

# VERSION 12

**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 for LINDSEY MANUFACTURING COMPANY ("LINDSEY") and LINDSEY INTERNATIONAL INCORPORATED ("LINDSEY INTERNATIONAL") (described with particularity below), which are believed to contain evidence of corrupt payments made to a senior official of a Mexican national utility company and money laundering in relation to those payments. Specifically, it is believed that the payments were intended to influence decisions for the award and renewal of contracts between the manufacturing company and the Mexican utility and were made by LINDSEY and LINDSEY INTERNATIONAL, and others, 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 premises to be searched are described as follows (and in Attachment A to this affidavit):

#### SUBJECT PREMISES

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 north of BUILDING #4 to a tan brick wall that continues to the north end**

of the LINDSEY property. Both the gate and wall are topped by barbed wire. BUILDING #5 is situated immediately behind the brick wall, 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, 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.

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.

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.

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.

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.

V.

**BASIS FOR PROBABLE CAUSE**

A. **OVERVIEW OF PROBABLE CAUSE**

12. The instant investigation arose out of a FCPA and money laundering investigation 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. (ABB Switzerland), an energy equipment and services company based in 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 named Comision Federal de Electricidad (CFE). ABB Switzerland reported that the possible bribe payments were paid by ABB Sugarland using three intermediary companies, including one company named Sorvill International, SA (Sorvill).

13. Based upon information provided by ABB Switzerland, the SEC conducted a financial investigation into the three intermediary companies. The SEC discovered that LINDSEY, a privately-held manufacturing company located in Azusa, California, that specializes in utility products, like Emergency Restoration Systems (ERS), Current and Voltage Monitoring Devices (CVMD), and Transmission and Distribution Lines Hardware (TDLH), had made several large payments into a brokerage account located at Global Financial (Global) in Houston, Texas, in the name of Grupo Internacional De Asesores S.A. (Grupo). Both Sorvill and Grupo are owned by ENRIQUE F. AGUILAR (ENRIQUE AGUILAR) and ANGELA GOMEZ CEPEDA AGUILAR (ANGELA AGUILAR), who, in some documents, claimed to be relatives of NESTOR MORENO DIAZ (NESTOR MORENO), a Mexican public official who was, at the time,

Assistant Director of Generation for CFE Mexico and as later promoted to Director of Operations for CFE Mexico.

14. Between September 2003 to May 2008, LINDSEY had paid Grupo a total of \$5,330,022.38. There is probable cause to believe that a large portion of these payments were for the benefit of NESTOR MORENO. For example, there is probable cause to believe that several of the payments LINDSEY made to the Grupo account were used to buy NESTOR MORENO a Ferrari automobile, a yacht and to pay his American Express credit card bills.

15. During the same time period that LINDSEY was making these payments to Grupo, CFE Mexico awarded numerous contracts to LINDSEY worth at least \$160,029,918 Mexican pesos ( approximately \$14,911,659 U.S. dollars).

B. Origins of the Investigation

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

a. ABB disclosed to the SEC and the DOJ that its subsidiary ABB Sugarland may have paid bribes to Mexican foreign officials.

b. The potential bribes centered around CFE Mexico, which provides all of the electricity in Mexico, other than Mexico City.

c. CFE Mexico is a federal company, owned by the Mexican government, which generates, transmits, and distributes electrical power for all of Mexico, excluding the Mexico City area.

d. In the course of gathering evidence regarding ABB Sugarland and CFE, Tornatore learned of large payments to intermediaries that ABB used in Mexico. The intermediaries were purportedly retained to facilitate contract negotiations, shipment of equipment, facilitation of communications, and contract interpretations. It appeared, however, with regard to some of these payments, ABB was unable to find proof that any goods or services were provided. The investigation continues into whether these ABB payments were, in fact, bribes to CFE officials through these intermediaries.

e. The ABB Sugarland intermediaries under investigation are:

1. SORVILL
2. Obras Maritimas; and
3. Equipos Systemos Mexicanos

f. SORVILL was a company owned and run by a husband and wife, ENRIQUE and ANGELA AGUILAR, both Mexican citizens. SORVILL was incorporated in Panama and holds bank accounts in Switzerland and Germany. ENRIQUE and ANGELA AGUILAR also owned and controlled Grupo.

g. Through review of SORVILL's bank records, it was determined that ENRIQUE and ANGELA AGUILAR live in Cuernavaca, Mexico. However, they may also have a residence in Houston, as a photocopy of a Texas Department of Public Safety Identification Card was included in the documents provided by Ferrari of Beverly Hills and provided the address of 1406 Walnut Bend, Houston, TX 77072.

h. Through review of Sorvill's bank records, it was determined that ENRIQUE and ANGELA AGUILAR had an account for their company, Grupo, at a brokerage firm, Global Financial (Global) in Houston, Texas, that they used like a checking account.

i. Review of Global's records showed several million U.S. dollars deposited into Grupo's account from LINDSEY.

j. The LINDSEY deposits corresponded in time with the purchases of a Ferrari automobile and a yacht. The deposits also corresponded in time to payments of an American Express bill in NESTOR MORENO's name.

