

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

HSIEN TAI TSAI

No. 12 CR 829-1

Judge Charles R. Norgle

PLEA AGREEMENT

1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, ZACHARY T. FARDON, the National Security Division of the United States Department of Justice, and defendant HSIEN TAI TSAI, and his attorney, STEVEN SHOBAT, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The indictment in this case charges defendant with conspiring to defraud the United States Department of the Treasury and the United States government by interfering with and obstructing a lawful government function, namely the enforcement of Executive Order 13382 and the Weapons of Mass Destruction Proliferators Sanctions Regulations, Title 31, Code of Federal Regulations, Parts 544.201, *et seq.*, by deceit, craft, trickery, and dishonest means, in violation of Title 18, United States Code, Section 371 (Count One); knowingly and willfully conspiring to violate the WMD Proliferators Sanctions Regulations, in

violation of Title 50, United States Code, Sections 1705(a) and (c), and Title 31, Code of Federal Regulations, Parts 544.201 and 544.205 (Count Two); knowingly and willfully engaging in transactions that evaded and avoided prohibitions and restrictions imposed by OFAC under the WMD Proliferators Sanctions Regulations, in violation of Title 50, United States Code, Sections 1705(a) and (c), and Title 31, Code of Federal Regulations, Parts 544.201 and 544.205 (Counts Three, Five, and Seven); knowingly and willfully contributing and providing funds, goods, and services for the benefit of an individual and entity whose property and interests in property have been blocked by the United States Department of the Treasury, Office of Foreign Assets Control under the WMD Proliferators Sanctions Regulations, in violation of Title 50, United States Code, Sections 1705(a) and (c), and Title 31, Code of Federal Regulations, Parts 544.201 (Count Four); knowingly and willfully receiving a contribution and provision of funds, goods, and services from an individual and entity whose property and interests in property have been blocked by OFAC under the WMD Proliferators Sanctions Regulations, in violation of Title 50, United States Code, Sections 1705(a) and (c), and Title 31, Code of Federal Regulations, Parts 544.201 (Counts Six and Eight); knowingly conspiring to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Nine); and knowingly and willfully laundering money, in violation of Title 18, United States Code, Section 1956(a)(2)(A) (Count Ten).

3. Defendant has read the charges against him contained in the indictment, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following count of the indictment: Count One, which charges defendant with conspiring to defraud the United States Department of the Treasury and the United States government by interfering with and obstructing a lawful government function, namely the enforcement of Executive Order 13382 and the WMD Proliferators Sanctions Regulations, Title 31, Code of Federal Regulations, Parts 544.201, *et seq.*, by deceit, craft, trickery, and dishonest means, in violation of Title 18, United States Code, Section 371.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charge contained in Count One of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt:

Relevant Laws Relating to Proliferators of Weapons of Mass Destruction

The International Emergency Economic Powers Act, Title 50, United States Code, Sections 1701-1707, authorized the President of the United States to impose economic sanctions in response to an unusual or extraordinary threat to the

national security, foreign policy, or economy of the United States when the President declares a national emergency with respect to that threat.

On November 14, 1994, the President issued Executive Order 12938, finding “that the proliferation of nuclear, biological, and chemical weapons (‘weapons of mass destruction’) and of the means of delivering such weapons, constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and [declaring] a national emergency to deal with that threat.”

On June 28, 2005, the President issued Executive Order 13382, titled “Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters”, to target proliferators of weapons of mass destruction and their support networks and deny designated WMD proliferators access to the U.S. financial and commercial systems. To implement that order, Executive Order 13382 authorized the United States Secretary of Treasury, in consultation with the Secretary of State, “to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes” of the Executive Order. Pursuant to that authority, the Secretary of Treasury promulgated the “Weapons of Mass Destruction Proliferators Sanctions Regulations,” 31 C.F.R. § 544.201 *et seq.*

Among other things, Executive Order 13382 and the WMD sanction regulations: (i) authorized OFAC to sanction individuals and entities facilitating the proliferation of WMDs by placing such individuals or entities on the List of

Specially Designated Nationals and Blocked Persons (the “SDN List”), pursuant to 31 C.F.R. § 544.201(a)(2); (ii) prohibited transactions or dealings, except as authorized or licensed by OFAC, by any U.S. person or within the United States with individuals and entities who have been placed on the SDN list, including: (a) “The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person [on the SDN list]”; and (b) “The receipt of any contribution or provision of funds, goods, or services from any person [on the SDN list],” pursuant to 31 C.F.R. § 544.201(b); and (iii) prohibited any transaction by a U.S. person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in Executive Order 13382 and the WMD proliferators sanction regulations, pursuant to 31 C.F.R. § 544.205.

