

VERSION 10

A F F I D A V I T

I, FARRELL A. BINDER, being duly sworn on oath, do hereby depose and say:

I.

INTRODUCTION

1. I am a Special Agent ("SA") for the Federal Bureau of Investigation ("FBI") and have served in that capacity for more than ten years. I am currently assigned to the Los Angeles Office, White Collar Division, Public Corruption Squad. My main responsibility involves the investigation of public corruption matters, including violations of the Foreign Corrupt Practices Act ("FCPA"). During my employment with the FBI, I have participated in investigations involving public corruption, bribery, fraud against the government, bank and loan fraud, wire fraud, mail fraud, social security fraud, and money laundering. Many of these investigations have involved the use of informants and cooperating witnesses, and have required financial analysis. I have also participated in the execution of numerous search and arrest warrants. I have conducted physical surveillance and have monitored electronic surveillance. In addition, I have attended numerous training sessions on the investigation of white collar crimes, including specialized training for FCPA investigations and international contract corruption. The opinions I have formed and set forth in this affidavit are based on my experience

and training, as well as my consultation with other experienced investigators and agents of the FBI.

II.

PURPOSE OF AFFIDAVIT

2. This affidavit is made in support of the issuance of a search warrant to search LINDSEY MANUFACTURING COMPANY ("LINDSEY") and LINDSEY INTERNATIONAL INCORPORATED ("LINDSEY INTERNATIONAL") (described with particularity below). LINDSEY and LINDSEY INTERNATIONAL are believed to contain evidence of corrupt payments made to a senior official in a Mexican national utility company, in violation of Title 18, United States Code, Section 371 (Conspiracy), Title 15, United States Code, 78dd-1, et seq. (Corrupt Payments to Foreign Officials), and Title 18, United States Code, Sections 1956 and 1957 (Money Laundering).

3. I make this affidavit based on personal knowledge, my training and experience, and information that I have received from other agents and other law enforcement officers in the course of my participation in this investigation as a case agent. This affidavit is intended to establish probable cause for the requested search warrant and does not include all information known to me related to this investigation. Where conversations are referred to herein, they are related in substance and in part, except where quotation marks are used. Where figures and calculations are set forth herein, they are approximate.

4. The facts set forth in this affidavit are based upon my own personal observations, my training and experience, and information obtained during this investigation from other sources, including: (a) other law enforcement agents; (b) statements made or reported by various witnesses with personal knowledge of relevant facts; and (c) my review of records obtained during the course of my investigation, as well as summaries and analyses of such documents and records that have been prepared by others.

III.

PREMISES TO BE SEARCHED

5. The SUBJECT PREMISES to be searched are described as follows (and in Attachment 1A to this affidavit):

a. The business address and offices of LINDSEY and LINDSEY INTERNATIONAL located at 760 N. Georgia Avenue, Azusa, California 91702 ("SUBJECT PREMISES"). SUBJECT PREMISES is made up of five separate buildings located along the east side of North Georgia Avenue, between Foothill Boulevard and Eighth Street.

BUILDING #1

b. BUILDING #1 is located on the SUBJECT PREMISES. BUILDING #1 is a tan one story office building (BUILDING #1) facing North Georgia Avenue with the numbers "760" affixed above the front door in black numerals on a white

background. The front door to BUILDING #1 is made of tinted glass and is centered between two tinted glass windows that are the same length as the front door. The numbers "760" are also painted in black on a white background on the front of a cement walkway that leads to the front door. The exterior of BUILDING #1 has a brick facade with a flat pale blue metal roof. On either side of the front door of BUILDING #1 are four windows, and a planter, which holds bushes that grow between each window. At the top of the blue metal roof overhang of BUILDING #1, centered above the door, is a sign written in black letters on a yellow background that reads "LINDSEY." At the south end of BUILDING #1, also on the blue metal roof overhang, is another sign with black lettering on a yellow background that reads "L" and has a lightning bolt running through the "L." Running perpendicular to, and in front of, BUILDING #1 are several parking spaces. All of the parking spaces are marked "reserved," with the exception of three spaces to the south, marked "visitor." Also visible from North Georgia Avenue is a side entrance on the south side of BUILDING #1. The side entrance is located approximately six to eight feet from the front of BUILDING #1, and has six steps leading up to the door from two sides.

BUILDING #2

c. BUILDING #2 is located on the SUBJECT PREMISES and is immediately to the south of BUILDING #1. BUILDING #2 is a pale blue corrugated metal building with three large sliding metal doors that face North Georgia Avenue and are protected by two chain link fences positioned directly in front of the metal doors. BUILDING #2 has a sign on the south side of the front facade written in black letters on a yellow background that reads "Lindsey Shipping & Receiving" with an arrow pointing north on North Georgia Avenue. BUILDING #2 has another sign written in black letters on a yellow background attached to the southeast corner of the building that reads "South Yard."

BUILDING #3

d. BUILDING #3 is located on SUBJECT PREMISES and is immediately to the south of BUILDING #2. BUILDING #3 is a blue corrugated metal structure that faces North Georgia Avenue and is separated from BUILDING #2 by two gates and a tan brick wall that runs in between the two gates. The two gates between BUILDING #2 and BUILDING #3 are made of chain link, topped with barbed wire, and have warning signs indicating hazardous materials and private property signs. The tan brick wall between BUILDING #2 and BUILDING #3 is also topped with barbed wire, and has bushes running in front of it. BUILDING #3 has a door in the center of the building and a window on each side of the door.

The numbers "730" are affixed towards the top of the door. Above the door and the numbers "730" is a sign written in black letters with a yellow background that reads "Lindsey."