C. Contracts between LINDSEY and CFE

17. 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/](http://www.portaltransparencia.gob.mx/pot/), which reflected contracts between LINDSEY and CFE. The contracts indicated what each

contract was for and the amount of each contract, in Mexican pesos. The printouts showed the following contracts between CFE and Lindsey:

- 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.

18. On September 25, 2008, I reviewed an online currency converter. I reviewed 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.

19. **A review of LINDSEY INTERNATIONAL's Bank of America account, showed that CFE wired payments to LINDSEY**



**INTERATIONAL on contracts totaling \$19,146,715.77 dollars between the dates of September 2, 2003 and July 18, 2008.**

D. Money Trail From LINDSEY through GRUPO to NESTOR MORENO

20. Financial records from Grupo's Global account appear to show the making of payments to a Mexican official funded from the bank account of Grupo, through LINDSEY, and paid out as a Ferrari, a yacht and credit card payments.

**FERRARI:**

21. On July 10, 2008, myself and SA Guernsey interviewed Bryant Kreaden (Bryant), Sales Manager of Ferrari of Beverly Hills, 9372 Wilshire Blvd, Beverly Hills, CA 90212.

Berman provided the following information:

a. Bryant sold ENRIQUE AGUILAR a Ferrari in 2007.

b. ENRIQUE AGUILAR came into the Ferrari dealership several times before purchasing the Ferrari. Once, he came in with a friend.

c. The friend of ENRIQUE AGUILAR's may have been the one who later picked up the car for ENRIQUE AGUILAR.

22. On July 10, 2008, myself and FBI Special Agent Susan Guernsey interviewed Sharon Berman (Berman), Office Manager of Ferrari of Beverly Hills, 9372 Wilshire Blvd, Beverly Hills, CA 90212. Berman provided, among other documents, the following:

a. A sales contract showing that on February

16, 2007, ENRIQUE AGUILAR purchased a 2005 Ferrari F430 F1 Spider for \$297,500.

b. An undated "Statement of Facts" re: Vehicle I.D. Number ZFFEWS9A150144629 that stated "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." This document was signed "ANGELA M GOMEZ DE AGUILAR" and gave the address of RIO SENA 441, CUERNAVACA, MORELOS, MEXICO. The document was notarized by Laura Garza.

c. An insurance paper from Robert Moreno Insurance Services for the Ferrari, listing the car drivers as ENRIQUE AGUILAR and NESTOR MORENO. Both ENRIQUE AGUILAR and NESTOR MORENO are listed as having been employees of Global Financial Services for twenty years.

d. Check number 240 from ANGELA AGUILAR written from "The Reserve Funds payable through JP Morgan Chase Bank, i.e. the Grupo account; dated February 16, 2007, payable to Ferrari of Beverly Hills, for \$297,500 for the Ferrari. The check was signed "ANGELA AGUILAR."

23. On July 11, 2008, I reviewed Grupo's Global bank records for February 1 through February 28, 2007, and observed

that check number 240 dated February 16, 2007 to "payee illegible" for \$297,500 was posted to Grupo's Global account on February 23, 2007.

24. On July 11, 2008, I reviewed LINDSEY's Preferred Bank records, which showed the following funds were wired to Grupo from Preferred Bank, account F05704500BB701,

a. On January 18, 2007, \$100,917 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice #140 CFE, Mexico PO#700195444; for further credit to A/C#668-29871 in the name of Grupo International De Asesores S.A."

b. On January 24, 2007, in the amount of \$80,242 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice #141 CFE, P.O.#700197867; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

c. On February 14, 2007, \$115,879.56 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Outside service and commission for PO 700195528; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

25. The wire transfer total from LINDSEY to Grupo between January 18, 2007 until the purchase of the Ferrari automobile is \$297,038.56 U.S. dollars. The Ferrari was purchase with a Grupo check for \$297,500 U.S. dollars on February 15,

2007.

26. During the time period of January 18, 2007 until February 16, 2007, there were no other deposits into the Grupo account.

**YACHT:**

27. On September 11, 2008, myself and SA Guernsey interviewed Robin Goodman (Goodman), owner of South Shore Yacht Sales, 550 Marina Parkway D-3, Chula Vista, CA 92154, who provided the following information:

a. Goodman was the broker for a Mexican buyer named NESTOR MORENO in connection with NESTOR MORENO'S purchase of a yacht for \$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. NESTOR MORENO signed the paperwork himself, because Goodman required the actual owner to sign the paperwork.

e. Much of the transaction was handled by NESTOR MORENO's brother, CESAR MORENO, who lived in Chula Vista, California. CESAR MORENO made it clear that the yacht was for his brother, NESTOR MORENO.

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

g. Goodman did not recall meeting ENRIQUE

AGUILAR, but thought he was NESTOR MORENO's business partner.

28. On July 12, 2008, I reviewed the following documents received by the SEC pursuant to a subpoena to South Shore Yacht Sales:

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

b. Photos of CESAR MORENO on the yacht.

29. On July 12, 2008, I reviewed Grupo's Global bank records for September 1 through November 30, 2006 and observed that check number 195 dated August 28, 2006 to "South Shore Yacht Sales" for \$540,000 was posted to Grupo's Global account on September 5, 2006.

30. On July 12, 2008, I reviewed LINDSEY's Preferred Bank records for account number 9600132, which showed the following wire transfers were made from LINDSEY's Preferred bank account to Grupo's Global/Bear Sterns account, as follows:

a. On October 2, 2006, \$109,879.38 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section for this wire to Grupo, it stated "Invoice #132, commission and outside service relating to PO#700191011; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

b. On October 10, 2006, \$42,104.40 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice #133; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

c. On November 1, 2006, \$92,116.74 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section for this wire to Grupo, it stated "Invoice 134, CFE PO#700191352; For further credit to A/C#668-29871 in the name of :Grupo International De Asesores S.A."

d. On November 20, 2006, \$1,576,416 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice #135 payment; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

e. On November 28, 2006, \$1,576,416 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice 137 dated 11/21/06--CFE, Mexico Outside Service; For further credit to A/C#668-29871 in the name of :Grupo International De Asesores S.A."

31. The payment total from LINDSEY to Grupo from the date of the yacht purchase, in September 2006, until November 28, 2006 was \$3,378,932.70 U.S. dollars, far exceeding the \$540,000 payment for the yacht that came from the Grupo account. The only other deposit during this time period was for \$118,573.60 U.S. dollars that was wired from HSBC Bank USA.

32. According to documents obtained through the SEC subpoena to South Shore Yacht Sales, additional funds which contributed to the payment of NESTOR MORENO's yacht include \$810,000 from SORVILL, authorized by ENRIQUE AGUILAR, and \$350,000 provided by a Mexican company called Assets Management Plus, about which little is known.

**AMERICAN EXPRESS**

33. On February 5, 2008, Global's Chief Compliance Officer, Jane E. Bates (Bates), via letter, provided the following information:

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

b. NESTOR MORENO had a Corporate American Express Card (AmEx) affiliated with Grupo.

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

34. On July 12, 2008, I reviewed NESTOR MORENO's AmEx statements and payment supporting documentation, which was provided by Bates, dated from September 5, 2006 through January 5, 2008, which revealed the following:

a. Over the time period reviewed, NESTOR MORENO had incurred AmEx charges totaling \$164,791.22 U.S. dollars.

b. Over the time period reviewed, all

payments made for NESTOR MORENO's AmEx bills were paid from Grupo's Global account.

c. For each payment, ANGELA AGUILAR signed a form authorizing the transfer of funds to AmEx to pay NESTOR MORENO's AmEx bills. On each form, under the "must provide detailed explanation" section, ANGELA AGUILAR wrote "brother-in-law of company owner", presumably referring to NESTOR MORENO.

