

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 19-
	:	
JOYCE MARIE ELIABACHUS, a/k/a “Joyce Marie Gundran Manangan”	:	18 U.S.C. § 371

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant JOYCE MARIE ELIABACHUS, a/k/a “Joyce Marie Gundran Manangan,” (“ELIABACHUS”) was a resident of New Jersey.

ELIABACHUS was the principal officer and operator of Edsun Equipments LLC, a/k/a Edsun Equipment LTD (“Edsun Equipments”), a privately-held New Jersey business that purportedly traded in aviation equipment parts. Edsun Equipments was headquartered at ELIABACHUS’ residence (“the New Jersey Address”), which residence had no commercial or manufacturing facilities or capabilities.

b. Peyman Amiri Larijani (“Larijani”) was a citizen and resident of Iran. Larijani was the operations and sales manager for several purported foreign aviation supply and engineering companies including, among others: (i) Asa Ekvator Aviation, located in Tehran, Iran, and Istanbul, Turkey (formerly known as Kral Havacilik Ic Ve Dis Ticaret Sirketi, doing business as Kral

Aviation Company); (ii) Blue Clouds Aviation, located in Tehran, Iran; (iii) Sun Bright Havacilik Ic Ve Dis Tic, also known as Sun Bright Aviation, located in Tehran, Iran; (iv) Pelikano Gida Ic Ve Dis Ticaret, located in Istanbul, Turkey; and (v) Tango Ic Ve Dis Tic LTD, located in Istanbul, Turkey (collectively, the “Iranian Network”).

The International Emergency Economic Powers Act

c. The export of “commerce controlled” items was regulated by the U.S. Department of Commerce (“DOC”). Under the International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. § 1701, *et seq.*, the President of the United States was granted the authority to deal with unusual and extraordinary threats to the national security, foreign policy, and economy of the United States. Under IEEPA, the President could declare a national emergency through Executive Orders that had the full force and effect of law.

d. On August 17, 2001, under the authority of IEEPA, the President issued Executive Order 13222 that declared a national emergency with respect to the unrestricted access of foreign parties to United States goods and technologies and extended the Export Administration Regulations (the “EAR”), 15 C.F.R. §§ 730-774. Through the EAR, the DOC imposed license or other requirements before an item subject to the EAR could be lawfully exported from the United States or lawfully re-exported from another country. These items were included on the commerce control list, or “CCL,” published at 15 C.F.R. § 774, Supp. 1. Items on the CCL were categorized by an Export Control Classification Number (“ECCN”), that denoted the applicable export controls. The President issued annual Executive Notices extending the

national emergency declared in Executive Order 13222 from the time period covered by that Executive Order through the time of this Information. *See* 77 Fed. Reg. 49,699 (Aug. 15, 2012).

e. The DOC reviewed and controlled the export of certain goods and technology from the U.S. to foreign countries. In particular, the DOC placed restrictions on the export of goods and technology that it determined could make a significant contribution to the military potential or nuclear proliferation of other nations or that could be detrimental to the foreign policy or national security of the United States. Under IEEPA and the EAR, it was a crime to willfully export, or attempt or conspire to export from the United States, any item listed on the CCL for which a license was required without first obtaining the license from the DOC. *See* 50 U.S.C. § 1705(c); 15 C.F.R. § 764.2.

f. The DOC's Bureau of Industry and Security ("BIS") contained a list of names of certain foreign persons – including businesses, research institutions, government and private organizations, individuals and other types of legal persons – that were subject to specific license requirements for the export, re-export, and/or transfer (in-country) of specified items. These persons comprised the Entity List, as enumerated in 15 C.F.R. § 774, Supp. 4. The Entity List specified the license requirements that it imposed on each listed person independent of, and in addition to, license requirements imposed elsewhere in the EAR. 15 C.F.R. § 774.1(c) of the EAR prohibited the use of license exceptions for almost all exports and re-exports to listed entities. The Entity List was generally comprised of entities who had engaged in activities

that could result in an increased risk of the diversion of exported, re-exported, and transferred (in-country) items to weapons of mass destruction programs. Grounds for inclusion on the Entity List included entities whose activities were deemed contrary to the national security and/or foreign policy interests of the United States (an entity enumerated on the Entity List is referred to herein as a “banned entity”).

The Iran Trade Embargo and the Iranian Transactions Regulations

g. On March 15, 1995, the President issued Executive Order No. 12957, finding that “the actions and policies of the Government of Iran constitute 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.”

h. Executive Orders Nos. 12959 and 13059 (collectively, with Executive Order No. 12957, the “Executive Orders”) imposed economic sanctions, including a trade embargo, on Iran. The Executive Orders prohibited, among other things, the exportation, re-exportation, sale, or supply, directly or indirectly, to Iran, of any goods, technology, or services from the United States or by a United States person. The Executive Orders also prohibited any transaction by any United States person or within the United States that evaded or avoided, or had the purpose of evading or avoiding, any prohibition set forth in the Executive Orders.

i. The Executive Orders authorized the United States Secretary of the Treasury, in consultation with the United States 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 Orders. Pursuant to this authority, the Secretary of the Treasury, through the Office of Foreign Assets Control (“OFAC”), promulgated the Iranian Transactions Regulations (“ITR”), 31 C.F.R. Part 560, implementing the sanctions required by the Executive Orders. On October 22, 2012, OFAC renamed the “Iranian Transactions Regulations” as the “Iranian Transactions and Sanctions Regulations” (“ITSR”) and reissued them in their entirety. The conduct described in this Information was unlawful both under the ITR and the renamed ITSR.

j. Specifically, absent permission from OFAC in the form of a license, the ITR and ITSR prohibited, among other things:

- i. The exportation, re-exportation, 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, re-exportation, 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 re-exportation, directly or indirectly, to Iran or the Government of Iran (31 C.F.R. § 560.204);
- ii. The re-exportation 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 re-exportation is undertaken with knowledge or reason to know that the re-exportation 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 ITR (31 C.F.R. § 560.203).

k. OFAC also administered and enforced economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States. As part of its enforcement efforts, OFAC published a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also listed individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that were not country-specific. Collectively, such individuals and companies were called “Specially Designated Nationals” or “SDNs.” Their assets were blocked and U.S. persons were generally prohibited from dealing with them. See, e.g., 31 C.F.R. Part 594 (Global Terrorism Sanctions Regulations).

The Conspiracy

2. From in or about November 2013 through in or about April 2018, in Morris County, in the District of New Jersey and elsewhere, the defendant,

JOYCE MARIE ELIABACHUS,
a/k/a “Joyce Marie Gundran Manangan,”

did knowingly and intentionally conspire and agree with others to willfully export, re-export, sell and supply, and attempt to export, re-export, sell and supply, goods, to wit: aircraft components, directly and indirectly from the United States to Iran, without first obtaining the required export control

licenses from the Office of Foreign Assets Control, contrary to Title 50, United States Code, Sections 1702 and 1705; and Title 31, Code of Federal Regulations, Sections 560.203, 560.204, 560.205, and 560.208.

Object of the Conspiracy

3. It was the object of the conspiracy for ELIABACHUS, together with Larijani and others (collectively, the “co-conspirators”), to surreptitiously acquire large quantities of license-controlled aircraft components from U.S. manufactures and vendors, and export those parts to Iran through freight-forwarding companies located in the United Arab Emirates (“UAE”) and Turkey.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. ELIABACHUS and her co-conspirators purchased aircraft components from United States manufacturers and vendors, and arranged for the export of these goods to entities in Iran.

b. ELIABACHUS’ Iranian-based conspirators obtained requests for quotes (“RFQs”) for U.S.-manufactured aircraft components from various Iranian entities.

c. ELIABACHUS and her co-conspirators actively pursued the procurement of aircraft components on behalf of banned entities, OFAC-designated SDNs, and Iranian airline companies officially designated by the United States as posing a threat to its national security, foreign policy, or economic interests, including the following (among others):

(i) Mahan Air Co.: an Iranian-based airline that was placed on the BIS entity list in March 2008, and was subsequently designated by

OFAC as a SDN in October 2011 for providing financial, material, and technological support to the Islamic Revolutionary Guard Corps - Qods Force (IRGC-QF);

