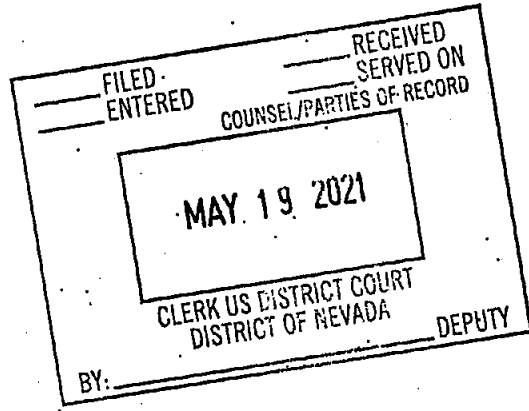




SEALED

**Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336**



1 CHRISTOPHER CHIOU
Acting United States Attorney
2 Nevada Bar No. 14853
NICHOLAS D. DICKINSON
3 Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
4 Las Vegas, Nevada 89101
(702) 388-6336
5 Nicholas.dickinson@usdoj.gov

6 JOHN C. DEMERS
7 Assistant Attorney General
National Security Division,
8 MATTHEW J. MCKENZIE
Trial Attorney
9 950 Pennsylvania Ave., NW
Washington, DC 20530
10 (202) 514-7845
Matthew.mckenzie@usdoj.gov
11 *Attorneys for the United States*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,
15 Plaintiff,

16 vs.

17 TINA CHEN,
aka "Ya When Chen,"
18 aka "Wen Tina Chen,"
aka "Tina Dunbar,"
19 aka "Tina Dubner,"

20 Defendant.

SEALED
CRIMINAL INDICTMENT

Case No.: 2:21-cr-139 APG BNW

VIOLATIONS:

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. § 981(a)(1)(C)
28 U.S.C. § 2461(c)
(Criminal Forfeiture)

1 THE GRAND JURY CHARGES THAT

2 INTRODUCTORY ALLEGATIONS

3 At all times material to this indictment:

4 *The International Emergency Economic Powers Act and*
5 *the Iranian Transactions and Sanctions Regulations*

6 1. The International Emergency Economic Powers Act ("IEEPA") authorizes
7 the President of the United States to deal with "unusual and extraordinary threat[s] . . . to
8 the national security, foreign policy, or economy of the United States," by declaring
9 national emergencies with respect to such threats. 50 U.S.C. § 1701(a). Since 1979, and
10 through the present day, U.S. presidents have repeatedly declared that the actions and
11 policies of the Government of Iran ("GOI") pose a threat to the United States' national
12 security including, among other actions, the GOI's pursuit of nuclear weapons and its
13 sponsorship of terrorism.

14 2. Since 1979, the United States has adopted a series of statutes, executive
15 orders, and regulations designed to check the national security threat posed by GOI's
16 policies and actions, including the Iranian Transactions and Sanctions Regulations
17 ("ITSR"). 31 C.F.R. part 560. The ITSR target, among other things, exports from the
18 United States or by U.S. persons for the benefit of Iran.

19 3. The Office of Foreign Assets Control ("OFAC") of the U.S. Department of
20 the Treasury administers and enforces economic and trade sanctions based on U.S. foreign
21 policy and national security goals against targeted foreign countries and regimes, terrorists,
22 international narcotics traffickers, those engaged in activities related to the proliferation of
23 weapons of mass destruction, and other threats to the national security, foreign policy, or
24 economy of the United States. OFAC issued the ITSR.

1 4. Without a license from OFAC, the ITSR prohibit the following:

2 a. "The exportation, reexportation, sale, or supply, directly or indirectly,
3 from the United States, or by a United States person, wherever located, of
4 any goods, technology, or services to Iran or the Government of Iran." 31
5 C.F.R. § 560.204.

6 b. "The reexportation from a third country, directly or indirectly, by a person
7 other than a United States person, of any goods, technology, or services
8 that have been exported from the United States" if undertaken with
9 knowledge that the reexportation is intended specifically for Iran or the
10 GOI. *Id.* § 560.205

11 c. "Any transaction on or after the effective date [meaning 1979] that evades
12 or avoids, has the purpose of evading or avoiding, causes a violation of, or
13 attempts to violate any of the prohibitions set forth in this part is
14 prohibited," and that "[a]ny conspiracy formed to violate any of the
15 prohibitions set forth in this part is prohibited." *Id.* § 560.203.

16 5. Pursuant to IEEPA, "[i]t shall be unlawful for a person to violate, attempt to
17 violate, conspire to violate, or cause a violation of any license, order, regulation, or
18 prohibition under this title." 50 U.S.C. § 1705(a). IEEPA also provides a criminal penalty
19 for anyone who, among other things, willfully conspires to commit any of the unlawful acts
20 described in § 1705(a). *See id.* § 1705(c).

