a class action lawsuit for changing land use without an eminent domain transaction. In addition to being liable for damages to Southern Shores home owners, Southern Shores will also be found liable for all legal fees associated with this litigation as Philip Hornthal clearly had not one single legal explanation for the land use change and violated Federal Labor Trafficking laws instead of correcting the law violations. Finally, Southern Shores will be found liable for punitive damages to my client who has respectfully informed Southern Shores that their zoning code amendment violates law and they retaliated with a labor trafficking scheme against my client."

Thank you,
Anthony S Mina

PS I don't know why Philip Hornthal attached images of "in" and "f", but I do not get paid for any type of investigative work in Southern Shores so if these images lead people to believe I am part of an "intricate" investigative scheme with Southern Shores, please use the images as evidence of labor trafficking and coercion.

§1589. Forced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a

venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1486; amended Pub. L. 110–457, title II, §222(b)(3), Dec. 23, 2008, 122 Stat. 5068.)

Editorial Notes

Amendments

2008—Pub. L. 110–457 amended section generally. Prior to amendment, section provided penalties for knowingly providing or obtaining forced labor.

§1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 110–457, title II, §222(b)(4), Dec. 23, 2008, 122 Stat. 5069.)

Editorial Notes

Amendments

2008—Pub. L. 110–457 designated existing provisions as subsec. (a) and added subsec. (b).

§1591. Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Government need not prove that the defendant knew, or recklessly disregarded the fact, that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 25 years, or both.

(e) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "coercion" means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

(4) The term "participation in a venture" means knowingly assisting, supporting, or facilitating a violation of subsection (a)(1).

(5) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

(6) The term "venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 108–21, title I, §103(a)(3), Apr. 30, 2003, 117 Stat. 653; Pub. L. 108–193, §5(a), Dec. 19, 2003, 117 Stat. 2879; Pub. L. 109–248, title II, §208, July 27, 2006, 120 Stat. 615; Pub. L. 110–457, title II, §222(b)(5), Dec. 23, 2008, 122 Stat. 5069; Pub. L. 114–22, title I, §§108(a), 118(b), May 29, 2015, 129 Stat. 238, 247; Pub. L. 115–164, §5, Apr. 11, 2018, 132 Stat. 1255; Pub. L. 115–392, §11(1)(C), Dec. 21, 2018, 132 Stat. 5255.)

Editorial Notes

Amendments

2018—Subsec. (d). Pub. L. 115–392 substituted "25 years" for "20 years".

Subsec. (e)(4) to (6). Pub. L. 115–164 added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

2015—Subsec. (a). Pub. L. 114–22, §118(b)(2), inserted ", except where the act constituting the violation of paragraph (1) is advertising," after "knowing, or" in concluding provisions.

Subsec. (a)(1). Pub. L. 114–22, §118(b)(1), inserted "advertises," after "obtains,".

Pub. L. 114–22, §108(a)(1), substituted "maintains, patronizes, or solicits" for "or maintains".

Subsec. (b)(1). Pub. L. 114–22, §118(b)(3)(A), inserted "advertised," after "obtained,".

Pub. L. 114–22, §108(a)(2)(A), substituted "obtained, patronized, or solicited" for "or obtained".

Subsec. (b)(2). Pub. L. 114–22, §118(b)(3)(B), inserted "advertised," after "obtained,".

Pub. L. 114–22, §108(a)(2)(B), substituted "obtained, patronized, or solicited" for "or obtained".

Subsec. (c). Pub. L. 114–22, §108(a)(3), substituted ", maintained, patronized, or solicited" for "or maintained" and "knew, or recklessly disregarded the fact, that the person" for "knew that the person".

2008—Subsec. (a). Pub. L. 110–457, §222(b)(5)(A)(ii), substituted ", or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means" for "that force, fraud, or coercion described in subsection (c)(2)" in concluding provisions.