(ii) Ukrainian-Mediterranean Airlines: an airline with headquarters in Iran and Syria, among other locations, that was placed on the BIS entity list in August 2011, and was subsequently designated by OFAC as a SDN in May 2013;

(iii) Caspian Airlines: an Iranian-based airline that was designated by OFAC as a SDN in August 2014;

(iv) Kish Air: an Iranian-based airline that was placed on the BIS entity list in August 2011;

(v) Atrak Air: a commercial airline headquartered in Tehran, Iran;

(vi) Iran Air Tours: a commercial airline and subsidiary of Iran Air, headquartered in Tehran, Iran;

(vii) ATA Airlines: a commercial airline headquartered in Tabriz, Iran; and

(viii) Karun Airlines: a commercial charter airline with headquarters in Ahwaz, Iran and Tehran, Iran.

d. ELIABACHUS opened, and solely controlled, at least two business bank accounts in the name of Edsun Equipments (the “Edsun Accounts”).

e. ELIABACHUS obtained a paid membership to a U.S.-based online aviation parts marketplace (the “Marketplace”). The Marketplace allowed members to post RFQs and parts listings, and to make purchases of various aircraft components. ELIABACHUS listed Edsun Equipments as the co-conspirators’ primary business entity and listed the New Jersey Address as the co-conspirators’ primary place of business. ELIABACHUS also registered an account name (the “Edsun ID”) to gain online access to the Marketplace. Thereafter, ELIABACHUS and her co-conspirators used the Edsun ID on hundreds of occasions to access the Marketplace for New Jersey and Iran.

f. Co-conspirators submitted the foreign RFQs through an online aircraft parts database located in the U.S. to solicit bids from various U.S.-based manufacturers and distributors for the requested aircraft components. ELIABACHUS and her co-conspirators established and used an access account affiliated with Edsun Equipments to submit the RFQs to conceal the foreign nexus of each RFQ. Using Edsun Equipments, ELIABACHUS and her co-conspirators finalized the purchase and acquisition of the requested components from the various U.S.-based companies, and in each instance, they concealed the true identity of the ultimate end-user of the aircraft components in Iran.

g. Upon receipt of the components at the New Jersey Address, ELIABACHUS prepared the parts for export using various U.S.-based shipping companies. ELIABACHUS and her co-conspirators concealed the true destination of the parts they were exporting by directing that the shipments be sent to various freight-forwarding companies located in the United Arab Emirates and Turkey.

h. On several occasions, ELIABACHUS devalued the exported items on shipping documents to evade the legal requirement of filing an Electronic Export Information (“EEI”) via the Automated Export System (“AES”), thereby further concealing the unlawful export activities from law enforcement authorities.

i. On still other occasions, ELIABACHUS falsified the value, destination, and/or end-user of the exported aircraft components, thereby deceiving customs officials of the true nature of the shipment. Upon arrival of

the parts at the UAE and Turkish-based freight forwarders, Larijani arranged for trans-shipment of the items to end-users in Iran.

j. The funds for these illicit transactions were initially obtained by ELIBACHUS from overseas sources through international wire transfers. Through numerous Turkish-based bank accounts held in the name of companies comprising the “Iranian Network,” Larijani directed millions of dollars into the co-conspirators’ U.S.-based accounts. The co-conspirators created and used foreign front or “shell” companies and bank accounts to conceal the true sources of funds in Iran, as well as the identities of the various Iranian corporations who were receiving U.S. aircraft components.

k. Larijani had direct access and/or control of multiple foreign bank accounts held in the name of various Iranian Network companies.

l. ELIABACHUS and her co-conspirators conducted approximately \$5,140,000 in wire transfers between the foreign bank accounts and the Edsun Accounts. Upon receipt of the wire transfers in the U.S.-based accounts, ELIABACHUS and her co-conspirators routinely made purchases of the U.S.-based aircraft components for subsequent export to Iran. Specifically, from in or about May 2015 through in or about October 2017, ELIABACHUS and her co-conspirators facilitated at least 49 shipments containing a total of approximately 23,554 license-controlled aircraft parts from the U.S. to Iran. No export licenses were applied for by, or granted to, ELIABACHUS, her co-conspirators, or their related entities for any of the shipments identified during this timeframe.

