

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: LAWRENCE



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 53-1-01
MDJ: Hon. Melissa A. Amodie
Address: Lawrence County Government Center
430 Court Street
New Castle, PA 16101
Telephone: (724)652-8555

DEFENDANT: (NAME and ADDRESS):
WELTON DARL SHIPE JR
First Name Middle Name Last Name Gen
4515 Lower Arkansaw Road
Baker, WV 26801-8148

NCIC Extradition Code Type

- 1-Felony Full
- 2-Felony Limited
- 3-Felony Surrounding States
- 4-Felony No Extradition
- 5-Felony Pending Extradition
- 6-Felony Pending Extradition Determ.
- A-Misdemeanor Full
- B-Misdemeanor Limited
- C-Misdemeanor Surrounding States
- D-Misdemeanor No Extradition
- E-Misdemeanor Pending Extradition
- F-Misdemeanor Pending Extradition
- Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

| | | | | | |
|---|---|--------------------------------------|---|---|---|
| Docket Number CR-206-23 | Date Filed 5/4/2023 | OTN/LiveScan Number R472685-3 | Complaint Number | Incident Number ECS20003 | Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female | DOB 12/29/1961 | POB Maryland | Add'l DOB / / | Co-Defendant(s) <input type="checkbox"/> | |
| First Name AKA DARL | | Middle Name | Last Name SHIPE | | Gen. |
| RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Unknown | ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown | | | | |
| Hair Color <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLN (Blonde / Strawberry) | <input type="checkbox"/> RED (Red/Aubn.) | <input type="checkbox"/> SDY (Sandy) | <input type="checkbox"/> WHI (White) | <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> XXX (Unk./Bald) | <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> GRN (Green) |
| Eye Color <input type="checkbox"/> BLK (Black) <input type="checkbox"/> HAZ (Hazel) | <input type="checkbox"/> BLU (Blue) | <input type="checkbox"/> BRO (Brown) | <input checked="" type="checkbox"/> GRN (Green) | <input type="checkbox"/> MUL (Multicolored) | <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> XXX (Unknown) |
| DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | DNA Location | | | WEIGHT (lbs.) 200 | |
| FBI Number | MNU Number | | | Ft. HEIGHT In. 6 2 | |
| Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO | Fingerprint Classification: | | | | |

DEFENDANT VEHICLE INFORMATION

| | | | | | | | |
|-----------------------|-----------|----------------------------------|--------------------------------|---|--------------------------------------|---------------------|--|
| Plate # VO6591 | State WV | Haz mat <input type="checkbox"/> | Registration Sticker (MM/YY) / | Comm'l Veh. Ind. <input type="checkbox"/> | School Veh. <input type="checkbox"/> | Oth. NCIC Veh. Code | Reg. same as Def. <input type="checkbox"/> |
| VIN 3GTP9EED2LG260543 | Year 2020 | Make Gmc | Model Sierra | Style Tk | Color | | |

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SDAG COURTNEY CERNIGLIA
(Name of the attorney for the Commonwealth)

Courtney Cerniglia
(Signature of the attorney for the Commonwealth)

05/04/2023
(Date)

I, SA J. J. PRATT 559/23014
(Name of the Affiant) (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of Pennsylvania Office of Attorney General PA0222400
(Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)
1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [301] Entech Energy Services, 105 Mahoning Street, New Castle, PA 16102 (Subdivision Code) (Place-Political Subdivision)

in LAWRENCE County [37] on or about OCTOBER 11, 2019 TO JANUARY 22, 2020
(County Code)

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------------|-------------------------|------------------------|---------------------------|
| Docket Number: CR-206-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|-------------------------------------|-----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input checked="" type="checkbox"/> | 1 | 903 | (a) (1) | of the | TITLE 18 | 1 | F-3 | | |
| Lead? | Offense # | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | | |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number _____ | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): **TITLE 18, PA C.S.A. § 903 (A) (1), CRIMINAL CONSPIRACY, A FELONY OF THE THIRD DEGREE, AS DEFINED BY PA C.S.A. § 4911 (B), 4911 (C) (1)**

Acts of the accused associated with this Offense: A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he: (1) agrees with such other person or persons that they or one of more of them will engage in conduct which constitutes such crime, or an attempt or solicitation to commit such crime; TO WIT: The Defendant, Welton Darl Shipe, did conspire with Joseph Berkich to tamper with public records or information. Joseph Berkich identified four (4) sub-standard welds on EnTech Energy Job # 19056, which were pipeline components for the Mark West Liberty Pipeline. The Defendant Shipe directed Berkich to keep the bad welds off the report. The welds were surreptitiously repaired and deemed acceptable without being denoted as repairs. Berkich falsely identified his helper, Zachary Rhoades, as the x-ray technician for the job.

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|--------------------------|-----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input type="checkbox"/> | 2 | 4911 | (A) (1) | of the | TITLE 18 | 1 | F-3 | | |
| Lead? | Offense # | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | | |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number _____ | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): **TITLE 18, PA C.S.A. § 4911 (A) (1), TAMPERING WITH PUBLIC RECORDS OR INFORMATION, A FELONY OF THE THIRD DEGREE, AS DEFINED BY PA C.S.A. § 4911 (B)**

Acts of the accused associated with this Offense: A person commits an offense if he: (1) knowingly makes a false entry in, or false alteration of, and record or document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information by the government. TO WIT: The Defendant Welton Darl Shipe, did direct a Joseph Berkich to keep bad welds off a reader sheet report for EnTech Energy Job # 19056, which were pipeline components for the Mark West Liberty Pipeline. Joseph Berkich did declare the four (4) sub-standard welds as acceptable, knowing that they were to be repaired. The repairs were concealed from Mark West and not designated with an R-1 designation, as per API Code 1104. Berkich falsely identified his helper, Zachary Rhoades, as the x-ray technician for the job.

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|--------------------------|-----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input type="checkbox"/> | 3 | 4904 | (A) | of the | TITLE 18 | 1 | M-1 | | |
| Lead? | Offense # | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | | |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number _____ | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): **TITLE 18, PA C.S.A. § 4104 (A), TAMPERING WITH RECORDS OR IDENTIFICATION, A MISDEMEANOR OF THE FIRST DEGREE, AS DEFINED BY PA C.S.A. § 4104 (A)**

Acts of the accused associated with this Offense: A person commits a misdemeanor of the first degree if, knowing that he has no privilege to do so, he falsifies, destroys, removes, or conceals any writing or record, or distinguishing mark or brand or other identification with the intent to deceive or injure anyone or to conceal any wrongdoing. TO WIT: The Defendant, Welton Darl Shipe did direct Joseph Berkich to keep bad welds off a reader sheet for EnTech Energy Job # 19056. Berkich deemed four (4) bad welds as acceptable, knowing they were to be repaired at a later date. The welds were repaired and not designated with a R-1 designation, as required by API Code 1104. The repairs were concealed from officials at Mark West Energy. Berkich falsely identified his helper, Zachary Rhoades, as the x-ray technician for the job.