21 *Defendant and Her Business*

22 6. Defendant Tina Chen ("CHEN") is a United States citizen who lives in Las
23 Vegas, Nevada.
24

1 in violation of Title 50, United States Code, Section 1705 (IEEPA) and Title 31, Code of
2 Federal Regulations, Parts 560.203 and 560.204 (ITSR).

3 **OBJECTS OF THE CONSPIRACY**

4 11. The objects of the conspiracy were:

5 a. to acquire goods from the United States in order to supply those
6 goods to entities and end users in Iran;

7 b. to conceal from United States companies, and the United States
8 government that the goods were destined for end users in Iran;

9 c. to engage in financial transactions to facilitate the exports;

10 d. to evade IEEPA and the ITSR's regulations, prohibitions, and
11 licensing requirements.

12 **MANNER AND MEANS OF THE CONSPIRACY**

13 12. CHEN and her coconspirators used email to communicate with one another.

14 13. CHEN and her coconspirators purchased goods from companies in the
15 United States that were sent to CHEN's residence.

16 14. CHEN and her coconspirators concealed from United States companies the
17 true nature of the ultimate end use and true identities of the ultimate end users of the
18 goods, by providing false and misleading information about ultimate end uses and end
19 users.

20 15. CHEN and her coconspirators caused goods to be exported from the United
21 States to individuals and entities located in Iran through Hong Kong, without obtaining a
22 license from OFAC.

OVERT ACTS

1
2 16. In furtherance of this conspiracy and to accomplish its objects, defendant and
3 others known and unknown to the Grand Jury, committed various overt acts within the
4 District of Nevada and elsewhere, including but not limited to the following:

5 March 25, 2016 Export

6 17. On or about February 25, 2016, coconspirator 1 emailed CHEN the
7 following:

8 Also please pay attention that every when you want to send any goods to me,
9 consider below note: 1-Don't put real invoice ever 2-Put Packing List 3-If
10 possible for you Put Fake invoice with low cost such as 50\$ (under 100\$) 4-
11 Don't write your company's detail on parcel, only write Sender name and
12 number for in case of Emergency follow or post tracking.

13 18. On or about February 29, 2016, coconspirator 1 emailed CHEN asking for a
14 price quote on a photomultiplier and two bandpass filters.

15 19. On or about March 1, 2016, CHEN emailed coconspirator 1 providing the
16 requested prices quotes. Coconspirator 1 replied that the items were for his friend at the
17 university and asked CHEN to "check that all item[s are] available and haven't any
18 problem for buying. (End user)."

19 20. On or about March 15, 2016, CHEN purchased the parts from a U.S.
20 company and had the parts shipped to her house.

21 21. On or about March 16, 2016, CHEN emailed coconspirator 1 and asked,
22 "Can you please let me know which university is going to use those parts?" Coconspirator
23 1 replied, "Zanjan university(www.znu.ir) wants it but can't say it for supplier because it's
24 an Iranian university."

25 22. On or about March 22, 2016, CHEN emailed coconspirator 1 a Top One
Zone invoice for the photomultiplier and two bandpass filters totaling \$2,823.70.

1 23. On or about March 25, 2016, CHEN shipped the photomultiplier and two
2 bandpass filters to Company 1 in Hong Kong. CHEN described the items as samples of
3 components with a declared value of \$58.

4 May 25, 2016 Export

5 24. From on or about May 2, 2016 through on or about May 19, 2016, CHEN
6 made eight purchases of electronic goods from U.S. companies to fulfil orders from
7 coconspirator 1.

8 26. On or about May 17, 2016, coconspirator 1 emailed defendant and stated,
9 “[I] was declared to customer delivery time to [I]ran is 4-5 Week.”

10 27. On or about May 18, 2016, defendant submitted a Customer End-User
11 Certificate to a U.S. Company that falsely stated that defendant was purchasing goods for
12 export to end user Hong Kong University of Science and Technology and falsely certified
13 that the purchased goods would not be sold to a restricted country without obtaining the
14 required government approval.

15 28. On or about May 19, 2016, defendant submitted a revised Customer End-
16 User Certificate to a U.S. Company that falsely stated that the goods purchased would be
17 used for a startup application in Hong Kong and falsely certified that the purchased goods
18 would not be sold to a restricted country without obtaining the required government
19 approval.

20 29. On or about May 24, 2016, coconspirator 1 emailed defendant instructing
21 her to repackage the goods and to remove the original manufacture’s name, and any
22 sensitive labels and to ship the goods to company 2 in Hong Kong. Coconspirator 1 also
23 instructed CHEN to declare the goods as “Professional Gaming Workstation” and
24 “Electronic components” with a declared value of around \$1500.

1 30. On or about May 24, 2016, CHEN replied to coconspirator 1 via email
2 stating that she needed to charge more for repackaging the good and that coconspirator 1's
3 proposed declared value was too low. Specifically, CHEN stated: "[T]he total pricing you
4 requested is too less. I've received a letter from [the shipping company] regarding for the
5 commercial invoice amount. I did give a good explanation last time but I cannot take any
6 risk so from now on, I will use 25% out purchasing price on the fake invoice. Such as if we
7 purchase \$1. - then the fake invoice will be \$.25"

8 31. On or about May 25, 2016, CHEN shipped these goods to Company 2 in
9 Hong Kong. CHEN described the items as "professional gaming workstation and
10 Electronic components," with a declared value of \$3,150.

11 July 2016 Export

12 32. On or about June 25, 2016, coconspirator 1 sent CHEN instructions for the
13 export of electronic components. As part of the instructions, coconspirator 1 provided
14 what coconspirator 1 described as a "fake end user" and instructed CHEN to say that the
15 items were for "Audiovisual Electronic Equipment, Electronics LTD Corp. in Turkey."

16 33. On or about July 6, 2016, CHEN shipped electronic components to
17 Company 2 in Hong Kong. CHEN described the items as electronic components with a
18 declared value of \$675.

19 Notice

20 34. On or about November 10, 2016, Special Agents with the Federal Bureau of
21 Investigation and with the United States Department of Commerce ("DOC"), Bureau of
22 Industry and Security ("BIS"), Office of Export Enforcement ("OEE"), visited CHEN at
23 her residence and place of business in Las Vegas, Nevada. The purpose of the visit was to
24 discuss with CHEN the regulations and limitations regarding the export of United States

1 commodities. Even after they announced the reason for their visit, CHEN refused to speak
2 to the agents.

3 35. Thereafter, an OEE Special Agent ("SA") exchanged multiple emails with
4 CHEN. In November 2016, an OEE SA provided CHEN an OEE outreach packet via
5 email, which contained information regarding the responsibilities of exporters and freight
6 forwarders when conducting exports, denied parties lists, sanctioned countries, and record-
7 keeping requirements.

8 36. On or about November 29, 2016, CHEN made the following statements to
9 the OEE SA regarding Top One Zone's business practices, saying she:

- 10 a. exports to Hong Kong;
- 11 b. exports resistors, transistors, encoders and measurement equipment;
- 12 c. exports to Company 2 in Hong Kong;
- 13 d. does not export to Iran or Syria;
- 14 e. does not file EEIs because "the client is only request small quantities
15 and they are not in big amount. Normally only cost few hundred dollars"; and
- 16 f. has her customer fill out End-User Certificates "especially, when the
17 supplier do ask one to fill out."

18 37. On or about November 29, 2016, the OEE SA replied to CHEN's email,
19 informing defendant that if defendant is shipping to a company in Hong Kong, it is her
20 responsibility to know if the Hong Kong company is re-exporting the goods to another
21 country. Defendant replied: "I do ask [Company 2], and they told me those parts are for
22 local industrial, Automotive & University research use."

23 38. In email sent on or about November 29, 2016, CHEN made the following
24 additional statements to the OEE SA:

1 a. "I am doing import most of the time"; and

2 b. "I know no one in North Korea, South Sudan, Syria, and Iran and
3 have no business relationship with those countries."

4 Additional Exports

5 39. CHEN continued to export items to coconspirator 1 after being contacted by
6 OEE. For example, on or about February 7, 2017, CHEN emailed coconspirator 1 and
7 asked where he/she would like to have items costing over \$14,000 shipped. Coconspirator
8 1 instructed CHEN to "check new address in [Hong Kong]," provided the company's
9 name, and said that Company 3's nature was trading so that "if they check that no
10 problem."

11 40. On or about February 16, 2017, CHEN shipped the items to Company 3 in
12 Hong Kong. CHEN described the items as electronic components with a declared value of
13 \$300.

14 **FORFEITURE ALLEGATION**

15 Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
16 United States Code, Section 2461(c)

17 1. Upon conviction of a specified unlawful activity, including Title 50, United
18 States Code, Section 1705, the defendant shall forfeit to the United States any property, real
19 or personal, which constitutes or is derived from proceeds traceable to this violation,
20 pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States
Code, Section 2461(c).

21 2. The United States will also seek a forfeiture money judgment against the
22 defendant, which represents a sum of money equal to the value of any property subject to
forfeiture in connection with the offense of conviction.

23 3. If any of the property described above as being subject to forfeiture, as a
24 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 subdivided without difficulty;


the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1); and Title 28, United States Code, Section 2461(c).

DATED: this 19th day of May, 2021.


A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

CHRISTOPHER CHIOU
Acting United States Attorney

By 
NICHOLAS D. DICKINSON
Assistant United States Attorney

JOHN C. DEMERS
Assistant Attorney General
National Security Division


MATTHEW J. MCKENZIE
Trial Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA