A 91 (Rev. 5/85) Criminal Complaint (AUSA Damian)

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

HASSAN SAIED KESHARI
and
TRAIAN BUJDUVEANU,

Defendants.

CRIMINAL COMPLAINT

CASE NO. 08-2821-White

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about August 2006 and continuing to the present, in Miami-Dade County and Broward County, in the Southern District of Florida, and elsewhere, the defendants, **HASSAN SAIED KESHARI** and **TRAIAN BUJDUVEANU**, did knowingly and willfully combine, conspire, confederate, and agree with each other and with others to commit offenses against the United States, that is, (1) to export from the United States defense articles for which a license is required without first obtaining the required license or written approval from the Department of State, in violation of Title 22, United States Code, Section 2778, and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1, and (2) to export and cause to be exported U.S. made goods from the United States to the Islamic Republic of Iran without having first obtained the required authorizations from the Office of Foreign Assets Control, in violation of Title 50, United States Code, Sections 1702 and 1705(b), and Title 31, Code of Federal Regulations, Section 560;

all in violation of Title 18, United States Code, Section 371.

I further state that I am a Special Agent with the Bureau of Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT SAMMY CRUZCORIANO.

Continued on the attached and made a part hereof: [x]Yes [ ]No

Signature of Complainant
SAMMY CRUZCORIANO,
SPECIAL AGENT
DEPARTMENT OF HOMELAND SECURITY, ICE

Certified to be a true and correct copy of the document on file
Steven M. Larimore, Clerk,
U.S. District Court
Southern District of Florida
By Liana Rodriguez
Deputy Clerk
Date 6-19-08

Sworn to before me, and subscribed in my presence,

6-19-2008
Date

at Miami, Florida
City and State

PATRICK A. WHITE
United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Sammy Cruzcoriano, being first duly sworn, state as follows:

I. PERSONAL BACKGROUND

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Counter Proliferation Investigations Unit (CPI) and have been so employed since December 2002. I am a graduate of the Immigration Officer Basic Training Course and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center. I am responsible for conducting investigations for alleged violations of the Immigration and Customs laws of the United States.

2. As a Special Agent with ICE, I am familiar with and have received training regarding federal laws specifically related, but not limited to, the unlawful export of goods and technology from the United States, as specified in the Arms Export Control Act, 22 U.S.C. §§ 2751, *et seq.*; the Export Administration Act, 50 U.S.C. §§ 2401, *et seq.*; and the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701, *et seq.*

3. I am also familiar with related federal laws and the interpretation and application of federal laws and federal court procedures, and I have previously conducted and assisted in the execution of numerous federal arrest and search warrants. I have conducted and participated in investigations of violations of United States laws relating to the unlawful export from the United States of goods and technology restricted for export for reasons of national security, foreign policy, anti-terrorism, and embargoed destinations, and I am empowered to make arrests in connection with such violations.

4. I make this affidavit based upon my (a) personal observations and knowledge; (b) conversations with other law enforcement agents who have participated in this investigation; and (c) review of documents connected with the investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest HASSAN SAIED KESHARI (herein referred to as "KESHARI") and TRAIAN BUJDUVEANU (herein referred to as "BUJDUVEANU"), I have not included details of every aspect of this investigation of which I am aware. As set forth below, there is probable cause to believe KESHARI and BUJDUVEANU did knowingly and willfully combine, conspire, confederate, and agree with each other and with others to commit offenses against the United States, that is (1) to export from the United States defense articles for which a license is required without first obtaining the required licenses or written approval from the Department of State, in violation of the Arms Export Control Act ("AECA"), Title 22, United States Code, Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1, and (2) to export and cause the exportation of goods from the United States to the Islamic Republic of Iran in violation of the embargo imposed upon that country by the United States, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control ("OFAC"), in violation of the International Emergency Economic Powers Act ("IEEPA"), Title 50, United States Code, Sections 1702 and 1705(a), and the United States Treasury Department's Office of Foreign Assets Control ("OFAC") comprehensive trade and investment embargo against Iran under the authority, *inter alia*, of IEEPA, as amended, Section 505 of the International Security and Development Cooperation Act of 1885, Executive Order 13059 of August 19, 1997, which consolidates

the provisions of Executive Orders 12613, 12957, and 12959, and the Iranian Transactions Regulations ("ITR") promulgated thereunder, principally, Title 31, Code of Federal Regulations, Parts 560.203 and 560.204; all in violation of Title 18, United States Code, Section 371.