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|-------------------------------------|--------------------|---------------------|---------------------------------------|
| Docket Number: CR-2006-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number ECS20003 |
| Defendant Name | First: WELTON | Middle: DARL | Last: SHIPE |

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|---|---|--|--|

| | | | | | | | | | |
|--------------------------|----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input type="checkbox"/> | 4 | 3302 | (B) | of the | TITLE 18 | 1 | F-3 | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | |
|------------------------------|-----------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): Title 18, PA C.S.A. § 3302, Causing or Risking a Catastrophe, a Felony of the Third Degree, as defined by PA C.S.A. § 3302 (b)

Acts of the accused associated with this Offense: A person is guilty of a felony of the third degree if he recklessly creates a risk of a catastrophe in the employment of fire, explosives, or other dangerous means listed in subsection (a) of this section. TO WIT: The Defendant, Welton Darl Shipe, directed a Joseph Berkich to keep bad welds off a reader sheet. The Defendant Shipe conspired to repair four (4) welds on EnTech Energy Job #19056, which consisted of components for the Mark West Liberty Pipeline. These repairs were concealed from Mark West officials, and not marked with a R-1 designation as required by API Code 1104. A third-party audit of the repairs found a total of five (5) bad welds, even after being surreptitiously repaired. The Mark West Liberty Pipeline transports a mixed stream of natural gas liquids (NGLs) from West Virginia and Pennsylvania to Ohio and Pennsylvania. The Defendant's reckless actions had the potential to cause widespread injury and/or damage.

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|---|---|--|--|

| | | | | | | | | | |
|--------------------------|----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input type="checkbox"/> | 5 | 4904 | (B) | of the | TITLE 18 | 1 | M-3 | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | |
|------------------------------|-----------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): Title 18, PA C.S.A. § 4904, Unsworn Falsification to Authorities, a Misdemeanor of the Third Degree, as defined by PA C.S.A. § 4904 (b)

Acts of the accused associated with this Offense: Statements "under penalty": A person commits a misdemeanor of the third degree if he makes a false written statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable. TO WIT: The Defendant, Welton Darl Shipe, did make false written statements to officials from the Department of Environmental Protection (DEP) that he personally received Personnel Training Certification Records from Joseph Berkich regarding Vision Tests, Magnetic Particle Testing, Radiographic Testing, Liquid Penetrant Testing, and Ultrasonic Testing. The Defendant received the aforementioned documentation from a subordinate employee, namely Jacob Hilliard, who managed the day to day operations for the fabrication shop at EnTech Energy Services. Shipe failed to disclose to DEP officials that he directed Berkich via text message to "keep bad welds off" a reader sheet for EnTech Energy Job #19056.

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|---|---|--|--|

| | | | | | | | | | |
|--------------------------|----------|---------|------------|--------|--------------------|--------|-------|-------------------|----------------|
| <input type="checkbox"/> | | | | of the | | | | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |

| | | | |
|------------------------------|-----------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|-------------------------------------|---------------------------|------------------------|---------------------------|
| Docket Number: <u>CR-2023-23</u> | Date Filed: <u>1/1</u> | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: <u>WELTON</u> | Middle: <u>DARL</u> | Last: <u>SHIPE JR</u> |

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through .
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

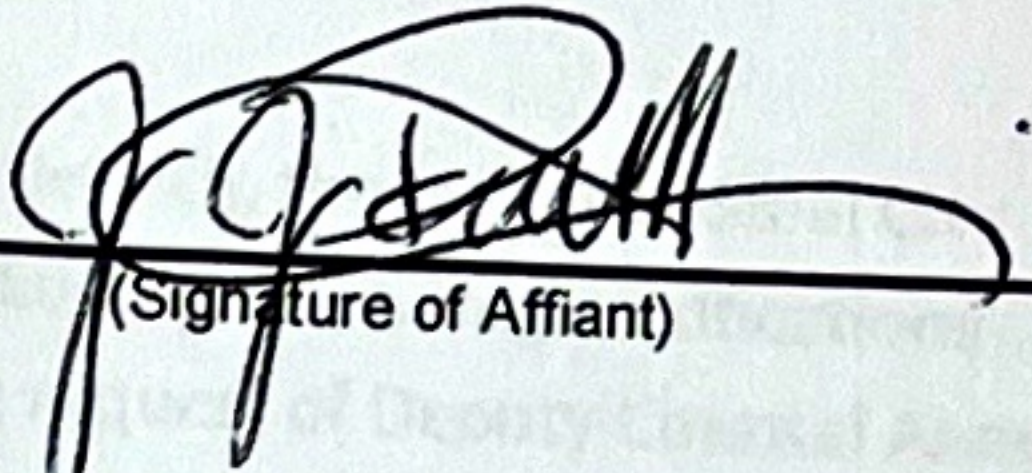
The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date)

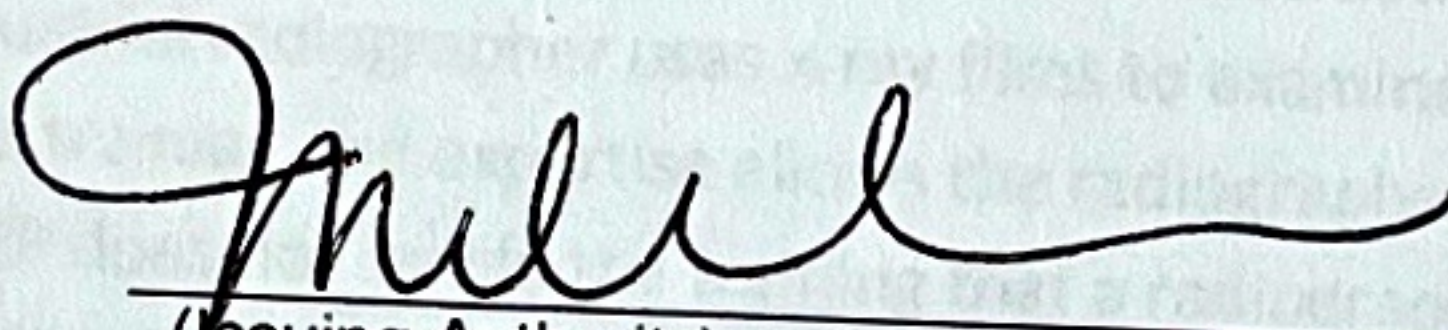
AND NOW, on this date May 4 2023

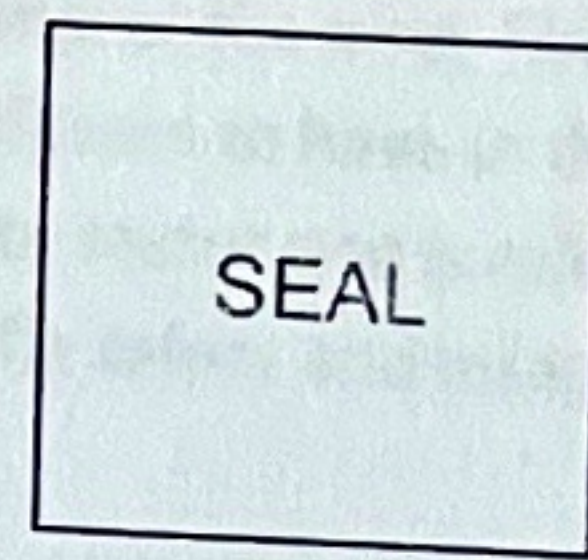
I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.