BUILDING #4

e. BUILDING #4 is located on the SUBJECT PREMISES and is immediately to the north of BUILDING #1. BUILDING #4 is a blue building that faces North Georgia Avenue and is separated from BUILDING #1 by a small space of approximately two feet. BUILDING #4 has a door centered in the middle of the building, with two windows on each side of the door and a single step leading up to the door. There are bushes in front of all the windows. There is a light high above the door of BUILDING #4 and another light attached at the southeast corner of BUILDING #4. At the northeast corner of BUILDING #4 there is a sign written in black letters on a yellow background that reads "North Yard."

BUILDING #5

f. BUILDING #5 is located on SUBJECT PREMISES and is north of BUILDING #4. A chain link gate runs between BUILDING #4 and BUILDING #5 and is located to the north of BUILDING #4. The chain link gate connects to a tan brick wall that continues all the way to the north end of the SUBJECT PREMISES. Both the gate and wall that run between BUILDING #4 and BUILDING #5 are topped with barbed wire. BUILDING #5 is

located immediately behind the brick wall and to the north of the chain link gate. BUILDING #5 is a blue structure with the words "Shipping & Receiving" written in white letters directly on the structure just below the roofline.

g. SUBJECT PREMISES include buildings 1,2,3,4,and 5, and all attached and unattached rooms, attics, basements, garages, storage areas, computers, safes, lockers, containers, trash areas, surrounding grounds and outbuildings assigned to or a part of the SUBJECT PREMISES.

IV.

SUMMARY OF APPLICABLE FEDERAL STATUTES

6. The anti-bribery provisions of the Foreign Corrupt Practices Act ("FCPA"), codified at Title 15, United States Code, Sections 78dd-1, et seq., among other things, make it unlawful for any "domestic concern," or for any officer, director, employee, or agent of such domestic concern, to knowingly make use of any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any "foreign official" for purposes of influencing any act or decision of such foreign official in his (or her) official capacity, in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any

person. 15 U.S.C. § 78dd-2(a) and (g).

7. The definition of a "domestic concern" under the FCPA includes: (a) any individual who is a citizen, national, or resident of the United States; and (b) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization or sole proprietorship which has its principal place of business in the United States, or which is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States. 15 U.S.C. § 78dd-2(h).

8. The definition of a "foreign official" under the FCPA includes: any officer or employee of a foreign government or any department, agency or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization. 15 U.S.C. § 78dd-2(h).

9. A violation of the FCPA constitutes a "specified unlawful activity" under Title 18, United States Code, Section 1956(c)(7)(D), making certain financial transfers and/or transactions done in connection with an FCPA violation punishable under federal money laundering statutes.

10. The money laundering provisions codified at Title 18, United States Code, 1956, among other things, make it

unlawful for any person, who, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity, with the intent to promote the carrying on of specified unlawful activity . . . or knowing that the transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity. 18 U.S.C. § 1956(a)(1).

11. The money laundering provisions codified at Title 18, United States Code, 1957, among other things, make it unlawful for any person, who, knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity. 18 U.S.C. § 1957(a).

V.

BASIS FOR PROBABLE CAUSE

A. OVERVIEW OF PROBABLE CAUSE

12. The instant investigation arose out of a FCPA and money laundering investigation conducted by the Department of Justice (DOJ), Securities and Exchange Commission (SEC), and Federal Bureau of Investigation's (FBI) Houston Field Office (FBI-Houston). On April 18, 2005, ABB Ltd., an energy equipment

and services company based in Switzerland (ABB Switzerland), reported to the SEC and the DOJ that its Sugarland, Texas subsidiary, ABB Network Management (ABB Sugarland), had possibly provided bribe payments to public officials in Mexico in order to obtain contracts with a Mexican state-owned utility company named Comision Federal de Electricidad (CFE Mexico). ABB Switzerland reported that the possible bribe payments were paid by ABB Sugarland using three intermediary companies, including a company named Sorvill International, SA (Sorvill).

13. Based upon the information provided by ABB Switzerland, the SEC conducted a financial investigation into the three intermediary companies. The SEC discovered, among other things, that LINDSEY, a privately-held manufacturing company located in Azusa, California that specializes in utility products like Emergency Restoration Systems, Current and Voltage Monitoring Devices, and Transmission and Distribution Lines Hardware, had made several large payments to a brokerage firm in Houston, Texas named Global Financial (Global). LINDSEY's payments to Global were placed into an account opened under the name Grupo Internacional De Asesores S.A. (Grupo).

14. Further investigation revealed that both Sorvill and Grupo are owned by ENRIQUE F. AGUILAR NORIEGA (ENRIQUE AGUILAR) and ANGELA GOMEZ CEPEDA AGUILAR (ANGELA AGUILAR), who, in some documents, claimed to be relatives of NESTOR MORENO DIAZ

(NESTOR MORENO). NESTOR MORENO is a Mexican public official who, at the time of the payments, was Assistant Director of Generation for CFE Mexico and was later promoted to Director of Operations for CFE Mexico.

15. Between September 2003 to May 2008, LINDSEY paid Grupo a total of \$5,330,022.38. There is probable cause to believe that a large portion of these payments were used for the benefit of NESTOR MORENO. For example, several of the payments LINDSEY made to the Grupo were used, at least in part, to buy NESTOR MORENO a Ferrari automobile, a yacht, and to make over \$100,000 in payments towards his American Express credit card bills.

16. At the same time LINDSEY was making these payments, CFE Mexico awarded approximately nineteen (19) contracts to LINDSEY worth at least \$160,029,918 Mexican pesos (or approximately \$14,911,659 U.S. dollars).