II. THE APPLICABLE LAW AND REGULATIONS
A. ARMS EXPORT CONTROL ACT

5. The AECA authorizes the President of the United States to, among other things, control the export of "defense articles." 22 U.S.C. § 2778(a)(1). AECA also gives the President the authority to designate items as "defense articles." As a practical matter, that task is performed by the U.S. Department of State ("DOS"), with concurrence of the U.S. Department of Defense ("DOD"), in accordance with regulations promulgated by DOS, Directorate of Defense Trade Controls ("DDTC"), (formerly known as the Office of Defense Trade Controls). 22 U.S.C. § 2778(a)(2); 22 C.F.R §§ 120.1(a), 120.2. All items designated as "defense articles" are identified by category on the United States Munitions List ("USML"), a document prepared by DDTC. 22 U.S.C. § 2778(a)(1); 22 C.F.R. § 120.02.

6. Anyone who is a manufacturer, exporter, importer, or broker of any "defense article" (collectively, "defense article exporter") is required to register with DDTC. 22 U.S.C. § 2778(b)(1)(A); 22 C.F.R. §120.1(a). It is a crime for any defense article exporter to willfully fail to register with DDTC. 22 U.S.C. § 2778(c); 22 C.F.R. §127.3. Moreover, all defense article exporters are required to obtain a valid export license from DDTC for any "defense article", regardless of its value, before the article is exported to another country. 22U.S.C. § 2778(b)(2); 22 C.F.R. § 123(a). It is a crime for any defense article

exporter to willfully fail to obtain an export license before exporting a "defense article" to another country. 22 U.S.C. § 2778(c); 22 C.F.R. § 127.1(a)(1).

B. THE UNITED STATES IRANIAN TRADE EMBARGO

7. The President of the United States, by virtue of the IEEPA, is granted authority to deal with unusual and extraordinary threats to the national security and foreign policy of the United States. On March 15, 1995, the President of the United States, following previously issued Executive Orders, continued to declare a national emergency with respect to the Islamic Republic of Iran ("Iran"), finding the policies and actions of Iran constitute a threat to the national security of the United States due to Iran's support of international terrorism and its attempts to acquire weapons of mass destruction.

8. On May 6, 1995, the President declared a trade embargo against Iran and prohibited the exportation from the United States to Iran of any goods, technology, or services, with limited exceptions for publications, other informational material, and donated articles, such as medical supplies intended to relieve human suffering. On August 17, 1997, the President reiterated and renewed the Iran Embargo, which continued throughout the time of the events of this affidavit.

9. To implement the U.S. Iran Embargo, the United States Department of Treasury ("Department of Treasury"), through the Office of Foreign Assets Control ("OFAC"), issued the Iranian Transactions Regulations (31 C.F.R. §§ 560.203-560.205) ("ITR") in September 1995. These regulations prohibit the export of goods from the United States to Iran unless authorized by the Department of Treasury. The regulations further prohibit any transactions evading or avoiding the U.S. Iran Embargo, including

the exportation of goods from the United States to a third country if the goods are intended or destined for Iran. Violation of the U.S. Iran Embargo is a federal felony offense punishable by up to twenty years' imprisonment. *See* 50 U.S.C. § 1705(b) and 31 C.F.R. § 560.204.

III. PROBABLE CAUSE
A. BACKGROUND

10. The individuals who are the subject of this affidavit are known to investigators as "HASSAN SAIED KESHARI" and "TRAIAN BUJDUVEANU". As set forth below, KESHARI and BUJDUVEANU have conspired to export U.S. commodities to individuals and entities who provide these same U.S. manufactured goods to individuals and entities in Iran, in violation of the AECA, IEEPA, and the U.S. Iran Trade Embargo.

