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**PRESENTENCE REPORT REGARDING  
RONALD H. VAN DEN HEUVEL  
United States District Court  
Eastern District of Wisconsin  
Case No. 2017CR00160**

**SENTENCING DATE:**

January 23, 2019  
Before Honorable William C. Griesbach  
Chief United States District Judge

**PREPARED BY:**

Jacqueline A. Schmidt, MSW, APSW  
Sentencing & Dispositional Consultant  
January 9, 2019

**Red text corrections & hyperlinks to documentation  
have been added by the Editors of OneidaEye.com**

**PREPARED AT THE REQUEST OF:**

Attorney Robert G. LeBell  
1223 North Prospect Avenue  
Milwaukee, WI 53202

On October 12, 2018, Ronald Van Den Heuvel was convicted of Count One of an Indictment charging him with Wire Fraud in violation of Title 18, United States Code, Sections 1343, 1349, and 2. Sentencing is scheduled for January 23, 2019, and an independent presentence report was requested by Attorney Robert LeBell.

The following report contains information about Ronald's social background, his employment history, and his overall character. It is meant to provide detailed information regarding the offense and his background that will assist the Court in imposing a sentence that is sufficient, but not greater than necessary.

The ultimate goal is for Ronald to continue as a responsible, productive member of the community while recognizing if there is a need to protect the public and taking into account the gravity of the offense and his rehabilitative needs. The purpose of the report is to investigate factors in his background that may provide an effective course of action after considering all appropriate sentencing criteria.

#### *Social Background*

Ronald Henry Van Den Heuvel, age 64, was born in Green Bay, Wisconsin on March 16, 1954. He is the oldest of eight children of Raymond and Patricia (nee Geurts) Van Den Heuvel. His father died in 2014, at age 88, from natural causes; he was an electrical contractor, farmer, and businessman. Ronald's mother died in 2018, at age 88, from natural causes; she was a homemaker and also helped with the family businesses.

Ronald has seven siblings, all of whom reside in Green Bay: Ann Murphy, age 63, is married with four children and is the apartment manager of Murphy Developments; Dave Van Den Heuvel, age 60, is married with five children and manages XHC, a Van Den Heuvel holding company; ~~Stephen~~ Steven Van Den Heuvel, age 59, is married with two children and is the president of Spirit Construction, a family business; Ray Van Den Heuvel, age 58, is married with four children and manages VOS Electric, a family business; Jane Peontek, age 55, is married with three children and is a retired bookkeeper for the family businesses; Tim Van Den Heuvel, age 53, is married with two children and is the president of VOS Electric; and Patty Kassner, age 47, is married with three children and is the director of Best Build Homes, a family business. **"XHC" is actually VHC, Inc.**  
**Best Built, Inc.**

Ronald resided in Brown County until 1980, when he was 26 years old. He then moved to Oklahoma where he resided from 1980 to 1984. From 1984 to 1992, he resided in Georgia and then moved back to the Brown County area. Since 1998, he has been residing with his wife and children at 2303 Lost Dolphin Road in DePere, Wisconsin.

**2303 Lost Dauphin Road, in De Pere**

### *Family Stability and Values*

Ronald's parents married in 1953, and they were together until his father passed away in 2014. Ronald perceived them as having a strong and loving marriage. They raised their children in the Catholic faith and attended church together. There was never any violence in the home, and neither parent struggled with substance abuse or mental health problems.

Ronald's father was a military police officer in World War II and maintained a "militaristic lifestyle." He was strict, and Ronald stated, "There was no questioning his rules." He was structured and assigned chores to all of the children. They respected him, but they also feared him, so it was rare for them to disobey. His father was not affectionate, but Ronald knew that he loved them and wanted the best for them. His father also had high expectations, which put pressure on them because they all sought his approval. Even as an adult, Ronald sought his father's approval, and he spent his life trying to impress his father with his accomplishments.

Ronald described his mother as a nurturer. She thought their father was too hard on them, so she gave them the affection that they did not get from him. Ronald stated that his mother made each of her children feel important and spent quality time with them.

Ronald grew up on a 600-acre farm, and he was expected to work, baling hay and other chores. His father sold the farm when Ronald was 12 years old and opened his own business. With only a high school education, his father started the electrical contract business, Van Den Heuvel Electrical, in 1954, with Ronald's uncles. The business was successful, and his father continued to expand and share those businesses with his children.

Ronald has fond memories of family vacations, which included road trips to Florida and camping. He also enjoyed baseball, basketball, football, and track. There were times when the family struggled financially; however, all of their basic needs were met. Ronald indicated there is nothing he would change about his childhood because it made him the person whom he is today. He never got into any serious trouble and does not have a juvenile record.

