

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____

18 U.S.C. § 371
18 U.S.C. § 1001
50 U.S.C. § 1702
50 U.S.C. § 1705(a)
22 U.S.C. § 2778(b)
18 U.S.C. § 2
18 U.S.C. § 981(a)(1)(C)
19 U.S.C. § 1595a(d)

UNITED STATES OF AMERICA

vs.

HASSAN SAIED KESHARI,
TRAIAN BUJDUVEANU,
KESH AIR INTERNATIONAL CORP.,
and
ORION AVIATION CORP.,

Defendants.

_____/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this indictment:

The Defendants

1. Defendant **HASSAN SAIED KESHARI** (“**KESHARI**”) was the owner and President of Defendant **KESH AIR INTERNATIONAL CORP.** (“**KESH AIR**”). **KESHARI** was born in Iran and was a naturalized United States citizen residing in Novato, California.

2. Defendant **TRAIAN BUJDUVEANU** (“**BUJDUVEANU**”) was the owner of Defendant **ORION AVIATION CORP.** (“**ORION AVIATION**”). **BUJDUVEANU** was born in Romania and was a naturalized United States citizen residing in Plantation, Florida.

3. Defendant **KESH AIR** engaged in the business of buying and selling aircraft parts from an office located at 35 Pamaron Way, in Novato, California.

4. Defendant **ORION AVIATION** engaged in the business of buying and selling aircraft parts from an office located at 5601 West Broward Boulevard, in Plantation, Florida.

The Iran Trade Embargo
and the Iranian Transactions Regulations

5. On March 15, 1995, the President of the United States issued Executive Order 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 declared “a national emergency to deal with that threat.” Executive Order 12957, as expanded and continued by Executive Orders 12959 and 13059 and successive Presidential notices, was in effect at all times relevant to this Indictment.

6. On May 6, 1995, the President issued Executive Order 12959 and imposed economic sanctions, including a trade embargo, against Iran (“the Iran Trade Embargo”). The Iran Trade Embargo prohibits, 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 Iran Trade Embargo also prohibits any transaction within the United States or by any United States person that evades or avoids, or has the purpose of evading or avoiding, any prohibition set forth in the Iran Trade Embargo. On August 17, 1997, the President issued Executive

Order 13059, reiterating and renewing the Iran Trade Embargo, which continued throughout the time of the acts set forth herein.

7. To implement the Iran Trade Embargo, the United States Department of the Treasury, through the Office of Foreign Assets Control (“OFAC”), issued the Iranian Transactions Regulations (“ITR”) (31 C.F.R. Part 560). The ITR prohibit, among other things, the export, re-export, sale, or supply, directly or indirectly, from the United States or by a United States person wherever located, to Iran or the Government of Iran, or the financing of such export, re-export, sale, or supply, of any goods, technology, or services, without prior authorization from OFAC. These regulations further prohibit any transactions that evade or avoid or have the purpose of evading or avoiding any of the prohibitions contained in the ITR, including the unauthorized exportation of goods from the United States to a third country if the goods are intended or destined for Iran.

8. The Iran Trade Embargo and the ITR were in effect at all times relevant to this Indictment.

9. At no time did the defendants, **KESHARI, KESH AIR, BUJDUVEANU, or ORION AVIATION**, apply for, receive, or possess a license or authorization from OFAC to export goods, technology, or services, of any description, to Iran.

The Arms Export Control Act

10. In furtherance of world peace and the security and foreign policy of the United States, the Arms Export Control Act (“AECA”) (Title 22, United States Code, Section 2778) also authorized the President of the United States to control the export of “defense articles” by designating items, such as military aircraft and military aircraft components, on the United States Munitions List.

11. The Arms Export Control Act and its attendant regulations, the International Traffic in Arms Regulations (“ITAR”) (Title 22, Code of Federal Regulations, Sections 120-130), require a person to apply for and obtain a validated export license from the Directorate of Defense Trade Controls (“DDTC”) of the United States Department of State before exporting arms, ammunition, or articles of war, which are all classified as defense articles, from the United States. (Title 22, United States Code, Sections 2778(b)(2) and 2794(3), 22 C.F.R. Section 120.1). In the application for an export license, the exporter is required to state, among other things, the nature of the armaments to be exported, the end recipient of the armaments, and the purpose for which the armaments are intended. These factors and others assist the Office of Munitions Control in determining whether the export of the armaments would further the security and foreign policy interests of the United States or would otherwise affect world peace.

12. The defense articles which are subject to such licensing requirements are designated on the United States Munitions List (the "Munitions List"). Those designations are made by the State Department with concurrence of the Defense Department. (Title 22, United States Code, Section 2778(a)(1), and 22 C.F.R. Section 120.2).

13. Category VIII (h) of the Munitions List includes military aircraft parts (22 C.F.R. 121.1).

14. It is the policy of the United States to deny licenses with respect to the export of defense articles whenever an export would not be in furtherance of world peace and the security and foreign policy of the United States (22 C.F.R. 126.1).

15. At no time did the defendants, **KESHARI, KESH AIR, BUJDUVEANU, or ORION AVIATION**, apply for, receive, or possess a license to export defense articles of any description.

COUNT 1
(Conspiracy to Violate Iran Embargo, IEEPA, and AECA)

1. The allegations in Paragraphs 1 through 15 of the General Allegations are incorporated and realleged by reference in this Count.

2. Beginning as early as in or about October 2006, the exact date being unknown to the Grand Jury, and continuing through in or about May 2008, in Miami-Dade County and Broward County, in the Southern District of Florida, and elsewhere, the defendants,

**HASSAN SAIED KESHARI,
TRAIAN BUJDUVEANU,
KESH AIR INTERNATIONALCORP.,
and
ORION AVIATION CORP.,**

did knowingly and willfully combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to commit offenses against the United States, that is,

(a) to export and cause the exportation of goods from the United States to Iran in violation of the embargo imposed upon that country by the United States, without having first obtained the required licenses or authorizations from the Department of the Treasury, OFAC, in violation of Title 50, United States Code, Sections 1702 and 1705(a), and Title 31, Code of Federal Regulations, Parts 560.203 and 560.204; and

(b) to export and cause to be exported from the United States to a place outside thereof, that is, the United Arab Emirates, defense articles, that is, military aircraft parts, which were designated as defense articles on the United States Munitions List, without first obtaining from the Department of State, DDTC, a license or written authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2); and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

OBJECTS OF THE CONSPIRACY

3. The objects of the conspiracy were:
 - A. to illegally enrich the co-conspirators by unlawfully exporting military aircraft parts from the United States to Iran by way of the United Arab Emirates (“UAE”);
 - B. to evade the prohibitions and licensing requirements of IEEPA, the ITR, the AECA, and the ITAR; and,
 - C. to conceal the prohibited activities and transactions from detection by the United States government so as to avoid penalties and disruption of the illegal activity.

MANNER AND MEANS OF THE CONSPIRACY

4. The manner and means by which the defendants and their co-conspirators sought to accomplish the objects of the conspiracy included, among others, the following:
 - A. Defendants **KESHARI** and **BUJDUVEANU** and others used email accounts and other forms of communication to communicate with each other, with other co-conspirators, and with other individuals located in the United States and Iran.
 - B. Defendant **KESHARI** sent Requests for Quotes (RFQs) on behalf of co-conspirators and other customers in Iran for purchases of military aircraft parts to Defendants **BUJDUVEANU** and **ORION AVIATION** and other United States based companies.
 - C. Defendant **KESHARI** placed orders and purchased military aircraft parts on behalf of unindicted co-conspirators in Iran from Defendants **BUJDUVEANU** and **ORION AVIATION** and other United States based companies.

- D. Defendants **BUJDUVEANU** and **ORION AVIATION** sold military aircraft parts to Defendants **KESHARI** and **KESH AIR** for unindicted co-conspirators in Iran and others.
- E. Defendants **KESHARI**, **KESH AIR**, **BUJDUVEANU**, and **ORION AVIATION** and others caused military aircraft parts to be exported from the United States to individuals and entities in Iran by way of the UAE.
- F. Defendants **KESHARI** and **BUJDUVEANU** caused materially false, misleading, and incomplete information to be placed in documents such as air waybills.