 (Signature of Affiant)

537-01
 (Magisterial District Court Number)


 (Issuing Authority)



ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------|--------------------|---------------------|---------------------------|
| Docket Number: CR-2006-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

AFFIDAVIT of PROBABLE CAUSE

Your Affiant, Special Agent Jeffrey Pratt, being first duly sworn, hereby deposes and states the following:

1. Your Affiant is employed as a Special Agent (SA), assigned to the Environmental Crimes Section (ECS) and employed as a criminal investigator by the Bureau of Criminal Investigations, Pennsylvania Office of Attorney General (PA OAG), located at 2515 Green Tech Drive, State College, PA 16803. Your Affiant has been so employed since 2018. Prior, Your Affiant served as a Municipal Police Officer from 1995 to 2018. In the course of employment, Your Affiant has conducted hundreds of criminal investigations. As a Special Agent, Your Affiant is authorized to conduct investigations into suspected criminal violations of the Pennsylvania Crimes Code and the Pennsylvania Environmental Statutes. The OAG ECS Agents work cooperatively with local law enforcement officials and Pennsylvania regulatory agencies such as the Department of Environmental Protection (DEP) which do not have the resources available to investigate potential environmental violations which are criminal offenses.
2. On/about April 22, 2020, the PA OAG ECS began an investigation into allegations that a Joseph Berkich, the owner of Steel City Gamma LLC, (SCG) located at 309 Woodland Road, Daisytown, PA 15427, falsified Industrial Radiography training certifications. This investigation is based upon a referral from the Governor's Office of General Counsel, at the request of Deputy Counsel Anne Gingrich Cornick, allowing the PA OAG ECS to assume jurisdiction for the purposes of investigation and/or prosecution.
3. Industrial radiography involves the examination of the structure of materials by non-destructive methods, using ionization radiation to make radiographic images. An industrial radiographer uses x-ray films to examine and determine if a weld is structurally sound. An industrial radiographer's training and expertise allows the radiographer to interpret the x-ray film and certify whether a weld has passed or failed. DEP does not certify the training that a radiographer professes to have in the evaluation of radiography films and weld integrity. Training certifications are conducted by the private sector and is relied upon by various parties, including firms involved in natural gas pipeline construction, who need to ensure the safety and integrity of natural gas transmission systems.
4. The Mark West Liberty Pipeline is an interstate pipeline which is 34 miles in length. The pipeline provides for the transport of natural gas liquids (NGLs), including propane, normal butane, isobutane, and higher molecular weight hydrocarbons from natural gas processing plants located in West Virginia and Pennsylvania to fractionation facilities located in Ohio and Pennsylvania.
5. On/about January 22, 2020, The Defendant, Welton Darl Shipe, met with officials from the DEP and signed a witness statement indicating that a Joseph Berkich of SCG provided to him Vision Test Records, and Personnel Certification records for Magnetic Particle Testing, Radiographic Testing, Liquid Penetrant Testing, and Ultrasonic Testing. The form indicated that false statements are made subject to penalties of 18 PA C.S.A. §4904, relating to unsworn falsification to authorities. Investigation determined that Shipe's subordinate, Jacob Hilliard, received the aforementioned documents from Berkich, and Hilliard emailed the certifications to Shipe on 10/30/2019 at approx. 1159hrs. In this meeting with the DEP, Shipe alleged that Berkich classified some welds as satisfactory which were not. Shipe failed to disclose a text sent to Berkich where he was asking Berkich "...to keep the bad ones off the report", referring to welds which Berkich indicated were bad welds.
6. On May 26, 2020, Your Affiant interviewed DEP personnel from the Bureau of Radiation Protection and the Bureau of Investigations. DEP officials explained that there are three (3) Levels in Industrial Radiography (IR). A Level III Radiographer is "...a super-trained radiographer, known as the gold-standard for the IR industry." There are two types of Level III Radiographers. A Corporate Level III is corporate radiographer, which are trained to company specific standards. If this subject leaves the company which trained them, they lose their Level III designation. An Independent Level III Radiographer "...is the platinum standard in the industry, and are trained by an independent professional group such as the American Society of Nondestructive

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------|--------------------|---------------------|---------------------------|
| Docket Number: CR-2020-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

Testing (ASNT).” These radiographers can retain their certifications between employers or corporations. The DEP was contacted by a Darl Shipe from EnTech Energy Services on/about November of 2019, indicating that Joseph Berkich claimed to be a Level III Radiographer with a concentration in gamma radiation. Shipe attempted to verify the certifications provided by Berkich, which were signed by a Christopher Dugan, an ASNT Level III Radiographer. When contacted by Shipe, Dugan advised that he did not train Berkich, nor did he sign Berkich’s Level III certifications. Shipe subsequently alerted the DEP of his findings.

7. On June 3, 2020, Your Affiant interviewed a Welton Darl Shipe (AKA “Darl”) at GW Ridge Fabrication, 40 Pennsylvania Avenue, Washington, PA 15301. Shipe is a Senior Certified Welding Inspector (CWI). Shipe noted that there are only five-thousand (5,000) Senior CWIs in the nation. Shipe was previously employed as the Quality Assurance Manager for EnTech Energy Services, located in New Castle, PA. One of Shipe’s responsibilities at EnTech was to assemble a “job book”, which is a listing of IR Technicians and their certification credentials. Shipe became suspicious of the training documents submitted by Berkich “...because he had between eight (8) and ten (10) classes listed with all the same date. It’s physically impossible to do all those classes in a day. Nobody can do that.” Berkich claimed certifications in the following areas: RT (x-ray), MT (magnetic particle testing), PT (dye-penetrant), and UT (ultrasonic testing). Berkich’s documents bore the signature of Christopher Dugan, an Independent ASNT Certified Level III Radiographer. Shipe advised that Dugan was a Level III Radiographer in RT only, and therefore unable to certify Berkich in the other disciplines. Shipe subsequently discovered that Berkich claimed his assistant, Zachary Rhoades, was interpreting the x-ray films. Shipe contacted Christopher Dugan of TUV Rhineland, and inquired if he trained and signed Berkich’s certifications. Dugan replied: “Absolutely not...I wouldn’t certify that guy. There’s no way I would test him.” Dugan added “...I couldn’t sign those if I wanted to because I’m a Level III in RT only.” Shipe advised that because Berkich was not qualified to perform x-ray services for EnTech, the company was obligated to re-shoot the welds x-rayed by Berkich at an initial loss of thirty-thousand (\$30,000) to thirty-five thousand (\$35,000) dollars. In addition to the x-ray costs, a total of six (6) bad welds were located which Berkich had deemed satisfactory. Repair costs for EnTech Energy resulted in another twenty-thousand (\$20,000) dollars in losses to repair the bad welds. As a result, the customer, Mark West Energy, severed all ties with EnTech, and canceled six (6) or seven (7) upcoming jobs with the company. Shipe indicated that he was terminated from EnTech as a result of the Berkich incident. Shipe estimated that he has known Berkich for approx. eight (8) years. Shipe explained: “It’s kind of a weird situation. I’m married to his (Berkich’s) former mother-in-law. I hired him as a favor to get him to pay his child support.” Shipe claimed that after he fired Berkich, Berkich sent an email to Mark West Energy, alleging that Shipe directed him to falsely certify bad welds as satisfactory. A second NDT firm, known as TEI Analytical Services, re-shot the welds examined by Berkich. According to Shipe, TEI located six (6) bad welds which Berkich had deemed acceptable. Shipe produced a manual entitled “Procedures for Non-Destructive Testing (NDT)” and indicated that sections 8.4.1 and 8.4.2 of the manual dictate that Berkich and SCG must keep records available for inspection by authorities.