### *Education*

Ronald attended St. Boniface Catholic School in Brown County from kindergarten through eighth grade. He then attended West DePere High School and graduated in 1972. After high school, Ronald attended Northeast Wisconsin Technical College and in 1975, he earned a technical degree in electricity. Ronald indicated that he struggled in school due to dyslexia, which was not diagnosed until 1999.



### *Employment*

Ronald started working for Van Den Heuvel Electrical while he was in high school. In 1980, he and his father went into business together and opened VDH, which is a holding company that manages several other companies. Ronald indicated he would develop ideas and inventions, sell them and then start other businesses. His father did the bookkeeping and all of the legal paperwork, which Ronald admittedly was not good at. **“VDH” is probably VHC, Inc. which is misspelled at the beginning of this document as “XHC”**

Ronald reported that he has ownership in approximately 40 companies; however, he is the director of only a small portion of those companies including: VDH Electric, VOS Electric, Spirit Construction Services, Spirit Fabs, Patriot Services, Best Built, Inc., Patriot Tissue, LLC, Care for All Ages, Waste Tire Recovery, LLC, Elements Salon, Creamery Restaurants, Source of Solutions, True Sustainability Michigan, LLC, HHKRK, LLC, and Waste Poly Recovery, LLC.

VHC Inc history:

<https://oneidaeye.com/wp-content/uploads/2019/01/2017-11-07-US-Tax-Court-Opinion-Dockets-4756-15-21583-15-VHC-Inc-subsidiaries-v-Commissioner-of-Internal-Revenue.pdf>

### *Community Service*

Ronald has made many positive contributions to his community. He has given his time, resources and finances in the following ways:

1. From 1972 until 2012, Ronald was a member of the Board of Directors of the Syble Hopp School, which is a facility designated to assist disadvantaged youths.
2. From 1986 until 1990, Ronald assisted in the creation of the YMCA/YWCA of Rincon, Georgia.
3. From 1986 until 1996, Ronald assisted in raising money to rehabilitate an existing building for the creation of Cure-for-All-Ages, a non-profit elder and day care program in Green Bay. **Care for All Ages, Inc.**
4. From 1992 until 1997, Ronald assisted in establishing the Rural Visiting Nursing Program in Clarion, Wisconsin, which provided outreach medical services to a rural area.
5. From 1992 until 2016, Ronald served on the Northeastern Wisconsin Cerebral Palsy Corporation raising funds and other contributions, which included the installations of two therapeutic pools in the Cerebral Palsy Center and a daycare center.
6. From 1992 until 2012, Ronald was on the Board of Directors of the Boys and Girls Club of Green Bay.
7. From 1995 to 2000, Ronald contributed funds to Bellin Hospital, and one of the buildings was named after him, Van Den Heuvel Family Power Facility.
8. In 1996, Ronald assisted in creating an establishment for the Southeast Georgia Autism Center in Savannah, Georgia.
9. From 2000 until 2005, Ronald served as a board member of St. Norbert's College committee, which raised funds to establish the Ray Van Den Heuvel Family Community Center.

**According to the December 4, 2017 Defendant Tak Investments LLC's Post Trial Brief, Wisconsin Eastern District Case No. 14-CV-1203, Tissue Technology LLC, Partners Concepts Development Inc., Oconto Falls Tissue Inc., and Tissue Products Technology Corp. v. TAK Investments LLC and Sharad Tak: “David Van Den Heuvel stated that his brother [Ronald] owed [VHC Inc.] approximately \$150 million altogether”**

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10. For the past ten years, Ronald has served as a board member of the Northeastern Wisconsin March of Dimes.
11. For the past 25 years, Ronald helped raise funds for the Green Bay Community Foundation, which helps find shelter for the poor and disadvantaged.
12. Throughout his life, Ronald has been a member of the same parish, St. Boniface, and has been actively involved in the development and administration of religious education. He has been in the Curriculum Committee and the Science Lab Committee for the school. He has also raised capital for the endowment fund, which subsidizes poor children so that they can attend Catholic school.
13. For the past ten years, Ronald served on the Capital Campaign Board for Rawhide Ranch for Northeast Wisconsin.
14. Over the years, Ronald has contributed financially to the DARE program in Green Bay, as well as Glenwood School for Boys in Illinois.

#### *Relationships and Children*

Ronald married Jan Summers, currently age 62, in 1972, and they divorced in 2002. Ronald blames himself for the divorce because he worked too much, and they grew apart. They had three children together: Ronny Van Den Heuvel, age 45, is married with four children and works in software and programming for the family businesses. Ryan Van Den Heuvel, age 43, is married with three children and manages VOS Electric with their uncle. Kristie Hupman, age 38, is married with two children and owns two restaurants in Green Bay; she also owns Elements Hair Salon in Green Bay.

