

JANET LEE HOFFMAN, OSB No. 78114
Hoffman Angeli LLP
1000 SW Broadway, Suite 1500
Portland, OR 97205
Telephone: (503) 222-1125
Facsimile: (503) 222-7589
Email: janet@hoffmanangeli.com

Attorney for Defendant Wooh

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	No. CR 07-244-151
)	
Plaintiff,)	PETITION TO ENTER PLEA
)	OF GUILTY, CERTIFICATE
v.)	OF COUNSEL, AND ORDER
)	ENTERING PLEA
SI CHAN WOOH,)	
)	
Defendant.)	

The defendant represents to the court:

1. My name is Si Chan Wooh.
2. My attorney is Janet Lee Hoffman.
3. My attorney and I have discussed my case fully. I have received a copy of the

Information. I have read the Information, or it has been read to me, and I have discussed it with my attorney. My attorney has counseled and advised me concerning the nature of each charge, any lesser-included offense(s), and the possible defenses that I might have in this case. I have been advised and understand that the elements of the charge(s) alleged against me to which I am pleading "GUILTY" are as follows [*see instructions*]:

//

//

Elements of Offense:

An agreement to willfully violate the FCPA by means and instrumentalities of interstate commerce.

By entering an agreement with others to provide something of value or payments to foreign officials in order to corruptly influence their acts and decisions in their official capacity as a means to obtain or retain business for Schaitzer Steel.

Further, that an act, namely, receipt of a wire transfer request occurred in Multnomah County, State of Oregon, within the past five years.

I have had a full and adequate opportunity to disclose to my attorney all facts known to me that relate to my case.

4. I know that if I plead "GUILTY," I will have to answer any questions that the judge asks me about the offense(s) to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason except as follows:

Not applicable.

I have not taken any drugs or medications within the past seven (7) days except as follows:

- a. Trazedone, 10 mg. (2 at night) for sleep;
- b. Lexapro, 20 mg. (2 in morning) for depression;
- c. Alprazolam, 10 mg. (1 morning, noon, night) for anxiety;
- d. Lipitor (1 day) for cholesterol;
- e. Benical, 20 mg. (1 day) for high blood pressure;
- f. Aspirin or headache painkiller.

6. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences include loss of eligibility to receive federal benefits; loss of

certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

7. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;

b. The right to have the assistance of an attorney at all stages of the proceedings;

c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;

d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;

e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and

f. The right not to be compelled to incriminate myself.

8. I know that if I plead "GUILTY" there will be no trial before either a judge or a jury.

9. In this case I am pleading "GUILTY" under Rule 11(c)(1)(B). My attorney has explained the effect of my plea under Rule 11(c)(1)(B) to be as follows [see instructions]: The recommendation for sentencing by the government is a recommendation; it is not binding on the Court.

10. I know the maximum sentence which can be imposed upon me for the crime(s) to which I am pleading guilty is 5 years imprisonment and a fine of \$250,000. I also know there is a mandatory minimum sentence of 0 years imprisonment.

11. I know that the judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge and I can be imprisoned for up to one year.

13. My attorney has discussed with me the Federal Sentencing Guidelines. I know they are used by the Court as advisory in determining a reasonable sentence. If my attorney or any other person has calculated a guideline range for me, I know that this is only a prediction and that it is the judge who makes the final decision as to what the guideline range would have been and what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph (10) above.

14. I know from discussions with my attorney that, under the Federal Sentencing Guidelines, if I am sentenced to prison I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served. Credit for good behavior does not apply to a sentence of one year or less.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the prison sentence. During my supervised release term, I will be supervised by a probation officer according to terms and conditions set by the judge. In my case, a term of

supervised release can be up to 3 years. If I violate the conditions of supervised release, I may be sent back to prison for up to 5 years(s).

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may resentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any state or federal court, I know that my Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to my other case(s), and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a Plea Agreement that I have made with the prosecutor. That Plea Agreement is attached hereto and incorporated herein. I have read or had read to me the Plea Agreement, and I understand the Plea Agreement.

21. The Plea Agreement contains the only agreement between the United States government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lesser term of imprisonment, or probation, or any other form of leniency if I plead "GUILTY" except as stated in the Plea Agreement. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing in the Plea Agreement, or which is not presented to the judge in my presence in open court at the time of the entry of my plea of guilty.

22. My plea of "GUILTY" is not the result of force, threat, or intimidation.

23. I hereby request that the judge accept my plea of "GUILTY" to the following count(s): as charged, one count of Conspiracy.