B. ORIGINS OF THE INVESTIGATION

17. In May 2008, myself and FBI Special Agent Susan Guernsey (SA Guernsey) spoke with Tonia J. Tornatore, Senior Counsel, SEC Division of Enforcement (Ms. Tornatore) and learned the following:

a. On or about _____, ABB Switzerland disclosed to the SEC and the DOJ that its subsidiary ABB Sugarland may have paid bribes to Mexican foreign officials.

b. The potential bribes were paid to CFE Mexico and, during the course of the SEC's investigation, Ms. Tornatore discovered that the suspect payments were made using three intermediary companies, namely, Sorvill, Obras Maritimas, and Equipos Systemos Mexicanos.

c. The three intermediaries that received payments from ABB Sugarland were purportedly retained by ABB Sugarland to facilitate contract negotiations, shipment of equipment, communications, and contract interpretations.

d. ABB Switzerland's internal investigation was unable to find proof, however, that any goods or services were ever provided to the intermediaries in exchange for these payments.

e. The investigation into whether ABB Sugarland's payments to the three intermediaries were, in fact, bribes to CFE Mexico officials is still on-going.

f. Sorvill, one of the intermediaries that received payments from ABB Sugarland, is incorporated in Panama and has bank accounts in Switzerland and Germany.

g. Sorvill is owned and operated by ENRIQUE AGUILAR and ANGELA AGUILAR, two Mexican citizens who are married to each other and who, in some documents, claimed to be relatives of NESTOR MORENO.

h. A review of Sorvill's bank records

revealed that ENRIQUE and ANGELA AGUILAR also owned a company named Grupo, which maintained an account at a brokerage firm in Houston, Texas named Global Financial (Global). According to bank records, ENRIQUE AGUILAR and ANGELA AGUILAR used Grupo's Global account as you would a checking account. For example, between _____ and _____, LINDSEY deposited \$5,330,022.38 into Grupo's Global account and withdrew \$_____ during that same time period.

C. LINDSEY MANUFACTURING

18. On or about _____, 2008, I reviewed search results from a database commonly used by law enforcement personnel and learned that LINDSEY was founded by L.E. Lindsey in 1947 and incorporated in the State of California on July 5, 1962. LINDSEY is currently located at 760 N. Georgia Avenue, Azusa, CA 91702 (SUBJECT PREMISES) and L.E. Lindsey's son, Dr. Keith E. Lindsey, is currently its president.

19. On or about _____, 2008, I spoke Ms. Tornatore and learned that LINDSEY is a privately-held manufacturing company that specializes in utility products like Emergency Restoration Systems, Current and Voltage Monitoring Devices, and Transmission and Distribution Lines Hardware.

20. On or about _____, 2008, I examined LINDSEY's website (www.lindsey-usa.com) and learned that Lindsey has supplied over 1000 Emergency Restoration System structures to

over 50 Electric Transmission Asset Owners in over 20 countries, including Mexico.

21. Based upon my review of law enforcement databases, my conversations with Ms. Tornatore, my internet searches and my training and experience, I have determined that LINDSEY qualifies as "domestic concern" under the FCPA.

D. CFE MEXICO

22. On or about _____, 2008, I spoke with _____ and learned that CFE Mexico is a federal company, owned by the Mexican government that generates, transmits, and distributes electrical power to all of Mexico, except the Mexico City area.

E. NESTOR MORENO

23. On July 13, 2008, I performed various internet searches and learned the following:

a. The Business News America's website, www.bnamericas.com, contains a company profile for CFE Mexico and currently lists NESTOR MORENO as CFE Mexico's Operation Director and his email address as nestor.moreno@cfe.gob.mx.

b. According to news articles posted on the internet, NESTOR MORENO has served as CFE Mexico's Operations Director since April 2007. Before becoming the Operations Director, NESTOR MORENO served as CFE Mexico's Assistant Director of Generation from 2002 to 2007.

24. Based upon my internet searches and my training and experience, I have determined that NESTOR MORENO qualifies as a "foreign official" under the FCPA.

F. EVIDENCE OF CORRUPT PAYMENTS

25. I have reviewed the payments LINDSEY made to Grupo's Global account and there is probable cause to believe that \$ _____ was used to buy NESTOR MORENO a Ferrari automobile, a yacht and to pay over \$100,000 towards his American Express credit card bills.

THE FERRARI

26. On July 10, 2008, myself and SA Guernsey interviewed Bryant Kreaden (Bryant), the Sales Manager for Ferrari of Beverly Hills, located at 9372 Wilshire Blvd, Beverly Hills, CA 90212 (the "Ferrari dealership"), and learned the following:

- a. Bryant sold ENRIQUE AGUILAR a Ferrari in 2007.
- b. ENRIQUE AGUILAR came into the Ferrari dealership several times before purchasing the Ferrari and, on one occasion, was accompanied by someone who appeared to be his friend.
- c. The person who appeared to be ENRIQUE AGUILAR's friend may have been the one who later picked up the car for ENRIQUE AGUILAR.

27. On July 10, 2008, myself and SA Guernsey interviewed Sharon Berman (Berman), the Office Manager for the Ferrari dealership, and learned the following:

a. On February 16, 2007, ANGELA AGUILAR executed a sales contract with the Ferrari dealership for the purchase a 2005 Ferrari F430 F1 Spider at a cost of \$297,500 U.S. dollars.

b. There is an undated "Statement of Facts" accompanying the sales contract that states,

I/WE ANGELA MARIA GOMEZ CEPEDA THE UNDERSIGNED, HEREBY STATE THAT THE VEHICLE/VESSEL DESCRIBED ABOVE HAVE PAID IN FULL THE AMOUNT OF USD \$297,500.00 (TWO HUNDRED NINETY SEVEN THOUSAND FIVE HUNDRED 00/100 USD) AND WITH THE PAYMENT TO BE APPLIED TO THE ABOVE-MENTIONED VEHICLE AND TITLED IN THE NAME OF ENRIQUE AGUILAR. I AUTHORIZE **MR. NESTOR MORENO** TO PICK UP THE CAR AT YOUR FACILITIES. (Emphasis added)

c. An insurance paper from Robert Moreno Insurance Services lists the drivers of the Ferrari as ENRIQUE AGUILAR and NESTOR MORENO, and states that both ENRIQUE AGUILAR and NESTOR MORENO have been employees of Global for twenty years.

d. On or about February 16, 2007, ANGELA AGUILAR wrote a check drawn against Grupo's Global account in the amount of \$297,500 U.S. dollars and made it payable to the Ferrari dealership.