**Kristie Hoffman**

Ronald reported he also has a foster child, David Van Den Heuvel, currently age 47, whom he has raised since he was eight years old. Ronald had been friends with the social worker who was assigned to David's case and asked Ronald if he could be a foster parent. Ronald agreed and then attempted to adopt him; however, the father refused to give up his parental rights. David is married with two children and manages the security system of VOS Electric.

#### **Kelly Yessman**

Ronald married Kelly Yespin, currently age 54, in 2002, and they continue in that relationship. They have four children: Andrew Van Den Heuvel, age 16, Henry Van Den Heuvel, age 15, and Kate Van Den Heuvel, age 14. Henry's twin, Hayden, died of meningitis when he was six months old. The twins were pre-mature and had numerous health problems, one of which Hayden succumbed to. Since birth, Henry had 30 medical procedures and had to be fed through a feeding tube until age five. He had significant physiological delays and also has a history of seizures and a compromised immune system. Ronald indicated he has an extremely close bond with Henry and has been his primary physical and emotional protector.

**'Andrew Van Den Heuvel' is not the child of Kelly Yessman nor Ron's first wife Jan Marie Summers, but of Linda Fetkavich Wirtz and legally changed his name to Andrew Michael Wirtz.**

**See Indiana Court of Appeals case 45A03-0602-CV-82 :**

**<https://www.in.gov/judiciary/opinions/pdf/10270603ewn.pdf>**

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Ronald indicated that Kelly was diagnosed with breast cancer and had five surgeries. The most recent was in 2017. The possibility of the cancer returning weighs heavily on them. Kelly must be monitored, and she relies on Ronald for emotional, physical and financial support.

#### *Physical Health*

Ronald was diagnosed with Type II diabetes at age 52 and was prescribed insulin. He indicated that he had it “under control” until he went into custody, and then he was not getting his correct medication. While in custody, he lost some of his hearing and vision due to extremely low blood sugar and had to eat less to control it. After writing a letter to the Court, Ronald started receiving the correct amount of insulin, and his condition improved. He noted that he has lost 70 pounds since being in custody. He does not have any other known health problems and is not taking any other medication.

#### *Emotional Health*

Ronald reported that he does not have a history of mental health issues.

#### *Use of Alcohol and/or Drugs*

Ronald stated that he first consumed alcohol at age 18 and was a social drinker until age 25, having one or two drinks on weekends. He noted that he stopped drinking because he did not like it. He denied any past or present drug use.

#### *Prior Record*

Ronald was convicted of Bank Fraud in United States District Court, Eastern District of Wisconsin, Case No. 2016CR000064. On January 5, 2018, he was sentenced to three years imprisonment and three years supervised release.

#### *Description of Offense*

According to the Indictment, beginning in early 2011 and continuing through at least August 2015, Ronald participated in a scheme to defraud lenders and investors and to obtain money from them, by making materially false representations and promises about his “Green Box” business plan.

Ronald was a businessman in DePere, Wisconsin. In early 2011, he began promoting his Green Box business plan to obtain funds from lenders and investors. As represented by Ronald, the Green Box business plan was to purchase the equipment and facilities necessary to employ proprietary



processes that could convert food-contaminated, post-consumer solid waste into consumer products and energy, without any wastewater discharge or landfilling of byproducts.

Ronald formed and controlled numerous business entities, including Environmental Advanced Reclamation Technology HQ, LLC ("Earth"), Green Box NA, LLC, Green Box NA, Green Bay, LLC, Green Box NA Detroit, LLC.

Ronald obtained funds from a range of lenders and investors by making materially false representations and promises, including that he would use, and had used, the funds to advance the Green Box operations. In many instances, Ronald entered into agreements with lenders and investors that dictated specific uses for the funds, such as the purchase of particular equipment. Soon after receiving funds from lenders or investors, Ronald diverted significant amounts to purposes that did not advance the Green Box business plan or the specific uses dictated in funding agreements. He also took steps to conceal how he had misused lenders' and investors' funds.

Records from financial institutions show that, during the relevant time, Ronald caused numerous bank accounts to be opened or maintained at multiple banks. Account opening documents and witness statements show that he exercised control over the bank accounts. Ronald opened the bank accounts in the names of his companies, not in his personal name. In general, the bank accounts had low balances when lenders' or investors' funds were received. Ronald frequently transferred the funds to various bank accounts from which he expended the funds in a relatively short period. The details of this scheme are explained in Attachment A of the plea agreement.

#### *Ronald's Statement Regarding the Offense*

When Ronald was a child, he was creative and was always thinking about "inventing things." Even with the toys that he had, he would take them apart to find out how they worked. He was fascinated with the idea of inventing things to make things easier and more efficient. When he was in school, he especially loved geometry, physics and chemistry, and he would often finish the book and do the homework on his own, finishing well before the lessons were even taught. He loved doing scientific experiments "just for fun." Ronald stated, "My mind is always going," to the extent that he sleeps an average of four a night because he cannot "shut it off."

When Ronald's son died of meningitis, he was devastated and felt helpless that he could not do anything to save him. Soon after, he became obsessed with "decontaminating the world" because he blamed the bacteria, mildew and mold for taking his son away from him. It was from this idea that Green Box started to develop.

Through Green Box, now called "True Sustainability Trust Company, LLC," Ronald set out to accomplish a process for 100% recycling. He developed technology whereby contaminated food-related waste byproducts could be converted to reusable commercially saleable paper products.

**WDFI.org says that PDCI Michigan, LLC was renamed "True Sustainability Michigan, LLC" but does not list any company named "True Sustainability Trust Company, LLC"** Page 7 of 16

Used paper waste from businesses would provide its waste stream materials to a Green Box facility instead of a landfill. The plastic and wax coatings would be removed, and the printing would also be removed, and the items would then be decontaminated. The waste would be made into a pulp, to which a special additive would be inserted. Thereafter, it could be made into large marketable rolls of paper. Additionally, another aspect of it would be to convert used tires and plastic waste materials to pellets and a secondary gas. The gas would then be used to continue the operation of the pelletizing equipment.

Ronald believes that this process could theoretically revolutionize recycling and have a dramatic impact on the environment. He was firmly convinced of the potential benefit to the community and society at large. He expended a tremendous amount of time, energy, and money for engineering and other development costs for numerous facilities, including Michigan, China, Houston and Ghana. Many of the projects had progressed extensively at the time the investigation of Green Box began, but prospective projects came to an abrupt halt after the search warrant was executed. Ronald emphatically believed in the success of Green Box to such an extent that he liquidated assets and invested millions of dollars of his own funds. In addition, his family contributed many millions of dollars to the project. Ronald began to negotiate loans or investments from various individuals and a governmental entity for the purpose of pursuing the Green Box process. It is the money received from all of the investors and lenders that, in part, formed the basis for the charges in the underlying offense. The other conduct which gave rise to the charges was the misuse of portions of the funds received from these individuals.

Ronald described the overwhelming complexity in developing the Green Box process. As he addressed the multiple layers of development, he began to bypass many of the rules and regulations by which he was expected to abide. He also began to make exaggerated or patently false representations to ensure sufficient funding, and he justified this behavior by telling himself that, "the end would justify the means". He realizes that this was clearly wrong. It is also clear that, while significant investor funds were used in the manner for which they were designed, including the purchase of equipment, he diverted a large amount of funds for purposes which were wholly unintended or known by the investors. Many of these expenses were for his family, personal obligations or expenses, other business ventures, and loan repayments. Ronald fully comprehends that both courses of conduct, the misrepresentation and the diversion of funds, were wrong and can in no way be justified by his laudable objectives.

*Statement from Ronald's Wife*

Kelly Van Den Heuvel stated that since she met Ronald sixteen years ago, he has been a work-a-holic. He has always worked six days per week, but on Sunday, he believes is "a day of rest" based on his Catholic upbringing. On Sundays, he would go to church and spend time with family. Ms. Van Den Heuvel indicated he has a strong work ethic, like his father and grandfather, but not just for financial reasons. Ronald wants to make a difference in the world, and he believes that



with a strong work ethic, he could be successful at “whatever his mind created.” Ronald also loves helping people and would “give the shirt off his back.” He has already done so much for their community and has earned the respect of many.

Ms. Van Den Heuvel stated, “Ronald sees the good in everyone and everything.” He believes a handshake and a person’s word is a contract. He can be naïve at times. Since he does not see the negative in people, they often taken advantage of him. Even when they do, Ronald is willing to give them another chance. He loves people, and his goal is to help them and make a positive difference in their lives.

Ms. Van Den Heuvel indicated that Ronald is a talented, creative and driven individual, but he has his limits. His weakness is the “business and financial side” of his projects. He does not have the patience for the “red tape,” which is likely what got him in this situation. Regarding Green Box project, Ronald believed in it “with his heart and soul.” She remembers when he got the idea. They were walking into Walmart, and he picked up a piece of garbage off the ground. He then made a comment that “there was no place for all this garbage.” After that, he started researching technology to help the environment. Then, after their son died, he was obsessed with finding a way to “clean up the world.” He would come up with an idea, reach a road block and then go in a different direction. He never got discouraged, and the ideas he came up with were innovative. Ms. Van Den Heuvel indicated that despite what the government believes, the technology that Ronald developed was real, and the ideas behind the project were valid.