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect to the charge(s) to which I am pleading guilty, I represent that I did the following acts and that the following facts are true:

From in or around March 2000 to May 2004, I agreed with SSI, SSI Korea and others, both employees and officers, to make payments to foreign officials to influence their acts and decisions in their official capacity in order for SSI to make and keep business. As part of my position within the past five years, I sent wire transfer requests to SSI Portland, Oregon for authorization and payment. The proceeds were used to make the payments to foreign officials.

//

//

~~position within the past five years, I sent wire transfer requests to SSI Portland, Oregon for authorization and payment. The proceeds were used to make the payments to foreign officials.~~

SW

SW

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Indictment or Information, and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorney that is attached to this Petition.

SIGNED by me in the presence of my attorney, after reading (or having had read to me) all of the foregoing pages and paragraphs of this Petition on this 28th day of June 2007.



Si Chan Wooh

CERTIFICATE OF COUNSEL

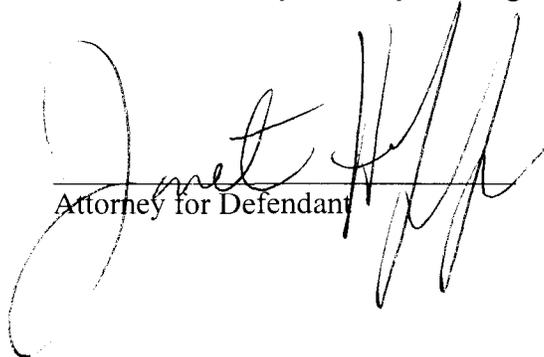
The undersigned, as attorney for defendant Si Chan Wooh., hereby certifies:

1. I have fully explained to the defendant the allegations contained in the Information in this case, any lesser-included offense(s), and the possible defenses which may apply in this case.

2. I have personally examined the attached Petition To Enter Plea of Guilty And Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.

3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty described in paragraphs (6)-(20) of the Petition, and I have also explained to the defendant the applicable Federal Sentencing Guidelines.

4. I recommend that the Court accept the defendant's plea of "GUILTY."
SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition To Enter Plea of Guilty, and any Plea Agreement, on this 20 day of June 2007.



Attorney for Defendant

ORDER ENTERING PLEA

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime(s) to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 29 of June 2007, in open court.



Judge, U.S. District Court



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 25, 2007

Janet L. Hoffman, Esq.
Hoffman Angeli LLP
1000 SW Broadway #1500
Portland, OR 97205

Re: United States v. SI CHAN WOOH
Plea Agreement, CR 07-

Dear Ms. Hoffman:

1. **Parties/Scope**: This plea agreement is between the United States Department of Justice, Criminal Division, Fraud Section ("the Justice Department") and Defendant SI WOOH ("Defendant" or "Defendant WOOH"), and thus does not bind any other federal, state, or local prosecuting, administrative, or regulatory authority. This Agreement does not apply to any other charges other than those specifically mentioned herein pertaining to corrupt payments made in the course of Defendant WOOH's employment with SSI International, Inc. ("SSI International") and Schnitzer Steel Industries, Inc. ("Schnitzer Steel").

2. **Charges**: Defendant WOOH agrees to waive indictment and plead guilty to an information charging one count of Conspiracy to violate the Foreign Corrupt Practices Act ("FCPA") (18 U.S.C. § 371).

3. **Factual Basis**: Defendant WOOH is pleading guilty because he is guilty of the charge contained in the Information. Defendant WOOH agrees and stipulates that the factual allegations set forth

in the Information are true and correct and accurately reflect his criminal conduct.

4. **Penalties:** The statutory maximum sentence that the Court can impose for a violation of Title 18, United States Code, Section 371 is five years' imprisonment; a fine of \$250,000 or twice the gross gain or gross loss resulting from the offense, whichever is greater, 18 U.S.C. §§ 3571(b)(3) and (d); a three year term of supervised release, 18 U.S.C. § 3583(b)(2); and a mandatory special assessment of \$100, 18 U.S.C. § 3013(a)(2)(A).

5. **No Prosecution:** In exchange for Defendant WOOH's guilty plea and the complete fulfillment of all his obligations under this Agreement, the Justice Department agrees not to file additional criminal charges against Defendant WOOH for any corrupt payments made in the course of his employment with SSI International and Schnitzer Steel or accounting thereof, disclosed to the Department as of the date of this Agreement, but specifically excluding any such conduct not disclosed to the Department as of that date or any conduct occurring after that date.