28. On July 11, 2008, I reviewed Grupo's Global account records from February 1, 2007 through February 28, 2007 (the time period when the Ferrari was purchased from the Ferrari

dealership), and discovered that the \$297,500 check ANGELA AGUILAR wrote against Grupo's Global account posted on February 23, 2007.

29. On July 11, 2008, I reviewed LINDSEY's Preferred Bank records (Account #XXXXXXXXXBB701) and discovered that between January 18, 2007 and February 15, 2007 (the time period when the Ferrari was purchased from the Ferrari dealership for \$297,500), LINDSEY wired a total of \$297,038.56 U.S. dollars into Grupo's Global account.

30. My review of LINDSEY's Preferred Bank records (Account #XXXXXXXXXBB701) further revealed that there were no other wires into the Grupo's Global account during this time and all of the wires from LINDSEY referenced "CFE, Mexico," where NESTOR MORENO was working.

THE YACHT

31. On September 11, 2008, myself and SA Guernsey interviewed Robin Goodman (Goodman), owner of South Shore Yacht Sales, located at 550 Marina Parkway D-3, Chula Vista, CA 92154 (the "Yacht dealership"), and learned the following:

a. Goodman was the broker for a Mexican buyer named NESTOR MORENO in connection with NESTOR MORENO'S purchase of a yacht costing \$1.8 million U.S. dollars.

b. The yacht was purchased through a limited liability corporation named Baja Horizon.

c. Goodman met NESTOR MORENO, who said he

owned a metal company in Mexico.

d. Goodman had NESTOR MORENO sign the paperwork relating to the purchase of the yacht himself, because Goodman requires the actual owner of the yacht to sign the paperwork.

e. Much of the transaction was handled by NESTOR MORENO's brother, CESAR MORENO, who lived in Chula Vista, California.

f. Although CESAR MORENO handled much of the transaction, CESAR MORENO made it clear to Goodman that the yacht was being purchased for his brother, NESTOR MORENO.

g. The payments for the yacht came in "lumps," some of it by wire, and some through checks from ENRIQUE AGUILAR.

h. Goodman did not recall meeting ENRIQUE AGUILAR, but said he thought he was NESTOR MORENO's business partner.

32. On July 12, 2008, I reviewed documents the Yacht dealership provided to the SEC pursuant to an SEC subpoena and learned the following:

a. CESAR MORENO, as President of Baja Horizon, Inc., entered into a "Membership Interest to Purchase Agreement" with David D. Connor and Christine K. Connor for the purchase of a yacht for \$1,800,010, with a closing date of September 29, 2006.

b. Several photos were taken of CESAR MORENO standing on the yacht that was purchased.

c. Three separate payments totaling \$1,700,000 were made towards the purchase of the yacht. The first payment was a check for \$540,000 that came from Grupo's Global account and was dated August 28, 2006. The second payment was a wire for \$810,000 that came from Sorvill's account and was dated _____, 2006. The payment from Sorvill was authorized by ENRIQUE AGUILAR. The third and final payment was a wire for \$350,000 that came from Assets Management Plus, a Mexican company about which little is known. The Asset Management Plus payment was dated _____, 2006.

33. On July 12, 2008, I reviewed Grupo's Global account records from September 1 through November 30, 2006 (the time period when Goodman sold NESTOR MORENO the yacht) and discovered a check made payable to "South Shore Yacht Sales" in the amount of \$540,000 and dated August 28, 2006. This check posted to Grupo's Global account on September 5, 2006.

34. On July 12, 2008, I reviewed LINDSEY's Preferred Bank records (Account #XXXX132) and discovered that from September 29, 2006 (the time period when Goodman sold NESTOR MORENO the yacht) until November 28, 2006, LINDSEY wired a total of \$3,378,932.70 U.S. dollars into Grupo's Global account. The only other deposit into Grupo's Global account during this time period was \$118,573.60 U.S. dollars wired from HSBC Bank USA.

THE AMEX BILLS

35. On _____, 2008, I reviewed a February 5, 2008 letter from Jane E. Bates (Bates), Global's Chief Compliance Officer, and learned the following:

a. NESTOR MORENO did not have a brokerage account with Global.

b. NESTOR MORENO did, however, have a Corporate American Express (AmEx) credit card affiliated with Grupo.

c. The payments for NESTOR MORENO's AmEx bills were paid by Grupo per written instructions from ANGELA AGUILAR, acting as a Grupo director.

36. On July 12, 2008, I reviewed NESTOR MORENO's AmEx statements from September 5, 2006 through January 5, 2008, and learned the following:

a. Over the time period reviewed, NESTOR MORENO incurred AmEx charges totaling \$164,791.22 U.S. dollars and all of the payments towards this balance were paid from Grupo's Global account.

b. For each payment, ANGELA AGUILAR signed a form authorizing the transfer of funds from Grupo's Global account to AmEx in order to pay for NESTOR MORENO's AmEx bills.

c. On each of the forms ANGELA AGUILAR signed, under the "must provide detailed explanation" section, she wrote "brother-in-law of company owner," which appears to be

her justification for paying NESTOR MORENO AmEx bills.