35. During the time period of NESTOR MORENO's AmEx account that was paid for by Grupo, there were payments from LINDSEY to Grupo's Global account which referenced CFE and/or "outside service and commission," besides the payments listed above, under the "Ferrari" and "yacht" sections. These additional payments from LINDSEY's bank accounts included:

a. On January 12, 2007, \$121,642 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section,, it stated "CFE, PO 700193790 Invoice #590 \$405,473.80 12/29/06; For further credit to A/C#668-29871 in the name of: Grupo International De Asesores S.A."

b. On July 5, 2007, \$15,348.50 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Invoice #143 to Grupo Internacional De Asesores S.A.; For further credit to A/C#668-29871 in the name of Grupo INTERNACIONAL SE ASESORES S.A."

c. On September 1, 2007, \$260,468 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo



section, it stated "Agent fees on Inv#708, 738, 784, and 709. For further credit to A/C#668-29871 in the Name of Grupo INTERNACIONAL SE ASESORES S.A."

d. On October 12, 2007, \$9,155 U.S. dollars was wired from LINDSEY to Grupo. In the wire memo section, it stated "Commission on Inv#765 & 766 Mexico. For further credit to A/C#668-29871 in the Name of Grupo INTERNACIONAL DE ASESORES S.A."

36. A review of the memo sections on wires from LINDSEY to Grupo, showed that numerous purchase order numbers noted in the memo section matched contract numbers on CFE contracts awarded to LINDSEY. See page \_ section \_ above.

#### Authorization

37. Each of the wire transfers to Grupo during the time period of the purchase of the yacht, Ferrari automobile and payment of the AmEx bills, was authorized by STEVE LEE (LEE), from LINDSEY. Along with LINDSEY's president, KEITH LINDSEY, LEE is listed on the signature card for LINDSEY's Preferred and California United bank account as an authorized signer.

#### E. NESTOR MORENO's Position at CFE

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

a. I searched the Business News America's website, www.bnamericas.com, and reviewed the company profile for

CFE. NESTOR MORENO Diaz is listed as CFE's Operation Director, email address NESTOR.moreno@cfe.gob.mx.

b. Various articles posted to the internet listed NESTOR MORENO as CFE's Operations Director since April 2007, and lists his previous job at CFE as Assistant Director of Generation from 2002 to 2007.

F. KEITH LINDSEY AND LINDSEY MANUFACTURING

39. I reviewed search results from a database commonly used by law enforcement, and learned the following about business filings for LINDSEY:

a. On July 5, 1962, LINDSEY was incorporated in the state of California.

b. The President of LINDSEY is KEITH E. LINDSEY.

c. The principal business address and mailing address for LINDSEY is 760 N. Georgia Avenue, Azusa, CA 91702, i.e., the SUBJECT PREMISES;

G. Evidence Relating Subjects and Scheme to the SUBJECT PREMISES

40. Various sources of evidence link the alleged bribery, conspiracy, and money laundering, and its subjects, to the **SUBJECT PREMISES**, as follows.

41. On July 11, 2008, I performed an internet search and located a website entitled LINDSEY-usa.com. A review of the website revealed the following:

a. The address for LINDSEY, listed on the website, is 760 N. Georgia Ave. Azusa, CA 91702 USA, i.e. the **SUBJECT PREMISES**.

b. L.E. LINDSEY founded LINDSEY in 1947. His son, Dr. KEITH E. LINDSEY, is the current president of LINDSEY.

c. KEITH LINDSEY is "recognized worldwide as an expert in transmission and distribution."

d. LINDSEY provided an email address of email.mail@LINDSEY-usa.com.

e. Persons can request information and a request for a quotation, through the website, by filling in a form on the website and "clicking" the "send" button.

42. Through review of LINDSEY's Bank of the West (BOW) checking account, Account #677-010480, for the period January 2003 to June 2 2004; LINDSEY's Preferred Bank's checking account, Account #9600132, for the period January 2005 to February 2007; and LINDSEY's United California Bank checking account, Account #030000004, for the period December 26, 2006 to May 31, 2008, I learned that the bank records for LINDSEY reflect that the addresses for LINDSEY is 760 N. Georgia Avenue Azusa, California 91702, i.e., the **SUBJECT PREMISES**.

43. Surveillance of the office located at 760 N. Georgia Avenue, Azusa, California 91702 (i.e., the **SUBJECT PREMISES**) was conducted on June 18, 2008 by FBI SA Guernsey. She

observed that the sign on the front of the building at 760 N. Georgia Avenue reflects the name of "Lindsey," further confirming the location of the **Subject Premises**.

44. As referenced above, the addresses on the bank account statements and/or checks for LINDSEY were all the **SUBJECT PREMISES** from January 2003 to May 2008.

H. Types of Documents Likely To Evidence the Bribery Scheme

45. During the course of my training and experience as a Special Agent and my conversations with other law enforcement agents, I am familiar with the practices and methods of persons committing acts of business fraud and corruption, and I believe 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 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. These records may expressly reflect fraudulent or corrupt activity or, more often, may attempt to disguise the fraudulent or corrupt activity as legitimate business conduct. 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 the those involved had criminal intent. From my training and experience, believe the owners of such businesses generally maintain the following records with regard to such conduct that can be useful evidence in investigating fraudulent and corrupt activity:

- 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).

**VI.**

**COMPUTER DATA**

46. Based upon my training, experience and information related to me by agents and others involved in the forensic examination of computers, I know that computer data 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 computer equipment and storage devices for data for a number of reasons, including the following:

- a. Searching computer systems is a highly technical process which requires specific expertise and specialized equipment. There are so many types of computer hardware 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 computer personnel who have specific expertise in the type of computer, software application or operating system that is being searched.
- b. Searching computer systems requires the

use of precise, scientific procedures which are designed to maintain the integrity of the evidence and to recover "hidden," erased, compressed, encrypted or password-protected data. Computer hardware and storage devices may contain "booby traps" that destroy or alter data if certain procedures are not scrupulously followed. Since computer 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 equipment and storage devices from which the data will be extracted.

c. The volume of data stored on many computer systems and storage 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 160 gigabytes of data are now commonplace in desktop computers. Consequently, each non-networked, desktop computer found during a search can easily contain the equivalent of 80 million pages of data, which, if printed out, would completely fill a 35' x 35' x 10' room to the ceiling. Further, the 160 GB drive could contain as many as approximately 150 full run movies or 150,000 songs.



d. Computer users can attempt to conceal data within computer equipment and storage 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. Computer 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, computer users can conceal data within another seemingly unrelated and innocuous file in a process called "steganography." For example, by using steganography a computer user can conceal text in an image file which 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.

## VII.

### ITEMS TO BE SEIZED

47. Based on the foregoing, I respectfully submit that there is probable cause to believe that the items listed in paragraph 46 constitute evidence of violations of Title 18, United States Code, Section 371 (Conspiracy), Title 15, United States Code, Sections 78dd-1, et seq. (Corrupt Payments to

Foreign Officials), and Title 18, United States Code, Sections 1956 and 1957 (Money Laundering) and may be found at the **SUBJECT PREMISES**.

48. The following are referred to collectively as the "SUBJECT PERSONS AND ENTITIES."

- a. Grupo, or any agent or employee thereof;
- b. SORVILL, or any agent or employee thereof;
- c. ASSETS MANAGEMENT PLUS, or any agent or employee thereof;
- d. CFE, or any agent or employee thereof or related entity;
- e. ENRIQUE AGUILAR, or any of his agents or entities;
- f. ANGELA CEPEDA GOMEZ AGUILAR, or any of her agents or entities;
- g. NESTOR MORENO DIAZ, or any of his agents or entities;
- h. CESAR MORENO, or any of his agents or entities;
- i. STEVE K. LEE, or any of his agents or entities;
- j. KEITH LINDSEY, or any of his agents or entities.

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

a. Business records relating to the 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 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 ENTITIES (including sales invoices, receipts, cash register tapes, and sales journals);

d. Records of expenses relating to the SUBJECT PERSONS AND 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 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 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 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 ENTITIES (including purchase receipts, shipping information, and inventory journals);

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

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

k. Contact information relating to any

LINDSEY business (including lists of client companies, credit references, business cards, Rolodexes, electronic organizers and address books)

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

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

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

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

50. As used above, the terms records, documents, programs, applications or materials includes records, documents, programs, applications or materials created, modified or stored in any form.

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

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

a. Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the "computer personnel") will make an initial review of any computer equipment and storage devices to determine whether these items can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve the data.

b. If the computer equipment and storage devices cannot be searched on-site in a reasonable amount of time, then the computer personnel will determine whether it is practical to copy the data during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve the data.

c. If the computer personnel determine it is not practical to perform an on-site search or make an on-site copy of the data within a reasonable amount of time, then the computer equipment and storage devices will be seized and transported to an appropriate law enforcement laboratory for review. The computer equipment and storage 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.

d. In searching the data, the computer personnel may examine all of the data contained in the computer equipment and storage devices 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.

e. If the computer personnel do not determine that the data falls within any of the items to be seized pursuant to this warrant, the government will return the original data storage devices within a reasonable period of time not to exceed 60 days from the date of execution of the warrant. If the government needs additional time to determine whether the data falls within any of the 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.

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

a. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;

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

c. 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;

d. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.

e. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

f. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

g. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.



VIII.

CONCLUSION

54. Based on the facts set forth in this affidavit, there is probable cause to believe that the SUBJECT PREMISES 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