Pursuant to Executive Order 13382 and the WMD proliferators sanction regulations, 31 C.F.R. § 544.405, a U.S. person could not provide financial, brokering, freight forwarding, transportation, or other services to a person or entity on the SDN list, except as authorized or licensed by OFAC. For purposes of Executive Order 13382 and the WMD proliferators sanction regulations, 31 C.F.R. § 544.312, a “U.S. person” included a permanent resident alien, any person in the United States, and any entity organized under the laws of the United States or any jurisdiction within the United States.

The Defendants

Defendant HSIEN TAI TSAI, also known as “Alex Tsai” and “Hsein Tai Tsai,” was a resident of Taiwan. Defendant conducted business in the United States and Taiwan, among other countries, buying, selling, and procuring machine tools and other products through Taiwan-based businesses known as Trans Merits Co., Ltd., Global Interface Company, Inc., and Trans Multi Mechanics Co., Ltd.. Defendant’s son, co-defendant Yueh-Hsun Tsai, also known as “Gary Tsai,” was a legal permanent resident of the United States, residing in Glenview, Illinois. Co-defendant Yueh-Hsun Tsai conducted business on behalf of Trans Merits, and Trans Multi Mechanics in the United States and abroad.

On or about January 16, 2009, OFAC designated defendant, Trans Merits, and Global Interface as Specially Designated Nationals in connection with the proliferation of weapons of mass destruction, pursuant to Executive Order 13382. At no time after those designations did defendant, Trans Merits, or Global Interface apply for, receive, or possess a license or authorization from OFAC to engage in any transactions or dealings with a U.S. person or within the United States. Additionally, at no time after those designations did Yueh-Hsun Tsai apply for, receive, or possess a license or authorization from OFAC to engage in any transactions or dealings with a Specially Designated National.

The Conspiracy

Beginning no later than in or about August 2009 and continuing until in or about August 2010, defendant and co-defendant Yueh-Hsun Tsai knowingly conspired with each other and with others to defraud the United States Department of the Treasury and the United States government by interfering with and obstructing a lawful government function, that is, the enforcement of Executive Order 13382 and the WMD proliferators sanction regulations, by deceit, craft, trickery, and dishonest means.

After learning of the OFAC designations, defendant, Yueh-Hsun Tsai, and others continued to conduct business through the U.S. financial and commercial systems for the benefit of defendant and Trans Merits. In order to knowingly and willfully evade the U.S. government's efforts to block defendant and Trans Merits from accessing the U.S. financial and commercial systems, defendant, Yueh-Hsun Tsai, and others concealed the involvement of defendant and Trans Merits in post-designation transactions in various ways.

For example, defendant, Yueh-Hsun Tsai, and others knowingly and willfully evaded the ban and prohibitions imposed on defendant and Trans Merits after they were designated proliferators of weapons of mass destruction by exporting goods from the United States to Trans Multi Mechanics and concealing the involvement of defendant and Trans Merits in the such transactions. Additionally, defendant, Yueh-Hsun Tsai, and others attempted to evade the ban and prohibitions imposed

on defendant and Trans Merits by importing goods to the United States and concealing the involvement of defendant and Trans Merits in those import transactions. Further, defendant and Yueh-Hsun Tsai knowingly and willfully evaded the ban and prohibitions imposed on defendant and Trans Merits after they were designated proliferators of weapons of mass destruction by transmitting money into the United States and through a U.S. financial institution in the name of a third-party and concealing the involvement of defendant and Trans Merits in the financial transactions.

Bryant Center Hold Grinder

On or about August 21, 2009, Yueh-Hsun Tsai sent an email to an Illinois corporation based in Lincolnshire, Illinois, referred to here as Company LM, regarding the purchase of a Bryant Center Hole Grinder, a precision machine tool used to grind a center hole, with precisely smooth sides, between .050 inches and 2 inches in diameter. On or about August 26, and August 31, 2009, Yueh-Hsun Tsai visited Company LM to inspect the Bryant Center Hole Grinder. On or about August 31, 2009, Yueh-Hsun Tsai sent an email to Company LM, instructing Company LM to prepare an invoice and bill of lading for the purchase of the Bryant Center Hole Grinder, with the purchasing company being Trans Multi Mechanics.

