

JAN 16 2019

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAGISTRATE JUDGE FINNEGAN

UNITED STATES OF AMERICA

No.

19 CR 40

v.

Violations: Title 18, United States Code, Sections 371, 554(a), and 1343; Title 50, United States Code, Section 1705(a)

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI,
also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY,
LLC,
also known as "MPC"

UNDER SEAL

COUNT ONE

The SPECIAL AUGUST 2017 GRAND JURY charges:

1. At times material to this indictment:

a. Defendant MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC," was a registered company in the United Arab Emirates with an office located in Dubai.

b. Defendant SAEID HAJI AGHA MOUSAEI was a resident of Iran and held an Iranian passport. Defendant MOUSAEI was a manager of defendant MILLENNIUM PRODUCT COMPANY, LLC.

c. Defendant JULIE IMELDA LACAR PASION was a resident of the United Arab Emirates and held a Filipino passport. Defendant PASION assisted in operating defendant MILLENNIUM PRODUCT COMPANY, LLC.

d. Defendant FARAMARZ PAIEZI, also known as "Albert Smit," operated as an agent of defendant MILLENNIUM PRODUCT COMPANY, LLC.

e. Individual 1 was a resident of Iran and had a business relationship with defendant MILLENNIUM PRODUCT COMPANY, LLC.

f. Individual 2 was a resident of the United Arab Emirates and held an Iranian passport. Individual 2 was a manager of defendant MILLENNIUM PRODUCT COMPANY, LLC.

g. Company A, which maintained an office in the Northern District of Illinois, was a full service test and measurement equipment company. Company A also maintained a store that sold similar items on eBay.

h. Company B, which maintained an office in Santa Clara, California, sold pre-owned electronic test and measurement equipment. Company B also offered a wide range of refurbished test and measurement equipment and supplied that equipment globally across a number of industries, including but not limited to manufacturing, telecommunications, defense and aerospace. Company B also maintained a store that sold similar items on eBay.

i. Company C, which maintained an office in Irvine, California, offered a wide range of test equipment from various manufacturers. Company C also maintained a store that sold similar items on eBay.

j. Company D and Company E each maintained an office in the Republic of Armenia.

2. At times material to this indictment:

a. The International Emergency Economic Powers Act ("IEEPA"), Title 50, United States Code, Sections 1701-1707, granted the President of the United

States the authority to deal with unusual or extraordinary threats to the national security, foreign policy, or economy of the United States.

b. Pursuant to Title 50, United States Code, Sections 1705(a) and (c) of IEEPA, it was a crime to willfully violate, attempt to violate, conspire to violate, or cause a violation of any regulation promulgated thereunder, including the Iranian Transactions and Sanctions Regulations, and the Export Administration Regulations, as more fully described below.

The Iranian Embargo

c. In 1995 and again in 1997, the President issued a series of three Executive Orders regulating transactions with Iran pursuant to his authorities under IEEPA. See Executive Orders 13059 (Aug. 19, 1997), 12959 (May 6, 1995), and 12957 (Mar. 15, 1995). Since 1997, the President has continued the national emergency with respect to Iran and Executive Orders 13059, 12959, and 12957. The most recent continuation of this national emergency was on March 12, 2018. See 83 Fed. Reg. 11393 (Mar. 14, 2018).

d. To implement Executive Order 13059, which consolidated and clarified the earlier two Executive Orders, 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). Absent permission from OFAC in the form of a license, these regulations prohibited, among other things:

i. 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, trans-shipment, or reexportation, directly or indirectly, to Iran or the Government of Iran (31 C.F.R. § 560.204);

ii. 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

iii. 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).

e. In sum, this statute and these regulations collectively make it a crime to export, sell, or supply goods to Iran or the Government of Iran, without U.S. government authorization, or to engage in any transaction to evade or avoid the applicable regulations.

The Export Administration Regulations

f. The Export Administration Act of 1979, Title 50 Appendix, United States Code, Sections 2401-2420, regulated the export of goods, technology, and software from the United States. Pursuant to the Export Administration Act, the U.S. Department of Commerce promulgated the Export Administration Regulations (“EAR”), Title 15, Code of Federal Regulations, Parts 730-774, which contained restrictions on the export of goods from the United States.

g. Although the Export Administration Act lapsed in August 2001, pursuant to his authority under IEEPA, the President issued Executive Order 13222 on or about August 17, 2001. In that Order, the President 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 Export Administration Act’s expiration. Pursuant to IEEPA, the President, and subsequent Presidents, ordered that the Export Administration Regulations’ provisions remain in full force and effect despite the expiration of the Export Administration Act.

h. In general, the EAR applied to goods, technology, and software that were “dual use” in nature, meaning that they had military and non-military applications. For various national security reasons, the EAR prohibited the export of certain goods and commodities to specific countries, absent permission from the U.S. Department of Commerce issued in the form of an export license. The U.S. Department of Commerce, Bureau of Industry and Security (“BIS”), maintained the Commerce Control List, which consisted of general categories of goods that were

controlled for export. Individual items within the Commerce Control List were identified by an Export Control Classification Number, which was known as an ECCN.

i. The Commerce Control List contained an entry designated as ECCN 3A292.a. This entry pertained to non-modular analog oscilloscopes having a bandwidth of 1GHz or greater.

j. The Agilent Infiniium Oscilloscope, model number 54845A, was on the Commerce Control List and assigned ECCN 3A292.a.

k. Goods classified ECCN 3A292.a, including the Agilent Infiniium Oscilloscope, model number 54845A, were controlled for Nuclear Nonproliferation and Anti-Terrorism purposes.

l. An export from the United States to Iran of Nuclear Nonproliferation and Anti-Terrorism controlled materials, including the Agilent Infiniium Oscilloscope, model number 54845A, required a license issued by the U.S. Department of Commerce, BIS.

m. A BIS license was required under sections 742.3 and 767.7 of the EAR for the export or reexport to Iran of items classified under ECCN 3A292.a. No license exceptions were available under the EAR for exports or reexports to Iran during the time period specified, May 1, 2012, through November 24, 2016. An export from the United States to the United Arab Emirates of Nuclear Nonproliferation controlled materials did not require a license.

n. The Commerce Control List contained an entry designated as ECCN 3A992.a. This entry pertained to electronic test equipment.

o. The Agilent Spectrum Analyzer, model number 8563E, was on the Commerce Control List and assigned ECCN 3A992.a.

p. Goods classified ECCN 3A992.a, including the Agilent Spectrum Analyzer, model number 8563E, were controlled for Anti-Terrorism reasons.

q. An export from the United States to Iran of Anti-Terrorism controlled materials, including the Agilent Spectrum Analyzer, model number 8563E, required a license issued by the U.S. Department of Commerce, BIS.

r. A BIS license was required under section 746.7 of the EAR for the export or reexport to Iran of items classified under ECCN 3A992.a. No license exceptions were available under the EAR for exports or reexports to Iran during the time period specified, May 18, 2012, through May 18, 2018. An export from the United States to the United Arab Emirates of Anti-Terrorism controlled materials did not require a license.

s. To avoid duplication, exporters, and reexporters are not required to seek separate authorization from BIS for an export or reexport subject to the EAR and prohibited pursuant to the ITSR. No person may export or reexport any items subject to the EAR if such a transaction is prohibited by the ITSR and not authorized by the U.S. Department of the Treasury, OFAC.

Reports to the United States Government and the Automated Export System

t. The Census at all times relevant hereto, through the Foreign Trade Regulations, 15 C.F.R. Part 30, required filing of electronic export information through the Automated Export System, including through the free internet application AES Direct. The purpose of the Foreign Trade Regulations was to strengthen the United States government's ability to prevent the export of certain items to unauthorized destinations and/or end users because the Automated Export System aids in targeting, identifying, and when necessary, confiscating suspicious or illegal shipments prior to exportation.

u. Electronic export information was required to be filed for, among other things, (a) all exports subject to the Export Administration Regulations that require an export license, regardless of value or destination; and (b) when the value of the goods being exported exceeds \$2,500 per schedule B or harmonized tariff classification code, pursuant to 15 C.F.R. §§ 30.1(c), 30.2(a)(1) and 758.1(b). The electronic export information filed in the Automated Export System was required to contain, among other things, the names and addresses of all the parties to the transaction, country of ultimate destination, and a description, quantity, and value of the items exported, pursuant to 15 C.F.R. § 30.6(a). Prior to October 1, 2008, exporters were required to submit the same information in a paper document called a Shipper's Export Declaration. The electronic export information filed in the Automated Export System also was required, when applicable, to include the license

authority for the export and the ECCN assigned to the goods being exported pursuant to the Export Administration Regulations.