11. The team of investigators from ICE, OEE, and DCIS, including your affiant, are conducting ongoing investigations which have identified numerous networks of individuals and entities in Iran which are engaged in the business of illegally procuring U.S. manufactured commodities for customers and end-users in Iran. These investigations have revealed that these Iranian procurement networks use suppliers located throughout the world, including suppliers in the United States, to obtain the U.S. commodities. The investigations have also revealed that the networks of individuals and entities engaged in the illegal procurement of goods often use email accounts hosted by U.S. based ISPs and IHPs in furtherance of their illegal procurement activities. Thus, a large part of the ongoing investigation of illegal Iranian procurement networks has focused on email communications regarding the illegal exports and shipments of U.S. commodities to Iran.

B. THE *KESHAIR@GMAIL.COM* EMAIL ACCOUNT

12. In the course of analyzing evidence obtained during the course of this investigation, investigators learned of KESHARI and his U.S. based business, KESH AIR INTERNATIONAL, located in Novato, California, and identified KESHARI as a U.S. based supplier for ultimate buyers and recipients in Iran. The majority of the evidence upon which investigators learned about KESHARI was found in emails seized during the execution of federally authorized search warrants. This evidence reveals that KESHARI has been using the *KESHAIR@GMAIL.COM* and *S.KESHARI@WORLDNET.ATT.NET* email accounts in furtherance of his work of brokering and supplying U.S. commodities for Iranian customers. Investigators found that these two email accounts used by KESHARI were the recipient or sender for thousands of emails related to discussions concerning the procurement of U.S. commodities, including commercial and military aircraft parts for Iranian customers. The *KESHAIR@GMAIL.COM* email account, in particular, is hosted by the California based internet hosting provider ("IHP") Google, Inc. and is registered to SAIED KESHARI.

13. During the review of evidence found during searches of the KESHAIR@GMAIL account, investigators found evidence of many purchases, sales, and shipments of U.S. made commodities from aircraft parts suppliers located in Miami Dade and Broward Counties.

14. A typical example of the transactions between KESHARI and his suppliers is reflected in an April 2008 shipment from a Miami based supplier in response to a purchase order from KESHARI on behalf of KESH AIR. The series of emails discovered in KESHARI's *KESHAIR@GMAIL.COM* account reveals an April 18, 2008, email to the

Miami based supplier with an attachment that contains a purchase order for 3 "vertical gyros" (an aircraft part). The purchase order reflects the sale by the Miami based supplier with a "ship to" address of KESH AIR, 35 Pamaron Way, Ste A, Novato, CA 94949 via UPS. A subsequent email, on May 19, 2008, was sent from KESHARI's KESHAIR@GMAIL.COM to a company located in Iran using an email address registered to the Iranian company. The May 19, 2008, email contains an attachment with an invoice for the sale of the 3 vertical gyros from KESH AIR to a company in Dubai, United Arab Emirates.

15. As noted above, investigators have found hundreds of communications between KESHARI and Miami Dade and Broward based suppliers of aircraft parts regarding purchases, sales, and shipments of U.S. made goods from these Miami Dade and Broward suppliers to KESH AIR and its representatives.

C. THE ORIONAV@MSN.COM EMAIL ACCOUNT

16. In the course of analyzing the evidence obtained during searches of the *KESHAIR@GMAIL.COM* email account, investigators noted approximately 857 emails were sent between *KESHAIR@GMAIL.COM* and *ORIONAV@MSN.COM* during the period of January 8, 2007, through May 21, 2008.

17. The *ORIONAV@MSN.COM* email account is hosted by the California based internet service provider ("ISP") Microsoft Networks and registered to a business identified as ORION AVIATION CO. and the individual named TRAIAN BUJDUVEANU, with a listed address of 5601 W. Broward Blvd, Plantation, Florida. Records checks reveal ORION AVIATION CORPORATION was a registered corporation in the state of Florida, with a listed Agent/Officer as BUJDUVEANU, but

that the corporation is currently inactive. Internet research reveals that ORION has been active in the business of brokering aircraft parts for many years. All of the approximately 857 emails between KESHARI and BUJDUVEANU discuss the purchase and/or delivery of various U.S. manufactured commodities, including commercial and military aviation parts. Additionally, the majority of these emails involve requests for quotes ("RFQ"s) which originate from Iranian individuals or entities.