6. **Sentencing Factors:** The parties agree that pursuant to United States v. Booker, 543 U.S. 220 (2005), the Court must determine an advisory sentencing guideline range pursuant to the United States Sentencing Guidelines ("USSG"). The Court will then determine a reasonable sentence within the statutory range after considering the advisory sentencing guideline range and the factors listed in 18 U.S.C. § 3553(a). The parties' agreement herein to any guideline sentencing factors constitutes proof of those factors sufficient to satisfy the applicable burden of proof.

7. **Sentencing Agreement:** The parties make all the following

agreements pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B):

A. The parties agree that the 2004 version of the advisory Sentencing Guidelines is the appropriate manual in this case.

B. The parties agree that USSG § 2C1.1(a)(2) applies to the offense of conviction. For a violation of 18 U.S.C. Section 371, the base offense level is 12.

C. The parties agree that the offense involved more than one bribe, adding a two level increase under USSG § 2C1.1(b)(1).

D. The parties agree that the value of the corrupt payments to government-owned customers was approximately \$204,537, which places the loss in the guidelines range of more than \$200,000 but less than \$400,000, and that accordingly, a twelve level increase in offense level under USSG §§ 2B1.1(b)(1)(G) and 2C1.1(b)(2) is appropriate.

E. The parties agree that a two level increase for role in the offense is appropriate under USSG § 3B1.1(c). This increases the offense level to 28.

F. The parties agree that Defendant WOOH is entitled to a three level reduction in offense level for acceptance of responsibility under USSG § 3E1.1(b). The Justice Department reserves the right to change this recommendation if Defendant WOOH, between plea and sentencing, acts inconsistently with acceptance of responsibility as explained in USSG § 3E1.1. This produces a final offense level of 25.

G. If Defendant WOOH remains in compliance with this Agreement, the Justice Department will recommend a downward departure pursuant to U.S.S.G. § 5K1.1 (and 18 U.S.C. § 3553(e) if necessary) and/or Rule 35 of the Federal Rules of Criminal Procedure of 15 levels for substantial assistance to authorities. Assuming a criminal history category of I, the parties anticipate that this will result in a sentencing range of 6-12 months.

Assuming that Defendant WOOH fully and completely fulfills his obligations under the terms of this Agreement, the Justice Department will recommend a sentence of probation which includes no confinement under USSG §§ 5B1.1(a)(2) and 5C1.1(c)(3).

8. **Stipulated Fine:** Assuming Defendant WOOH accepts responsibility as explained above, the parties will recommend the imposition of a fine in the amount of \$14,819 payable to the Clerk of the Court for the United States District Court for the District of Oregon. The parties further agree that this amount shall be paid as a lump sum within five (5) business days after the imposition of sentencing in this matter. Defendant WOOH further agrees to pay the Clerk of the Court for the United States District Court for the District of Oregon within (5) business days of the time of sentencing the mandatory special assessment.

8. **Basis for Stipulated Fine and Sentence:** The parties agree that an appropriate and just disposition of the case is a fine of \$14,819 and a sentence of probation which includes no confinement for Defendant WOOH based upon the following factors:

a. By entering and fulfilling the obligations under this Agreement, Defendant WOOH demonstrates recognition and affirmative acceptance of responsibility for his criminal conduct;

b. The plea underlying this Agreement is a result of the voluntary disclosure by Defendant WOOH, prior to disclosure by any other party involved, of the relevant conduct, to Schnitzer Steel's director of internal audit and general counsel beginning in May 2004, and subsequently to the Department beginning in November 2004;

c. Defendant WOOH cooperated fully in both Schnitzer Steel's internal investigation and the Department's investigation of the relevant conduct; and

d. A fine of \$14,819 represents the amount of bonus monies paid to Defendant WOOH over a five-year period directly attributable to the relevant conduct.

8. **Waiver of Appeal/Post-Conviction Relief:** Defendant WOOH knowingly, intelligently, and voluntarily waives his right to appeal the conviction in this case. Defendant WOOH similarly knowingly, intelligently, and voluntarily waives the right to appeal the sentence imposed by the court. In addition, Defendant WOOH knowingly, intelligently, and voluntarily waives the right to bring a collateral challenge pursuant to 28 U.S.C. § 2255, against either the conviction, or the sentence imposed in this case, except for a claim of ineffective assistance of counsel, or illegality or other unconstitutional basis of the sentence. Defendant WOOH waives all defenses based on the statute of limitations and venue with respect to any prosecution that is not time-barred on the date that this Agreement is signed in the event that (a) the conviction is later vacated for any reason, (b) Defendant WOOH violates this Agreement, or (c) the plea is later withdrawn. The Justice Department is free to take any position on appeal or any other post judgment matter.