Overt Acts

5. In furtherance of this conspiracy, and to accomplish its purpose and object, at least one of the conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

A. On or about October 11, 2006, Defendant **KESHARI** sent an email to an unindicted co-conspirator in Iran quoting a price and delivery time for a fitting assembly for a Bell AH-1 (Cobra) Attack Helicopter (Part Number (“P/N”) 209-031-377-1).

B. In or about November 2006, Defendant **KESHARI**, doing business as **KESH AIR**, purchased 2 fitting assemblies for the Bell AH-1 Attack Helicopter on behalf of two unindicted co-conspirators in Iran from Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**.

C. On or about November 21, 2006, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused the 2 fitting assemblies to be exported to Dubai, UAE.

D. On or about November 21, 2006, Defendant **BUJDUVEANU** prepared an air waybill relating to the shipment of the 2 fitting assemblies which falsely declared the contents of the package to be commercial aircraft parts with a value of \$900.

E. On or about November 22, 2006, Defendant **KESHARI** sent an email to two unindicted co-conspirators in Iran providing the international shipping company tracking number for the shipment of the 2 fitting assemblies from the United States to Dubai, UAE.

F. On or about March 12, 2007, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused 3 switching assemblies for the AH-1 (Cobra) Attack Helicopter (P/N PM22229) to be exported to Dubai, UAE.

G. On or about March 12, 2007, Defendant **BUJDUVEANU** prepared an air waybill relating to the shipment of the 3 switching assemblies which falsely declared the contents of the package to be aircraft parts with a value of \$225.

H. On or about March 12, 2007, Defendant **KESHARI** sent an email to two unindicted co-conspirators in Iran advising that Defendant **ORION AVIATION** sent 3 switch assemblies for the AH-1 Attack Helicopter and that Defendant **ORION AVIATION** "still owes us three (3) more from the last order."

I. On or about March 13, 2007, Defendant **KESHARI** sent an email to two unindicted co-conspirators in Iran providing the international shipping company tracking number for the shipment of the 3 switch assemblies from the United States to Dubai, UAE.

J. On or about March 26, 2007, Defendant **KESHARI**, doing business as **KESH AIR**, sent an invoice to the two unindicted co-conspirators in Iran for the sale and shipment of 6 of the switch assemblies.

K. On or about January 26, 2007, Defendant **KESHARI** sent an email to Defendant **BUJDUVEANU** forwarding an RFQ on behalf of an unindicted co-conspirator in Iran for harness assemblies, accumulators, and other items for the F-14 Fighter Jet.

L. On or about January 26, 2007, Defendant **BUJDUVEANU** sent an email to Defendant **KESHARI** providing a quote for five harness assemblies (P/N 080-037-001), 10 accumulators (P/N 877406 and P/N 877377), and other items for the F-14 Fighter Jet.

M. On or about January 29, 2007, Defendant **KESHARI** sent an email to two unindicted co-conspirators in Iran providing a quote for the harness assemblies, accumulators, and other items for the F-14 Fighter Jet.

N. On or about March 13, 2007, Defendant **KESHARI**, doing business as **KESH AIR**, sent an invoice to the two unindicted co-conspirators in Iran for the sale and shipment of the harness assemblies and other items for the F-14 Fighter Jet.

O. On or about March 19, 2007, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused the harness assemblies and other items for the F-14 Fighter Jet to be exported to Dubai, UAE.

P. On or about May 1, 2007, Defendant **KESHARI** sent an email to Defendant **BUJDUVEANU** inquiring about the status of the order for the accumulators for the F-14 Fighter Jet.

Q. On or about May 7, 2007, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused the accumulators and other items for the F-14 Fighter Jet to be exported to Dubai, UAE.

R. On or about May 8, 2007, Defendant **BUJDUVEANU** sent an email to Defendant **KESHARI** providing the international shipping company tracking numbers for the shipments of the accumulators for the F-14 Fighter Jet from the United States to Dubai, UAE.

S. On or about May 8, 2008, Defendant **KESHARI** sent an email to the two unindicted co-conspirators in Iran providing the international shipping company tracking numbers for the shipments of the accumulators for the F-14 Fighter Jet from the United States to Dubai, UAE.