8. On June 3, 2020, Your Affiant interviewed Christopher Dugan at TUV Rhineland, located at 100 Industrial Blvd, Aliquippa, PA. Dugan is currently an Independent ASNT Level III Radiographer, and the Field Services Manager for TUV Rhineland. Dugan states that he was contacted in October or November of 2019 by Darl Shipe of EnTech Energy to verify the professional certifications of two (2) Steel City Gamma employees, identified as Zachary Rhoades and Joseph Berkich. Dugan produced an email from Shipe dated November 1, 2019 inquiring about the certifications. Dugan replied on November 3, 2019, “I can positively tell you no, I did not certify Berkich or anyone affiliated with Steel City Gamma at any point, this case or any other. The ASNT number on the cert is my number, but the signature is not. It is a forged signature. I do need to forward this to our legal team as well.” TUV Rhineland subsequently sent a Cease and Desist Order to Berkich. Berkich acknowledged receiving the order, and did not contest the Cease and Desist Order from TUV Rhineland. Dugan met Berkich in February of 2019, when TUV Rhineland was sub-contracted to shoot x-rays at a landfill in the Bentleyville, PA area. After this job, Berkich requested a read interpretation report

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------|--------------------|---------------------|---------------------------|
| Docket Number: QR-2020-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

with Dugan's signature on it. Dugan refused, saying "I only shot the job. I wasn't going to sign-off on interpreting films." Dugan found Berkich's certification number on the ASNT website. Berkich's certification number is #199357. Berkich holds the Industrial Radiography Radiation Safety Personnel (IRRSP) certificate, which is a basic safety class. Berkich would require two (2) additional certifications to work as an IR Technician. Dugan stated when Berkich started Steel City Gamma (SCG), SCG would have been required to hire an Independent ASNT Level III to: (1) develop test and testing procedures, (2) develop a procedure for certifying employees, and (3) drafting actual certifications and attestations. Dugan stated that the total cost to properly certify Steel City Gamma as an Independent ASNT Level III would have been approx. seven-thousand (\$7,000) dollars.

9. On June 16, 2020, Your Affiant interviewed the managing partners at EnTech Energy Services, at 105 Mahoning Avenue, New Castle, PA 16102. EnTech Energy manufactures components used in natural gas pipelines. Michael Cioffi reported that Berkich was the lowest bidder on a Mark West Energy Project, and had family ties to Darl Shipe. Berkich and SCG began working for EnTech on/about August 16, 2019, and were fired as a sub-contractor on/about November 1, 2019. SCG performed a total of six (6) jobs for EnTech. These jobs were intended to be part of a Mark West Pipeline located in the state of West Virginia. The components were "...a number of skids that were to be part of a compressor station, to include pipes, valves, pig launchers, and similar infrastructure." SCG billed EnTech Energy for the IR x-ray work. EnTech Energy paid Joseph Berkich prior to stopping payment(s) on the job when it was discovered that neither Berkich nor Rhoades were properly licensed to perform x-ray work. EnTech was forced to hire another firm to re-shoot the welds which SCG examined. RNDT of Johnstown, PA re-examined the welds at a cost of forty-three thousand dollars (\$43,000). Jacob Hilliard indicated that the x-ray films used by SCG were not up to industry code. Hilliard stated "...that Berkich signed off on a total of seven (7) bad welds according to the API 1104 code." As a result of Berkich's actions, Mark West Energy has severed all ties with EnTech.

10. On July 14, 2020, Your Affiant interviewed Zachary Rhoades at 1254 county Club Road, Monongahela, PA 15063. Joseph Berkich convinced Rhoades to leave Edge NDT in the fall of 2018. Berkich stated that he and Rhoades would be fifty-percent (50%) owners of a company known as "Edge Inspections Group". When Rhoades objected to the name, Berkich became angry, and stated the new business was no longer a mutual partnership. Berkich stated that he was now president and one-hundred percent (100%) owner of a company he termed "Steel City Gamma LLC", with Rhoades as a subordinate employee. Rhoades advised that he worked as an assistant on the EnTech Energy job, and Berkich was the Level II Radiographer who would read and interpret the films. Near the end of the EnTech job, Rhoades was approached by Darl Shipe and asked about the x-ray reader sheets. Shipe questioned why Rhoades name appeared as the technician on the reader sheets. Rhoades replied: "I'm not signing off on the welds. I'm not reading the films." Rhoades returned to the SCG office and asked Berkich why his name appeared on the reader sheet, as he was not reading the films. Berkich stated "OK, I'll change it. It's no big deal. Yeah, Yeah, I can take care of it." Rhoades stated that he had never observed a reader sheet report. Rhoades advised there was not an Independent Level III consulting for SCG, and there were not outside examinations and/or testing for certifications by an Independent Level III at SCG.

11. On August 4, 2020, Your Affiant attempted to contact Joseph Berkich at his residence with negative results. Agents left a business card at the residence. At approx. 1756hrs this date, Berkich phoned SA Pratt from the number (724) 470-3770. In the call, Berkich stated: "All my professional certifications are 100% legit. As an owner of a business, I don't even need professional certifications." Later in the call, Berkich stated: "Darl Shipe tried to black-mail me to approve bad welds."

12. On September 10, 2020, Your Affiant interviewed Eric Korenoski of RNDT, located at 228 Maple Avenue, Johnstown, PA 15901. Korenoski is an Independent ASNT Level III Radiographer and a certified welding inspector (CWI). Korenoski was hired to re-

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | | |
|-------------------------------------|-------------------------|------------------------|--------------------------|---------------------------|
| Docket Number: CR-2016-23 | Date Filed: / / | OTN/LiveScan Number | | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR | |

shoot the x-ray work performed by Berkich. Korenoski worked on a total of four (4) projects for EnTech, which were to be installed on Mark West pipelines. Korenoski advised "...some of the film, not a lot, but some of the film Berkich had used was not code quality film." Korenoski advised he found a total of five (5) bad welds which Berkich had deemed acceptable. Of the five (5) welds, two (2) were located at the EnTech facility in New Castle, PA, one (1) was found at a staging area prior to being placed in the field, and (2) were located on a job-site right of way awaiting installation. A sixth (6th) weld had to be shot in the field after installation. Korenoski explained that the films used by Berkich on the sixth (6th) weld were not code quality film, requiring re-examination in the field on a project. The owner of RDNT, Fred Raco (Jr.) indicated that EnTech still owes RDNT fifty-thousand dollars (\$50,000) for the re-examination of Berkich's work. Raco advised "I've written that money off because I hear they're on their way out."