3. At no time relevant to this indictment did defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, or Companies A through E apply for or obtain a license from the U.S. Department of Treasury, Office of Foreign Assets Control, to export, reexport, sell, or supply, from the United States to Iran, any goods, technology, or services.

4. At no time relevant to this indictment did defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, or Companies A through E apply for or obtain a license from the U.S. Department of Commerce, BIS, to export, from the United States to Iran, goods listed under ECCN 3A292.a, including the Agilent Infiniium Oscilloscope, model number 54845A, or ECCN 3A992.a, including the Agilent Spectrum Analyzer, model number 8563E.

5. Beginning no later than in or around January 2014, and continuing until at least in or around August 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, together with co-schemers known and unknown to the grand jury, devised, intended to devise, and participated in a scheme to defraud and to obtain property from distributors of U.S.-origin goods by means of materially false and

fraudulent pretenses and representations, promises, and the concealment of material facts, which scheme is further described below.

6. It was part of the scheme that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, and their co-schemers, for the purpose of fraudulently obtaining U.S.-origin goods with applications in the equipment-testing industries, including oscilloscopes and spectrum analyzers, for export and re-export to Iran, placed orders for such goods with distributors located in the Northern District of Illinois and elsewhere within the United States, by falsely stating that the goods were destined for countries other than Iran.

7. It was further part of the scheme that defendants MOUSAEI and MILLENNIUM PRODUCT COMPANY, LLC, had knowledge of the restrictions on U.S. exports to Iran at least as early as approximately August 2012, when U.S. officials met with defendant MOUSAEI and Individual 2 of defendant MILLENNIUM PRODUCT COMPANY, LLC, at the office of defendant MILLENNIUM PRODUCT COMPANY, LLC, to conduct an end-use check, and to ensure their understanding of the restrictions on sending U.S. origin good and technologies to prohibited destinations.

8. It was further part of the scheme that defendants PAIEZI and PASION had knowledge of the restrictions on U.S. exports to Iran no later than December 2013.

9. It was further part of the scheme that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, and others

arranged for distributors of U.S.-origin goods to export such goods to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates by falsely representing that such goods would remain in the United Arab Emirates or in Armenia, where Company D and Company E were located. In reality, defendants intended to, attempted to, and did transship these goods to Iran, without the required license and in violation of U.S. law. In doing so, defendants fraudulently obtained and attempted to obtain goods that the U.S. distributors would not have otherwise sold and shipped but for defendants' false pretenses and representations, and their concealment of the ultimate destination of such goods.

Company A

10. It was further part of the scheme that, beginning in approximately January 2014, defendant PAIEZI, using the alias "Albert Smit," placed an order from Tehran, Iran, for a U.S.-origin Agilent Infiniium Oscilloscope, model number 54845A, from Company A, through Company A's eBay merchant page for export to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates.

11. It was further part of the scheme that, in approximately January 2014, defendant PAIEZI provided defendant PASION, who was located in the United Arab Emirates, with his eBay account credentials in order for defendant PASION to submit payment to Company A for the Agilent Infiniium Oscilloscope, model number 54845A.

12. It was further part of the scheme that, in approximately January 2014, Individual 3 submitted a credit card payment to Company A for the Agilent Infiniium

Oscilloscope, model number 54845A, and Individual 3 was reimbursed by defendant MILLENNIUM PRODUCT COMPANY, LLC, for the purchase amount.

13. It was further part of the scheme that, in approximately January 2014, defendant PAIEZI sent Company A a defendant MILLENNIUM PRODUCT COMPANY, LLC purchase order for the Agilent Infiniium Oscilloscope, model number 54845A, which indicated that the oscilloscope would be used to equip a laboratory, and was to be shipped to the address of defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates with defendant PASION as the recipient.

