

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT A



U.S. Department of Justice

Criminal Division  
United States Attorney  
Central District of California

1300 United States Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

[Redacted]  
Assistant United States Attorney  
[Redacted]

March 24, 2011

Via Email

Jan L. Handzlik  
Greenberg Traurig LLP  
2450 Colorado Ave.  
Santa Monica, CA 90404

Stephen G. Larson  
Girardi Keese  
1126 Wilshire Blvd.  
Los Angeles, CA 90017

Janet I. Levine  
Crowell & Moring LLP  
515 South Flower St., 40<sup>th</sup> Floor  
Los Angeles, CA 90071

Re: United States v. Enrique Faustino Aguilar Noriega, et al.  
CR 10-1031 (A)-AHM

Dear Counsel:

The government hereby provides redacted versions of FBI Special Agent Susan Guernsey's grand jury testimony relating to the statement of defendant Keith E. Lindsey. See Bates GUERNSEY 000001-000009.

Very truly yours,

ANDRÉ BIROTTE JR.  
United States Attorney

[Redacted signature]

Assistant United States Attorney

[Redacted signature]

Senior Trial Attorneys  
Fraud Section  
United States Department of Justice

SUSAN GUERNSEY October 21, 2010

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q Did he make any representations about whether or  
not he would deliver if you will?

18

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000001

DEBAM SUBMITTED OCTOBER 21, 2010

1           A     At the second meeting. The second meeting that  
2 we're aware happened at Lindsey Manufacturing in Azusa. He  
3 came in and met with Keith Lee -- I'm sorry -- Steve Lee  
4 and Keith Lindsey, and he said -- this was in our interview  
5 with Keith Lindsey. He quoted Enrique as saying, "If you  
6 give me 30-percent commission, I'll get CPE."

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22           Q     When this came through, this commission, this  
23 one-third of the profits is going to go to Enrique Aguilar,  
24 did anybody acknowledge that this was a fairly high  
25 commission?

19

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000002

SUSAN GUERNSEY October 21, 2010 .

1           A     Yes. Sergio Cortez acknowledges it in his Grand  
2 Jury testimony, and in our interviews with Steve Lee and  
3 Keith Lindsey they both said, "Yeah, it was a high  
4 commission. We didn't have anybody else with that high of  
5 a commission."  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25 ,

20

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000003

SUSAN GUERNSEY October 21, 2010

1

2

3

4 Q Now, did there come a time that Keith Lindsey  
5 talked about what he believed this high commission was  
6 being used for?

7 A When we interviewed him, he said that he didn't  
8 want to ask what it was used for. He thought it was high.  
9 Didn't want to know. Just didn't want to know.

10 Q Did he say that he assumed it was being used for  
11 something?

12 A He said he assumed that it was being used to  
13 possibly pay someone at CFE but that he didn't want to  
14 know.

15

16

17

18

19

20

21

22

23

24

25

22

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000004

EXHIBIT A, Page 37

SUSAN GUERNSEY October 21, 2010

1

2

3

4

5

6 Q Now, did you find that statement on Steve Lee's  
7 behalf to be credible that he did not know that these  
8 payments were being made?

9 A We found it strange just on everything during our  
10 investigation that we found out. That he had been put on  
11 notice with the emails from Lamarche that it looked like it  
12 was happening. There were accusations from another large  
13 company General Electric. You know, just all the  
14 information they had about his relationship with Nestor  
15 Moreno and, you know, Keith Lindsey said that he suspected  
16 that it was going to someone at CFE, but he didn't want to  
17 know, and they're the president and vice president of the  
18 company, and they met with Aguilar personally. So, you  
19 know, it just seemed strange that he would say he had no  
20 idea because he had several indications in the past anyway  
21 that that was the way Enrique did business.

22

23

24

25,

23

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000005

EXHIBIT A, Page 38

SUSAN GUERNSEY October 21, 2010

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12 Q The last point you brought up was this idea that  
13 Keith Lindsey, the owner, had also admitted to assuming  
14 that these were going back to pay people at CFE but  
15 deliberately avoided that fact; is that right?  
16 A Yes.  
17  
18  
19  
20  
21  
22  
23  
24  
25 ,

25

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777(626) 792-8760

GUERNSEY 000006



SUSAN GUERNSEY October 21, 2010..

1

2

3

4

5 Q And Lindsey had already said to the FBI or has  
6 said to the FBI that he assumed these were going back, some  
7 of this was going back to people at CFE, but he  
8 intentionally didn't ask about it?

9 A Yes.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

33

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000007

EXHIBIT A, Page 40

SUSAN GUERNSEY OCTOBER 21, 2010

1

2 A JUROR: From the invoices it's implied that the 30  
3 percent wasn't being paid to Aguilar unless they got  
4 invoiced. They didn't automatically pay the 30 percent at  
5 the time they got paid by CFE?

6 THE WITNESS: Right. In talking to Steve Lee and  
7 Keith Lindsey, they would not pay Aguilar his 30-percent  
8 commission until they were paid by CFE. They were very  
9 clear before that.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25,

63

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000008

EXHIBIT A, Page 41

SUSAN GUERNSEY October 21, 2010

1 A JUROR: My understanding is that Lindsey has been in  
2 business for sixty-some years. Does Lindsey have a history  
3 of winning contracts from CBE?

4 THE WITNESS: From CFE?

5 A JUROR: Yeah, from CFE.

6 THE WITNESS: I believe according to Keith Lindsey's  
7 testimony their first contract awarded by CFE was in '94.  
8 They didn't have a lot of business with CFE before they  
9 hired Aguilar.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 ,

67

Huntington Court Reporters & Transcription, Inc.  
(626) 792-6777 (626) 792-8760

GUERNSEY 000009

EXHIBIT A, Page 42