- On February 25, 2021, Agents re-interviewed Eric Korenoski of RDNT. Korenoski stated "I completely re-did the radiography work and started over..." when referring to the work done by Joseph Berkich of SCG. The components which Korenoski examined were "above ground pieces for natural gas transmission" that were destined for a compressor station and well pad components. The compressor station was known as the "Packer Station" in New Castle, PA. The remaining components were destined to be part of the Mark West Liberty Pipeline Project. Korenoski noted that he found five (5) bad welds which he rejected. They were known as "slag incursion rejects" or discontinuity according to API Code 1104. "We were told that Berkich inspected and OK'd them..." Korenoski said. Korenoski recalled: "Daryl Shipe specifically asked for a Level III to re-examine Joe's (Berkich) work." Korenoski stated that in order to work as a Level III IR Technician, you would need both an ASNT certification, but you need to meet your company's in-house requirements as well. He explained "I can't give myself the Level III test. It has to be another Level III. There is no such thing as self-certification. You can't test yourself."
- On May 5, 2021, Agents re-interviewed Ray Huckestein, a former managing partner at EnTech Energy. Huckestein reported that EnTech went out of business in August of 2020. Huckestein cited the loss of Mark West's business and COVID-19 as "unrecoverable situations" for the company. Huckestein provided Agents copies of two (2) invoices, Invoice # 19057-P-01 reflecting a loss of \$42, 994.56, and Invoice # 19056-P-01, indicating a loss of \$42, 994.55, which he advised were losses to EnTech as a result of having to hire other firms to re-examine and/or repair the work previously done by Berkich and SCG. EnTech was audited by a third-party management company known as QCCM, or Quality Code and Consulting Mechanical. According to Huckstein, "...QCCM were brought in to look at shady shit between Berkich and Shipe." Huckstein explained that there was a bad weld on one of the products. Berkich said it had to be repaired, but there was no repair procedure in place; therefore, the pipe wasn't to be repaired. Berkich turned in Darl Shipe and EnTech into Mark West. Huckstein termed this "...it was like an extortion thing." Huckstein added: "...if there is not a written repair procedure in place, you can't repair welds on a pipe. Darl had people come in on Sundays to repair welds when there were no Mark West Inspectors there."
- On May 14, 2021, Agents re-interviewed Michael Cioffi, a former managing partner at EnTech Energy. Cioffi described Mark West Energy as "...our biggest customer by far." Cioffi stated that Berkich "...used bad equipment, passed bad welds, and lost Mark West money." Cioffi explained there were both bad welds and bad films. He stated: "We had to cut all the welds and do the work over again." He estimated that it cost EnTech approx. two-hundred and fifty thousand dollars (\$250,000) to fix the mistakes caused by Berkich and/or SCG. In addition, he noted "...our Mark West work was cut-off after that, costing us two (2) to four (4) million dollars per year." Prior to the company's closure, EnTech employed approx. twenty (20) persons. Cioffi recalled a threatening email which Berkich sent to Mark West, alleging that Darl Shipe directed him to approve bad welds. Cioffi stated he (Berkich) did that "...when he was asking for money." Cioffi indicated that Berkich was fired "...because of problems with his work and his certifications." Cioffi believes that the email to Mark West was sent after EnTech stopped paying Berkich. Cioffi

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------|--------------------|---------------------|---------------------------|
| Docket Number: CR-2021-23 | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

stated: "...there was talk between Darl Shipe and Joe Berkich. There was some shadiness between those guys. There was talk about whether the welds were good or bad; that the two of them tried to pass the welds."

16. On August 23, 2021, Agents re-interviewed Zachary Rhoades in Wheeling, WV. Rhoades advised that Berkich's sister, Gina Yauch, was the owner of SCG "...in name only. Joe wanted it to be a woman owned business." Rhoades stated that he performed x-ray work on Mark West jobs in New Castle, PA. The work consisted of launcher and receivers for a natural gas pipeline. Rhoades stated that he was the "helper" or assistant to Berkich on these jobs. Rhoades said "I was setting up the shots. Joe (Berkich) was examining the films." Rhoades did not submit to a vision test, nor did he take any exams (written or practical) at SCG. Berkich did not administer any exams to Rhoades while at SCG. Rhoades said "There was no testing at all at SCG." Rhoades was listed as the technician on a series of reader sheets obtained by Agents from Mark West Energy. Rhoades was shown reader sheets for Job # SCG 19054, dated 09-26-2019. Rhoades advised that Joe Berkich was responsible for reading and interpreting the films on the job. Rhoades added that he did not prepare the procedure records for the job either. Rhoades stated "One-hundred (100 %) percent I did not do that." Rhoades was shown an additional sheet for Job # 19054, dated 09-27-2019, where Berkich was listed as the assistant, and Rhoades was identified as the technician. Rhoades stated "...same thing. I wasn't the technician, I was the helper." When asked if this could be a simple mistake, Rhoades replied: "No, Joe knows better than that." Rhoades was shown the reader sheets for SCG Job # 19055, dated 10-03-2019, in which Rhoades is listed as the radiographer, and Berkich is listed as the helper. Rhoades said the documents are inaccurate, in that he was the helper for the job, he did not prepare the documents, nor did he interpret the welds. Rhoades was shown the reader sheets for SCG Job # 19056, dated 11-11-2019. Rhoades was listed as the radiographer, while Berkich was listed as the assistant. Rhoades advised that he set-up the shots, and Berkich interpreted the films. Joe "...showed me some film, and said look at these. They were bad welds. He showed me some of the bad welds, so I know there were repairs." Rhoades was clear that he did not interpret the films, nor did he prepare the documents which bore his electronic signature. Rhoades was asked if falsifying reader sheets was wrong. He replied: "Yeah it's wrong, because if there is an explosion and an investigation, it leads to me."

17. On August 30, 2021, Agents re-interviewed Welton Darl Shipe at 48 Locust Drive, Charleroi, PA 15022. When asked about the Mark West Energy jobs which SCG was x-raying on behalf of EnTech, Shipe advised "...I personally saw Joe Berkich in the darkroom, and Zach Rhoades was setting up and shooting." When Berkich's certifications looked suspect, Shipe estimated "...it took me about a week or so to find Chris Dugan. I got ahold of Chris Dugan over the phone." According to Shipe, Dugan knew of Berkich, but never tested him. Shipe said "I knew after the phone call, Joe was all wrong." Shipe subsequently contacted Berkich via telephone and told him "Don't come back here. You're certs are falsified, and you ain't paying your child support. You are not keeping up your end of the deal. You're fired" When asked about repairs to welds, Shipe claimed "...you were allowed to repair a weld one time (1X) before a repair procedure is required to be put on a reader sheet." When speaking of Job #19056, Shipe indicated "...Joe said he had to re-shoot because the film wasn't good. He said about the welds; looks like some bad ones, but the films no good." Shipe stated it was a common practice to say: "we'll call it an info shot, repair, and then re-shoot the job. Nobody wants to turn in a sheet with bad welds, because it makes the welders look bad." Shipe claimed that he never directed Berkich to falsify reader sheets. He stated: "If we don't do our jobs, people could die. There have been explosions. This stuff is serious." Shipe stated that he initially approached Berkich about working for EnTech. He said "I went to Joe (Berkich) with a deal. I said, Joe I need an x-ray company. Amber needs child support. You can work for me as long as you pay your child support." Shipe advised that approx. one (1) or two (2) weeks after being fired over the phone, Berkich sent the email dated 10/31/2019 to Mark West alleging that Shipe directed Berkich to approve bad welds. Shipe described this email as a form of retaliation from Berkich for his firing.