It saddens her to see how the media portrayed Ronald, because it could not be further from the truth. Ronald has his faults, but he is a genuinely kind and giving individual who has done so much for his community. Keeping Ronald in custody is not benefitting anyone. The only way that he can pay back investors is to get out of custody and work. He plans on consulting on his technologies and not having anything to do with the business/financial aspects. He knows he needs to delegate responsibilities so he never finds himself in a similar situation.

*Statement from Ronald’s Sister*

**Jane Piontek – VHC, Inc. Vice-President**

Jane Peontek described Ronald as a kind and generous individual who would never intend to defraud anyone. He is extremely intelligent and has innovative ideas; however, he lacks the ability to handle the financial aspect of those ideas. Ronald never should have been responsible for that, and he should have realized his limitations. He is the type of person who gets an idea and “runs with it,” often getting so excited about the idea that he bypasses the “red tape.” She stated, “Ronald has a childlike optimism.” Green Box became Ronald’s biggest passion, and the technology behind it was valid. He truly believed in what he was doing, and there was nothing malicious about his actions.

**Doug Barone, Director of Spirit Fabs Inc. (owned by VHC Inc.) & VHC Inc. shareholder; spelled both as above and as 'Barrone' in the following document:**

<https://oneidaeye.com/wp-content/uploads/2019/01/2017-11-07-US-Tax-Court-Opinion-Dockets-4756-15-21583-15-VHC-Inc-subsidiaries-v-Commissioner-of-Internal-Revenue.pdf>

*Other Character References*

Doug Barowe has known Ronald since 1987 when Mr. Barowe was a contractor for one of his businesses. Ronald would work 80 hours per week when he was focused on a project. He was ambitious, but not always for financial gain. Ronald wanted to “make the world a better place.” Mr. Barowe described him as “brilliant,” but he does not always have the patience to “get through the red tape.” This has caused him to make mistakes in some of his business endeavors. Mr. Barowe indicated that Ronald is not someone who would intentionally “rip someone off.” He is a generous individual who has done many acts of charity for his community.

**Tammy DeJardin**

Tammi DeJarden stated she has known Ronald for approximately eight years. She was the executive director of the March of Dimes, and she had asked him to be on the Board of Directors. She described Ronald as generous, and he went out of his way to help the people in his community. He was a positive role model for the organization, and he earned the respect of many. Ronald was energetic, and he was not afraid to speak out in support of the organization. He was passionate about everything that March of Dimes stood for, and he made a “huge impact” on the organization.

Chuck Albers has known Ronald since they were in grade school together almost 60 years ago. They have done business together in the past when Mr. Albers was employed at a bank. During that time, he never had a problem with Ronald. He described him as a man with “impeccable character.” He is a generous individual who cared about his community. He is passionate about whatever project that he is focused on and tends to go “full force.” Green Box has been his “pet project,” and there is validity in the technology behind it. If anyone could make it work, it would be Ronald. Ronald’s biggest mistake is that he thought the end would justify the means, and he lost sight of the proper way of doing things. There was no malicious intent, despite what the government believes. Ronald had put so much time and effort into the project that he could not imagine giving up on it, even when the funds started to diminish.

**David Stellpflug, husband of VHC, Inc. Secretary Nancy Van Den Heuvel Stellpflug**

Dave Stellpflug has known Ronald for 30 years; he was the attorney who represented several of Ronald’s companies. He described Ronald as “the eternal optimist,” almost to a fault. He was upbeat and positive, but he did not have patience for the business aspect of things. He would get ideas and “go full force ahead.” During all the time that he has known Ronald, Mr. Stellpflug has never seen him do anything malicious or fraudulent. He noted that as Ronald’s attorney, he never would have represented him or his companies if he thought he was committing fraud. Ronald is a generous and compassionate individual who loves to help people. He truly believed in the project because he knew it was going to help the environment.

Mike Garsow has known Ronald for approximately four years. He was a former employee who managed the online store for tissue products. Mr. Garsow indicated that Ronald is passionate about everything he does and has “endless energy.” He truly wants to make a difference in the



world and is one of the kindest people that he has ever met. Mr. Garsow does not believe that Ronald intentionally set out to defraud people. He is brilliant at technology, but he is terrible when it comes to the financial aspect of the business. He never should have taken on that responsibility. Mr. Garsow believes that Ronald took on too much and made poor business decisions. It is typical for Ronald to get an idea and “run with it.” Due to his passion and intense belief in his causes, he is so focused on developing those ideas that he “knows no boundaries.” Mr. Garsow believes that the technology behind Green Box is “real,” and he had validation from several companies who also believed in it.