14. It was further part of the scheme that, in approximately January 2014, defendant PAIEZI, using the alias "Albert Smit," sent Company A an electronic message requesting that Company A prepare a false invoice listing the price of the Agilent Infiniium Oscilloscope, model number 54845A, as \$300, instead of the agreed price of approximately \$3,000.

15. It was further part of the scheme that, in approximately January 2014, defendant PASION informed defendant PAIEZI that she paid for the Agilent Infiniium Oscilloscope, model number 54845A and provided a balance calculation in Iranian currency for an amount that included costs associated with the purchase of the Oscilloscope.

16. It was further part of the scheme that, in approximately January 2014, Individual 1 assisted with a transfer from a bank account in Iran for the same amount of the balance calculation that defendant PASION provided to defendant PAIEZI.

17. It was further part of the scheme that, in approximately January 2014, based on the purchase order sent by defendant PAIEZI, who was using the alias "Albert Smit," Company A generated a sales contract for the Agilent Infiniium Oscilloscope, model number 54845A, to defendant PAIEZI and defendant MILLENNIUM PRODUCT COMPANY, LLC, with a shipping address in the United Arab Emirates.

18. It was further part of the scheme that, in approximately January 2014 defendant PAIEZI caused Company A to prepare an electronic export information form for the export of the Agilent Infiniium Oscilloscope, model number 54845A, to defendant MILLENNIUM PRODUCT COMPANY, LLC, falsely stating that the product was to be sent to an address in the United Arab Emirates, as the ultimate consignee and indicated that no license was required.

19. It was further part of the scheme that, in approximately January 2014, after defendant PAIEZI was informed by Company A that a U.S. Department of Commerce agent stated to Company A that the shipment of the Agilent Infiniium Oscilloscope, model number 54845A would not be delivered to defendant MILLENNIUM PRODUCT COMPANY, LLC, without an end user's purchase order, relevant contact information, and final country of destination, that defendant PAIEZI informed defendant PASION of the status and requested defendant PASION arrange to have the Agilent Infiniium Oscilloscope, model number 54845A cleared for shipment to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates.

20. It was further part of the scheme that, in approximately January 2014, defendant PASION forwarded her communication from defendant PAIEZI to defendant MOUSAEI, that included the U.S. Department of Commerce agent's email to Company A regarding the request for end user information.

21. It was further part of the scheme that, in approximately February 2014, in an attempt to induce the U.S. Department of Commerce agent to allow for export the Agilent Infiniium Oscilloscope, model number 54845A, for shipment, defendant PAIEZI sent a Form BIS-711 "Statement By Ultimate Consignee and Purchaser" to Company A that falsely listed "AlbertSmit" as the purchaser and Company D as the ultimate consignee in Armenia, which defendant PAIEZI knew was false because "Albert Smit" was not his name and the product was purchased in order to ship it to Iran.

22. It was further part of the scheme that, in approximately February 2014, defendant PAIEZI forwarded a request from Company A for confirmation from Company D's director affirming the purchase of the Agilent Infiniium Oscilloscope, model number 54845A, to defendants MOUSAEI and PASION. Attached to the email was a false purchase order from Company E, which listed Company E as the end user of the Agilent Infiniium Oscilloscope, model number 54845A, which defendants knew was false because the product was purchased in order to ship it to Iran.

23. It was further part of the scheme that, in approximately February 2014, defendant PASION sent the false Company E purchase order to Company A and a U.S. Department of Commerce agent in order to attempt to induce Company A and

the U.S. government to send the Agilent Infiniium Oscilloscope, model number 54845A, to Armenia. Defendant PASION forwarded this email to defendant PAIEZI.

24. It was further part of the scheme that, in approximately March 2014, defendant MOUSAEI contacted the U.S. Department of Commerce agent confirming that defendant PASION sent the latest purchase order and requested to know if there were further problems in shipping the Agilent Infiniium Oscilloscope, model number 54845A.