On or about September 1, 2009, Yueh-Hsun Tsai sent an email to defendant and Trans Merits, forwarding a copy of the commercial invoice for the Bryant Center Hole Grinder. On or about September 1, 2009, in order to conceal the

involvement of defendant and Trans Merits in the transaction, defendant and Yueh-Hsun Tsai caused an employee at Company LM to file a Shipper's Export Declaration with the U.S. government, which stated that the end user was "Trans Multi Mechanics" and that no license was required to export the Bryant Center Hole Grinder.

On or about September 2, 2009, Yueh-Hsun Tsai sent an email to defendant and Trans Merit, requesting that defendant arrange payment for the Bryant Center Hole Grinder. Also on or about September 2, 2009, defendant and Yueh-Hsun Tsai caused \$6,500 to be wire transferred from a United States bank account controlled by Yueh-Hsun Tsai to a bank account maintained by Company LM for the purchase of the Bryant Center Hole Grinder. On or about September 4, 2009, defendant and Yueh-Hsun Tsai caused a wire transfer of \$7,200 to be sent from a bank account maintained in the name of Trans Multi Mechanic at First Commercial Bank in Taiwan to Yueh-Hsun Tsai's bank account at Citibank to pay for the Bryant Center Hole Grinder. On or about September 23, 2009, defendant and Yueh-Hsun Tsai knowingly caused Company LM to export the Bryant Center Hole Grinder from the United States to Trans Multi Mechanics in Taiwan for the benefit of defendant and Trans Merits.

Wire Transfers of Funds

In addition, on at least two occasions, in order to knowingly and willfully evade the U.S. government's efforts to block defendant and Trans Merits from

accessing the U.S. financial and commercial systems, defendant used the account of a third party to wire transfer funds that he owned and controlled to accounts that co-defendant Yueh-Hsun Tsai owned and controlled in the United States. More specifically, on or about October 21, 2009, defendant caused a wire transfer in the amount of approximately \$66,975 to be sent from an account in the name of Individual HHT at First Commercial Bank in Taipei, Taiwan, to Yueh-Hsun Tsai's Citibank account in the United States. On or about February 1, 2010, defendant caused a wire transfer in the amount of approximately \$49,975 to be sent from an account in the name of Individual HHT at First Commercial Bank in Taipei, Taiwan, to Yueh-Hsun Tsai's Citibank account in the United States.

LED Road Lights and Oil Pump

On or about January 6, 2010, co-defendant Yueh-Hsun Tsai sent an email to defendant and Individual DH regarding the potential importation of LED road lights into the United States. On or about January 28, 2010, defendant caused an email to be sent to Yueh-Hsun Tsai, attaching a revised pricing list for the LED road lights.

On or about August 15, 2010, Yueh-Hsun Tsai sent an email to defendant and Trans Merits, requesting assistance in procuring an oil pump for importation into the United States. Sometime on or before August 18, 2010, defendant and Trans Merits procured an oil pump for Yueh-Hsun Tsai. On or about August 18, 2010, defendant caused an email to be sent to Yueh-Hsun Tsai, informing Yueh-

Hsun Tsai that the oil pump had been shipped to the United States. Sometime on or after August 18, 2010, defendant and Trans Merits caused an oil pump to be imported into the United States.

7. The foregoing facts are set forth solely to assist the Court in determining whether a factual basis exists for defendant's plea of guilty, and are not intended to be a complete or comprehensive statement of all the facts within defendant's personal knowledge regarding the charged crimes and related conduct.

Maximum Statutory Penalties

8. Defendant understands that the charge to which he is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 5 years' imprisonment. This offense also carries a maximum fine of \$250,000. Defendant further understands that the judge also may impose a term of supervised release of not more than three years.

b. In accord with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which he has pled guilty, in addition to any other penalty imposed.

Sentencing Guidelines Calculations

9. Defendant understands that in imposing sentence the Court will be guided by the United States Sentencing Guidelines. Defendant understands that the Sentencing Guidelines are advisory, not mandatory, but that the Court must consider the Guidelines in determining a reasonable sentence.

10. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points, except as specified below:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2013 Guidelines Manual.

b. **Offense Level Calculations.**

i. It is the position of the government that the base offense level is 26 pursuant to Guideline § 2M5.1(a)(1)(A) because national security controls and controls relating to the proliferation of nuclear, biological, or chemical weapons or materials were evaded. It is the position of the defendant that the base offense level is 14 pursuant to Guideline § 2M5.1(a)(2).

ii. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to accept responsibility for his actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense level is appropriate.

iii. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

iv. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

c. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, the government anticipates the offense level is 23, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 46 to 57 months' imprisonment, in addition to any supervised release and fine the Court may impose. The defendant anticipates the offense level is 12, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 10 to 16 months' imprisonment, in addition to any supervised release and fine the Court may impose.

d. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

e. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Cooperation

11. Defendant agrees he will fully and truthfully cooperate in any matter in which he is called upon to cooperate by a representative of the United States Attorney's Office for the Northern District of Illinois. This cooperation shall include providing complete and truthful information in any investigation and pre-trial preparation and complete and truthful testimony in any criminal, civil, or administrative proceeding. Defendant agrees to the postponement of his sentencing until after the conclusion of his cooperation.

Agreements Relating to Sentencing

12. At the time of sentencing, the government shall make known to the sentencing judge the extent of defendant's cooperation. If the government determines that defendant has continued to provide full and truthful cooperation as required by this Agreement, then the government shall move the Court, pursuant to Guideline § 5K1.1, to depart downward from the low end of the applicable guideline range, and shall recommend a sentence that includes a term of imprisonment in the custody of the Bureau of Prisons of 66 percent of the low end of the applicable guideline range. Defendant shall be free to recommend any sentence. Defendant understands that the decision to depart from the applicable guideline range rests solely with the Court.

13. If the government does not move the Court, pursuant to Guideline § 5K1.1, to depart from the applicable guideline range, as set forth above, the

preceding paragraph of this Agreement will be inoperative, both parties shall be free to recommend any sentence, and the Court shall impose a sentence taking into consideration the factors set forth in 18 U.S.C. § 3553(a) as well as the Sentencing Guidelines without any downward departure for cooperation pursuant to § 5K1.1. Defendant may not withdraw his plea of guilty because the government has failed to make a motion pursuant to Guideline § 5K1.1.

14. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

15. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

16. After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment, as well as the forfeiture allegation as to defendant.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

17. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 12 CR 829.

18. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

19. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge

sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt and that it was to consider each count of the indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant.

Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

b. **Waiver of appellate and collateral rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial. Defendant is aware that Title 28, United States Code, Section 1291, and Title 18, United States Code, Section 3742, afford a defendant the right to appeal his conviction and the sentence imposed. Acknowledging this, if the government makes a motion at sentencing for a downward departure pursuant to Guideline § 5K1.1, defendant knowingly waives the right to appeal his conviction, any pre-trial rulings by the Court, and any part of the sentence (or the manner in which that sentence was determined), including any term of imprisonment and fine within the maximums provided by law, in exchange for the concessions made by the United States in this Agreement. In addition, if the

government makes a motion at sentencing for a downward departure pursuant to Guideline § 5K1.1, defendant also waives his right to challenge his conviction and sentence, and the manner in which the sentence was determined, and (in any case in which the term of imprisonment and fine are within the maximums provided by statute) his attorney's alleged failure or refusal to file a notice of appeal, in any collateral attack or future challenge, including but not limited to a motion brought under Title 28, United States Code, Section 2255. The waiver in this paragraph does not apply to a claim of involuntariness, or ineffective assistance of counsel, which relates directly to this agreement or to its negotiation, nor does it prohibit defendant from seeking a reduction of sentence based directly on a change in the law that is applicable to defendant and that, prior to the filing of defendant's request for relief, has been expressly made retroactive by an Act of Congress, the Supreme Court, or the United States Sentencing Commission.

20. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraphs. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

21. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him,

and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing, including the nature and extent of defendant's cooperation.

22. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

23. For the purpose of monitoring defendant's compliance with his obligations to pay a fine during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be

sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

24. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

25. Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which defendant is pleading guilty. Indeed, because defendant is pleading guilty to an offense that is an "aggravated felony" as that term is defined in Title 8, United States Code, Section 1101(a)(43), removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including his attorney or the Court, can predict to a certainty the effect of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his guilty plea may entail, even if the consequence is his automatic removal from the United States.

Conclusion

26. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

27. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

28. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

29. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

30. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: _____

ZACHARY T. FARDON
United States Attorney

HSIEN TAI TSAI
Defendant

BRIAN HAYES
Assistant U.S. Attorney

STEVEN SHOBAT
Attorney for Defendant

BRANDON L. VAN GRACK
Trial Attorney, Department of Justice