**Jim Rottier – VHC, Inc. Shareholder**

Jim Rottier has known Ronald since they were in third grade, and they have been friends since. He described Ronald as a kind and generous individual who wants to “leave the world a better place.” He is optimistic and once he gets focused on an idea, there is no stopping him. Ronald never engaged himself in a project unless he thought it would be a success. That is how he felt about Green Box. It was not a “made-up” project that he used to defraud investors. The technology behind it was valid. Ronald has already done so much for the community through the March of Dimes, the Boys and Girls Club and countless other charitable organizations. He has been an asset to the community. In this case, he mistakenly thought that the end would justify the means because he was optimistic about the success of Green Box.

George Longo has known Ronald since 1991. They had many business dealings together, and Mr. Long has financed projects for Ronald. He is extremely successful and the projects that he developed worked. Ronald produced revenue from those projects and paid off loans without incident. Mr. Longo never questioned his character or his integrity in all of the years that he has known him. He was shocked when someone from law enforcement called him “out of the blue,” and said, “Do you know your client is a crook?” The person never identified themselves and went on to say that Ronald “scams people” and belongs in jail. They warned him not to do business with Ronald because they were “going after him.” Mr. Longo was shocked at how unprofessional the person was and is disgusted by the amount of time and effort the government has spent to prosecute this case. Ronald is not the person that the government portrayed him to be. He was passionate about Green Box and was confident in its success. It is unfair that the government is saying that there was never any validity behind the project, and Ronald’s only purpose was to defraud investors. Mr. Longo noted that he hired a third-party engineer because he planned to invest in Green Box. The engineer wrote an independent report stating that the ideas behind Green Box were valid, so that should be taken into consideration.

*Plea Agreement*

Ronald pled guilty to Count One of the Indictment charging that beginning at least by March 8, 2011, and continuing at least through August 2015, he knowingly devised and participated in a scheme to defraud lenders and investors and to obtain money from lenders and investors by means

of materially false and fraudulent pretenses, representations, and promises related to his “Green Box” business plan. As a result of the scheme, Ronald fraudulently obtained more than \$9,000,000.00 from a range of lenders and investors, including individual acquaintances, the Wisconsin Economic Development Corporation (WEDC), a Canadian institutional investor, and Chinese investors who participated in the EB-5 immigrant investor program. This is in violation of Title 18, United States Code, Sections 1343, 1329 and 2.

The parties agree to recommend to the sentencing court that the applicable base offense level for the offense charged in Count One is 7 under Sentencing Guidelines Manual, Section 2B1.1(a)(1). The parties also agree that the government will recommend an 18-level increase for loss exceeding \$3,500,000.00 but less than \$9,500,000.00 under Sentencing Guidelines Manual, Section 2B1.1(b)(1)(J). The parties understand that the government will recommend a two-level increase for over ten victims under Sentencing Guidelines Manual, Section 2B1.1(b)(2)(A) and a two-level increase for use of sophisticated means under Sentencing Guidelines Manual, Section 2B1.1(b)(10)(C). In addition, the parties understand that the government will recommend a four-level increase be given for an aggravating role in the offense pursuant to Sentencing Guidelines Manual, Section 3B1.1; however, the defendant reserves the right to argue against this enhancement entirely or for a two-level or three-level increase for a less aggravating role.

The government agrees to recommend a two-level decrease for acceptance of responsibility as authorized by Sentencing Guidelines sections 3E1.1(a). In addition, if the Court determines at the time of sentencing that the defendant is entitled to the two-level reduction, the government agrees to make a motion recommending an additional one-level decrease as authorized by Sentencing Guidelines Manual, Section 3E1.1(b) because the defendant timely notified authorities of his intention to enter a plea of guilty. The government also agrees to recommend a term of imprisonment not to exceed 90 months, to be served concurrently with the sentence the defendant is serving for Case No. 2016-CR-00064. The defendant is not required to join the government in making its recommendation, and the defendant will be free to recommend that any different sentence be imposed.

The defendant agrees to pay restitution in the amount of at least \$9,389,440.00 to the victims, except that the amount owed to each victim will be offset by money the victim recovers from the defendant, companies associated with the defendant, or their successor entities. Finally, the government agrees to move to dismiss the remaining count of the Indictment at the time of sentencing.

#### *Guideline Calculations*

According to the above calculations, Ronald’s offense level is 30 (with an adjustment for aggravating role) or 26 (without an adjustment for aggravating role). Due to his previous



conviction in Case No. 2016CR00064 in which he received a three-year sentence of imprisonment, he is placed in a Criminal History Category II. This results in a guideline imprisonment range of 108 to 135 months (with an adjustment for aggravating role) or 70 to 87 months (without an adjustment for aggravating role), both of which are in Zone D of the Sentencing Table. Pursuant to the Federal Sentencing Guidelines, Zone D requires a sentence of imprisonment; however, pursuant to Section 5K2.0, the sentencing court can depart from the applicable sentencing guideline range based on mitigating circumstances. If taking into consideration the mitigating circumstances in this case, a sentence outside the applicable guideline range would be appropriate.

Regarding aggravating role in the offense, it is this writer's opinion that an adjustment is not warranted. To qualify for a four-level adjustment under that section, the defendant must have been the organizer, leader, manager, or supervisor of one or more other participants. In this offense, it appears that Ronald was the sole participant, although he likely relied on office staff for emails, faxes, etc. In addition, this writer would not classify this as a "criminal organization," since again, Ronald was the sole participant in the fraudulent submissions and representations to the investors. The fraud may be considered "extensive" based on the amount of money involved; however, Ronald was already given a substantial increase in the offense level based on that amount.

There are several mitigating factors for consideration in this case. Pursuant to Federal Sentencing Guidelines, Section 5H1.1, age may be relevant in determining whether a departure is warranted, if considerations based on age, individually or in combination with other offender characteristics, are present to an unusual degree. Ronald is 64 years old and prior to 2016, he did not have a prior record. Pursuant to Federal Sentencing Guidelines, Section 5H1.4, physical condition may also be relevant in determining whether a departure is warranted. Although Type II diabetes is not generally considered an extraordinary health condition, when Ronald initially went into custody, he was not being properly treated, and his health declined significantly. It took intervention from the Court to get his condition stabilized. Finally, Federal Sentencing Guidelines, Section 5H1.6 indicates that a departure may be warranted based on the loss of financial support of the defendant's family. Ronald is the sole financial supporter for his family, and he manages business that have a substantial number of employees, who could be affected if Ronald is in custody for a long period of time. In addition, any time in custody impedes Ronald from paying restitution to the investors.

### *Conclusions*

The factors to consider when imposing a sentence are the nature and circumstances of the offense, the history and characteristics of the defendant, and the need to protect the community. The sentence imposed must reflect the seriousness of the offense, promote respect for the law and provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The first factor to consider is the nature and circumstances of the offense. Any offense that comes before a criminal court is, at least to some extent, serious in nature; however, this particular offense is comparatively less serious than similar ones that come before the Court. This offense was not a typical Ponzi scheme whereas the enterprise is nonexistent, and an individual obtains an investor's funds exclusively for his own benefit. The Green Box project was based on valid technology. In fact, Mr. Longo hired a third-party engineer who stated that the ideas behind Green Box were valid. In addition, there had been successful trial runs of the process, and there were well-respected experts in the paper industry that were working with Ronald, so they must also have seen some validity to the project. Finally, Ronald submitted a letter from the Ministry of Energy and Petroleum in Ghana from 2014 that stated they were in support of the implementation of Green Box, and they wanted to proceed with financing. From a technological perspective, Green Box appeared to be a valid investment. The problem was that Ronald's "eternal optimism" and his belief that "the end justifies the means" resulted in fraudulent submissions and misrepresentations, as well as misuse of investors' funds.

It is also clear that Ronald did not recognize his limitations when taking on the financial aspect of the project. This is not an attempt to indicate that Ronald's conduct was justifiable or excused in any way, but it is meant to place what happened in the proper context, especially when compared to others who have come before the Court for similar offenses. Ronald's conduct in the offense were driven by a true desire to have a positive impact on the world. While his methods and conduct were clearly inappropriate, his motivation was based upon the validity of the technology and an altruistic approach to save the environment. Ronald is an individual with unlimited imagination who apparently has limitations as to his business ethics.

The second factor to consider is the history and characteristics of the defendant. Ronald was raised by both parents in a prosocial environment. While his mother was a nurturer, his father was someone with high expectations. Ronald sought his father's approval and spent his life trying to impress him with his accomplishments. His father instilled a strong work ethic in all of his children.

Ronald graduated from high school and then earned a technical degree in electricity. He started working for his father's company when he was in high school and eventually went into business with him. Ronald then developed ideas and inventions to start other businesses. Many of Ronald's achievements have been highly successful and are a significant source of income for other people. Any long period in custody for Ronald would adversely affect his employees, who rely on their salary and benefits to support their own families.

Ronald has proven that he is a man of strong character by his numerous charitable contributions. People who know him commented on his desire to leave the world a better place, and he has done just that. He has given his time, resources and finances to such organizations as the Boys and Girls Club, March of Dimes, Northeastern Wisconsin Cerebral Palsy Corporation, and numerous others.



If Ronald remains in custody and no longer has the opportunity to make these contributions, there would be an adverse effect on the underprivileged people whom depend on those contributions.