25. It was further part of the scheme that, in approximately March 2014, in an effort to attempt to export the Agilent Infiniium Oscilloscope, model number 54845A, defendant MOUSAEI sent three false documents in separate communications to the U.S. Department of Commerce agent. Those documents were a false purchase order for the Agilent Infiniium Oscilloscope, model number 54845A, from Company E to defendant MILLENNIUM PRODUCT COMPANY, LLC, a false purchase order for the Agilent Infiniium Oscilloscope, model number 54845A, from Company D to Company E, and a false BIS-711 form listing "Albert Smit" as the purchaser and Company D as the end user in Armenia, which statements defendant MOUSAEI knew was false because the product was to be shipped to Iran.

Company B

26. It was further part of the scheme that, in approximately June 2014, defendant PAIEZI, using the alias "Albert Smit," placed an order for a U.S.-origin Agilent Spectrum Analyzer, model number 8563E, from Company B in Santa Clara, California, purportedly for export to defendant MILLENNIUM PRODUCT

COMPANY, LLC, in the United Arab Emirates, when in fact it was intended for export to Iran.

27. It was further part of the scheme that, in approximately July 2014, defendant PAIEZI received confirmation from Company B that the Agilent Spectrum Analyzer, model number 8563E, was sent for calibration and would ship shortly after it was calibrated. Company B then sent an invoice to defendant PAIEZI for the Agilent Spectrum Analyzer, model number 8563E.

28. It was further part of the scheme that, in approximately July 2014, defendant PAIEZI sent an email to defendant PASION with an attached invoice from Company B for the Agilent Spectrum Analyzer, model number 8563E, addressed to "Albert Smit," of defendant MILLENNIUM PRODUCT COMPANY, LLC, in Dubai, United Arab Emirates, with a quoted price of \$4,950 plus \$425 shipping, and Company B's wire transfer and bank information.

29. It was further part of the scheme that, in approximately July 2014, defendant PASION sent defendant PAIEZI emails listing charges incurred for the purchase of the Agilent Spectrum Analyzer, model number 8563E, from Company B, and a copy of a request for a wire transfer to Company B for the total amount in the Company B invoice for the purchase of the Agilent Spectrum Analyzer, model number 8563E.

30. It was further part of the scheme that, in approximately August 2014, defendant PAIEZI sent an email to defendant PASION, copying Company B, asking

her to check with the bank because Company B had not received the funds for the Agilent Spectrum Analyzer, model number 8563E.

31. It was further part of the scheme that in approximately August 2014, defendant PAIEZI received confirmation from Company B that payment was received and caused Company B to ship the Agilent Spectrum Analyzer, model number 8563E to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates.

32. It was further part of the scheme that, in approximately August 2014, defendant PAIEZI instructed defendant PASION to create an invoice for an Agilent Spectrum Analyzer, model number 8563E, listed at \$200 U.S., instead of the actual purchase price of \$4,950 U.S., to facilitate the product being sent to Individual 1 in Iran.

33. It was further part of the scheme that, in approximately August 2014, defendant PASION confirmed with defendant PAIEZI that the Agilent Spectrum Analyzer, model number 8563E, purchased from Company B would be shipped to Individual 1 in Iran. Defendant PASION also included a commercial invoice with the seal of defendant MILLENNIUM PRODUCT COMPANY, LLC, and its address in the United Arab Emirates. The invoice was issued to Individual 1 in Tehran, Iran, listing the value of the Agilent Spectrum Analyzer, model number 8563E, for \$200 U.S., and the United States as the country of origin. Defendant PASION also included an Airway Bill, with a tracking number from a freight forwarding company operating in the United Arab Emirates, that listed defendants MILLENNIUM PRODUCT

COMPANY, LLC, and PASION as the sender, and Individual 1 as the receiver in Iran, and falsely listing the price of the Agilent Spectrum Analyzer, model number 8563E, for \$200 U.S., when defendant PASION knew the product was purchased for \$4,950 U.S.

Company C

34. It was further part of the scheme that, in or around July 2014, defendant PAIEZI placed an order for a U.S.-origin Agilent Spectrum Analyzer, model number 8563E, from Company C in Irvine, California, purportedly for export to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates, which was in fact intended for export to Iran.

35. It was further part of the scheme that, in approximately July 2014, defendant PAIEZI caused Company C to create an invoice for an Agilent Spectrum Analyzer, model number 8563E, at a cost of \$5,000 plus \$285 for shipping to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates.

