



FOR IMMEDIATE RELEASE: February 5, 2019

Contact: Hilary Nemchik at
hnmchik@sandiego.gov or (619) 533-6176

La Jolla Ivory Traffickers Convicted

Will pay the largest fines ever imposed in an ivory trafficking case in California

San Diego City Attorney Mara W. Elliott today announced that the Carlton Gallery in La Jolla, its owner, and an employee will pay combined fines of \$210,000 after pleading guilty to trafficking ivory in defiance of California law.

Carlton Gallery's owner, Victor Hyman Cohen, was convicted on 11 counts, and a salesperson, Sheldon Miles Kupersmith, was convicted on 8 counts. The Gallery and Cohen were each fined \$75,000, and Kupersmith was fined \$60,000. Cohen and Kupersmith were also placed on three years of probation, violation of which will result in an automatic 364 days in custody and an additional \$100,000 fine per defendant. The defendants will also be required to complete 200 hours of court-ordered work service at the San Diego Zoo within the year.

The fines are the largest ever imposed for ivory trafficking in California.

"I hope this conviction sends a clear message to anyone considering engaging in the ivory black market, as a buyer or a seller," City Attorney Mara W. Elliott said. **"If you try to make a buck from the brutal slaughter of endangered species, you will be prosecuted and held accountable for your crimes."**

These convictions resulted from the largest seizure of ivory products by the California Department of Fish and Wildlife since a state law banning their sale took effect in 2016. Wildlife officers seized from the Prospect Street gallery and its warehouse more than 300 pieces of ivory and items containing ivory with an estimated value of \$1.3 million.

The investigation into Carlton Gallery began when wildlife officers from the Department of Fish and Wildlife's Trafficking Unit observed two art-deco sculptures that appeared to be ivory in the gallery's Prospect Street display window. The officers returned later and observed additional items that appeared to contain ivory.

In a sting operation conducted on May 1, 2018, undercover wildlife officers purchased an ivory sculpture from salesperson Sheldon Miles Kupersmith, who offered to sell the officers three other sculptures containing ivory. Wildlife officers obtained and executed a search warrant later that day and seized 146 items containing ivory from the gallery. The Gallery's owner, Victor Hyman Cohen, then led investigators to a warehouse nearby where officers seized 192 additional pieces of ivory. Most of the items contained ivory from elephants, while some contained ivory from the teeth of hippopotami. Cohen and Kupersmith were charged as individuals.

A law banning the sale of nearly all ivory in the state of California was authored by state Senate President pro Tempore Toni G. Atkins of San Diego and took effect on July 1, 2016.

The ban, which can be found in [California Fish and Game Code section 2202](#), encompasses the teeth and tusks of elephant, hippopotamus, mammoth, mastodon, walrus, warthog, whale and narwhal, as well as rhinoceros horn, regardless of whether it is raw, worked, or powdered, or from a store or a private collection. Under the law, advertising the sale of any items containing ivory is also prohibited.

Two types of ivory products are exempted from the ban: musical instrument that are made of less than 20 percent ivory and were manufactured no later than 1975, and antiques that are made of less than 5 percent ivory and are more than 100 years old. Neither exception applies to the items seized from the Carlton Gallery.

This case was prosecuted by Supervising Deputy City Attorney Patricia Miranda and Deputy City Attorney Jordan DuBois on behalf of the People of the State of California.

The City Attorney's [Nuisance Abatement Unit](#) was established in 1984 to address nuisance properties and blight throughout San Diego. The unit works with numerous City and County agencies, including the County Department of Environmental Health, in prosecuting the illegal transportation, storage, and disposal of hazardous waste; leaking underground storage tanks; oil spills; lead paint violations; the destruction of historical and archeological resources; illegal grading and dumping; and the destruction of environmentally-sensitive land. The unit also works with the California Department of Fish and Wildlife to protect the marine environment from fishing in protected areas and to protect endangered species from wildlife trafficking, such as the illegal sale of ivory.

Citizens may report health and safety and environmental violations to the City Attorney's Nuisance Abatement Unit at 619-533-5655.

###