The third factor to consider is the need to protect the community. Prior to 2016, Ronald did not have a prior record. His convictions in Federal Court are financially-related. He does not have a history of violent behavior and no history of substance abuse or mental health issues. If Ronald is prohibited from having any employment with fiduciary responsibilities, any risk he may pose would be limited.

Based on the offense level without an adjustment for aggravating role and the criminal history score, the guideline range is 70 to 87 months; however, there are several mitigating factors as described above to consider in this case that would warrant a sentence lower than the applicable guideline range. Therefore, it is respectfully recommended that Ronald is sentenced to 60 months imprisonment and 36 months supervised release to run concurrently to the sentence that he is currently serving. He is extremely bright and has been a successful businessman. It would seem more reasonable to have him in the community where he could continue working and pay restitution.

Respectfully submitted,



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Sentencing & Dispositional Consultant

Cc: Attorney Robert G. LeBell  
Assistant United States Attorney Matthew D. Krueger

**NOTE : According to the JANUARY 2, 2018 United States' Sentencing Memorandum in Wisconsin Eastern District Case No. 16-CR-64, United States of America v. Ronald Van Den Heuvel :**

**"[A]t least one of Van Den Heuvel's contributions to the March of Dimes came from investors' funds that he represented would be used to promote his Green Box business plan. ...Thus, Van Den Heuvel's offense was quite like a Ponzi scheme, seeking loan after loan to maintain a mirage of success."**

<https://oneidaeye.com/wp-content/uploads/2019/01/2018-01-02-USA-Sentencing-Memorandum-16CR64-USA-v-Ron-Van-Den-Heuvel.pdf>

**According to the AUGUST 20, 2017 United States' Response to Defendant Ron Van Den Heuvel's Second Motion to Suppress Physical Evidence & Request for Franks Hearing, Wisconsin Eastern District Case No. 17-CR-160, United States of America v. Ronald H. Van Den Heuvel :**

**"While investors and government entities may have theorized that the process could function properly, Green Box's technology never did function as predicted by the defendant."**

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<https://oneidaeye.com/wp-content/uploads/2018/08/2018-08-20-USA-Response-to-Defendants-2nd-Motion-to-Suppress-Physical-Evidence-Franks-17CR160-USA-v-Ron-Van-Den-Heuvel.pdf>

## SOURCES

Ronald Van Den Heuvel  
Ministry of Energy and Petroleum in Ghana  
Sentencing Memorandum by Attorney Robert LeBell  
Kelly Van Den Heuvel, wife

**Jane Piontek** Jane Peontek, sister

**Doug Barone / Barrone** Doug Barowe, friend

**Tammy DeJardin** Tammi DeJarden, former executive director of March of Dimes  
Chuck Albers, friend

**Dave Stellpflug** Dave Stellpflug, former attorney and friend  
Mike Garsow, friend and former employee

Jim Rottier, friend

George Longo, friend

Federal Sentencing Guidelines

United States District Court



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Bachelors Degree in Social Work  
University of Wisconsin – Madison, 1992

Criminal Justice Certification  
University of Wisconsin – Madison, 1992

Masters Degree in Social Work  
University of Wisconsin – Milwaukee, 1994

Paralegal courses at Milwaukee Area Technical College, 2010-2011

**LICENSE:**

Advanced Practice Social Worker

**RELATED WORK EXPERIENCE:**

10/08 to present

JS Sentencing Mitigation, LLC-Muskego, WI

*Sentencing and Dispositional Consultant*

Investigating backgrounds, obtaining a medical and psychosocial history of clients through direct client contact and interviews of family members, treatment providers and witnesses, obtaining and summarizing records, locating resources in the community to address the needs of the client, writing independent presentence reports based on gathered information and providing objective and viable alternative rehabilitative sentencing options for the court. Interviewing witnesses/character references

1/95 to 10/08

United States District Courts-Milwaukee, WI

*Federal Probation Officer*

Supervising and investigating pretrial offenders and post-conviction offenders in the community; assessing needs of clients and locating resources in the community to address those needs; writing presentence investigative reports, and various other reports for the court; providing individual counseling; obtaining and summarizing records.

7/92 to 12/94

Health Management Center-Milwaukee, WI

*Managed Care Assistant*

Ensuring quality mental health services at an outpatient mental health clinic, gathering past medical history and current health status information from the client for intakes, assisting with clinical mental health reviews, performing case consultation and quality assurance of individual medical charting.

6/92 to 1/93

Lutheran Social Services (Challenges Program) – Milwaukee, WI

*Case Manager/Independent Living Skills Counselor*

Developing a program for teaching independent living skills to post-conviction offenders; conducting anger management and vocational groups; providing individual counseling, assessing and evaluating treatment needs, locating resources in the community to address the needs of clients; preparing intake and assessment summaries and discharge summaries..