

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA ) CR. NO. 1:14-CR-111  
 )  
 v. )  
 ) (JUDGE KANE)  
HELMUT OERTMANN, )  
HETTRAN, INC., )  
 ) (ELECTRONICALLY FILED)  
Defendants. )

AMENDED INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times pertinent to this Information:

1. The defendant **HETTRAN, INC.** (“**HETTRAN**”) was an engineering and manufacturing firm, a New York corporation located in Orwigsburg, Schuylkill County, Pennsylvania and within the Middle District of Pennsylvania.

2. **HETTRAN** manufactured, among other things, a horizontal lathe, also described as a bar peeling machine (“peeler”), valued at more than \$800,000 and weighing in excess of 50,000 pounds. A horizontal lathe, or peeling machine, is used in the production of high grade steel

or “bright steel”, a product used in the manufacture of equipment and aircraft, among other things.

3. The defendant **HELMUT OERTMANN** was the Chief Executive Officer of **HETRAN**.

4. Unindicted Co-conspirator #1 was a production supervisor and consultant to **HETRAN**.

5. Unindicted Co-conspirator #2 was a sales representative for **HETRAN**.

6. Unindicted Co-conspirator # 3 was a sales representative of **HETRAN**, operating out of India under the name of “**HETRAN INDIA**.”

7. The International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. §§ 1701-1706, authorized the President of the United States to impose economic sanctions on a foreign country in response to an unusual or extraordinary threat to the national security, foreign policy or economy of the United States when the President declared a national emergency with respect to that threat. Pursuant to IEEPA, the President signed various Executive Orders imposing economic sanctions, including a trade embargo, on Iran. The Executive

Orders prohibited, among other things, the exportation, sale, or supply, directly or indirectly, to Iran of any goods, technology, or services from the United States or by a United States person. The most recent Executive Order was signed by the President on August 15, 2012.

8. The Executive Orders authorized the United States Secretary of the Treasury to promulgate rules and regulations necessary to carry out the Executive Orders. Pursuant to this authority, the Secretary of the Treasury promulgated the Iranian Transactions Regulations, 31 C.F.R. Part 560, implementing the sanctions imposed by the Executive Orders.

9. The Iranian Transactions Regulations prohibited, among other things, the export, sale, or supply, directly or indirectly, of any goods, technology, or services from the United States or by a United States person, wherever located, to Iran or the Government of Iran, without prior authorization or license from the United States Department of Treasury, through the Office of Foreign Assets Control. These regulations further prohibited any transactions that evaded or avoided, or had the purpose of evading or avoiding, any of the prohibitions contained in the Iranian Transactions Regulations, including the

unauthorized exportation of goods from the United States to a third country if the goods are intended or destined for Iran. The regulations also prohibited attempts and conspiracies to violate the prohibitions contained in the Iranian Transactions Regulations. The Iranian Transactions Regulations were in effect at all times relevant to this Indictment.

10. On or about June 2009, **HETRAN** was contacted by representatives of FIMCO FZE (“FIMCO”), an Iranian company with offices in Iran, the United Arab Emirates, and elsewhere, and Crescent International Trade and Services FZE (“CRESCENT”) an affiliated company based in the United Arab Emirates. FIMCO described itself as “a multinational corporation” with a “family of over 100 professional[s]” who work in oil, gas and petrochemical industries as well as mechanical and rotary equipment, instrumentation and control equipment.

11. During the early 2009, the exact date being unknown, the manager of FIMCO instructed the FIMCO sales representative to obtain a price quote from **HETRAN, USA**, warning the sales representative that **HETRAN** was “American and should not know the

final destination” for the peeler and further suggested that HETTRAN officials should be told that the final destination for the peeler was the United Arab Emirates.

12. On or about June 13, 2009, officers and employees of HETTRAN, including Unindicted Co-conspirator #2 and Unindicted Co-conspirator #3 traveled to Dubai in the United Arab Emirates and met with representatives of FIMCO and Crescent (“Iranians”). During that meeting, the Iranians advised HETTRAN that they intended to purchase a peeler from HETTRAN, have it shipped to Dubai and transferred from Dubai to Iran. During that meeting, it was discussed among the HETTRAN employees and the Iranians how to “handle” the transaction due to the ongoing American embargo of Iran. The HETTRAN employees discussed handling the transaction through HETTRAN’s Indian or German offices, with the training of the Iranians done by non-U.S. HETTRAN personnel.

13. Between 2009 and 2012, while the peeler was being built, HETTRAN officials repeatedly discussed with Iranian co-conspirators ways to disguise the shipment of the peeler to Iran through an intermediary that would be falsely identified as the purported “end-

user” of the product. Also discussed was the backdating of the purchase order to indicate that a non-Iranian individual in a different country would be listed as the purchaser.