9. **Court Not Bound:** The Court is not bound by the recommendations of the parties or of those made in any presentence report. Because this Agreement is made under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, Defendant WOOH may not withdraw any guilty plea or rescind this plea agreement if the Court does not follow the agreements or recommendations herein.

10. **Full Disclosure/Reservation of Rights:** The Justice Department will fully inform the preparer of the presentence report and the Court of the facts and law relevant to Defendant WOOH's case.

Except as set forth in this Agreement, the parties reserve all other rights to make sentencing recommendations and to respond to motions and arguments by the opposition.

11. **Breach of Plea Agreement:** If Defendant WOOH breaches the terms of this Agreement, or commits any new criminal offense between signing this Agreement and sentencing, the Justice Department is relieved of its obligations under this Agreement, but Defendant WOOH may not withdraw any guilty plea.

12. **Cooperation Terms:**

A. **Information:** Defendant WOOH represents that any proffers provided prior to signing this Agreement have been complete and truthful. Defendant WOOH agrees to provide complete and truthful information relating directly or indirectly to any criminal activity. Such proffer includes producing any and all documents, records, writings, tangible objects, or materials in Defendant's possession or control which relate to that criminal activity. Defendant WOOH agrees to cooperate with any efforts and requests by the Justice Department to verify that the information provided is complete and truthful.

B. **Use Immunity:** Except as otherwise stated herein, in return for Defendant WOOH's cooperation and information, the Justice Department agrees not to use such information, or any information directly or indirectly derived from such information, against the Defendant WOOH in any legal proceeding. The protections for Defendant WOOH under this Agreement do not extend to crimes of violence, unless otherwise specifically indicated.

C. **Collateral Use:** If Defendant WOOH should testify materially contrary to the substance of the proffer, or otherwise presents in any legal proceeding a position materially inconsistent with the proffer, any information or evidence obtained through that

proffer may be used against Defendant WOOH in any fashion, including as the basis for a prosecution for offenses involving perjury, false declaration before a grand jury or court, false statement, and obstruction of justice.

D. **Sentencing Information**: Defendant WOOH understands that the Justice Department, pursuant to 18 U.S.C. § 3661, must provide the information given under this Agreement to the preparer of the presentence report and the sentencing judge. U.S.S.G. § 1B1.8 governs the use of such information in determining Defendant WOOH'S applicable guideline sentencing range.

E. **Testimony**: Defendant WOOH agrees to testify under oath completely and truthfully in any federal or state grand jury, trial, hearing, or any other proceeding to which Defendant WOOH may be called as a witness.

F. **Best Efforts**: Any benefit Defendant WOOH may receive under this Agreement is solely dependent upon whether Defendant WOOH's best efforts are used in cooperating truthfully and completely, and are not dependent upon the identification, arrest, prosecution, or conviction of any person for any crime.

G. **Continue Sentencing**: Defendant WOOH agrees to have the sentencing hearing set over in order to continue cooperation efforts if the Department requests such a continuance.

H. **Breach of Cooperation**: It is expressly understood and agreed by the parties that the determination of whether these cooperation terms have been breached rests exclusively with the Justice Department, so long as that determination is made in good faith and not arbitrarily. Should Defendant WOOH knowingly give false, misleading, or incomplete information or testimony, or otherwise violate any of these cooperation terms, the parties agree that: (1) Defendant WOOH may not withdraw any guilty plea; (2) the Justice Department is free to make any sentencing recommendation and is not bound by this Agreement; (3) statements and information

from Defendant WOOH under this Agreement or any previous proffer agreement may be used for any purpose without any "use immunity" to Defendant; and (4) Defendant WOOH may be prosecuted for any crime, whether or not such crime was the subject of this Agreement.

I. **Substantial Assistance Departure:** If Defendant WOOH remains in compliance with this Agreement, the Justice Department will recommend a downward departure pursuant to U.S.S.G. § 5K1.1 (and 18 U.S.C. § 3553(e) if necessary) and/or Rule 35 of the Federal Rules of Criminal Procedure for substantial assistance to authorities, as described more fully in paragraph 7G above.

13. **Total Agreement:** This letter states the full extent of the agreement between the parties. There are no other promises or agreements, express or implied. If Defendant WOOH accepts this offer, please sign and attach the original of this letter to the Petition to Enter Plea.