Overt Acts

5. In furtherance of the conspiracy, and to effect its unlawful object, ELIABACHUS and her co-conspirators committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

A. THE BRAKE ASSEMBLY TRANSACTION

- a. In or about 2014, in New Jersey, ELIABACHUS opened at least two business bank accounts in the name of Edsun Equipments.
- b. On or about May 4, 2015, ELIABACHUS contacted an aviation parts company located in Miami, Florida ("ABS") to negotiate the purchase of unique Brake Assembly Parts.
- c. On or about May 5, 2015, ELIABACHUS executed a purchase order with ABS for the purchase of four Brake Assembly Parts for a total cost of \$40,000.
- d. On May 6, 2015, and May 13, 2015, two wire transfers in the amounts of \$15,000 and \$25,000, respectively, were sent from the Edsun Accounts to ABS to complete the transaction.
- e. Between on or about May 18, 2015, and May 19, 2015, ELIABACHUS emailed with a representative from a freight-forwarding company headquartered in East Rockaway, New York ("ITC"). Upon retaining ITC's services, ELIABACHUS provided the company with a signed and completed SED Form for the export of the four Brake Assembly Parts purchased from ABS. The SED Form falsely listed Reibel as the ultimate consignee and end-user of the parts, when the ultimate recipient, or end-

user, of the Brake Assembly Parts was Iran Air Tours (an established subsidiary of Iran Air), located in Tehran, Iran.

B. THE COMBINED AIRCRAFT PARTS TRANSACTION

- a. Between September 26, 2016, and on or about November 15, 2016, ELIABACHUS used the Edsun ID to submit multiple RFQs on the Marketplace for a variety of aircraft components, and facilitated the purchase of various quantities of 23 unique aircraft components from several U.S.-based manufacturers and distributors. In total, ELIABACHUS obtained 435 total units at a cost of approximately \$16,062 (the “Combined Aircraft Parts”).
- b. On or about November 21, 2016, ELIABACHUS emailed a U.S.-based freight-forwarding company (“AS Transport”) in order to facilitate the overseas shipment of the Combined Aircraft Parts.
- c. On or about November 21, 2016, ELIABACHUS provided a shipping invoice to AS Transport that falsely indicated the value of the Combined Aircraft Parts was \$2,200.55, and that the shipment had been sold to a company identified as “Delta Parts Supply” in the UAE. The Combined Aircraft Parts were ultimately forwarded to a procurement agent for ATA Airlines, located in Iran.

C. THE ROTOR ASSEMBLY PARTS TRANSACTION

- a. Between on or about March 6, 2017, and on or about July 10, 2017, ELIABACHUS negotiated the purchase of 7 unique aircraft components from an aviation supply company located in Gardena, California (“NAS”). The various aircraft parts included rotor assemblies, cerametallic linings,

and plate stators used in connection with commercial aircraft (the “Rotor Assembly Parts”).

- b. On or about July 6, 2017, ELIABACHUS told NAS that Edsun Equipments had sent payment of \$77,614.22 to complete the Rotor Assembly Parts transaction.
- c. On or about August 3, 2017, ELIABACHUS emailed a representative from AS Transport to facilitate the overseas shipment of the Rotor Assembly Parts.
- d. On or about August 3, 2017, ELIABACHUS provided a shipping invoice to AS Transport that falsely indicated the value of the Combined Aircraft Parts was \$2,101.00, and that the end-user of the shipment was Reibel in Turkey. The intentional devaluation by ELIABACHUS of the shipment as being less than \$2,500 was designed to evade the necessity of filing an SED Form. Reibel subsequently forwarded those goods to locations and entities in Iran.

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

FORFEITURE ALLEGATION

1. The United States hereby gives notice to defendant JOYCE ELIABACHUS that, upon conviction of the offenses charged in this Information, the government will seek forfeiture, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 371, contrary to Title 50, United States Code, Sections 1702 and 1705, alleged in this Information, including but not limited to:

a. All of her right, title and interest in the contents of the TD Bank Account ending in 8843, held in the name of Edsun Equipments, which was seized on or about April 24, 2018.

Substitute Assets Provision

2. If by any act or omission of the defendants, any of the property subject to forfeiture described above:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party,
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).


CRAIG CARPENITO
United States Attorney