37. On _____, 2008, I reviewed the wires LINDSEY made into Grupo's Global account from January 12, 2007 through October 12, 2007, excluding "the Ferrari" and "the yacht" payments referenced above, and discovered that each wire contained a reference to either "CFE" and/or "outside service and commission."

38. All of the wires between LINDSEY and Grupo Global account, including the Ferrari, the yacht and the AMEX payments referenced above (\$5,330,022.38), were all authorized by STEVE LEE (LEE), who served as the _____ for LINDSEY.

G. CONTRACTS BETWEEN LINDSEY AND CFE MEXICO

39. On July 19, 2008, I reviewed printouts from the Mexican government's public access website for government documents, Portal de Obligaciones de Transparencia, at www.portaltransparencia.gob.mx/pot/, which lists, among other things, the contracts between LINDSEY and CFE Mexico. The printout shows each contract and the amount of each contract, in Mexican pesos. According to this printout, LINDSEY was awarded the following contracts from CFE Mexico:

a. Contract number 700113303, starting on March 10, 2004, for 2,081,641 Mexican pesos.

b. Contract number 700131808, starting on October 20, 2004, for 5,490,347 Mexican pesos.

c. Contract number 700191011, starting on May 22,

2006, for 4,538,600 Mexican pesos.

d. Contract number 700190421, starting on May 24, 2006, for 1,804,919 Mexican pesos.

e. Contract number 700191352, starting on May 24, 2006, for 3,870,984 Mexican pesos.

f. Contract number 800311925, starting on June 11, 2007, for \$358,546 Mexican pesos.

g. Contract number 700195528, starting on July 3, 2006, for 4,931,881 Mexican pesos.

h. Contract number 700195444, starting on July 5, 2006, for 4,294,010 Mexican pesos.

i. Contract number 700197454, starting on July 20, 2006, for 116,341,284 Mexican pesos.

j. Contract number 700193790, starting on July 24, 2006, for 5,026,266 Mexican pesos.

k. Contract number 700197867, starting on August 3, 2006, for 3,285,777 Mexican pesos.

l. Contract number 700236626, starting on August 17, 2007, for 1,540,111 Mexican pesos.

m. Contract number 700237280, starting on August 29, 2007, for 1,174,892 Mexican pesos.

n. Contract number 700238137, starting on September 13, 2007, for 1,313,259 Mexican pesos.

o. Contract number 700238282, starting on September 17, 2007, for 937,649 Mexican pesos.

p. Contract number 700238207, starting on September 18, 2007, for 1,006,465 Mexican pesos.

q. Contract number 700238918, starting on September 21, 2007, for 941,813 Mexican pesos.

r. Contract number 700239186, starting on September 28, 2007, for 153,176 Mexican pesos.

s. Contract number 700240396, starting on October 3, 2007, for 938,298 Mexican pesos.

40. On September 25, 2008, I reviewed an online currency converter, as well as the currency exchange rate between the U.S. dollar and the Mexican peso for the time period of the above contracts. Although there was some minor fluctuation over the time period, the exchange rate was roughly nine point three Mexican pesos per one U.S. dollar. I compared this information with LINDSEY INTERNATIONAL's Bank of America account records and determined that between September 2, 2003 and July 18, 2008, CFE Mexico wired contract payments to LINDSEY INTERATIONAL totaling \$19,146,715.77 U.S. dollars.

H. CONNECTION BETWEEN THE CONTRACTS AND LINDSEY'S PAYMENTS

41. On _____, I reviewed the memo sections for each of the wires LINDSEY sent to Grupo's Global account between _____ and _____. I discovered that on _____ of the wires, the numbers referenced in the memo section of the wire matched the contract numbers for contracts

CFE Mexico awarded to LINDSEY around that same time period.

I. EVIDENCE LINKING LINDSEY AND LINDSEY MANUFACTURING TO THE SUBJECT PREMISES

42. On July 11, 2008, I performed an internet search of LINDSEY's website (LINDSEY-usa.com) and learned that LINDSEY lists its business and mailing address as 760 N. Georgia Ave. Azusa, CA 91702 USA (SUBJECT PREMISES).

43. On _____, I reviewed LINDSEY's bank account records at the following banks and learned that on each of these records LINDSEY listed 760 N. Georgia Avenue Azusa, California 91702 (SUBJECT PREMISES) as its address:

a. Bank of the West (Account #XXXXXX480), dated January 2003 through June 2, 2004;

b. Preferred Bank (Account #XXXX132), dated January 2005 through February 2007; and

c. United California Bank (Account #XXXXXX004), dated December 26, 2006 through May 31, 2008.

44. On June 18, 2008, FBI SA Guernsey conducted surveillance at 760 N. Georgia Avenue, Azusa, California 91702 (SUBJECT PREMISES) and observed that (1) the five buildings described in paragraph 5 above are all either painted blue or have a blue metal roof; (2) buildings 1,2, and 3 all have the word "LINDSEY" written on them; and (3) buildings 1,2,3, and 4 all have signs written in black letters on a yellow background, which further confirms that LINDSEY and LINDSEY MANUFACTURING are

housed within the five buildings located on the SUBJECT PREMISES.