18. For example, investigators recovered a series of emails among *KESHAIR@GMAIL.COM, ORIONAV@MSN.COM,* and two Yahoo! email addresses. Investigative research of the two Yahoo! email addresses, which will be referred to throughout this affidavit as Yahoo! address 1 and Yahoo! address 2, reveals that they are both registered to separate individuals located in Iran. Both of these Yahoo! accounts have been identified during this investigation as being used for the purpose of acquiring U.S. commodities on behalf of entities in Iran. Both of these Yahoo email accounts use internet protocol ("IP") addresses which are registered to an ISP in Tehran, Iran.

19. This particular email series began on May 17, 2007, with the first email sent from Yahoo! address 1 to *KESHAIR@GMAIL.COM* with a listed subject of "perches order". This email is written in Farsi and has three Word document attachments: "Perches order 7008.doc", "Perches order 7035.doc", and "Perches order 7040.doc." The attachment pertinent to this particular email chain is number 7008. This document reads: "Perches order...RFQ: 7008...Top urgent". The document then lists seven items by name, P/N [part number], S/N [serial number], quantity, condition and price. Of the seven listed items, the following three items are relevant to this discussion: P/N 65103-11003-102, P/N 2433, and P/N 65103-11004-082. Investigators researched these specific listed

part numbers and found that P/N 65103-11003-102 is an aircraft diaphragm seal used on the CH-53E military helicopter and is only manufactured by two companies: Sikorsky Aircraft Corporation, headquartered in Strafford, Connecticut, and SKF USA Inc., located in Eglin, Illinois. The CH-53E military helicopter is known to be part of the Iranian military fleet. P/N 2433 is an internal wrenching bolt manufactured by Eaton Aerospace LLC, located in Jackson, MS. And, P/N 65103-11004-082 is listed as a discontinued part number (cancelled by the U.S. Navy).

20. On May 22, 2007, *KESHAIR@GMAIL.COM* sent an email to *ORIONAV@MSN.COM* and listed all seven part numbers from the May 17, 2007, email sent to KESHARI from Yahoo! address 1, discussed above. On May 22, 2007, BUJDUVEANU, using *ORIONAV@MSN.COM,* responded to KESHARI at *KESHAIR@GMAIL.COM* and quoted six of the seven listed part numbers, including P/N 65103-11003-102 (the diaphragm seal) at $458.00 each, P/N 2433 (the wrenching bolt) at $ 87.00 each, and P/N 65103-11004-082 (the discontinued item) at $462.00 each.

21. On May 22, 2007, a follow up email was sent from *KESHAIR@GMAIL.COM* to *ORIONAV@MSN.COM* in which KESHARI advises BUJDUVEANU: "I will be sending you a p.o. [purchase order] for the following parts..." KESHARI then lists three of the seven parts for which he had received a quote from BUJDUVEANU: 65103-11003-102; 2433 bolt; and 65103-11004-082 seal (the three discussed in the preceding paragraph).

22. In a June 8, 2007, email from *KESHAIR@GMAIL.COM* to *ORIONAV@MSN.COM*, KESHARI advises, "I am going to the bank to send you some money for the order on rfq 7008 around $14k." Then, on June 19, 2007, three emails

were exchanged between *KESHAIR@GMAIL.COM* and *ORIONAV@MSN.COM* in which BUJDVEANU provides two Federal Express tracking numbers and advises he shipped "ALL PARTS IN 7008." Investigators believe the "7008" BUJDVEANU is referencing is the "Perches order 7008.doc" discussed above. Subsequently, on that same date, June 19, 2007, an email was sent from *KESHAIR@GMAIL.COM* to Yahoo! address 1 and Yahoo! address 2. This email is in Farsi and provides the two Federal Express tracking numbers previously given by BUJDVEANU to KESHARI.

23. Federal Express shipping documents obtained pursuant to subpoenas served on Federal Express reveal that the first shipment was sent on June 16, 2007, from ORION AVIATION CO, at 5601 N. Broward Blvd, Plantation FL 33317, to Planet Commercial Brokerage, in Dubai, United Arab Emirates ("UAE"), and arrived on June 24, 2007. The second shipment was sent on June 18, 2007, from ORION AVIATION CO to Planet Commercial Brokerage in Dubai and arrived on June 24, 2007.

24. Investigators know that at least one of these particular shipments from ORION subsequently reached KESHARI's Iranian client and their customer in Iran because of an email sent on August 15, 2007, from Yahoo! address 1 to *KESHAIR@GMAIL.COM* with a subject of "rfq;7008..seal". This email is written in Farsi and has one portable document format ("pdf") attachment. The pdf document reads: "...REFERING TO YOUR INVOICE NO:7017/008 DATED 19/JUNE/07, PLEASEBE INFORMED THAT L/1 (SEAL-65103-11004-082)IS REJECTED BECAUSE OF THE ISSED ITEMS ARE USED AND REWORKED, PLEASE CHECK THE MATTERAND ADVISE BY RETURN FAX URGENTLY. SINCERELY YOURS D.M.D FOR COMM AFFAIRS FOR A.MIGHANI".

25. Subsequently, on August 16, 2007, KESHARI, using *KESHAIR@GMAIL.COM,* sent an email to *ORIONAV@MSN.COM* to advise that he (KESHARI) had received an email "from our customer stating that the 10ea P/N 65103-11004-082 which you provided were reworked and worked on? Could you please look into this and give me some explanation so I can get back to them."

26. Thus, it is apparent that these items requested by KESHARI on behalf of his Iranian clients and supplied and exported by ORION were procured for and sent to Iran. As explained above, the sale and export of these items to individuals and/or entities in Iran without a license from OFAC constitutes a violation of the IEEPA and the U.S. Iran Trade Embargo.

27. Moreover, DOS records inquiries have determined that P/N 65103-11003-102 (the aircraft diaphragm seal used by the CH-53E military helicopter) is designated on the U.S. Munitions List as a "defense article" (Category VIII(h)). Therefore, any export of this item requires a license from the DOS. Further records checks reveal that neither ORION AVIATION CORPORATION, BUJDUVEANU, KESH AIR INTERNATIONAL, nor KESHARI are or were registered with the DDTC nor have any been issued a license to export U.S. Munitions List Articles from the United States.

28. Another example of BUJDUVEANU's work with KESHARI to procure U.S. commodities for individuals and entities in Iran is seen in a series of emails among *KESHAIR@GMAIL.COM*, *S.KESHARI@WORLDNET.ATT.NET*[1], Yahoo! address 1, Yahoo! address 2, *ORIONAV@MSN.COM,* and a Google Gmail address registered to an individual located in Iran. The first email in this series was sent on April 23, 2008, from

[1] The *s.keshari@worldnet.att.net* email account is a secondary account used by KESHARI to conduct business. This email account appears to be an older account.

KESHAIR@GMAIL.COM to *ORIONAV@MSN.COM* with the subject listed as "any news." In this email KESHARI writes to BUJDUVEANU: "I have not heard back from you in regards to the parts you supplied and the information I provided you. Please let me know where we stand on that. Should I ask them to send them back."

29. Investigators researched this email and discovered it refers to an RFQ email originally sent on January 25, 2007, from Yahoo! address 1 to *S.KESHARI@WORLDNET.ATT.NET.* That email has one attachment, titled "1010321.doc." This attachment lists six items by name, part number, and S/N. The first part number relevant to this series of emails is a "Harness assy," P/N 080-037-001 and S/N 156001426431. Investigative research reveals that the listed part number is a harness assembly for the F-14 fighter aircraft and is manufactured by the Parker Hannifin Corporation, an American company headquartered in Cleveland, Ohio.

30. The next email in this series was sent on January 29, 2007, from *S.KESHARI@WORLDNET.ATT.NET* to Yahoo! address 1, with a cc: to Yahoo! address 2, and is titled "1010321". This email is written in a combination of Farsi and English and appears to be a quote in response to RFQ 1010321. In this email, KESHARI quotes the prices for the six items listed in the original RFQ. The part number relevant to this series of emails is listed as "5ea 080-037-001 harness NS $5,500.00". In this email, KESHARI refers to "Orion", leading investigators to believe that ORION AVIATION CORPORATION is the supplier for this particular part. Investigators then reviewed a subsequent email sent on February 14, 2007, from Yahoo! address 1 to *KESHAIR@GMAIL.COM,* titled "Purchase order 1010321". This email has one attachment, titled "Purchase order 1010321.doc". This attachment lists six items by

name, P/N, quantity, condition, price, and RFQ number. The first listed part number is relevant to this series of emails and refers to a "Harness assy", P/N 080-037-001, with a quantity of five ordered in "NS" condition for $5,500.00. Then, on March 5, 2007, *S.KESHARI@WORLDNET.ATT.NET* sent an email to Yahoo! address 1, with a cc: to Yahoo! address 2 with a subject: "Fw: FedEx | Track 10321". This email is written in a combination of Farsi and English, and, in it, KESHARI mentions "ORION" and "#10321", referring to the same purchase order discussed above (investigators have noted that the parties intermittently drop the first two numbers – here the initial "10" – when referencing purchase order and RFQ numbers) and provides a hyperlink to a Federal Express tracking number. Investigators obtained the Federal Express shipment records for the given tracking number pursuant to a subpoena to Federal Express. The shipping documents indicate that on March 3, 2007, a package, with the contents listed as "Aircraft Parts Cable" and a country of manufacture listed as "U.S.A.", was sent from ORION AVIATION CO to Behnam Fattahi, Planet Commercial Brokerage, in Dubai, UAE. The shipment arrived on March 9, 2007, and Fattahi accepted delivery.

31. Investigators also found an invoice referencing this particular part (080-037-001) and referring to it as "HARNESS ASSY." The invoice is one of several attachments to an April 15, 2007, email from Yahoo! address 1 to *KESHAIR@GMAIL.COM* with the subject of "invoice". The email is written in Farsi and has ten pdf attachments. According to the attached invoice, which is on KESH AIR letterhead, the part was sold for $5,400.00 each, for a total price of $27,000.00, from KESH AIR INTERNATIONAL CORP. to Planet Commercial Brokerage LLC in Dubai. The invoice also indicates that the items were "SHIPPED FROM ORION AVIATION."

32. Investigators located numerous other emails regarding this transaction, including a March 29, 2008, email from the Gmail account, referenced above, used by another individual located in Iran, to *KESHAIR@GMAIL.COM* with a subject line of "harness, rfq 1010321." This email is written in Farsi and has two picture attachments titled "harness 1.jpeg" and "harness 2.jpeg". The picture attachments show a parts diagram with two highlighted sections and a parts sheet titled " NAVAIR 01-F14AAA-4-7", with one part circled, the "...080-037-001 HARNESS ASSEMBLEY /26055/ /GRUMMAN..." This title refers to the Grumman F-14A jet fighter. Additionally, there is an F-14 Flight Manual, printed in April of 1984, titled NAVAIR 01-F14AAA-1, and investigators believe this attachment may be a page from this F-14 flight manual. According to the manufacturer of the F-14, Grumman, the listed part, 080-037-001, is part of the fuel quantity measurement system specific for the F-14. Further investigative research shows that Iran is a primary user of the F-14 (also known as the "Tomcat").

33. Investigators also found an email in this chain which was sent on March 31, 2008, from *KESHAIR@GMAIL.COM* to *ORIONAV@MSN.COM* with the subject "harness, rfq 1010321". In this email, KESHARI advises BUJDUVEANU, "Attached as per your request is the information on the Harness which we purchased 5 of them and there were the wrong parts." To this email, KESHARI attaches the same two picture files supplied to KESHARI on March 29, 2008, by the Iranian client discussed above.

34. Thus, it is again apparent that these items requested by KESHARI on behalf of his Iranian clients and supplied and exported by ORION were procured for and sent to Iran. As explained above, the sale and export of these items to individuals and/or entities

in Iran without a license from OFAC constitutes a violation of the IEEPA and the U.S. Iran Trade Embargo.