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|-----------------------------|--------------------|---------------------|---------------------------|
| Docket Number: CR-200-03 | Date Filed: 1/1 | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

18. On August 31, 2021, Agents interviewed a Joseph Berkich at 189 Finley Road, Belle Vernon, PA 15012. Berkich confirmed his current address as 309 Woodland Road, Daisytown, PA 15427. Berkich stated that he founded Edge NDT on/about March of 2016 with a Mindi Vrable and her brother, Richard Littleton. On/about September 21, 2018, Berkich claimed he was "...illegally locked out of Edge by the two (2) other owners." As a result, Berkich started his own x-ray company, known as SCG. Berkich confirmed that Zachary Rhoades and Del Lindquist were former employees as SCG. Berkich stated "...that you can take your certifications with you" when you change companies or employers. He said "You just have to re-certify. You don't have to re-test." Berkich described himself as "...an Appointed Level III at both Edge and SCG. All the auditors take my certs." Berkich claimed that the owner of a company could appoint him as a Level III if they deemed he was "...knowledgeable about Industrial Radiography through his education and experience." He claimed to be "...grandfathered in due to my knowledge." When asked, Berkich indicated that he was not a Level II nor a Level III through ASNT, but did obtain a radiography card through ASNT. Berkich claimed to have been a Corporate Level III at SCG, "...but not through ASNT because I needed testing and I didn't have it." Berkich stated: "Gina (Yauch) went through my certs and certified me as a Level III." When it was noted that Gina had no background in IR, Berkich replied "...neither did Mindi (Vrable)." Berkich stated that he certified Zachary Rhoades at Edge NDT and SCG as a Level II Radiographer. According to Berkich, his sister, Gina Yauch, received an email from Beth Shipe, indicating that "...we have a deal for you." In the email, SCG would receive all of Darl Shipe's x-ray work. Once SCG was paid for the work, Berkich would have to send the money directly to his estranged wife Amber as child support. On the Mark West Projects at EnTech Energy, Berkich claimed that "Zach read the films and completed the reader sheets." Berkich briefly explained the IR process, in which you set up your source and shoot the films, "...you read the films, and mark them in a book, like a notebook. Then you transfer the notebook to a reader sheet. The reader sheets are all digital. I do them on a laptop. Then, I email them to Jacob Hilliard at the end of the day." Berkich stated that SCG used a MacBook brand laptop for the company business. Berkich said this laptop would have his business records on it. Berkich indicated to Agents that he had additional reader sheets stored on his cellular phone, Tel. # (724) 470-3770. In addition, Berkich advised that he would have threatening texts from Daryl Shipe on this phone. Berkich estimated that he worked three (3) or four (4) Mark West jobs, from August to mid-October of 2019. The Mark West components were meant for natural gas pipelines. Berkich stated "Darl Shipe didn't want repairs on the reader sheets. He threatened me and said if I didn't take the repairs off, he would give the work to RNDT." Berkich stated "I rejected four (4) welds." EnTech employees moved the welds to the blast booth, where they were repaired. He added "We re-shot the whole weld after repairs. We shot the jobs as good." When asked about the severity of the bad welds, Berkich replied "...they were hideous. It was a brand new welder. They were straight-out bad." Berkich stated he has the reader sheets and the original films from the job in question at his residence. Berkich was shown the reader sheets dated 11-19-2019, with four (4) bad welds on it, marked SCG Job # 19056. Berkich stated Zach Rhoades read the films that day, and that he was only Rhoades' assistant. Berkich confirmed that "...if you're not the one reading the films, you can't sign the reader sheets." When shown a copy of his certs from EnTech, Berkich stated "...those aren't mine. They didn't come from me. Somebody from Edge forged those." Berkich stated that he gave Zach Rhoades a vision test, and he (Berkich) completed his certifications. He stated he administered a hand-written test to Rhoades while he was the Quality Assurance Manager at SCG. When asked, he said he would have the vision test and handwritten tests in personnel files at his residence. When asked why Daryl Shipe would direct him to falsify bad welds, Berkich responded: "...by hiding welds that are repaired, Darl looks like he's running a one-hundred (100%) percent shop. I was totally against it. Gina and Zach told me this is ridiculous, we need the money. We'll lose our work with EnTech. I had to be there to help him (Rhoades)." According to Berkich: "Darl wanted all the sheets to look OK. The reader sheets and the films were shipped out at the end of the day. Zach Rhoades reshot the welds and put his name on the reader sheet. They were not shot as repairs, like they have to be according to API Code 1104." Berkich explained "...that the reader sheet with the four (4) bad welds is the original. The second reader sheet which was created doesn't show the repairs. I knew it was wrong, but Zach did it. Zach put it on the reader sheet." He added: "I agreed to do the work and keep going." Berkich stated that he subsequently sent the reader sheet for Job # 19056 to Mark West. Berkich claimed that Robert Lamb from Mark West should

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------------|---------------------------|------------------------|---------------------------|
| Docket Number: CR-200-23 | Date Filed: 1/1 | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

have seen both sets of reader sheets, "...the ones with and without the repairs on them." Berkich stated "...Shipe told me I wasn't getting any more work before I sent that email." He estimated it was a "...couple of weeks before I sent it. I sent it because it was the right thing to do." Berkich advised that he would provide copies of his certifications and business records to Agents voluntarily by the close of business on August 31, 2021.

19. On September 2, 2021, at approx. 1204hrs, Joseph Berkich sent an email from the address iberkich122@gmail.com requesting "...a formal request from your office for the documents in question. I want to give my attorney the request and have him review any questions you may have."
20. On September 28, 2021, at approx. 0904hrs, Agents from the Pennsylvania Office of Attorney General and Federal Agents from Office of the Inspector General/Department of Transportation served a search warrant at the Defendant's residence, located at 309 Woodland Drive, Daisytown, PA. Agents seized electronic media, paper documents, business files, and x-ray films pertaining to Edge NDT, Steel City Gamma LLC, and A & B Testing services.
21. Business records for SCG indicate that two (2) reader sheets were compiled for EnTech Energy Services Job #19056. One reader sheet showed all the welds as good and within API 1104 was electronically signed by Joseph Berkich, Level II, with Zachary Rhoades listed as an assistant. A second reader sheet for EnTech Energy Services Job #19056 showing four (4) bad welds according to API Code 1104 was sent to Robert Lamb, and Inspector for Mark West Energy on October 31, 2019 at 1215hrs via email. The subject line of the email reads "Falsification of Repairs." Joseph Berkich sent the email from his email address iberkich122@gmail.com. The second reader sheet showing the four repairs identifies Zachary Rhoades as the Level II technician, with Joseph Berkich listed as the assistant. In the email, Berkich states: "I was threatened into changing the reader sheet to reflect no repairs on that project by Darl Shipe. We were made to come in and re-shoot the welds in the blast booth without you knowing about them. I have attached the original email and also a text from Darl. I also have the original film from 10-11-19." Michael Cioffi, Pete Walker, and Darl Shipe from EnTech Energy were copied in the email.
22. Both Darl Shipe and Joseph Berkich advised Agents that their working relationship was predicated on a personal issue, namely child support monies owed by Berkich. Berkich was hired by Shipe to facilitate child support payments to Shipe's daughter-in-law. A forensic examination of Joseph Berkich's phone by the OAG indicated that Darl Shipe sent a text to the Defendant Berkich on/about October 11, 2019, stating: "Did u keep the bad ones off report, or are they ok on paper and we will re-shoot next week..." The text came from Shipe's cellular phone # (304) 704-2744. A series of texts are exchanged between the Defendant, Welton Darl Shipe and Berkich during this time frame. On October 22, 2019, Shipe texts Berkich "If u want work, u need to follow up with the deal!" On October 23, 2019, Shipe texts Berkich "OK, I guess I'm calling RNDT if u guts keep your end of deal opt." (Sic). On October 29, 2019, Shipe texts Berkich "U missed out we just 6 more mark west jobs on top of the one we had on board, and they told me after Xmas it's going to get busy those 6 is 25,000 more X-ray money (sic) Charles said thanks." Berkich does not respond until he sent the aforementioned email to Robert Lamb and EnTech Energy officials on October 31, 2019.
23. SCG submitted invoices to EnTech Energy Services for the following amounts: Job #19054, SCG Invoice # SCG-2019-022, in the amount of \$3,000 dated 09/30/2019; Job #19055, SCG Invoice # SCG-2019-023, in the amount of \$3,000, dated 10/07/2019; Job #19056, SCG Invoice # SCG-2019-026, in the amount of \$3,000, dated 10/15/2019, and Job #19067, SCG Invoice # SCG 2019-027, in the amount of \$2,100. Dated 10/18/2019.
24. Records from Riviera Finance, of Philadelphia, PA identify SCG as Client # NJSTE007, with a Joseph Berkich identified as the owner. Berkich tendered SCG Invoice # SCG-2019-023 in the amount of \$3,000 as payment in Riviera Finance batch # 1006.

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|-------------------------------------|---------------------------|---------------------|---------------------------|
| Docket Number: <i>CR-2020-23</i> | Date Filed: <i>1/1</i> | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

Berkich subsequently submitted SCG Invoice # SCG-2019-027 in the amount of \$2,100 as payment in Riviera Finance batch # 1008.

25. Agents re-interviewed Jacob Hilliard on March 22, 2022. Hilliard identified Mark West as EnTech's biggest customer. Hilliard received Zachary Rhoades' certifications in July of 2019. Hilliard stated "...it was clear that Joe (Berkich) was doing the work, so I told him I needed his certs." Hilliard personally observed Berkich "...shooting the films and analyzing the films. Zach Rhoades was his helper." Hilliard explained that he repeatedly requested certifications from Berkich. Hilliard advised: "I am 100 % certain that I received those certifications directly from Joe Berkich, and that they are the same certifications as in the job folders." Hilliard was the first to notice problems with Berkich's certifications. He noted: "They just didn't look right. They were crooked. They looked like it was a cut and paste job. On Zach Rhoades certs, Joe Berkich signed and tested him as a Level III. Chris Dugan signed Joe Berkich's certs and made him only a Level II." Hilliard advised that "...bad welds are bad for EnTech. It doesn't look good for the company. Typically, the procedure would have been to repair and report, or to make the repairs and report the repairs to the customer and note them in the job book." Hilliard explained how there were two (2) sets of reader sheets for Job # 19056: "Joe Berkich re-shot the welds. They fixed the welds over the weekend while I was on vacation. The second sets of sheets said the welds were all good. The whole thing blew up after that Monday, because Joe Berkich sent an email to Mark West. The welds shouldn't have been repaired because there was no repair procedure in place." Hilliard continued: "The welds were repaired at Darl Shipe's direction." Hilliard did see two (2) sets of reader sheets for Job # 19056. Hilliard added: "I let Darl Shipe make the call. He was my boss"

26. Agents interviewed Robert Clay Lamb on April 5, 2022 in Washington, PA. Lamb is a Certified Pipeline Welding Inspector (CPWI). Lamb was working as a third-party Inspector for Synergy Field Inspections, to examine components for the Mark West Liberty Pipeline. Lamb recalled receiving an email from Joe Berkich on/about 10/31/2019, "...alleging shady-stuff going on at EnTech, like making repairs without a Mark West representative being present." Lamb explained that Mark West had to be present for any repairs. Lamb "...immediately notified my higher-up in the chain of command. This was a big deal." Lamb thought this was a big deal "...because they were falsifying documentation. I think there was another reader sheet floating around showing all the welds were good to be honest with you. Up until this point (10/31/2019), everything was showing good." Lamb confronted Darl Shipe about the issue. Shipe claimed that the welds were only excavated. Lamb defined the excavating process as "...opening a weld with a grinder." Lamb stated this was a repair and is prohibited unless Mark West is present. As a result, the EnTech job was shut-down, and no more welding was allowed. Lamb remembered "...Shipe tried to bull-shit his way out of it, saying he had no idea excavating was a repair. Shipe's been around a long-time. He should have known better." Lamb stated that Joe Berkich from SCG was the person reading and interpreting the films. He stated: "I know because Joe Berkich was the only guy in the darkroom when we were welding a few feet away." Lamb explained that as a welder, "...if you have three (3) repairs on a job, you can't weld on a Mark West Project. That welder, (BO #433) had four (4) repairs, so he was done. It's an industry standard rule." Lamb noted "On a low temperature sharpie pipe, it's temperature sensitive. The metal becomes brittle if there is a lot of heat in one spot. If it becomes brittle, you could have leaks. As a result, an explosion is very well possible." Lamb was shown the text from Shipe to the Defendant Berkich, where Shipe asks: "Did u keep the bad ones off the report..." Lamb interpreted that text as "Darl Shipe asking for falsified reports on paper." Lamb recounted a meeting shortly after the EnTech shut-down, between Mark West and EnTech. Lamb stated "...If anyone from EnTech had any questions, they were to call me. My supervisors made that clear. They never called me about this. After that meeting, it was 100% certain that Darl (Shipe) was trying to cover this up, and he and Joe (Berkich) were together on this." According to Lamb, a Luke Tallman of Mark West confronted Shipe and said you covered it up; Darl admitted it and said: "I shouldn't have done that. I should have notified Rob Lamb. I mean, stuff like this is the reason why pipelines blow up." Lamb concluded: "...that the reader sheets must be completed accurately. It's a potential safety issue. If the pipe or welds leak, and they are buried shallow, just the machinery running over

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|-------------------------------------|---------------------------|------------------------|---------------------------|
| Docket Number: CR-2023-23 | Date Filed: 1/1 | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

them is a potential ignition source. Once you have an ignition source, it could lead to an explosion." Lamb noted that EnTech had no welding procedures in place for low-temperature repairs, and therefore, no repairs were allowed.

27. Agents re-interviewed Welton Darl Shipe on June 10, 2022 in Moorefield, WV. Shipe was shown a series of text messages between him and the Defendant Berkich, dated 10/11/2019. Shipe was asked to explain the text where he asks: "Did u keep the bad ones off the report, or are they ok on paper and we will res-shoot next week..." Agents stated that these texts made Shipe look as if he was directing Berkich to leave the bad welds off the report. Shipe replied "I see what you're saying. It doesn't make me look good." Shipe confirmed "...that I had a guy come in on a Saturday and fix the welds." He identified Jerimiah Jackson as the welder. Shipe confirmed "...that I didn't tell Mark West. I guess you could say it was a repair. It's not an industry standard, but it is, what's the word I'm looking for? It's an industry practice." Shipe claimed that you could repair a weld one time (1 X) without a repair procedure in place. Shipe was asked if you have to denote a repair with an R-1 designation after the repair. Shipe replied: "It should be marked as a repair, but EnTech received only the one reader sheet (indicating all the welds were good)." When asked if the repairs should have been listed on the reader sheets, Shipe replied "It never came down to that." Shipe confirmed that Mark West was never notified of the repairs until the email from the Defendant Berkich dated October 31, 2019. When asked to explain the two (2) different reader sheets for Job # 19056, Shipe responded "I don't know." Shipe stated: "If it is a same day fix, you're good." Shipe continued: "...Joe's film was foggy, and it had scratches on it. That was my out. Joe (Berkich) told me he had to re-shoot it anyway. Joe told me if you can repair it before I do the reader sheet, we're good." Shipe claimed that Jacob Hilliard got the original sheet on Monday, which said they were all good. Shipe conceded: "Technically, they should have been listed as repairs." Shipe was asked directly, were the welds repaired, re-shot, and then not reported? Shipe replied "That was my intention. Berkich tried to set me up. I didn't want to tell Mark West because I didn't want the company to look bad." Shipe described the work on the welds as grinding them out to see what was in there. Shipe was asked if this was a repair. Shipe replied: "Yeah, it should be listed as a repair. I agree." When asked if this was wrong, Shipe said "Yes and no." Shipe was asked if he would do anything different in hind-sight. Shipe replied "Yeah, in hind-sight, I never would have done it." Shipe was asked if the situation was handled properly. Shipe said "No, it was not handled in the right way. Mike Cioffi wouldn't pay for a repair procedure. I told Mike before about it. He said he didn't want to spend the money right now. I said, OK, Mike, it's going to cost you money and half a day for Jerimiah (Jackson) to cut that shit apart." Shipe stated he didn't want the repairs on the report because it made the welders from EnTech looks bad, and he wanted the Mark West work "...to keep coming in." Shipe confirmed that the Defendant Berkich provided his certifications to Jacob Hilliard. When asked if there was any possibility that anyone could have forged Berkich's professional certifications, Shipe responded: "There was no way. He would have hand-delivered them to Jacob. Those are the certs we got."

28. Your Affiant interviewed a Warren Shook on January 23, 2023 in Bulger, PA. Shook is an ASNT Level III Technician and a Certified Welding Inspector. As an ASNT Level III, he is authorized to conduct classroom training for his company and other similar companies. As an ASNT Level III, Shook can also test employees from other companies. Shook noted that "...A Corporate Level III does not transfer when the subject leaves one company for another. A Corporate Level III must re-certify with a new company because that company's written practice governs certifications and qualifications. When asked if someone could be self-certified as a Level II or Level III technician, or be grandfathered in due to being in the industry so long, Shook replied: "Absolutely not. That's not a thing. Joe (Berkich) knows that." Shook said the highest level Joe Berkich ever received was a Level II certification. A Level II certification is typically valid for a period of three (3) to five (5) years. Shook stated: "I audited Joe Berkich once at TEI, and frankly, I wasn't impressed. The guy would cut one corner, and it was like a drug to him. The film quality was not good. I made him re-shoot stuff because it wasn't clear. No one was looking over his shoulder. Those issues followed him after TEI. I would describe him as that guy. He was out there chasing that dollar, but wasn't concerned about the quality of his work."

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | | |
|-------------------------------------|---------------------------|---------------------|-------------------|---------------------------|
| Docket Number: <i>CR-2020-23</i> | Date Filed: <i>/ /</i> | OTN/LiveScan Number | | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR | |

Shook was asked to compare and contrast the two (2) reader sheets compiled from SCG for EnTech Energy Services Job # 19056. Shook examined the documents and said "There are four bad welds on one sheet, but the other sheet shows the welds were acceptable." Shook was asked if this was a big deal. Shook replied: "Yes, it's a really big deal. It comes down to traceability. You have to know everything that happens to a weld. API Code has a restriction of one (1) repair on a weld. You damage the metal from heating, welding, and cutting a weld out. The metal does not have the same properties as new metal. In effect, you damage the metal each time you work on it."

29. Agents interviewed Jerimiah Blain Jackson on February 7, 2023 in Chester, West Virginia. Jackson is a welder by trade who earned an API 1169 Pipeline certification to be welder/fitter on pipeline projects. While employed at EnTech Energy Services, Jackson welded pig launchers, pig receivers, cold service valve sets, strainers, 900 lb. classification flanges and other fabrications for pipeline components. Jackson advised that the aforementioned pipeline components were destined to be delivered to Mark West Energy. Jackson described the welding process at EnTech as: "Rob Lamb was at EnTech most of the time. The Quality Assurance Manager, Jacob Hilliard, would look at the welds first. Then, Rob (Lamb) would look at it. Then, the x-ray tech would do a non-destructive test on it. It appeared to me that Berkich was in the dark room developing films, while his assistant was running the camera and the source..." Jackson was asked when he first learned of problems while at EnTech. Jackson replied: "Sometime after the fact, they said, the welds you fixed, there's a bunch of shit going on with them." He recalled: "I was fixing someone else's job. Anthony Brown, a tall black male. He was a new welder. Darl called me to go check on Anthony Brown's welds and weld them back up. I was told to grind into it and see if there's anything in there, and weld it back up." Jackson stated the job occurred over a weekend. Jackson indicated that Robert Lamb was not present, nor were there any representatives from Mark West present. Jackson confirmed that he excavated the welds at Darl Shipe's direction. Jackson was shown the two (2) reader sheets compiled by SCG for EnTech Energy Job #19056. Jackson stated: "This particular job I remember grinding into it and welding it back up, but I don't remember the job numbers." Jackson continued: "I was told that this stuff shouldn't have been worked on, after the fact." When asked why, Jackson responded: "...because it had gone through x-ray or something. I was told to do something that I shouldn't fucking do. They said we didn't have the right procedures to work on that stuff after the fact." Jackson noted: "I was in shock, and I was pissed off because I got put in the middle of it. I was a good worker and I did what I was told. I did everything they asked me to do."
30. Based upon the aforementioned facts and circumstances, Your Affiant has established probable cause to believe that the Defendant, Welton Darl Shipe, committed criminal violations of the Pennsylvania Crimes Codes, Title 18, and that a warrant of arrest be issued for the Defendant.
31. As may be required by Rule 507 (a) of the Rules of Criminal Procedure, Senior Deputy Attorney General Courtney Cerniglia has reviewed and approved this Affidavit of Probable Cause and Criminal Complaint.
32. Your Affiant being duly sworn according to law asserts and verifies that the facts and circumstances contained in this affidavit are true, correct, and accurate to the best of my knowledge, information, and belief. Verification is made subject to the penalties of the Pennsylvania Crimes Code, relating to Unsworn Falsification to Authorities (18 Pa C.S.A. § 4904).

ORIGINAL



POLICE CRIMINAL COMPLAINT

| | | | |
|------------------------------------|---------------------------|---------------------|---------------------------|
| Docket Number: <i>CR-200-23</i> | Date Filed: <i>1/1</i> | OTN/LiveScan Number | Complaint/Incident Number |
| Defendant Name: | First: WELTON | Middle: DARL | Last: SHIPE JR |

I, SA J. J. PRATT, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

J. J. Pratt

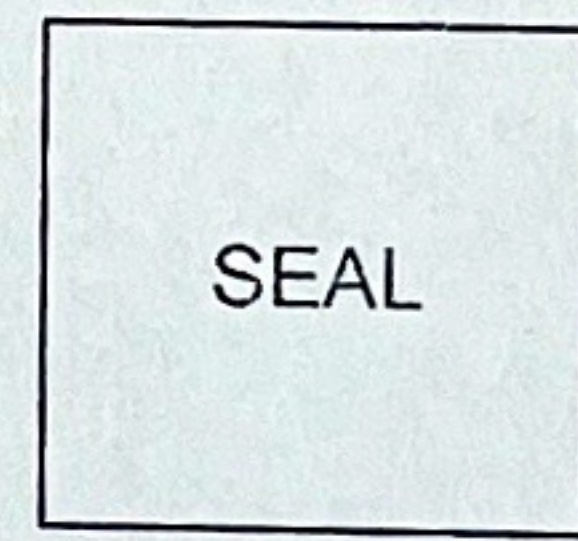
 (Signature of Affiant)

Sworn to me and subscribed before me this *4* day of *May* *2023*
5/4/23 Date *[Signature]*

May 2023

 , Magisterial District Judge

My commission expires first Monday of January, *2024*



ORIGINAL