J. TRAINING AND EXPERIENCE

45. During the course of my training and experience as a Special Agent and my conversations with other law enforcement agents, I have become familiar with the practices and methods of persons committing acts of business fraud and corruption, and have learned that participants in such conduct routinely maintain records reflecting or attempting to disguise the fraudulent or corrupt activity. Retaining business records relating to the crime is often necessary for the owner to operate a business, know if the business is profitable, and give the appearance of complying with other laws, such as federal statutes relating to taxation. Typically, these records expressly reflect fraudulent or corrupt activity or, more often, an attempt to disguise the fraudulent or corrupt activity as legitimate business conduct. Moreover, business records often provide evidence of, among other things, how the crime was committed, who was involved, what the motivation was for commission, where various criminal conduct took place, the relationship among those who knowingly or unwittingly assisted, what happened to the profits of the crime, and whether those involved acted with criminal intent. Based on my training and experience, I believe the following records are likely to be maintained by persons committing acts of business fraud and corruption, either in digital format or in a hard copy:

RECORDS

a. Business records (including financial records, address lists, personal diaries, ledgers, general ledgers, logs, telephone records, board minutes, memoranda, informal notes of meetings, brochures, promotional literature, incorporation and business license papers, documentation of ownership, corporate filings, and other documents relating to or reflecting the operation of a business involved in contracting with foreign governmental entities or with intermediaries);

b. Bank records (including applications, bank statements, cancelled checks, deposit slips, withdrawal transactions, records of wire transfers, wire transfer instructions, cashier's checks, certificates of deposits, and other financial instruments and commercial paper);

c. Records of income (including sales invoices, receipts, cash register tapes, and sales journals);

d. Records of expenses (including receipts, invoices, expense reports, account books of entry, records of payments to employees and others, cancelled checks, journals and ledgers of expenditures, and other means of keeping track of money);

e. Financial statements (including income statements, profit and loss statements, statements of cash flow, balance sheets, and income and expense projections);

f. Contractual documents (including bidding documents, requests for proposals, contracts, agreements, amendments, variances, purchase orders, laws or rules applying to bidding, and other similar documents);

g. Budget documents (including budgets and budget preparation materials, financial projections, revenue estimates, cost estimates, and other similar documents);

h. Inventory records (including purchase receipts, shipping information, and inventory journals);

i. Tax records (including preparation materials, payroll tax information, tax forms, completed returns, and supporting documentation);

j. Travel records (including passports, visas, visa applications, travel itineraries, expense reports, airline receipts, hotel receipts and entertainment records);

k. Contact information (including lists of client companies, credit references, business cards, Rolodexes, electronic organizers and address books);

l. Correspondence (including emails, facsimiles, letters, and logs of correspondence);

m. Telephone records (including bills, logs, and records of telephone calls);

n. Media reports; and

o. Audio/visual materials (including photographs, videotapes, and audio records).

DIGITAL DATA

46. Based upon my training and experience and information related to me by agents and others involved in the forensic examination of digital devices, I know that data in digital form can be stored on a variety of systems and storage devices including hard disk drives, floppy disks, compact disks, magnetic tapes and memory chips. I also know that during the search of the premises it is not always possible to search digital devices for data for a number of reasons, including the following:

a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. There are so many types of digital devices and software in use today that it is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may also be necessary to consult with specially trained personnel who have specific expertise in the type of digital device, software application or operating system that is being searched.

b. Searching digital devices can require the use of precise, scientific procedures that are designed to maintain the integrity of the evidence and to recover "hidden," erased, compressed, encrypted or password-protected data. Digital devices may contain "booby traps" that destroy or alter

data if certain procedures are not scrupulously followed. Since digital data is particularly vulnerable to inadvertent or intentional modification or destruction, a controlled environment, such as a law enforcement laboratory, is essential to conducting a complete and accurate analysis of the digital devices from which the data will be extracted.

c. The volume of data stored on many digital devices will typically be so large that it will be highly impractical to search for data during the execution of the physical search of the premises. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text. Storage devices capable of storing 500 gigabytes (GB) of data are now commonplace in desktop computers. Consequently, each non-networked, desktop computer found during a search can easily contain the equivalent of 240 million pages of data, that, if printed out, would completely fill three 35' x 35' x 10' rooms to the ceiling. Further, a 500 GB drive could contain as many as approximately 450 full run movies or 450,000 songs.

d. Digital device users can attempt to conceal data within digital devices through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files; however, a user can easily change the extension

to ".txt" to conceal the image and make it appear that the file contains text. Digital device users can also attempt to conceal data by using encryption, which means that a password or device, such as a "dongle" or "keycard," is necessary to decrypt the data into readable form. In addition, digital device users can conceal data within another seemingly unrelated and innocuous file in a process called "steganography." For example, by using steganography a digital device user can conceal text in an image file that cannot be viewed when the image file is opened. Therefore, a substantial amount of time is necessary to extract and sort through data that is concealed or encrypted to determine whether it is evidence, contraband or instrumentalities of a crime.

VI.

CONCLUSION

47. Based on the foregoing, there is probable cause to believe that both the SUBJECT PREMISES and the SUBJECT ACCOUNT contains evidence of violations of the following federal statutes: Title 18, United States Code, Section 371 (Conspiracy), Title 15, United States Code, Section 78dd-1, et seq. (Corrupt Payments to Foreign Officials), and Title 18, United States Code, Sections 1956 and 1957 (Money Laundering).

Date: _____

Farrell A. Binder
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me
on this ____ day of October, 2008.

United States Magistrate Judge

ATTACHMENT A

THE PREMISES TO BE SEARCHED

The premises to be searched is more particularly described as follows:

a. The business address and offices of LINDSEY and LINDSEY INTERNATIONAL located at 760 N. Georgia Avenue, Azusa, California 91702 ("SUBJECT PREMISES"). SUBJECT PREMISES is made up of five separate buildings located along the east side of North Georgia Avenue, between Foothill Boulevard and Eighth Street.