35. Moreover, DOS records inquiries have determined that P/N 080-037-001 (the harness assembly for the F-14 fighter aircraft) is designated on the U.S. Munitions List as a "defense article" (Category VIII(h)). Therefore, any export of this item requires a license from the DOS. As stated above, further records checks reveal that neither ORION AVIATION CORPORATION, BUJDUVEANU, KESH AIR INTERNATIONAL, nor KESHARI are or were registered with the DDTC nor have any been issued a license to export U.S. Munitions List Articles from the United States.

36. Through investigative research, your affiant has determined that each of the parts at issue in the above-discussed chains of emails is used exclusively for military aircraft. Moreover these particular parts are designed for military aircraft known to those familiar with the aircraft industry to be used by the Iranian military. BUJDUVEANU has been in this (the aviation and aircraft) industry for at least twenty years, and your affiant is confident that BUJDUVEANU knows that these parts are for Iranian military aircraft.

37. It is also worth noting that investigators have also reviewed emails in which BUJDUVEANU quotes prices to KESHARI for parts for other military aircraft, including, specifically, the F-4 (Phantom) aircraft. This aircraft is commonly known in the aviation industry to be used almost exclusively by the Iranian military. And, investigators have reviewed evidence of negotiations and sales by BUJDUVEANU to KESHARI for parts for the AH-1 Attack hellicopter, another military aircraft well-known for its use by the Iranian military.

38. Finally, in a string of emails back and forth between BUJDUVEANU and KESHARI, the two discuss an RFQ from KESHARI to BUJDUVEANU for other aircraft parts originally requested by KESHARI's Iranian customer discussed above. In that string, in a May 14, 2007, email, BUJDUVEANU responds to an email from KESHARI in which KESHARI references his clients, and BUJDUVEANU states that, with respect to KESHARI'S client, "[B]y the way Mr. Keshari, I have meet with these people a while ago, and they do have the original drawings, and they also paid you in advance..." Your affiant believes that, in this email, BUJDUVEANU is telling KESHARI that he (BUJDUVEANU) has met KESHARI'S Iranian clients. This bolsters investigators' belief that BUJDUVEANU knows that he is quoting parts that will be exported to Iran.

39. Although investigators are aware of recent emails from KESHARI to BUJDUVEANU, there appears to have been a breakdown in communication between the two. However, it does appear that KESHARI and KESHARI's Iranian clients believe that BUJDUVEANU owes them money for what KESHARI has described as faulty parts sent by BUJDUVEANU, and, for that reason, KESHARI appears to continue to attempt to reach BUJDUVEANU by email.

IV. CONCLUSION

40. Based on the forgoing, your affiant submits that there is probable cause to believe that from in or before August 2006 to the present, KESHARI and BUJDUVEANU did knowingly and willfully combine, conspire, confederate and agree with each other and with others to commit offenses against the United States, that is (1) to export from the United States defense articles for which a license is required without first obtaining the required licenses or written approval from the Department of State, in

violation of AECA, 22 U.S.C. §§ 2778(b)(2) and (c), and 22 C.F.R. §§ 121.1, 123.1 and 127.1, and (2) to export and cause the exportation of goods from the United States to Iran in violation of the U.S. Iran embargo, without having first obtained the required licenses or authorizations from OFAC, in violation of IEEPA, 50 U.S.C. §§ 1702 and 1705(a), and OFAC's comprehensive trade and investment embargo against Iran under the authority, *inter alia*, of IEEPA, as amended, Section 505 of the International Security and Development Cooperation Act of 1885, Executive Order 13059 of August 19, 1997, which consolidates the provisions of Executive Orders 12613, 12957, and 12959, and the ITR promulgated thereunder, principally, 31 C.F.R. §§ 560.203 and 560.204; all in violation of 18 U.S.C. § 371.

SAMMY CRUZCORIANO
Special Agent
United States Department of Homeland Security
Immigration and Customs Enforcement ("ICE"),

Sworn to and subscribed before me
On this 19th day of June, 2008

PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA

Certified to be a true and
correct copy of the document on file
Steven M. Larimore, Clerk,
U.S. District Court
Southern District of Florida
By Deputy Clerk
Date 6-19-08