Very truly yours,

FOR THE DEPARTMENT OF JUSTICE:

Steven A. Tyrrell
Acting Chief, Fraud Section

By:

Mark F. Mendelsohn by *KMG*

MARK F. MENDELSON
Deputy Chief, Fraud Section

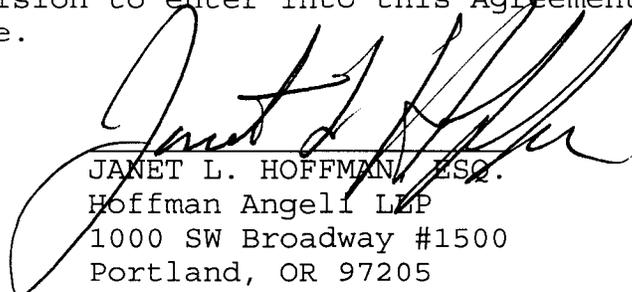
Kathleen McGovern
KATHLEEN MCGOVERN
Trial Attorney, Fraud Section

Fraud Section, Criminal Division
United States Department of Justice
10th & Constitution Avenue, NW
Washington, D.C. 20530
(202) 514-7023

FOR SI WOOH:

I represent Defendant as legal counsel. I have carefully reviewed every part of this Agreement with Defendant. To my knowledge defendant's decision to enter into this Agreement is an informed and voluntary one.

6/28/07
Date


JANET L. HOFFMAN, ESQ.
Hoffman Angeli LLP
1000 SW Broadway #1500
Portland, OR 97205
Attorney for Defendant

I have read this Agreement carefully and reviewed every part of it with my attorney. I understand the agreement and voluntarily agree to it. I am satisfied with the legal assistance provided to me by my attorney.

June 28, '07
Date


SI WOOH
Defendant

JANET LEE HOFFMAN, OSB #78114
Hoffman Angeli LLP
1000 SW Broadway, Suite 1500
Portland, OR 97205
Telephone: (503) 222-1125
Facsimile: (503) 222-7589
Email: janet@hoffmanangeli.com

Attorney for Si Chan Wooh

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	CASE NO. CR 07-
)	
Plaintiff,)	
)	DEFENDANT’S WAIVER OF
vs.)	INDICTMENT
)	
SI CHAN WOOH,)	
)	
Defendant.)	

I, Si Chan Wooh, the above-named defendant, who is accused of Conspiracy to violate the Foreign Corrupt Practices Act (15 U.S.C. § 78dd-2(a)) in violation of 18 U.S.C. § 371, being advised of the nature of the charges, the proposed information, and

//

//

//

//

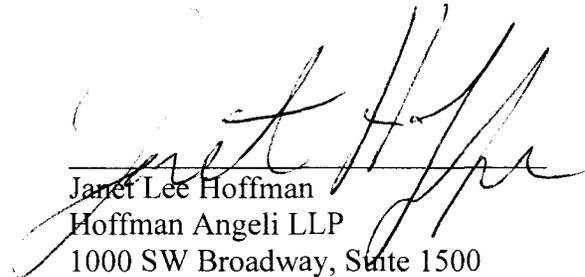
//

//

//

of my rights, hereby waive in open court on June 29, 2007, prosecution by indictment and consent that the proceeding may be by information rather than by indictment.


Si Chan Wooh, Defendant

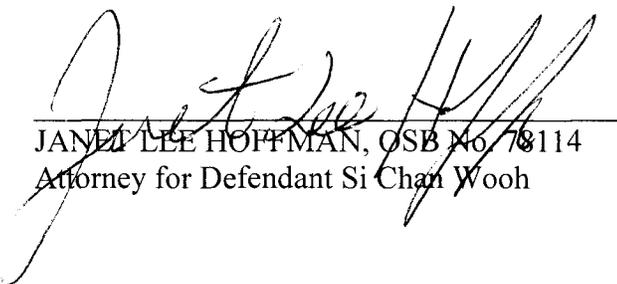

Janet Lee Hoffman
Hoffman Angeli LLP
1000 SW Broadway, Suite 1500
Portland, OR 97205
Telephone: (503) 222-1125
Facsimile: (503) 222-7589
Email: janet@hoffmanangeli.com

Before 
United States District Court Judge

CERTIFICATE OF SERVICE

A copy of DEFENDANT'S WAIVER OF INDICTMENT was served by hand delivery
on June 29, 2007 on the following:

KATHLEEN MCGOVERN
Trial Attorney, Fraud Section
Fraud Section, Criminal Division
United States Department of Justice 10th & Constitution Avenue, NW
Washington, D.C. 20530



JANET LEE HOFFMAN, OSB No. 78114
Attorney for Defendant Si Chan Wooh