T. On or about May 22, 2007, Defendant **KESHARI** sent an email to Defendant **BUJDUVEANU** forwarding an RFQ on behalf of an unindicted co-conspirator in Iran for two types of diaphragm seals (P/N 65103-11004-082 and P/N 65103-11003) and other items for the CH-53A Military Helicopter.

U. On or about May 22, 2007, Defendant **BUJDUVEANU** sent an email to Defendant **KESHARI** providing a quote for 27 of the diaphragm seals (10 P/N 65103-11004-082 and 17 P/N 65103-11003) and other items for the CH-53A Military Helicopter.

V. On or about May 23, 2007, Defendant **KESHARI** sent an email to an unindicted co-conspirator in Iran providing information about the two types of diaphragm seals and other items for the CH-53A Military Helicopter.

W. On or about June 16, 2007, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused 10 of the diaphragm seals (P/N 65103-11004-082) for the CH-53A Military Helicopter to be exported to Dubai, UAE.

X. On or about June 18, 2007, Defendant **BUJDUVEANU**, doing business as **ORION AVIATION**, caused 17 of the diaphragm seals (P/N 65103-11003) for the CH-53A Military Helicopter to be exported to Dubai, UAE.

Y. On or about June 19, 2007, Defendant **BUJDUVEANU** sent an email to Defendant **KESHARI** providing the international shipping company tracking numbers for the shipments of the diaphragm seals for the CH-53A Military Helicopter from the United States to Dubai, UAE.

Z. On or about June 19, 2007, Defendant **KESHARI** sent emails to two unindicted co-conspirators in Iran providing the international shipping company tracking numbers for the shipments of the diaphragm seals for the CH-53A Military Helicopter from the United States to Dubai, UAE.

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

COUNTS 2-7
(Violations of the Iran Embargo)

1. The allegations in Paragraphs 1 through 15 of the General Allegations are incorporated and realleged by reference in these Counts.

2. On or about the dates listed as to each count below, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

HASSAN SAIED KESHARI
and
TRAIAN BUJDUVEANU,

did knowingly and willfully violate the embargo against Iran by exporting and causing to be exported military aircraft parts, as described more fully below in Counts 2 through 7, from the United States to Iran, by way of Dubai, United Arab Emirates, without having first obtained the required authorizations from the United States Department of the Treasury's Office of Foreign Assets Control:

| <u>COUNT</u> | <u>DATE OF EXPORT</u> | <u>PART DESCRIPTION</u> | <u>PART NUMBER</u> |
|--------------|-----------------------|---|----------------------|
| 2 | 11/21/06 | 2 Fitting Assemblies for the AH-1 (Cobra) Attack Helicopter | 209-031-377-1 |
| 3 | 03/12/07 | 3 Switching Assemblies for the AH-1 (Cobra) Attack Helicopter | PM22229 |
| 4 | 03/19/07 | 5 Harness Assemblies for the F-14 Fighter Jet | 080-037-001 |
| 5 | 05/07/07 | 10 Accumulators for the F-14 Fighter Jet | 877406 and 877377 |
| 6 | 06/16/07 | 10 Diaphragm Seals for the CH-53A Military Helicopter | 65103-11004-082 |
| 7 | 06/18/07 | 17 Diaphragm Seals for the CH-53A Military Helicopter | 65103-11003-102 |

All in violation of Title 50, United States Code, Sections 1702 and 1705(a), Executive Orders 12957, 12959, and 13059, Title 31, Code of Federal Regulations, Parts 560.203 and 560.204, and Title 18, United States Code, Section 2.

COUNTS 8-9
(Violations of the Arms Export Control Act)

1. The allegations in Paragraphs 1 through 15 of the General Allegations are incorporated and realleged by reference in these Counts.

2. On or about the dates listed as to each count below, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

HASSAN SAIED KESHARI
and
TRAIAN BUJDUVEANU,

did knowingly and willfully export from the United States to the United Arab Emirates military aircraft parts, as described more fully below in Counts 8 and 9, which items were designated as

defense articles in Category VIII(h) of the United States Munitions List, without having first obtained from the United States Department of State, Directorate of Defense Trade Controls, a license for such exports or written authorization for such exports:

| <u>COUNT</u> | <u>DATE OF EXPORT</u> | <u>DEFENSE ARTICLE DESCRIPTION</u> | <u>PART NUMBER</u> |
|--------------|-----------------------|---|----------------------|
| 8 | 03/19/07 | 5 Harness Assemblies for the F-14 Fighter Jet | 080-037-001 |
| 9 | 05/07/07 | 10 Accumulators for the F-14 Fighter Jet | 877406 and 877377 |

All in violation of Title 22, United States Code, Section 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and Title 18, United States Code, Section 2.

COUNT 10
(False Statements)

1. The allegations in Paragraphs 1 through 15 of the General Allegations are incorporated and realleged by reference in this Count.

2. On or about November 21, 2006, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

TRAIAN BUJDUVEANU,

in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and the United States Department of Commerce, did knowingly and willfully make and cause to be

made, materially false, fictitious, and fraudulent statements and representations, in that the defendant stated and represented, and caused to be stated and represented in an air waybill relating to the shipment of 2 fitting assemblies for a Bell AH-1 (Cobra) Attack Helicopter, that the contents of the package was commercial aircraft parts with a value of \$900, when in truth and in fact, and as the said Defendant **TRAIAN BUJDUVEANU** then and there well knew, the package contained military aircraft parts with a value of more than \$4000, all in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 11
(Violations of the Iran Embargo)

1. The allegations in Paragraphs 1 through 15 of the General Allegations are incorporated and realleged by reference in this Count.

2. From on or about April 18, 2008, to on or about May 2, 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

HASSAN SAIED KESHARI,

did knowingly and willfully violate the embargo against Iran by exporting and causing to be exported aircraft parts, that is, 3 vertical gyros, from the United States to Iran, by way of Dubai, United Arab Emirates, without having first obtained the required authorizations from the United States Department of the Treasury's Office of Foreign Assets Control, all in violation of Title 50, United States Code, Sections 1702 and 1705(a), Executive Orders 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Parts 560.203 and 560.204.

FORFEITURE ALLEGATIONS

1. The allegations of Counts 1 through 9 and 11 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of property in which one or more of the defendants has an interest, pursuant to the provisions of Title 28, United States Code, Section 2461(c), Title 18, United States Code, Section 981(a)(1)(C) and Title 19, United States Code, Section 1595a(d).

2. Upon conviction of any of the offenses charged in Counts 1 through 9 and 11 of this Indictment, the defendants,

**HASSAN SAIED KESHARI,
TRAIAN BUJDUVEANU,
KESH AIR INTERNATIONALCORP.,
and
ORION AVIATION CORP.,**

shall forfeit to the United States all property, real and personal, constituting proceeds obtained from the aforesated offenses and all property traceable to such property.

3. Upon conviction of any of the offenses charged in Counts 1 through 9 and 11 of this Indictment, the defendants,

**HASSAN SAIED KESHARI,
TRAIAN BUJDUVEANU,
KESH AIR INTERNATIONALCORP.,
and
ORION AVIATION CORP.,**

shall forfeit to the United States all merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the exporting or sending of such merchandise, the attempted exporting or

sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise.

4. The assets subject to forfeiture, include, but are not limited to:
 - a. All aircraft assemblies and parts seized from the residence of defendant, BUJDUVEANU, on or about June 21, 2008;
 - b. The approximately \$50,000 in cash seized from the residence of defendant, BUJDUVEANU on or about June 21, 2008;
 - c. \$535.55 in funds seized from Bank of America account XXXXXX4430 on or about June 20, 2008, which account was controlled by defendant, BUJDUVEANU;
 - d. \$59,766.10 in funds seized from Wells Fargo account XXXXXXX4904 on or about June 20, 2008, which account was controlled by defendant KESHARI.
5. If any of the above described property, as a result of any act or omission of the

defendants:

- 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 19, United States Code, Section 1595a(d), made applicable through Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



MELISSA DAMIAN
ASSISTANT UNITED STATES ATTORNEY