

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term
Grand Jury Sworn in on January 8, 2016

UNITED STATES OF AMERICA	:	CRIMINAL NO.:
	:	
v.	:	MAGISTRATE NO.: 17-174 (RMM)
	:	
GHOBAD GHASEMPOUR,	:	VIOLATIONS:
	:	
Defendant.	:	18 U.S.C. § 371
	:	(Conspiracy)
	:	
	:	50 U.S.C. § 1705
	:	(International Emergency Economic
	:	Powers Act)
	:	
	:	31 C.F.R. Part 560
	:	(Iranian Transactions and Sanctions
	:	Regulations)
	:	
	:	18 U.S.C. § 2
	:	(Aiding and Abetting and
	:	Causing an Act to be Done)
	:	
	:	18 U.S.C. § 981(a)(1)(C)
	:	28 U.S.C. § 2461
	:	21 U.S.C. § 853(p)
	:	(Criminal Forfeiture)

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

1. Defendant **GHOBAD GHASEMPOUR** (“GHASEMPOUR”) is an Iranian-born Canadian national.
2. Defendant **GHASEMPOUR** worked with three front companies, identified

herein as the “Company I,” “Company M,” and “Company T” (collectively, “the three front companies”). The three front companies are located in China, and were operated and managed by defendant **GHASEMPOUR** and two coconspirators, identified herein as “Coconspirator A” and “Coconspirator B.”

3. “Coconspirator A” is a Chinese national who lives in China.

4. “Coconspirator B” is an Iranian national who lives in Iran. “Coconspirator B” works for a company in Iran, identified herein as the “Iranian Company,” which, among other things, procures goods, services and technology from companies in the United States, without first obtaining a license from the United States government, as required by laws of the United States.

5. “Coconspirator C” is a Portuguese national who lives in Portugal. Coconspirator C owns a Portuguese engineering company, identified herein as the “Portuguese Company.”

6. “Coconspirator D” is a Turkish national who lives in Turkey. Coconspirator D owns a Turkish company, identified herein as the “Turkish Company.”

7. “Company S” is located in China and is operated by Coconspirator A as a receiving company for items intended for sale and transshipment to Iran by Company M and Company T.

8. A company located in California, identified herein as the “California Company,” manufactures equipment, that is, a Thin Film Measurement System.

9. A company located in North Dakota, identified herein as the “North Dakota Company,” manufactures a two-axis positioning and rate table system that is used to test high precision inertial guidance systems that could have both military and non-military uses (“inertial guidance system test table”).

10. A company located in Oregon, identified herein as the “Oregon Company,” manufactures thermal imaging cameras, that is, several variations of the TAU 2 640 cameras (collectively, “TAU 2 640 cameras”).

The International Emergency Economic Powers Act
And the Executive Orders Issued Thereunder

11. Under the International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. § 1701-1707, the President of the United States was granted authority to deal with unusual and extraordinary threats to the national security, foreign policy, or economy of the United States. 50 U.S.C. § 1701 (a). Pursuant to that authority, the President may declare a national emergency through Executive Orders that have the full force and effect of law. Among other things, IEEPA empowers the President to issue regulations governing exports from the United States.

12. On March 15, 1995, the President issued Executive Order 12,957, which declared that the actions and policies of the Government of Iran constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and declared a national emergency under IEEPA to deal with that threat. 60 Fed. Reg. 14,615 (Mar. 17, 1995). In two subsequent Executive Orders in 1995 and 1997, the President clarified his original declaration of a national emergency. *See* Exec. Order No. 13,059, 62 Fed. Reg. 44,531 (Aug. 21, 1997); Exec. Order No. 12,959, 60 Fed. Reg. 24,757 (May 9, 1995). Since 1997, the President has continued the national emergency with respect to Iran and the 1995 and 1997 Executive Orders. The most recent continuation of this national emergency was executed on March 9, 2016. 81 Fed. Reg. 12,791 (Mar. 10, 2016). In his 2016 Notice, President Barack Obama referenced the July 2015 Joint Comprehensive Plan of Action (“JCPOA”), stating that, “[d]espite the historic deal to ensure the exclusively peaceful nature of Iran's nuclear program, certain actions and policies of the Government of Iran continue to pose an unusual and extraordinary

threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2016.” *Id.* at 12,793. To implement the national emergency with respect to Iran, the U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) issued the Iranian Transactions and Sanctions Regulations (“ITSR”) (31 C.F.R. Part 560).

13. Also pursuant to IEEPA, on August 17, 2001, the President issued Executive Order 13,222, which declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act (“EAA”), 50 App. U.S.C. §§ 2401-2420, which lapsed on August 17, 2001. 66 Fed. Reg. 44,025 (Aug. 22, 2001). While in effect, the EAA regulated the export of goods, technology, and software from the United States. Pursuant to the provisions of the EAA, the Department of Commerce’s Bureau of Industry and Security (“BIS”) promulgated the Export Administration Regulations (“EAR”), 15 C.F.R. §§ 730-774, which contained restrictions on the export of goods outside of the United States, consistent with the policies and provisions of the EAA. See 15 C.F.R. § 730.02. In Executive Order 13, 222, pursuant to IEEPA, the President ordered that the EAR’s provisions remain in full force and effect despite the expiration of the EAA. Presidents have issued annual Executive Notices extending the national emergency declared in Executive Order 13,222 from the time period covered by that Executive Order through the present. *See, e.g.*, 80 Fed. Reg. 48,233 (Aug. 11, 2015).

Export Controls and Sanctions Regulations

14. Under both the ITSR and EAR, the export or reexport of any U.S. good, software, or technology (collectively, “items”) from the United States to Iran without the requisite OFAC

or BIS license was prohibited. 31 C.F.R. §§ 560.203-.205; 15 C.F.R. § 746.7.¹ Both regulations similarly prohibited conspiring, attempting, aiding, abetting, or facilitating in any way the unlicensed export of U.S. goods or technology to Iran, or engaging in a transaction to evade the provisions of the regulations. 31 C.F.R. § 560.203; 15 C.F.R. § 764.2.

15. Even with the JCPOA in place, U.S. persons, including U.S. companies, continued to be broadly prohibited from engaging in transactions or dealings with Iran and the Government of Iran unless such activities were exempt from regulation or authorized by OFAC. In addition, non-U.S. persons continued to be prohibited from knowingly engaging in conduct that seeks to evade U.S. restrictions on transactions or dealings with Iran or that causes the export of goods or services from the United States to Iran.

16. Specifically, absent permission from OFAC in the form of a license, the ITSR prohibited, among other things:

- a. The exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, technology, or services to Iran or the Government of Iran, including the exportation, reexportation, sale, or supply of any goods, technology, or services to a person in a third country undertaken with knowledge or reason to know that such goods, technology, or services are intended specifically for supply, transshipment, or reexportation, directly or indirectly, to Iran or the Government of Iran (31 C.F.R. § 560.204);

¹ Section 746.7(a)(2) of the EAR notes, however, that “[t]o avoid duplication, exporters or reexporters are not required to seek separate authorization from BIS for an export or reexport subject both to the EAR and to [the ITSR]. Therefore, if OFAC authorizes an export or reexport, such authorization is considered authorization for purposes of the EAR as well.”

- b. The reexportation from a third country, directly or indirectly, by a person other than a United States person, of any goods, technology, or services that have been exported from the United States, if: (a) such reexportation is undertaken with knowledge or reason to know that the reexportation is intended specifically for Iran or the Government of Iran, and (b) the exportation of such goods, technology, or services, was subject to export license application requirements under any United States regulations (31 C.F.R. § 560.205); and
- c. Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions contained in the ITSR (31 C.F.R. § 560.203).

17. Through the EAR and independent of the ITSR, BIS reviews and controls the export from the United States to foreign countries of certain U.S. items. 15 C.F.R. §§ 734.2-.3. In particular, BIS has placed restrictions on the export and reexport of items that it has determined could make a significant contribution to the military potential or nuclear proliferation of other nations or that could be detrimental to the foreign policy or national security of the United States. Under the EAR, such restrictions depend on several factors, including the technical characteristics of the item, the destination country, the end user, and the end use. A BIS license may be required not only to export items from the United States, but also to lawfully reexport such items from one country to a new country. *See* 15 C.F.R. § 734.2(b)(4).

18. The most sensitive items subject to EAR controls were identified on the Commerce Control List, or “CCL,” set forth in Title 15, Code of Federal Regulations, part 774, Supplement Number 1. Items listed on the CCL were categorized by Export Control Classification Number (“ECCN”), each of which had export control requirements depending on

destination, end use, and end user. Items categorized under ECCNs required a license for export based on a specific “reason for control. The “reason for control,” in turn, determined the countries to which export of an item required a license.

19. Under the EAR, the inertial guidance system test table is categorized under ECCN 2B120, and it is controlled for Missile Technology (“MT”) and Anti-Terrorism (“AT”) reasons for export to Iran. There are two versions of the TAU 2 640 cameras referenced in this Indictment: a 9 Hz model and a 30 Hz model. The 9 Hz model is categorized under ECCN 6A993, and it is controlled for Anti-Terrorism (“AT”) reasons for export to Iran. The 30 Hz model is categorized under ECCN 6A003.b.4.b, and it is controlled for National Security (“NS”), Regional Stability (“RS”) and Anti-Terrorism (“AT”) reasons for export to Iran. In addition, the Thin Film Measurement System is categorized under ECCN 3A999.f, and it is controlled for Anti-Terrorism (“AT”) reasons for export to Iran.

THE CONSPIRACY

COUNT ONE

20. Beginning in or around December 2011, and continuing through in or around May 2017, defendant **GHOBAD GHASEMPOUR** did willfully combine, conspire, and agree with others known and unknown to the Grand Jury, to: (a) commit offenses against the United States, that is, to export and cause the exportation of goods, technology and services from the United States to Iran, in violation of the prohibitions imposed upon Iran by the United States Government, without having first obtained the required license from the Office of Foreign Assets Control (“OFAC”), located in the District of Columbia, in violation of Title 50, United States Code, Section 1705 (“IEEPA”), and the Iranian Transactions and Sanctions Regulations (“ITSR”), Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and (b)

defraud the United States Government by interfering with and obstructing a lawful government function, that is, the enforcement of laws and regulations prohibiting the export or supply of goods, technology, and services by a person, other than a United States person, to Iran and other countries without having first obtained the required license from OFAC, by deceit, craft, trickery, and dishonest means, in violation of Title 18, United States Code, Section 371.

21. The conduct alleged in this Indictment occurred within the District of Columbia and elsewhere, and therefore within the venue of the United States District Court for the District of Columbia pursuant to Title 18, United States Code, Section 3237(a).

Objects of the Conspiracy

22. The objects of the conspiracy were:
- a. to make money and profits;
 - b. to export goods, technology and services from the United States to persons and entities in Iran;
 - c. to evade the prohibitions and licensing requirements of IEEPA and the ITSR; and
 - d. to conceal the prohibited transactions from detection by the United States government so as to avoid penalties and disruption of the illegal activity.

Manner and Means of the Conspiracy

23. The conspirators would and did use the following manner and means, among others, to accomplish the objects of the conspiracy:
- a. Defendant **GHASEMPOUR** worked with various coconspirators, including Coconspirator A, Coconspirator B, the three front companies, and sometimes with the assistance of the Turkish Company and the Portuguese Company, to order equipment from

companies in the United States on behalf of the Iranian Company and Coconspirator B.

b. Defendant **GHASEMPOUR** and his coconspirators purchased equipment requested by the Iranian Company and Coconspirator B from companies in the United States, knowing that the equipment would be delivered to Iran.

c. Defendant **GHASEMPOUR** and the coconspirators did not obtain a license from the federal government to export from the United States to Iran the goods, technology and services purchased from companies in the United States.

Overt Acts

24. In furtherance of the above-described conspiracy, and in order to carry out the objects thereof, defendant **GHOBAD GHASEMPOUR** and others known and unknown to the Grand Jury committed or caused to be committed, in the District of Columbia and elsewhere, the following overt acts, among others:

a. On or about June 18, 2012, **GHASEMPOUR** emailed Coconspirator B, providing him with the Chinese bank account information for Company M in order to facilitate business transactions between the Iranian Company and Company M.

b. On or about June 18, 2012, Coconspirator B emailed **GHASEMPOUR**, explaining that Coconspirator B and the Iranian Company planned to use Company M to negotiate with, and purchase products from, companies in other countries for the Iranian Company.

The First Attempted Exportation of a Thin Film Measurement System Purchase

c. On or about September 18, 2013, Coconspirator B emailed **GHASEMPOUR** and Coconspirator A, requesting that they submit Company M's best offer to purchase a Thin Film Measurement System from the California Company on behalf of the

Iranian Company.

d. On or about October 23, 2013, Coconspirator A sent Conspirator B and defendant **GHASEMPOUR** a proforma invoice indicating that Company M would sell the Thin Film Measuring System to the Iranian Company for \$93,000. The terms of sale required a 50% down payment and full payment before delivery.

e. On or about February 12, 2014, Coconspirator B sent an email to defendant **GHASEMPOUR** and Coconspirator A, informing them that he had transferred \$115,094 into Company M's bank account. A portion of that money was to be used to pay the 50% down payment for the Thin Film Measurement System from the California Company.

f. On or about April 7, 2014, Coconspirator B emailed defendant **GHASEMPOUR**, Coconspirator A, and an Iranian freight forwarding company to arrange for transshipment of the Thin Film Measurement System to Iran.

g. On or about May 22, 2014, Coconspirator A emailed defendant **GHASEMPOUR** and Coconspirator B, informing them that the Thin Film Measurement System had been picked up in the U.S. for shipment to Coconspirator B, in Iran.

h. In or around June 2014, during the shipping process, the Thin Film Measurement System was intercepted and detained by law enforcement officials in the Netherlands before it could be shipped to Iran. After learning that the Thin Film Measurement System had been detained, on or about July 13, 2014, defendant **GHASEMPOUR** emailed Coconspirator A that since law enforcement officials suspected Company M of trying to ship the Thin Film Measurement System to Iran, they should create a new company, stating: "It is better for safe purposes that we start a new company and bank account and move future business to it."

The Second Attempted Exportation of a Thin Film Measurement System

i. On or about June 30, 2014, Coconspirator A emailed defendant **GHASEMPOUR** and Coconspirator B with information regarding a new company Coconspirator A had formed in China for all three coconspirators to use for their business transactions. The company is identified herein as Company T.

j. On or about September 21, 2014, Coconspirator B sent an email to defendant **GHASEMPOUR** and Coconspirator A, stating that he had decided they should start another Chinese company, identified herein as Company I, that they could use for business transactions. In another email Coconspirator B sent on or about September 21, 2014, to defendant **GHASEMPOUR** and Coconspirator A, Coconspirator B said: “Again everything should be under your control [that is, Coconspirator A’s control]. [Company M, Company T and Company I] will be partners and under our team supervision.”

k. On or about November 18, 2014, Coconspirator B emailed defendant **GHASEMPOUR** and Coconspirator A that they should place a new order for a Thin Film Measurement System—this time from another country. Coconspirator B specifically requested that defendant **GHASEMPOUR** be involved. On or about November 18, 2014, Coconspirator A emailed Coconspirator B and defendant **GHASEMPOUR**, stating that defendant **GHASEMPOUR** would order the Thin Film Measurement System from Canada.

l. On or about November 19, 2014, defendant **GHASEMPOUR** emailed Coconspirator A and Coconspirator B, stating that it would be too risky to attempt a second purchase themselves and suggesting that they use a third party to obtain the system.

m. On or about December 10, 2014, defendant **GHASEMPOUR** emailed Coconspirator A and Coconspirator B, agreeing that they would use the Turkish Company as a

third party to purchase the Thin Film Measurement System.

n. On or about December 31, 2014, Coconspirator A emailed defendant **GHASEMPOUR** and Coconspirator B a wire receipt showing that Company M had wired 24,672 Euros into the Turkish Company's bank account. The Turkish Company would use that money to buy the Thin Film Measurement System for the Iranian Company and Coconspirator B.

o. On or about March 23, 2014, Coconspirator B forwarded an email to defendant **GHASEMPOUR** and Coconspirator A from Coconspirator D, requesting more information on the fictitious end user they had supplied to the California Company for the purchase of the Thin Film Measurement System.

p. On or about April 2, 2015, the Turkish Company emailed Company I and Coconspirator B a packing list and invoice for the purchase of the Thin Film Measurement System. The invoice showed that the Turkish Company was selling the Thin Film Measurement System to the Iranian Company for 31,122 Euros. The same day, Coconspirator A sent an email to Coconspirator B and defendant **GHASEMPOUR**, requesting that the Iranian Company pay the \$20,000 owed to Company M, as a service fee for helping to purchase the Thin Film for the Iranian Company. The Thin Film Measurement System that the Turkish Company sent to the Iranian Company was actually a different model than the model the Iranian Company intended to purchase.

The Attempted Exportation of an Inertial Guidance System Test Table

q. On or about June 17, 2014, Coconspirator B emailed defendant **GHASEMPOUR** and Coconspirator A, instructing them to obtain the best price quote for the purchase of an inertial guidance system test table manufactured by the North Dakota Company.

r. On or about June 17, 2014, defendant **GHASEMPOUR** emailed Coconspirator A, writing that he had spoken with Coconspirator B regarding the new orders, and they were the first company being given the opportunity by Coconspirator B to obtain the inertial guidance system test table for Coconspirator B and the Iranian Company. Defendant **GHASEMPOUR** also said that other companies might inquire about purchasing the inertial guidance system test tables for the Iranian Company.

s. On or about May 23, 2015, Coconspirator B, used his Company I email account to send an email to Coconspirator C and the Portuguese Company, asking them to submit a bid to purchase the inertial guidance system test table from the North Dakota Company on behalf of the Iranian Company. In this email, Coconspirator B pretended to be Coconspirator A and used Coconspirator A's name in the signature block.

t. On or about May 28, 2015, the Portuguese Company sent an email to Coconspirator A and Coconspirator B with an attached proposal to sell the inertial guidance system test table from the North Dakota Company to Company I for 315,540 Euros.

u. On or about May 29, 2015, Coconspirator B sent an email to the Iranian Company indicating that Company T would resell the inertial guidance system test table from the North Dakota Company to the Iranian Company for the increased price of 550,040 Euros. The offer to sell was contained on the letter head of Company T.

v. On or about June 29, 2015, Coconspirator B emailed defendant **GHASEMPOUR** and Coconspirator A, writing that he was transferring 298,008 Euros to their bank account for use on projects being operated on behalf of their three front companies, Company M, Company T, and Company I.

w. On or about July 26, 2015, Coconspirator B, using his Iranian Company

email account, emailed defendant **GHASEMPOUR** and Coconspirator A, on their Company T email accounts, instructing Coconspirator A to use a portion of the money transferred on June 29, 2015 to pay the 30% deposit for the inertial guidance system test table.

x. On or about July 27, 2015, Coconspirator B sent an email to Coconspirator C and the Portuguese Company, informing them that the Portuguese Company was being payed the 30% down payment. Conspirator B instructed Coconspirator C and the Portuguese Company to “start the project.” Coconspirator B attached to the email an Online Banking Transaction Summary showing a wire payment of \$150,000, made on July 27, 2015, from Company M to the Portuguese Company. In other words, defendant **GHASEMPOUR**, Coconspirator A and Coconspirator B, through Company M, made the down payment needed to start the manufacture of the inertial guidance system test table. On or about September 30, 2015, The Portuguese Company sent The North Dakota Company this down payment.

The Exportation of Ten TAU 2 640 Cameras

y. On or about January 7, 2015, Coconspirator B emailed defendant **GHASEMPOUR** and Coconspirator A, asking for a quote on ten sets of the Oregon Company’s TAU 2 640 9Hz camera with 60mm lenses.

z. On or about January 19, 2015, Coconspirator A emailed defendant **GHASEMPOUR** and Coconspirator B, asking Coconspirator B to confirm the details of the purchase and stating, “Please expedite so I can ship to you within this month, thanks!” The email included an attached proforma invoice from Company T for ten sets of the Oregon Company’s TAU 2 640 9 Hz cameras. The total value of the invoice is 349,320 Chinese Yuan.

aa. On or about February 4, 2015, Coconspirator B emailed the Iranian Company with attached documents showing the shipping of ten sets of the Oregon Company’s

TAU 2 640 9 Hz cameras, including an airway bill showing Company T shipped the cameras to the Iranian Company on February 4, 2015.

bb. On or about April 15, 2015, Coconspirator B emailed defendant **GHASEMPOUR** and Coconspirator A, indicating that Coconspirator B was sending 250,000 Euros to be transferred into one of their bank accounts. The email included an attached photograph of a handwritten note from Coconspirator B. The handwritten note describes several financial transactions and payments involving Company M and Company T, and indicates the 250,000 Euro transfer includes 349,320 Chinese Yuan that should be transferred to Company T to pay for ten TAU 2 640 cameras.

The Exportation of One TAU 2 640 Camera

cc. On or about July 28, 2015, the Portuguese Company emailed an offer to sell one of the Oregon Company's TAU 2 640 camera to Company I for 8,047 Euros. The email was sent to Coconspirator B.

dd. On or about July 28, 2015, Coconspirator B emailed an offer to sell one TAU 2 640 camera to the Iranian Company for 16,135 Euros. The offer was placed on the letter head of Company T.

ee. On or about August 19, 2015, the Portuguese Company shipped the TAU 2 640 camera to Company I in China, and emailed Coconspirator B the shipping information.

ff. On or about August 19, 2015, Coconspirator B forwarded the Portuguese Company's email about the TAU 2 640 camera shipment to Conspirator A, with a request that Conspirator A "transit these lenses to i1 ASAP." Coconspirator B's reference to "i1" is a code for Iran.

gg. On or about August 25, 2015, Coconspirator A shipped the TAU 2 640 camera from China to Coconspirator B, in Iran.

hh. On or about September 24, 2015, Coconspirator B emailed the Portuguese Company with an online banking transaction receipt. The banking transaction receipt shows Company M sent the Portuguese Company 11,176 Euros and the "Remittance Information" on the receipt states "FULL PAYMENT FOR ORDER 29 PLUS T640 SAMPLE FEE."

The Exportation of Ninety-nine TAU 2 640 Cameras

ii. Between on or about August 31, 2015 and on or about September 1, 2015, defendant **GHASEMPOUR** exchanged several emails with Coconspirator A and Coconspirator B about their joint interest in selling additional TAU 2 640 cameras manufactured by the Oregon Company in order to earn a profit of approximately \$20,000 per person.

jj. On or about October 2, 2015, the Portuguese Company prepared a quotation addressed to Coconspirator A, who was doing business under the name of Company S, for the sale of 1000 TAU 2 640 cameras for the total price of 3,694,995 Euros.

kk. On or about October 26, 2015, Defendant **GHASEMPOUR** exchanged several emails with Coconspirator A and Coconspirator B about the status of their negotiations with a vendor who would sell TAU 2 640 cameras to them so they could resell the cameras to the Iranian Company. In one of those emails, Coconspirator B instructed Coconspirator A to "tell them [i.e., the vendor] this item export is completely illegal."

ll. On or about November 23, 2015, Coconspirator B sent an email to defendant **GHASEMPOUR** and Coconspirator A, requesting that Coconspirator A issue a pro forma invoice to sell to the Iranian Company 500 TAU 2 640 cameras in five increments of 100 cameras per shipment, at a unit price of 4,717 Euros, and a total price of 2,358,500 Euros.

mm. On or about February 18, 2016, the Portuguese Company emailed Coconspirator B an import form showing that the Portuguese Company was sending 99 TAU 640 cameras to Company S in China.

nn. On or about February 20, 2016, the Portuguese Company sent an email to Coconspirator B with a link to the transport company's tracking information regarding the delivery of the 99 TAU 640 cameras to Company S in China.

oo. On or about February 20, 2016, Coconspirator B sent an email to defendant **GHASEMPOUR** and Coconspirator A, forwarding the Portuguese Company's email with the transport company's tracking information for the 99 TAU 640 cameras. In his email, Coconspirator B wrote: "Bro these are 99 sets original T640 modules. Bro pls do all you can to ship them within three days to I1. It is really too too urgent." Coconspirator B's reference to "I1" is a code for Iran.

(Conspiracy to Unlawfully Export U.S. Goods and Technology to Iran and to Defraud the United States, in violation of Title 18, United States Code, Section 371; Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Part 560)

COUNT TWO

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around September 18, 2013, and continuing through in or around July 13, 2014, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully attempt to export and attempt to cause the export of goods, technology and services, to wit, the California

Company's Thin Film Measurement System, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Attempted Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

COUNT THREE

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around June 30, 2014, and continuing through in or around April 2, 2015, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully attempt to export and attempt to cause the export of goods, technology and services, to wit, the California Company's Thin Film Measurement System, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Attempted Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

COUNT FOUR

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around June 17, 2014, and continuing through in or around April 2016, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully attempt to export and attempt to cause the export of goods, technology and services, to wit, the North Dakota Company's inertial

guidance system test table, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Attempted Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

COUNT FIVE

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around January 7, 2015, and continuing through in or around August 15, 2015, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully export and cause to be exported goods, technology and services, to wit, ten of the Oregon Company's Tau 2 640 cameras, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

COUNT SIX

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around July 28, 2015, and continuing through in or around September 24, 2015, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully export and cause to be exported goods, technology and services, to wit, one of the Oregon Company's Tau 2

640 cameras, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

COUNT SEVEN

The Grand Jury re-alleges Paragraphs 1 through 19 of Count One of this Indictment as if fully set forth herein.

Beginning in or around August 31, 2015, and continuing through in or around February 2016, within the District of Columbia and elsewhere, defendant **GHOBAD GHASEMPOUR**, and others known and unknown to the Grand Jury, did willfully export and cause to be exported goods, technology and services, to wit, ninety-nine of the Oregon Company's Tau 2 640 cameras, without having first obtained the required licenses or authorizations from the Office of Foreign Assets Control, located in the District of Columbia.

(**Unlawful Export**, in violation of Title 50, United States Code, Section 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205; and **Aiding and Abetting and Causing an Act to be Done**, in violation of Title 18, United States Code, Section 2)

FORFEITURE ALLEGATION

1. Upon conviction of any of the offenses alleged in Counts One through Seven, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to these offenses, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). The United States will also seek a forfeiture money judgment against the defendant equal to the value of any property, real or personal, which constitutes or is derived from proceeds traceable to this offense.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the defendant shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to 21 U.S.C. § 853(p).

(Criminal Forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

Channing D. Phillips / KK

Attorney of the United States in
and for the District of Columbia