36. It was further part of the scheme that, in approximately July 2014, defendant PASION sent defendant PAIEZI an email reflecting charges for two Agilent Spectrum Analyzers, model number 8563E, purchased from Company B and Company C.

37. It was further part of the scheme that, in approximately July 2014, defendant PASION sent defendant PAIEZI emails listing charges incurred for the purchase of the Agilent Spectrum Analyzer, model number 8563E, from Company C,

and a copy of a request for a wire transfer to Company C for the total amount in the Company C invoice for the purchase of the Agilent Spectrum Analyzer, model number 8563E.

38. It was further part of the scheme that, in approximately August 2014, defendant PAIEZI instructed defendant Pasion to create an invoice for an Agilent Spectrum Analyzer, model number 8563E, listed at \$200 U.S. instead of the actual purchase price of \$5,000 U.S., to facilitate the product being sent to Individual 1 in Iran.

39. It was further part of the scheme that, in approximately August 2014, defendant PAIEZI caused Company C to ship the Agilent Spectrum Analyzer, model number 8563E, to defendants PAIEZI, Pasion, and MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates, falsely claiming that the United Arab Emirates was the country of ultimate destination, and that the Agilent Spectrum Analyzer, model number 8563E, cost only \$500, when defendant PAIEZI knew that the product was purchased for \$5,000 U.S.

40. It was further part of the scheme that, in approximately August 2014, defendant Pasion confirmed with defendant PAIEZI that the Agilent Spectrum Analyzer, model number 8563E, purchased from Company C, would be shipped to Individual 1 in Iran. Defendant Pasion also included a commercial invoice with the seal of defendant MILLENNIUM PRODUCT COMPANY, LLC, and its address in the United Arab Emirates. The invoice was directed to Individual 1 in Tehran, Iran listing the value of the Agilent Spectrum Analyzer, model number 8563E, for

\$200 U.S., and the United States as the country of origin. Defendant PASION also included an Airway Bill, with a tracking number from a freight forwarding company operating in the United Arab Emirates, that listed defendant MILLENNIUM PRODUCT COMPANY, LLC, as the sender and Individual 1 as the receiver in Iran, and falsely listing the price of the Agilent Spectrum Analyzer, model number 8563E, for \$200 U.S.

41. It was further part of the scheme that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, and Individual 1, concealed, misrepresented, and hid and caused to be concealed, misrepresented, and hidden the existence and purpose of the scheme and the acts done in furtherance of the scheme.

42. On or about January 16, 2014, in the Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, an electronic offer to purchase an Agilent Infiniium Oscilloscope, model number 54845A, on eBay, which went from a server located outside of the United States to Company A in the Northern District of Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT TWO

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 41 of Count One are incorporated here.
2. On or about February 23, 2014, in the Northern District of Illinois,

Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, an email message regarding the purchase and shipment of an Agilent Infiniium Oscilloscope, model number 54845A, which was sent from a server located outside of the United States to Company A in the Northern District of Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT THREE

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 41 of Count One are incorporated here.
2. On or about March 25, 2014, at approximately 1:59 p.m., in the

Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals and sounds, namely, an email message regarding the purchase and shipment of an Agilent Infiniium Oscilloscope, model number 54845A, which was sent from a server located outside of the United States to Company A in the Northern District of Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT FOUR

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 41 of Count One are incorporated here.
2. On or about March 25, 2014, at approximately 2:03 p.m., in the

Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, an email message regarding the purchase and shipment of an Agilent Infiniium Oscilloscope, model number 54845A, which was sent from a server located outside of the United States to Company A in the Northern District of Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT FIVE

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 41 of Count One are incorporated here.
2. On or about March 25, 2014, at approximately 2:17 p.m., in the

Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, an email message regarding the purchase and shipment of an Agilent Infiniium Oscilloscope, model number 54845A, which was sent from a server located outside of the United States to Company A in the Northern District of Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT SIX

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 4 of Count One are incorporated here.
2. Beginning no later than in or around January 2014, and continuing until at last in or around August 2014, in the Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, conspired with others known and unknown to the grand jury to:

- a. commit an offense against the United States, namely, to willfully and knowingly violate, attempt to violate, and attempt to cause a violation of, licenses, orders, regulations, and prohibitions issued under the International Emergency Economic Powers Act, Title 50, United States Code, Sections 1701 to 1707, and Title 31, Code of Federal Regulations, Part 560, namely, defendants exported, sold, and supplied, attempted to export, sell, and supply, and attempted to cause to be exported, sold, and supplied, directly and indirectly, from the United States, goods, including, an Agilent Infiniium Oscilloscope, model number 54845A, and two Agilent Spectrum Analyzers, model number 8563E, to Iran, without first obtaining the required authorization from the U.S. Department of Treasury, Office of Foreign Assets Control, in violation of Title 50 United States Code, Section 1705(a), and Title 31 Code of Federal Regulations, Sections 560.203 and 560.204; and

b. defraud the United States by impairing, impeding, and obstructing the lawful government functions of the U.S. Department of Commerce.

MANNER AND MEANS OF THE CONSPIRACY

3. It was part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, and Individual 1, conspired to export an Agilent Infiniium Oscilloscope, model number 54845A, and two Agilent Spectrum Analyzers, model number 8563E, from the United States to Iran, without a license issued by the U.S. Department of the Treasury by fraudulently using defendant MILLENNIUM PRODUCT COMPANY, LLC, and Companies D and E as purchasers and/or intended recipients of such oscilloscope and spectrum analyzers to evade U.S. export laws and regulations.

4. It was further part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, and others communicated regarding the export and attempted export of products from the United States to Iran through various email accounts and eBay messaging.

5. It was further part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, and Individual 1, caused and attempted to cause defendant MILLENNIUM PRODUCT COMPANY, LLC, and Companies A, B, and C, to prepare fraudulent invoices, which, among other things: falsely identified the end users and ultimate destination countries of an Agilent Infiniium Oscilloscope, model number 54845A, and two Agilent Spectrum Analyzers, model number 8563E.

6. It was further part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, and MILLENNIUM PRODUCT COMPANY, LLC, caused to be created or created fraudulent paperwork from Companies D and E that falsely identified the end users and ultimate destination country of an Agilent Infiniium Oscilloscope, model number 54845A.

7. It was further part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, and Individual 1, submitted and caused the submission of false documents and shipping information to the U.S. government regarding the export and attempted export of an Agilent Infiniium Oscilloscope, model number 54845A, and two Agilent Spectrum Analyzers, model number 8563E.

8. It was further part of the conspiracy that defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, Individual 1, and others concealed, misrepresented, and hid and caused to be concealed, misrepresented, and hidden, the existence and purpose of the conspiracy and the acts done in furtherance of the conspiracy.

OVERT ACTS

9. In furtherance of this conspiracy, and to accomplish its objects and purposes, defendants MOUSAEI, PAIEZI, PASION, MILLENNIUM PRODUCT COMPANY, LLC, and Individual 1, committed and caused to be committed the following overt acts, among others, in the Northern District of Illinois, and elsewhere:

a. On or about January 16, 2014, defendant PAIEZI placed an order via eBay, to Company A for a U.S.-origin Agilent Infiniium Oscilloscope, model number 54845A, for export to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates.

b. On or about January 16, 2014, defendant PAIEZI sent defendant PASION an email requesting that defendant PASION pay the listed price to Company A for the Agilent Infiniium Oscilloscope, model number 54845A.

c. On or about January 17, 2014, defendant PAIEZI sent a message via eBay to Company A requesting an invoice with a falsely reduced price from what was actually paid for the Agilent Infiniium Oscilloscope, model number 54845A.

d. On or about January 29, 2014, defendant PAIEZI sent Company A a purchase order from defendant MILLENNIUM PRODUCT COMPANY, LLC, which falsely indicated that the end user was in the United Arab Emirates.

e. On or about February 3, 2014, defendant PAIEZI sent Company A a completed U.S. Department of Commerce form (Form BIS-711), by email, in which: (i) defendant PAIEZI, using the alias "Albert Smit," was identified as the purchaser; and (ii) Company D was identified as the ultimate consignee in Armenia for the Agilent Infiniium Oscilloscope, model number 54845A.

