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**FORMER WHIDBEY ISLAND RESIDENT SENTENCED TO 36 MONTHS FOR
TRAFFICKING IN COUNTERFEIT GOODS**

Defendant Continued Illegal Imports and Sales of Counterfeit Goods After Pleading Guilty

BRYAN POLEE, 28, a former Whidbey Island resident, who now resides in Riverside, California, was sentenced today in U.S. District Court in Seattle to 36 months in prison, three years of supervised release and \$1.6 million in restitution for Trafficking in Counterfeit Goods. POLEE pleaded guilty in February 2009, to a scheme to import counterfeit goods and sell them on eBay. Many of the items sold are heavily advertised in infomercials on television. Originally, POLEE was released pending sentencing, but was remanded to custody on September 3, 2009, for continuing to traffic in counterfeit goods, by selling counterfeit items on eBay. In discussing Mr. Polee's decision to leave the military for the more profitable endeavor of selling counterfeit goods, Chief U.S. District Judge Robert S. Lasnik reminded the defendant that "making more money doesn't necessarily make a better life for your son," particularly when that decision results in your incarceration.

According to records filed in the case, between at least January 2005, and April 2008, POLEE imported counterfeit goods from China through his company ZMP Enterprises, in Oak Harbor, Washington. POLEE purchased the goods, mainly fitness equipment, from a Chinese supplier and sold them over the internet – primarily via eBay. The goods were labeled with counterfeit trademarks making it appear as though they were made by various reputable manufacturers, such as Fitness Quest, Homeland Housewares, OneUp Innovations, and Nautilus, Inc. POLEE was paid more than \$2.1 million for the counterfeit goods he sold over eBay.

POLEE sold at least 3177 counterfeit Bowflex units with a value of more than \$1 million. Bowflex is a trademarked fitness unit sold by Nautilus Inc. POLEE sold at least 149 counterfeit units of the AB Lounge made by Fitness Quest worth more than \$15,000. POLEE sold at least 1854 counterfeit Magic Bullet blenders made by Homeland Housewares worth more than \$83,000 and he sold 401 counterfeit Liberator Cushions made by OneUp Innovations worth more than \$62,000.

At the time of his plea, POLEE agreed to forfeit to the government \$30,000 in cash, a 2003 Cadillac CTS and a 2000 Jaguar S-Type. However, POLEE no longer has the money to forfeit, and in fact had returned to his criminal conduct while released from custody. In July 2009, prosecutors received information that POLEE was once again selling counterfeit goods online. A search at his California residence turned up nearly \$70,000 in counterfeit goods. PayPal records revealed that from March to July 2009, he had taken in about \$50,000 for the sale of goods believed to be counterfeit.

In asking for a 57 month prison sentence, Assistant United States Attorney Mary K. Dimke told the court that POLEE had continued with his criminal actions despite civil suits filed by companies whose goods were counterfeited, and despite criminal prosecution. "Time and time again, Mr. Polee made the decision that he would prefer to engage in lucrative criminal activity rather than respect the rights of individuals who worked legitimate jobs to build the reputation of the various victim trademark

holders, while also exposing the public to potentially dangerous and unsafe products,” Ms. Dimke wrote in her sentencing memo.

The case was investigated by U.S. Immigration and Customs Enforcement and Customs and Border Protection. The case was prosecuted by Assistant United States Attorney Mary K. Dimke.

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