Subsec. (a)(1). Pub. L. 110–457, §222(b)(5)(A)(i), substituted "obtains, or maintains" for "or obtains".

Subsec. (b)(1). Pub. L. 110–457, §222(b)(5)(C), substituted "means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means," for "force, fraud, or coercion".

Subsecs. (c), (d). Pub. L. 110–457, §222(b)(5)(D), added subsecs. (c) and (d). Former subsec. (c) redesignated (e).

Subsec. (e). Pub. L. 110–457, §222(b)(5)(B), (E), redesignated subsec. (c) as (e), added pars. (1) and (4), and redesignated former pars. (1) and (3) as (3) and (5), respectively.

2006—Subsec. (b)(1). Pub. L. 109–248, §208(1), substituted "and imprisonment for any term of years not less than 15 or for life" for "or imprisonment for any term of years or for life, or both".

Subsec. (b)(2). Pub. L. 109–248, §208(2)(B), which directed amendment of subsec. (b)(2) by striking out ", or both", could not be executed because that language did not appear in text subsequent to amendment by Pub. L. 109–248, §208(2)(A). See below.

Pub. L. 109–248, §208(2)(A), substituted "and imprisonment for not less than 10 years or for life" for "or imprisonment for not more than 40 years, or both".

2003—Pub. L. 108–193, §5(a)(1), inserted comma after "fraud" in section catchline.

Subsec. (a)(1). Pub. L. 108–193, §5(a)(2), substituted "in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States" for "in or affecting interstate commerce".

Subsec. (b). Pub. L. 108–193, §5(a)(3), substituted "the person recruited, enticed, harbored, transported, provided, or obtained" for "the person transported" in pars. (1) and (2).

Subsec. (b)(2). Pub. L. 108–21 substituted "40" for "20".

Statutory Notes and Related Subsidiaries

Purpose

Pub. L. 114–22, title I, §108(c), May 29, 2015, 129 Stat. 239, provided that: "The purpose of the amendments made by this section [amending this section and section 7102 of Title 22, Foreign Relations and Intercourse] is to clarify the range of conduct punished as sex trafficking."

Sense of Congress

Pub. L. 114–22, title I, §109, May 29, 2015, 129 Stat. 239, provided that: "It is the sense of Congress that—

"(1) section 1591 of title 18, United States Code, defines a sex trafficker as a person who 'knowingly. . .recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person. . .knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion. . .or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act';

"(2) while use of the word 'obtains' in section 1591 [of title 18], United States Code, has been interpreted, prior to the date of enactment of this Act [May 29, 2015], to encompass those who purchase illicit sexual acts from trafficking victims, some confusion persists;

"(3) in *United States vs. Jungers*, 702 F.3d 1066 (8th Cir. 2013), the United States Court of Appeals for the Eighth Circuit ruled that section 1591 of title 18, United States Code, applied to persons who purchase illicit sexual acts with trafficking victims after the United States District Court for the District of South Dakota erroneously granted motions to acquit these buyers in two separate cases; and

"(4) section 108 of this title [title I of Pub. L. 114–22] amends section 1591 of title 18, United States Code, to add the words 'solicits or patronizes' to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case."

§1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1488; amended Pub. L. 110–457, title II, §222(b)(6), Dec. 23, 2008, 122 Stat. 5070.)

Editorial Notes

References in Text

Section 103 of the Trafficking Victims Protection Act of 2000, referred to in subsecs. (a)(3) and (b), is classified to section 7102 of Title 22, Foreign Relations and Intercourse.

Amendments

2008—Subsec. (c). Pub. L. 110–457 added subsec. (c).

§1593. Mandatory restitution

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term "full amount of the victim's losses" has the same meaning as provided in section 2259(c)(2) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(4) The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

(c) As used in this section, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1488; amended Pub. L. 110–457, title II, §221(1), Dec. 23, 2008, 122 Stat. 5067; Pub. L. 115–299, §3(c), Dec. 7, 2018, 132 Stat. 4385.)

Editorial Notes

References in Text

The Fair Labor Standards Act, referred to in subsec. (b)(3), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

Amendments

2018—Subsec. (b)(3). Pub. L. 115–299 substituted "section 2259(c)(2)" for "section 2259(b)(3)".

2008—Subsec. (b)(4). Pub. L. 110–457 added par. (4).

§1593A. Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of this chapter, knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

(Added Pub. L. 110–457, title II, §222(d)(1), Dec. 23, 2008, 122 Stat. 5070; amended Pub. L. 115–393, title III, §303(c), Dec. 21, 2018, 132 Stat. 5273.)

Editorial Notes

Amendments

2018—Pub. L. 115–393 substituted "this chapter" for "section 1581(a), 1592, or 1595(a)".

§1594. General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner as a completed violation of such section.

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person's interest in any property, real or personal, that was involved in, used, or intended to be used to commit or to facilitate the commission of such violation, and any property traceable to such property; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation, or any property traceable to such property.

(e)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, involved in, used, or intended to be used to commit or to facilitate the commission of any violation of this chapter, and any property traceable to such property.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f) Transfer of Forfeited Assets.—

(1) In general.—Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter.

(2) Priority.—Transfers pursuant to paragraph (1) shall have priority over any other claims to the assets or their proceeds.

(3) Use of nonforfeited assets.—Transfers pursuant to paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to satisfy the full amount of a restitution order through the use of non-forfeited assets or to reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of nonforfeited assets.

(g) Witness Protection.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

(Added Pub. L. 106–386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1489; amended Pub. L. 110–457, title II, §222(c), Dec. 23, 2008, 122 Stat. 5070; Pub. L. 114–22, title I, §105(a), May 29, 2015, 129 Stat. 236.)

Editorial Notes

Amendments

2015—Subsec. (d)(1). Pub. L. 114–22, §105(a)(1)(A), substituted "that was involved in, used, or" for "that was used or" and inserted ", and any property traceable to such property" after "such violation".

Subsec. (d)(2). Pub. L. 114–22, §105(a)(1)(B), inserted ", or any property traceable to such property" after "such violation".

Subsec. (e)(1)(A). Pub. L. 114–22, §105(a)(2), substituted "involved in, used, or" for "used or" and inserted ", and any property traceable to such property" after "any violation of this chapter".

Subsecs. (f), (g). Pub. L. 114–22, §105(a)(3), (4), added subsec. (f) and redesignated former subsec. (f) as

(g).

2008—Subsecs. (b) to (f). Pub. L. 110–457 added subsecs. (b) and (c) and redesignated former subsecs. (b) to (d) as (d) to (f), respectively.

§1595. Civil remedy

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, or attempts or conspires to benefit, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)(1) Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under subsection (a) unless it is commenced not later than the later of—

(1) 10 years after the cause of action arose; or

(2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.

(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as *parens patriae*, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(Added Pub. L. 108–193, §4(a)(4)(A), Dec. 19, 2003, 117 Stat. 2878; amended Pub. L. 110–457, title II, §221(2), Dec. 23, 2008, 122 Stat. 5067; Pub. L. 114–22, title I, §120, May 29, 2015, 129 Stat. 247; Pub. L. 115–164, §6, Apr. 11, 2018, 132 Stat. 1255; Pub. L. 117–347, title I, §102, Jan. 5, 2023, 136 Stat. 6200.)

Editorial Notes

Amendments

2023—Subsec. (a). Pub. L. 117–347 inserted "or attempts or conspires to benefit," after "whoever knowingly benefits,".

2018—Subsecs. (b)(1), (c). Pub. L. 115–164, §6(b), substituted "subsection (a)" for "this section".

Subsec. (d). Pub. L. 115–164, §6(a), added subsec. (d).

2015—Subsec. (c). Pub. L. 114–22 substituted "not later than the later of—" for "not later than 10 years

after the cause of action arose." and added pars. (1) and (2).

2008—Subsec. (a). Pub. L. 110–457, §221(2)(A), struck out "of section 1589, 1590, or 1591" after "victim of a violation" and inserted "(or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter)" after "perpetrator".

Subsec. (c). Pub. L. 110–457, §221(2)(B), added subsec. (c).

§1595A. Civil injunctions

(a) In General.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter 117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

(b) Action by Court.—The court shall proceed as soon as practicable to the hearing and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought.

(c) Procedure.—

(1) In general.—A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

(2) Sealed proceedings.—If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

(A) the court shall place the civil action under seal; and

(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

(d) Rule of Construction.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

(Added Pub. L. 115–393, title II, §201(a), Dec. 21, 2018, 132 Stat. 5266.)

Editorial Notes

References in Text

The Federal Rules of Civil Procedure, referred to in subsec. (c)(1), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Criminal Procedure, referred to in subsec. (c)(1), are set out in the Appendix to this title.

§1596. Additional jurisdiction in certain trafficking offenses

(a) In General.—In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, 1583, 1584, 1589, 1590, or 1591 if—

(1) an alleged offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.

(b) Limitation on Prosecutions of Offenses Prosecuted in Other Countries.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

(Added Pub. L. 110–457, title II, §223(a), Dec. 23, 2008, 122 Stat. 5071.)

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; dkole@southernshores-nc.gov <dkole@southernshores-nc.gov>; dkole@southernshores-nc.gov <dkole@southernshores-nc.gov>

Sent: Tuesday, March 12, 2024 at 09:06:51 PM EDT

Subject: Fw: 75 East Dogwood Trail_Southern Shores

Dear Law Enforcement,

I am writing you to inform you that Mr. Hornthal's comment to me that I am free to seek advice from an attorney about my hypothetical questions probably should be considered a major red flag that Mr. Hornthal may be involved with a legal entanglement scheme. I was simply asking Mr. Hornthal about existing Southern Shores zoning code.

It is my position that Southern Shores will be found liable in a class action lawsuit for changing land use without an eminent domain transaction. I didn't move to Southern Shores to hire attorneys to fight with southern shores government. I moved to southern shores to follow the town's local code (as soon as I can completely understand the local code). Since I was under contract to purchase a lot that was potentially sub-dividable when I agreed to purchase the house and paid my due diligence fee I'm planning on respectfully asking Southern Shores to allow my lot subdivision since they obviously have discretion to allow the lot sub-division.

I suggest the town find a new attorney is the first thing an attorney I hire is going to tell Southern Shores.

Thank you for your help with the many questions I have already asked.

Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Phillip Hornthal <phornthal@hrem.com>

Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>

Sent: Tuesday, March 12, 2024 at 03:16:21 PM EDT

Subject: Re: 75 East Dogwood Trail_Southern Shores

Thank you for your email, Mr. Hornthal. As of right now you have not provided me one single reason why Southern Shores believes they legally changed land use without an eminent domain transaction or the landowners permission and you are wasting Southern Shores tax dollars refusing to answer a simple question that is on an elementary school reading comprehension level regarding the existence of a zoning code regulation.

Feel free to contact me if you can help me plan my lot sub-division application so that I avoid making mistakes and wasting my time, Southern Shores time and taxpayers money.

Thank you,
Anthony S. Mina

On Tuesday, March 12, 2024 at 03:04:23 PM EDT, Phillip Hornthal <phornthal@hrem.com> wrote:

Mr. Mina:

I've got nothing to add from our earlier exchange.

The Town looks forward to receiving any formal submissions you wish to provide and will respond appropriately upon receipt of same.

Sincerely,

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com



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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, March 12, 2024 3:01 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail_Southern Shores

>>Warning! The source of this email is from outside of the firm.<<

There is a survey attached that states the second floor is 14' from the property line and the first floor/footprint is 17' from the property line. There also is a picture of my house attached.

There is no need to submit a set of plans to southern shores, i am trying make sure my plans comply with zoning code prior to submitting them.

What zoning code prohibits a second floor overhang from encroaching in the 15' side set back requirement when the footprint of the house (and first floor of the house) conform with the 15' side setback requirement?

A perfectly acceptable response is there is not a zoning code prohibiting a second floor overhang from encroaching in the side set back requirement.

Thank you,

Anthony S Mina

On Tuesday, March 12, 2024 at 02:48:41 PM EDT, Phillip Hornthal <phornthal@hrem.com> wrote:

We would have to see your plans to answer that question.

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

HREM LLP
HORNTHAL, RILEY, ELLIS & MALAND
ATTORNEYS AT LAW

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, March 12, 2024 2:48 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail_Southern Shores

>>Warning! The source of this email is from outside of the firm.<<

Mr. Hornthal,

I apologize, I must not understand what you mean when you say talk about "hypothetical" questions.

Can you answer this question which only asks about Southern Shores zoning code:

What zoning code prohibits a second floor overhang from encroaching in the 15' side set back requirement when the footprint of the house (and first floor of the house) conform with the 15' side setback requirement?

Thank you,
Anthony S Mina

PS I am not saying Wes Haskett falsely claimed my house's lot was not sub-dividable because of a 14' setback, I am saying I mistakenly told Wes Haskett the setback was 14' when in fact the first floor setback is several feet more than 14'.

On Tuesday, March 12, 2024 at 01:44:51 PM EDT, Phillip Hornthal <phornthal@hrem.com> wrote:

Mr. Mina:

As indicated in my earlier Email , you will need to submit a formal application or plan, and when you do, Town staff will respond accordingly. Alternatively, you are always free to seek legal advice from an attorney regarding your hypothetical legal questions.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com



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From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Tuesday, March 12, 2024 12:20 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <PHornthal@hrem.com>

Subject: Re: 75 East Dogwood Trail_ Southern Shores

>>Warning! The source of this email is from outside of the firm.<<

Hello,

Thank you for the email.

I will rephrase my question so it is easier for you to understand...

What zoning code prohibits a second floor overhang from encroaching in the 15' side set back requirement when the footprint of the house (and first floor of the house) conform with the 15' side setback requirement?

The attached survey dated March 6, 1997 was provided by Linda Lauby (Linda Lauby said she hired Kirk Foreman) and the survey states the 2nd floor back corner of my house is 14' from the side property line and the 1st floor is 17' from the property line. I do not believe the survey is true and correct and believe the 2nd floor of my house also conforms with the 15' side setback requirement so I'm getting a new survey.

But, I am trying to figure out if there is a zoning code prohibiting the 2nd floor from encroaching in the side setback because I paid the structural engineer I use to provide me plans to remove any non-conforming overhang so if there was an encroachment I could just literally cut off 1' of my house to make my house conform with zoning code.

Wes Haskett once told me the setback encroachment was the issue with me obtaining a lot sub-division prior to the zoning amendment changing lot width requirements. I am not sure if Wes Haskett did not know the first floor of my house does conform with zoning code (he was provided the attached survey, which does not state the 1st floor setback exceeding the minimum 15' requirement and I even mistakenly identified the side setback as 14' when communicating with Wes Haskett.)

These questions are in preparation of my lot subdivision plan to make sure I submit a plan that conforms with the zoning codes prior to the lot width requirement change last year (because I bought my house as a house Outer Banks Realty said Southern Shores said was potentially sub-dividable based on the lot size).

Thank you,

Anthony S Mina

On Monday, March 11, 2024 at 04:07:44 PM EDT, Phillip Hornthal <phornthal@hrem.com> wrote:

Mr. Mina:

Regarding your questions, the Town's response is as follows:

Question 1: Town Staff would have to see specific plans in order to answer your question. Town Staff will promptly consider any plans depicting overhangs and respond to your inquiry.

Question 2: The Town has not received the CAMA minor permit application, and will consider it upon receipt of same, and of course, answer any questions concerning the permit once received and reviewed.

In generally, Town Staff is unable to answer hypothetical questions when more context is needed.

We look forward to receiving any formal plans you submitted to Town Staff.

Sincerely,

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Monday, March 11, 2024 1:47 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <PHornthal@hrem.com>

Subject: 75 East Dogwood Trail_Southern Shores

>>Warning! The source of this email is from outside of the firm.<<

Hello,

I have a few questions about my lot that I'd appreciate it if you could answer for me.

1) What code specifies the setback requirements of an overhang? For example, if a 1st floor of a house met the setback requirements but there was part of the house on the second floor that did not meet the setback requirements is there a code that prohibits the second floor from overhanging a setback requirement?

2) Does the minor permit application I submitted to CAMA (which is now being mailed to Southern Shores) require me to notify Southern Shores Department of Public Works as the adjacent property owner or will notification be taken care of with the minor application being received by Southern Shores?

Lastly, I just wanted you to be aware that I've seen a piece of wood that appears to be sticking up from the ground in the canal outside of my house where boats travel. I only see the piece of wood when the water is really low, but it does appear to look like it could damage a boat. The piece of wood is located between my boat dock and the Dick White Bridge and you can see the wood from standing on the bridge when the water is really low.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Mitchell, Martin L <martin.mitchell@deg.nc.gov>

To: chestercountylawn@yahoo.com <chestercountylawn@yahoo.com>

Cc: Haskett, Wes <whaskett@southernshores-nc.gov>

Sent: Monday, March 11, 2024 at 11:10:30 AM EDT

Subject: Two CAMA Permits required_ 75 East Dogwood Trail_ Southern Shores

Mr. Mina,

On February 26, 2024, the North Carolina Division of Coastal Management (DCM) received a permit application packet for activities proposed at 75 East Dogwood Trail. The activities you propose require two levels of CAMA permits:

1. A General Permit that would be issued by DCM for the new boat dock and placement of riprap, and
2. A Minor Permit that would be issued by the Town of Southern Shores for all other proposed activities.

Minor Permit Issues

1. Via USPS, I am forwarding your application packet to the attention of Mr. Wes Haskett who serves as the Local Permit Officer (LPO) for the Town of Southern Shores.
2. The Town may ask you to issue a new check stating that the amount of \$100 should be paid to the order of the Town of Southern Shores.

General Permit Issues:

1. Construction of a new dock and placement of riprap would be authorized via a CAMA General Permit. Removal of old structures is not regulated by DCM. There is no formal application form for General Permits.
2. Attached is a copy of the Adjacent Riparian Property Owner (ARPO) Notification Form that must be submitted to both ARPOs. Dare County GIS indicates that Southern Shores Department of Public Works is the ARPO to the north of your property and that Cad LLC is the ARPO to the south.
3. Both ARPOs must be afforded the opportunity to review the proposed work and sign the Notification Form. If you cannot meet face-to-face with an ARPO, the Form should be sent via USPS Certified Mail. If an ARPO does not respond within 10 days of proof of delivery (the USPS green card), the no response is viewed as a "no objection".
4. Also attached is the Agent Authorization Form. If you decide to represent yourself throughout the permit application process, the Agent Authorization Form is not needed.
5. In addition to these two forms, we require a permit application sketch (drawn to scale) showing the location and dimensions of the proposed work. DCM will attempt to use the diagram we received on February 26, 2024 for such purpose.
6. Once the application packet is deemed complete, DCM will schedule an on-site meeting. The General Permit is issued on-premises after the application fee is collected.
7. The application fee would be \$400 for the new dock. Depending on the quantity and dimensions of riprap to be placed, another \$400 application fee could be required for the placement of riprap.

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