BUILDING #1

b. BUILDING #1 is located on the SUBJECT PREMISES. BUILDING #1 is a tan one story office building (BUILDING #1) facing North Georgia Avenue with the numbers "760" affixed above the front door in black numerals on a white background. The front door to BUILDING #1 is made of tinted glass and is centered between two tinted glass windows that are the same length as the front door. The numbers "760" are also painted in black on a white background on the front of a cement walkway that leads to the front door. The exterior of BUILDING #1 has a brick facade with a flat pale blue metal roof. On either side of the front door of BUILDING #1 are four windows, and a planter, which holds bushes that grow between each window. At the top of the blue metal roof overhang of BUILDING #1,

centered above the door, is a sign written in black letters on a yellow background that reads "LINDSEY." At the south end of BUILDING #1, also on the blue metal roof overhang, is another sign with black lettering on a yellow background that reads "L" and has a lightning bolt running through the "L." Running perpendicular to, and in front of, BUILDING #1 are several parking spaces. All of the parking spaces are marked "reserved," with the exception of three spaces to the south, marked "visitor." Also visible from North Georgia Avenue is a side entrance on the south side of BUILDING #1. The side entrance is located approximately six to eight feet from the front of BUILDING #1, and has six steps leading up to the door from two sides.

BUILDING #2

c. BUILDING #2 is located on the SUBJECT PREMISES and is immediately to the south of BUILDING #1. BUILDING #2 is a pale blue corrugated metal building with three large sliding metal doors that face North Georgia Avenue and are protected by two chain link fences positioned directly in front of the metal doors. BUILDING #2 has a sign on the south side of the front facade written in black letters on a yellow background that reads "Lindsey Shipping & Receiving" with an arrow pointing north on North Georgia Avenue. BUILDING #2 has another sign written in black letters on a yellow background attached to the southeast corner of the building that reads "South Yard."

BUILDING #3

d. BUILDING #3 is located on SUBJECT PREMISES and is immediately to the south of BUILDING #2. BUILDING #3 is a blue corrugated metal structure that faces North Georgia Avenue and is separated from BUILDING #2 by two gates and a tan brick wall that runs in between the two gates. The two gates between BUILDING #2 and BUILDING #3 are made of chain link, topped with barbed wire, and have warning signs indicating hazardous materials and private property signs. The tan brick wall between BUILDING #2 and BUILDING #3 is also topped with barbed wire, and has bushes running in front of it. BUILDING #3 has a door in the center of the building and a window on each side of the door. The numbers "730" are affixed towards the top of the door. Above the door and the numbers "730" is a sign written in black letters with a yellow background that reads "Lindsey."

BUILDING #4

e. BUILDING #4 is located on the SUBJECT PREMISES and is immediately to the north of BUILDING #1. BUILDING #4 is a blue building that faces North Georgia Avenue and is separated from BUILDING #1 by a small space of approximately two feet. BUILDING #4 has a door centered in the middle of the building, with two windows on each side of the door and a single step leading up to the door. There are bushes in front of all the windows. There is a light high above the door

of BUILDING #4 and another light attached at the southeast corner of BUILDING #4. At the northeast corner of BUILDING #4 there is a sign written in black letters on a yellow background that reads "North Yard."

BUILDING #5

f. BUILDING #5 is located on SUBJECT PREMISES and is north of BUILDING #4. A chain link gate runs between BUILDING #4 and BUILDING #5 and is located to the north of BUILDING #4. The chain link gate connects to a tan brick wall that continues all the way to the north end of the SUBJECT PREMISES. Both the gate and wall that run between BUILDING #4 and BUILDING #5 are topped with barbed wire. BUILDING #5 is located immediately behind the brick wall and to the north of the chain link gate. BUILDING #5 is a blue structure with the words "Shipping & Receiving" written in white letters directly on the structure just below the roofline.

g. SUBJECT PREMISES include buildings 1,2,3,4,and 5, and all attached and unattached rooms, attics, basements, garages, storage areas, computers, safes, lockers, containers, trash areas, surrounding grounds and outbuildings assigned to or a part of the SUBJECT PREMISES.

ATTACHMENT B

THE ITEMS TO BE SEIZED

The items to be seized at the SUBJECT PREMISES constitute evidence of violations Title 18, United States Code, Section 371 (Conspiracy), Title 15, United States Code, Section 78dd-1, et seq. (Corrupt Payments to Foreign Officials), and Title 18, United States Code, Sections 1956 and 1957 (Money Laundering), and are described as follows:

1. For the years 2003 through the present, the following items are to be seized:

RECORDS

a. Business records relating to any agent or employee of Grupo, Sorvill, Asset Management Plus, CFE Mexico, ENRIQUE AGUILAR, ANGELA AGUILAR, NESTOR MORENO and/or CESAR MORENO (hereinafter collectively referred to as "SUBJECT PERSONS AND/ENTITIES"), including financial records, address lists, personal diaries, ledgers, general ledgers, logs, telephone records, board minutes, memoranda, informal notes of meetings, brochures, promotional literature, incorporation and business license papers, documentation of ownership, corporate filings, and other documents relating to or reflecting the operation of a business involved in contracting with foreign governmental entities or with intermediaries;

b. Bank records relating to the SUBJECT PERSONS AND/OR ENTITIES, including applications, bank statements, cancelled checks, deposit slips, withdrawal transactions, records of wire transfers, wire transfer instructions, cashier's checks, certificates of deposits, and other financial instruments and commercial paper;

c. Records of income relating to the SUBJECT PERSONS AND/OR ENTITIES, including sales invoices, receipts, cash register tapes, and sales journals;

d. Records of expenses relating to the SUBJECT PERSONS AND/OR ENTITIES, including receipts, invoices, expense reports, account books of entry, records of payments to employees and others, cancelled checks, journals and ledgers of expenditures, and other means of keeping track of money;

e. Financial statements relating to the SUBJECT PERSONS AND/OR ENTITIES, including income statements, profit and loss statements, statements of cash flow, balance sheets, and income and expense projections;

f. Contractual documents relating to the SUBJECT PERSONS AND/OR ENTITIES, including bidding documents, requests for proposals, contracts, agreements, amendments, variances, purchase orders, laws or rules applying to bidding, and other similar documents;

g. Budget documents relating to the SUBJECT PERSONS AND/OR ENTITIES, including budgets and budget preparation

materials, financial projections, revenue estimates, cost estimates, and other similar documents;

h. Inventory records relating to the SUBJECT PERSONS AND/OR ENTITIES, including purchase receipts, shipping information, and inventory journals);

i. Tax records relating to the SUBJECT PERSONS AND/OR ENTITIES, including preparation materials, payroll tax information, tax forms, completed returns, and supporting documentation;

j. Travel records relating to the SUBJECT PERSONS AND/OR ENTITIES, including passports, visas, visa applications, travel itineraries, expense reports, airline receipts, hotel receipts and entertainment records;

k. Contact information relating to any LINDSEY or LINDSEY INTERNATIONAL business, including lists of client companies, credit references, business cards, Rolodexes, electronic organizers and address books;

l. Correspondence relating to the SUBJECT PERSONS AND/OR ENTITIES, including emails, facsimiles, letters, and logs of correspondence;

m. Telephone records relating to the SUBJECT PERSONS AND/OR ENTITIES, including bills, logs, and records of telephone calls;

n. Media reports relating to the SUBJECT PERSONS AND/OR ENTITIES; and

o. Audio/visual materials relating to the SUBJECT PERSONS AND/OR ENTITIES, including photographs, videotapes, and audio records.

SHREDDED DOCUMENTS

2. In order to search for documents that may have been destroyed, law enforcement personnel will seize all shredded paper and shredders.

DIGITAL DATA

3. As used above, the terms records, documents, programs, applications or materials include records, documents, programs, applications or materials created, modified or stored in any form, including in digital form on any digital device. The term "digital device" includes any electronic device capable of storing and/or processing data in digital form, including: central processing units; laptop or notebook computers; personal digital assistants; wireless communication devices such as telephone paging devices, beepers, and mobile telephones; peripheral input/output devices such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices such as modems, cables, and connections; storage media; and security devices.

4. In searching for data capable of being read, stored or interpreted by a digital device, law enforcement personnel executing this search warrant will employ the following procedure:

i. Upon securing the premises, the law enforcement personnel executing the search warrant will, to the extent possible without requiring the use of special training in searching and seizing digital data, seek to determine if any digital device contains data falling within the scope of the items to be seized in the warrant. If they can make this determination without jeopardizing the integrity of the digital data and a digital device contains data falling within the scope of the items to be seized in the warrant, that digital device will be seized. If they cannot make this determination, or they believe they cannot make this determination, without jeopardizing the integrity of the digital data, law enforcement personnel trained in searching and seizing digital data (the "computer personnel") will be consulted (either on-site or off-site) to determine whether the digital device can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data contained on the digital device.

ii. If the digital device can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, it will be searched on-site and seized only if the search reveals it to contain any data that falls within the list of items to be seized set forth herein.

iii. If the digital device cannot be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, then the computer personnel will

determine whether it is practical to create a forensically sound image of the data contained on the digital device during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve that data. If it is practical, and the digital device cannot be searched on site in a reasonable amount of time and without jeopardizing the ability to preserve data, the computer personnel will make a forensically sound image of the data contained on the digital device (a "data image") during the execution of this search and shall seize the data image rather than the digital device itself.

iv. If the computer personnel determine it is not practical to perform an on-site search of the digital device or make an on-site data image within a reasonable period of time and without jeopardizing the ability to preserve data, then the digital device will be seized and transported to an appropriate law enforcement laboratory for review. The digital devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

v. In searching the digital device or data image[], the computer personnel may examine all of the data contained in the digital device or data image to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover

"deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

vi. If the computer personnel seize the digital device pursuant to subparagraph iv above or make a data image pursuant to subparagraph iii above, the computer personnel will initially search the digital device or data image within a reasonable amount of time not to exceed 60 days from the date of execution of the warrant. If, after conducting such an initial search, the case agents determine that the digital device or data image contains any data falling within the list of items to be seized pursuant to this warrant, the government will either (1) return the digital device, keeping a data image for further analysis, provided that, prior to such return, the owner and user(s) of the digital device stipulate individually and in writing to the authenticity and accuracy of the data image or (2) seek an order of the Court allowing the government to retain the original digital device for further analysis. If the digital device or data image does not contain any data falling within the list of the items to be seized pursuant to this warrant, the government will return the digital device or delete the data image. If the government needs additional time to determine whether the digital device or data image contains any data falling within the list of items to be seized pursuant to this warrant, it may seek an extension of the time period from the

Court within the original sixty day period from the date of execution of the warrant.

5. In order to search for data that is capable of being read or interpreted by a digital device, law enforcement personnel will need to seize and search the following items, subject to the procedures set forth above:

i. Any digital device capable of being used to commit, further or store evidence of the offense listed above;

ii. Any equipment used to facilitate the transmission, creation, display, encoding or storage of digital data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices and optical scanners;

iii. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, cellular telephones and personal digital assistants;

iv. Any documentation, operating logs and reference manuals regarding the operation of the digital device or software used in the digital device;

v. Any applications, utility programs, compilers, interpreters and other software used to facilitate direct or indirect communication with the digital device;

vi. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the digital device or data stored on the digital device; and

vii. Any passwords, password files, test keys, encryption codes or other information necessary to access the digital device or data stored on the digital device.