f. On or about February 23, 2014, defendant PASION sent a U.S. Department of Commerce agent a purchase order from Company E for the Agilent Infiniium Oscilloscope, model number 54845A.

g. On or about March 13, 2014, defendant MOUSAEI sent a U.S. Department of Commerce agent an email in an attempt to induce the U.S. Department of Commerce to allow to be exported the Agilent Infiniium Oscilloscope, model number 54845A.

h. On or about March 25, 2014, defendant MOUSAEI sent the U.S. Department of Commerce multiple emails in an attempt to induce the U.S. Department of Commerce to allow to be exported the Agilent Infiniium Oscilloscope, model number 54845A.

i. On or about July 1, 2014, defendant PAIEZI caused an employee of Company C to generate an invoice for the sale of an Agilent Spectrum Analyzer, model number 8563E, to be shipped to defendant MILLENNIUM PRODUCT COMPANY, LLC, in the United Arab Emirates with the country of ultimate destination listed as the United Arab Emirates.

j. On or about July 16, 2014, defendant PAIEZI caused an employee of Company B to generate an invoice for the sale of an Agilent Spectrum Analyzer, model number 8563E, to "Albert Smit" of defendant MILLENNIUM PRODUCT COMPANY, LLC.

k. On or about August 21, 2014, defendants PASION and PAIEZI:
(i) created and caused to be created invoices for each of the Agilent Spectrum Analyzers, model number 8563E, with a listed price per unit of \$200 U.S.; and (ii) shipping labels indicating the Agilent Spectrum Analyzers, model number 8563E, were to be shipped to Individual 1 in Iran.

All in violation of Title 18, United States Code, Section 371.

COUNT SEVEN

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 4 of Count One are incorporated here.
2. On or about January 21, 2014, in the Northern District of Illinois, Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, willfully and knowingly attempted to violate, and attempted to cause a violation of, licenses, orders, regulations, and prohibitions issued under the International Emergency Economic Powers Act, Title 50, United States Code, Sections 1701 to 1707, and Title 31, Code of Federal Regulations, Part 560, namely, defendants attempted to export, sell, and supply, and attempted to cause to be exported, sold, and supplied, directly and indirectly, from the United States, goods, namely, an Agilent Infiniium Oscilloscope, model number 54845A, to Iran, without first obtaining the required authorization from the U.S. Department of Treasury, Office of Foreign Assets Control;

In violation of Title 50 United States Code, Section 1705(a), and Title 31 Code of Federal Regulations, Sections 560.203 and 560.204.

COUNT EIGHT

The SPECIAL AUGUST 2017 GRAND JURY further charges:

1. Paragraphs 1 through 4 of Count One are incorporated here.
2. On or about January 21, 2014, in the Northern District of Illinois,

Eastern Division, and elsewhere,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as “Albert Smit,”
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as “MPC,”

defendants herein, fraudulently and knowingly, exported and sent, and attempted to export and send, from the United States, merchandise, an article, and object, namely, an Agilent Infiniium Oscilloscope, model number 54845A, contrary to the laws and regulations of the United States, namely, the International Emergency Economic Powers Act (Title 50, United States Code, Section 1705(a)); and the Iranian Transactions and Sanctions Regulations (Title 31, Code of Federal Regulations, Sections 560.203 and 560.204);

All in violation of Title 18, United States Code, Sections 554(a) and 2.

FORFEITURE ALLEGATION

The SPECIAL AUGUST 2017 GRAND JURY alleges:

1. The allegations contained in Counts One through Five of this indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of their violations of Title 18, United States Code, Section 1343, as alleged in the foregoing indictment,

SAEID HAJI AGHA MOUSAEI,
FARAMARZ PAIEZI, also known as "Albert Smit,"
JULIE IMELDA LACAR PASION, and
MILLENNIUM PRODUCT COMPANY, LLC, also known as "MPC,"

defendants herein, shall forfeit to the United States: any and all right, title, and interest they may have in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

3. The interests of defendants subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), include but are not limited to: a shipment of an Agilent Infiniium Oscilloscope, model number 54845A, valued at approximately \$3,000, currently in the possession of Company A;

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY