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2016 MAY 26 PM 1:00

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL GEORGE BROOKS,  
  
Defendant.

Case No. 16CR1206 JLS

I N D I C T M E N T

Title 18, U.S.C., Sec. 371 -  
Conspiracy To Commit Bribery;  
Title 18, U.S.C.,  
Sec. 981(a)(1)(c), and Title 28,  
U.S.C., Sec. 2461(c) - Criminal  
Forfeiture

The grand jury charges that at all time material:

INTRODUCTORY ALLEGATIONS

1. From in or about June 2006 to July 2008, defendant MICHAEL GEORGE BROOKS ("BROOKS") was a Captain in the United States Navy serving as the United States Naval Attaché ("NATT") at the United States Embassy in Manila, Philippines. In this position, BROOKS served as the representative of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the United Forces of the United States in Manila and also as the military advisor to the United States Ambassador. As part of his official duties, BROOKS interacted with the Subic Bay Metropolitan Authority ("SBMA"), the Philippine government agency with broad authority over the industrial affairs of

1 Subic Bay, Philippines. BROOKS retired from the U.S. Navy as a  
2 Captain in November 2011 and since approximately that time has been  
3 employed as a contractor for the Defense Threat Reduction Agency  
4 ("DTRA") in Northern Virginia.

5 2. As a Captain in the United States Navy, BROOKS was a "public  
6 official" within the definition of Title 18, United States Code,  
7 Section 201(a)(1).

8 3. Leonard Glenn Francis ("Francis") (charged elsewhere) was a  
9 citizen of Malaysia, residing in Singapore. Francis was the owner,  
10 Chief Executive Officer, and President of Glenn Defense Marine (Asia)  
11 ("GDMA"), a multi-national corporation with headquarters in Singapore.  
12 As of September 2013, GDMA had operating locations in many countries,  
13 including Japan, Thailand, Malaysia, Korea, Hong Kong, Indonesia,  
14 Australia, Philippines, and the United States. GDMA provided  
15 husbanding services to the U.S. Navy under a variety of husbanding  
16 contracts for over 25 years. "Husbanding" involved the coordinating,  
17 scheduling, and direct and indirect procurement of items and services  
18 required by ships and submarines when they arrived at port.

19 4. HP, a citizen of the United States, was GDMA's Vice  
20 President of Corporate Affairs.

21 5. NP, a citizen of Malaysia and resident of Singapore, was  
22 GDMA's Vice President of Global Operations.

23 6. The offense described herein began and was committed out of  
24 the jurisdiction of any particular district, and the last known  
25 residence of one or more joint offenders therein is within the  
26 Southern District of California.

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1 correspondence directly affecting its interests, and in return,  
2 Francis and others would corruptly give things of value to or on  
3 behalf of BROOKS, including but not limited to travel and  
4 entertainment expenses, the services of prostitutes, and hotel rooms.

5 METHODS AND MEANS OF THE CONSPIRACY

6 9. In furtherance of this conspiracy, and to accomplish its  
7 object, the following methods and means were used, among others:

8 a. BROOKS would corruptly demand, seek, receive, and  
9 accept things of value from Francis and others.

10 b. Francis and others would corruptly offer and give  
11 things of value to or on behalf of BROOKS, including travel and  
12 entertainment expenses, hotel rooms, and the services of prostitutes.

13 c. In return for these things of value, BROOKS would use  
14 his position and influence in the U.S. Navy to advocate for and  
15 advance GDMA's interests, as opportunities arose.

16 d. BROOKS would provide Francis and others with internal,  
17 proprietary U.S. Navy information and documents.

18 e. BROOKS would obtain diplomatic clearance for GDMA to  
19 operate unfettered in the Philippines.

20 f. BROOKS would allow GDMA to ghostwrite U.S. Navy  
21 documents and correspondence directly affecting its interests.

22 g. BROOKS, Francis, and others would use coded  
23 terminology, personal email accounts, and other means designed to  
24 obscure the true nature of their corrupt relationship and to avoid  
25 detection by law enforcement, including referring to prostitutes as  
26 "shakes," "chocolate shakes," "MOCHA shakes," and "high tea."

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1 during the trip, "You [YPS] may have a big budget for them as they are  
2 important client." YPS responded that she would prepare gifts and "If  
3 you said 'Big Budget' I suggest we can responsible for all trips and  
4 dinners." Francis agreed and instructed YPS to proceed and to  
5 coordinate further with BROOKS. GDMA employees then exchanged e-mails  
6 stating, "[P]lease prepare cash budget on hands for me [YPS] to  
7 support VIP trip in Phuket during 30th Mar - 4th Apr. There are 4  
8 guests and me [YPS]."

9 d. Following the completion of the trip, YPS sent Francis  
10 an e-mail with the subject line "Budget Summary.....Capt.Brooks  
11 Family Tour in Phuket, Thailand." The employee asked Francis, "kindly  
12 note on these spent items for entertain our VIP in Phuket during 30  
13 Mar - 4 Apr." In response, Francis wrote, "Well done [YPS], they are  
14 very pleased."

15 e. On or about May 20, 2007, BROOKS asked Francis, "I have  
16 the 'thank you' letter. What else do I owe you?" Francis replied,  
17 "Ships sceds, MSC note to shift from Subic, to Manila. Admiral Mayugas  
18 present job. Your E.T.A. HERE Thanks[.]"

19 f. On or about May 24, 2007, BROOKS forwarded Francis a  
20 ship schedule of an upcoming port visit and the two then discussed the  
21 "need [for] a Choc shake booster" and "MOCHA shake."

22 g. On or about May 24, 2007, in an e-mail chain with the  
23 subject line: "Food Orders," Francis wrote to NP, "Cut off all the  
24 past emails below when you send to the above. I do not want [a U.S.  
25 Navy official] to know that I am in comms with Capt Brooks. Be  
26 Carefull as we are surrounded by vipers."

27 h. On or about May 22, 2007, BROOKS and Francis exchanged  
28 e-mails - with BROOKS writing from his personal Yahoo e-mail account -

1 in which BROOKS told Francis he would try to arrange quarterly  
2 diplomatic clearances for all GDMA vessels entering the Philippines.  
3 In response, Francis wrote, "I will definitely make it up to you when  
4 I am in Manila soon." Using his official authority as NATT, BROOKS,  
5 in fact, secured the quarterly diplomatic clearances for GDMA vessels.  
6 These clearances allowed all GDMA vessels to transit into and out of  
7 the Philippines under the diplomatic imprimatur of the U.S. Embassy.  
8 The clearances also limited the amount of customs fees and taxes GDMA  
9 was required to pay and allowed GDMA to transport any quantity or type  
10 of cargo it chose because its vessels were not subject to inspection,  
11 and further allowed GDMA to bring armed guards into Philippine waters.

12 i. Shortly thereafter, on or about May 26, 2007, a family  
13 member of BROOKS enjoyed the services of a stretch limousine, paid for  
14 by Francis.

15 j. On or about July 22, 2007, Francis wrote to BROOKS:  
16 "We would appreciate your assistance to send a note to the Chairman  
17 and Attorney of SBMA that the US Embassy views [a GDMA-competitor's  
18 allegedly unprofessional] behavior with great concern and will stop  
19 sending ships to Subic if this continues." BROOKS forwarded  
20 correspondence (drafted by GDMA employees) to a U.S. Navy official in  
21 Manila. The correspondence described how the competitor was allegedly  
22 interfering with GDMA's ability to provide husbanding services to U.S.  
23 Navy ships.

24 k. After BROOKS informed Francis that the correspondence  
25 had been forwarded to a U.S. State Department official, Francis  
26 instructed BROOKS to forward the correspondence to more senior  
27 officials: "[The U.S. State Department official] is way down the  
28 chain to action this issue. We need to send a formal complaint to

1 [more senior officials]." BROOKS responded to Francis: "Boss, I am  
2 still going to send a letter to SBMA. [The U.S. State Department  
3 official] spoke to FISC today and let them now [sic] what transpired  
4 in Subic. I am going to also brief [a more senior official] during  
5 his visit to Manila 7 August. Thanks."

6 l. On or about July 28, 2007 until on or about August 1,  
7 2007, GDMA paid for BROOKS's hotel stay at The Valley Wing, Shangri-La  
8 Hotel in Singapore. On the hotel reservation, signed by a GDMA  
9 employee, an entry was made stating, "ALL CHARGE TO COMPANY," at a  
10 rate of \$580.00 SGD per night.

11 m. On or about November 27, 2007, HP ghostwrote an  
12 official U.S. Navy contractor evaluation and transmitted the completed  
13 evaluation to Francis. In transmitting the evaluation to Francis to  
14 relay to BROOKS, HP wrote: "Evaluation completed. It is extremely  
15 important that the attached file be saved again and renamed by Captain  
16 Brooks to erase document statistics."

17 n. On or about November 28, 2007, Francis forwarded the  
18 contractor evaluation completed by HP to BROOKS with the same  
19 admonishment: "It is extremely important that the attached file be  
20 saved again and renamed . . . to erase document statistics."

21 o. On or about November 29, 2007, BROOKS submitted to the  
22 U.S. Navy the contractor evaluation, completed by HP and GDMA. As  
23 submitted, the GDMA-drafted evaluation read: "GDMA's unsurpassed  
24 husbanding support in the Philippines this past year provided an  
25 exceptional husbanding capability never before experienced in the  
26 Philippines. While previous husbanding contractors struggled to  
27 perform in seemingly routine locations, GDMA delivers world class  
28 service in any location, and has become an integral piece of the



1 Ambassador's U.S. Navy engagement strategy. Accordingly, GDMA has my,  
2 as well as [the U.S. Ambassador to the Philippines'], strongest  
3 recommendation for future husbanding contract awards in the  
4 Philippines."

5 p. Also on or about November 29, 2007, Francis forwarded  
6 to HP and NP the e-mail wherein BROOKS transmitted the GDMA-completed  
7 contractor evaluation form to the U.S. Navy. Francis wrote to HP and  
8 NP: "We are looking great."

9 q. In or about November 2007 and December 2007, GDMA  
10 drafted language for correspondence for BROOKS to send to U.S. Navy  
11 officials concerning alleged problems U.S. Navy ships in the  
12 Philippines had experienced with refueling contractors. BROOKS  
13 forwarded U.S. Navy responses and internal discussion to Francis.

14 r. On or about January 4, 2008, BROOKS forwarded to  
15 Francis an incumbent refueling contractor's internal information  
16 regarding the USNS Niagara Falls's port visit on January 7, 2008.

17 s. Nearly simultaneously, on or about January 6, 2008,  
18 BROOKS sent an e-mail to Francis and asked, "Boss, Are you planning on  
19 going to your office after you arrive? I am trying to arrange 'high  
20 tea'. I saw your text that you plan on departing at 1400 on Tuesday  
21 [January 8, 2008]. I may require the room for a little bit longer. We  
22 will discuss when you arrive. Cheers." Francis's American Express  
23 statement from January 2008 indicated two separate charges for January  
24 8, 2008 at the Hyatt Manila Bay Hotel & Casino in the amount of  
25 \$3,240.10 and \$148.79 Singapore dollars.

26 t. Beginning on or about May 25, 2008, Francis hosted a  
27 days-long party for U.S. Navy Officers during a port visit to Manila  
28 by the USS Blue Ridge with alcohol, prostitutes, and lavish hotel

1 accommodations, among other luxuries. During this days-long party in  
2 the Presidential Suite at the Makati Shangri-La, BROOKS attended  
3 around the end of each day, accompanied by a prostitute.

4 u. On or about May 4, 2009, BROOKS wrote: "Boss, Do they  
5 serve Chocolate shakes in Singapore? See you soon."

6 v. On or about May 21, 2009, BROOKS e-mailed Francis and  
7 wrote: "Boss, It was good to see you. Look forwad [sic] to seeing  
8 you in DC." Brooks followed up with an e-mail to Francis, subject  
9 line "PS": "Should have asked for more booster. Cheers".

10 w. On or about February 25, 2010, BROOKS e-mailed Francis  
11 and wrote: "Boss, I am trying to change my flight to tomorrow  
12 morning. I never did get a chance to meet [a prostitute]. I stopped by  
13 the club she worked at and all she wanted me to do was buy her some  
14 drinks - working girl through and through."

15 x. On or about October 26, 2012, BROOKS sent Francis a  
16 message via LinkedIn inquiring about whether GDMA was supporting a  
17 then-occurring U.S. Navy ship visit in Manila.

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

19 **FORFEITURE ALLEGATIONS**

20 11. The allegations set forth in Count 1 of this Indictment are  
21 incorporated by reference for the purpose of alleging forfeiture  
22 pursuant to Title 18, United States Code, Section 981(a)(1)(c), and  
23 Title 28, United States Code, Section 2461(c).

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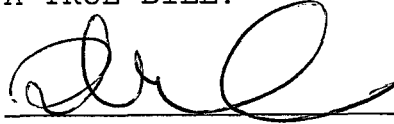
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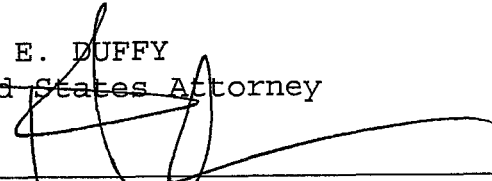
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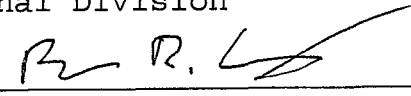
1 12. Upon conviction of the offense set forth in Count 1  
2 defendant MICHAEL <sup>George - n20</sup> BROOKS shall forfeit to all property, real and  
3 personal, which constitutes or is derived from proceeds traceable  
4 to Count 1 pursuant to Title 18, United States Code,  
5 Section 981(a)(1)(c), and Title 28, United States Code,  
6 Section 2461(c), including but not limited to a money judgment in an  
7 amount not less than the proceeds of the offense set forth in Count 1.

8 DATED: May 26, 2016.

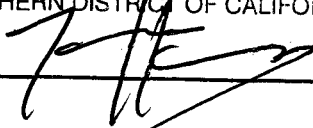
9 A TRUE BILL:

10   
11 \_\_\_\_\_  
12 Foreperson

12 LAURA E. DUFFY  
13 ~~United States Attorney~~  
14 By:   
15 MARK W. PLETCHER  
16 PATRICK HOVAKIMIAN  
17 Assistant U.S. Attorneys

17 ANDREW WEISSMANN  
18 Chief, Fraud Section  
19 Criminal Division  
20 By:   
21 BRIAN R. YOUNG  
22 Assistant Chief  
23 Fraud Section, Criminal Division

24 I hereby attest and certify on 5/26/16  
25 That the foregoing document is a full, true and correct  
26 copy of the original on file in my office and in my legal  
27 custody.

26 CLERK, U.S. DISTRICT COURT  
27 SOUTHERN DISTRICT OF CALIFORNIA  
28 By  Deputy