14. On or about June 17, 2012, the defendants **HETRAN** and its officers, employees and representatives, including but not limited to **HELMUT OERTMANN**, Unindicted Co-conspirator #1, Unindicted Co-conspirator #2 and Unindicted Co-conspirator #3, in concert with their Iranian co-conspirators, caused the peeling machine to be shipped from the Middle District of Pennsylvania to Dubai in the United Arab Emirates, well knowing that the ultimate destination of the peeler was Iran, in violation of the laws of the United States. In order to effect this illegal agreement, the defendants and coconspirators knowingly misidentified the ultimate destination of the peeler as Dubai.

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

**COUNT ONE**

1. The United States Attorney hereby incorporates, as though full set forth herein, each of the allegations contained in the Introduction portion of this Information.

2. On or before January 2009 and continuing up to on or about September 2012, in Schuylkill County, Pennsylvania and within the Middle District of Pennsylvania and elsewhere, the defendants

**HETRAN, INC.**

and others both known and unknown, did knowingly and willfully conspire, combine, confederate and agree with each other and with persons known and unknown, to export and to cause the exportation of Department of Commerce controlled goods, from the United States to Iran, without first having obtained the required licenses and authorizations from the Office of Foreign Assets Control of the U.S. Department of the Treasury.

**OVERT ACTS**

1. In furtherance of the conspiracy and to effect the objects thereof, the defendants and co-conspirators, both known and unknown,

performed the following overt acts, among others, in the Middle District of Pennsylvania and elsewhere:

2. On or about June 13, 2009, Unindicted Co-conspirator #2, Unindicted Co-conspirator #3 and another HETRAN employee met with the Iranians in Dubai to discuss how the peeler would be transshipped to Iran after it had been shipped from the United States to the United Arab Emirates.

3. On or about July 31, 2011, the Iranians, using Crescent, issued a purchase order for the peeler for a price of approximately \$895,000.

4. On or about June 22, 2009 the defendant **HELMUT OERTMANN** met with Unindicted Co-conspirator #3 and agreed that the peeler would be shipped to Dubai in the United Arab Emirates as if a company in Dubai would be the end user and then the purchasers “can do with it what they want.” It was also agreed that the defendant **HELMUT OERTMANN** would decide whether to run the paperwork through Hetran India or Hetran Germany.

5. On or about September 29, 2011, the defendant **HELMUT OERTMANN** caused an email to be sent to Unindicted Co-conspirator



# 3, acknowledging the pending sale of the peeler to the Iranians and advising Unindicted Co-conspirator #3, "This is in reference to the purchase order from Dubai. Unfortunately, Hetran, Inc. is not in a position to accept this order directly from the party; therefore the execution of the contract should be done by Hetran India P. Ltd as originally agreed. Please inform the party in Dubai of the same."

6. On or about July 1, 2012, Unindicted Co-conspirator #1 traveled from the Middle District of Pennsylvania to Dubai to work out the financial details with the Iranian co-conspirators.

7. On or about June 17, 2012, the defendant **HELMUT OERTMANN**, Unindicted Co-conspirator #1, Unindicted Co-conspirator #3 and **HETRAN, INC.** caused the peeler to be shipped from the Middle District of Pennsylvania to the United Arab Emirates, well knowing that the peeler's ultimate destination was Iran.

8. The United States Attorney hereby incorporates by reference, as though fully set forth herein, each of the allegations set forth in the succeeding count of this Information. Count Two constitutes an overt act in furtherance of the conspiracy.

In violation of Title 50, United States Code, Sections 1702 – 1705,  
and Title 31, Code of Federal Regulations, Sections 560.203 and  
560.204.

THE UNITED STATES ATTORNEY FURTHER CHARGES:

COUNT TWO

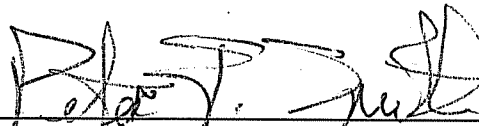
1. The United States Attorney hereby incorporates by reference, as though full set forth herein, each of the allegations set forth in the Introduction portion and in Count One of this Information.

2. In order to effect the objects of the conspiracy set forth in Count One of this Information, beginning in approximately early 2009, the exact date being unknown, and continuing through on or about September 1, 2012, in Schuylkill County, Pennsylvania and within the Middle District of Pennsylvania and elsewhere, the defendant,

**HELMUT OERTMANN,**

Unindicted Co-conspirator #1, Unindicted Co-conspirator # 2 and Unindicted Co-conspirator # 3, aided and abetted by each other and by others known and unknown, knowingly and fraudulently exported and caused to be exported and attempted to do the same from the United States to Iran a horizontal lathe, also known as a peeler, contrary to the laws and regulations of the United States, specifically, 50 U.S. C. § 1705, 31 C.F.R. §§ 560.203 and 560.204.

All in violation of Title 18, United States Code, §§ 554 and 2.



PETER J. SMITH <sup>z.</sup>  
UNITED STATES ATTORNEY

5/21/14  
DATE