

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-20479-CR-DIMITROULEAS/SNOW
Case No. _____

18 U.S.C. § 371
22 U.S.C. § 2778(b)(2)
22 U.S.C. § 2778(c)
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

ALBERTO PICHARDO
and
VICTOR BROWN,
Defendants.

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

The Defendants

ALBERTO PICHARDO was an officer of the Venezuelan Air Force and was responsible for the oversight and control of the Venezuelan Military Acquisitions Office in Doral, Florida.

VICTOR BROWN was engaged in the business of buying and selling aircraft parts from an office located at 13550 NW 107 Avenue, Hialeah Gardens, Florida.

The Arms Export Control Act

The Arms Export Control Act and its attendant regulations, the International Traffic in Arms Regulations (Title 22, Code of Federal Regulations, Sections 120-130), require a person to apply for and obtain an export license from the Directorate of Defense Trade Controls of the United States

Department of State before exporting a defense article designated on the United States Munitions List from the United States.

COUNT 1
Conspiracy
(18 U.S.C. § 371)

1. The “General Allegations” portion of this Information is realleged and incorporated by reference as if fully set forth herein.

2. From at least as early as November 22, 2008 through on or about August 4, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

ALBERTO PICHARDO
and
VICTOR BROWN,

did knowingly and willfully combine, conspire, confederate, and agree with persons known and unknown to the United States Attorney, to commit an offense against the United States, that is, to export and cause to be exported, from the United States to a place outside thereof, defense articles designated on the United States Munitions List, without first obtaining the required license or written approval from the Directorate of Defense Trade Controls of the United States Department of State, 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.

OBJECTIVE OF THE CONSPIRACY

3. It was the objective of the conspiracy that defendants **ALBERTO PICHARDO**, and **VICTOR BROWN** and their co-conspirators enrich themselves by unlawfully exporting defense articles from the United States to the Bolivarian Republic of Venezuela. It was a further part of the objective of the conspiracy that the defendants and their co-conspirators perpetuate and conceal the

existence of the conspiracy.

MANNER AND MEANS

The manner and means by which defendants **ALBERTO PICHARDO** and **VICTOR BROWN** and their co-conspirators sought to accomplish the objective of the conspiracy included, among others, the following:

4. Co-conspirators residing in Venezuela and Spain advised defendants **ALBERTO PICHARDO** and **VICTOR BROWN** and another member of the conspiracy who was then residing in the United States, hereinafter identified as "A.R.", of the specific defense articles that the Venezuelan Air Force wanted to purchase.

5. At various times, co-conspirators, including defendants **ALBERTO PICHARDO** and **VICTOR BROWN** met with officials of the Venezuelan Air Force regarding the defense articles that the Venezuelan Air Force wanted to purchase.

6. Co-conspirators, including A.R. and defendants **ALBERTO PICHARDO** and **VICTOR BROWN**, purchased and obtained requested defense articles from various suppliers, including co-conspirator Kirk Drellich of SkyHigh Accessories, Inc., located in Davie, Florida.

7. Defendants **ALBERTO PICHARDO** and **VICTOR BROWN** and their co-conspirators made arrangements for the shipment of the defense articles to the Bolivarian Republic of Venezuela.

8. Defendants **ALBERTO PICHARDO** and **VICTOR BROWN** and their co-conspirators did not obtain the required license and written approval from the Directorate of Defense Trade Controls of the United States Department of State prior to exporting the defense articles from the United States.

9. Co-conspirators residing in foreign countries paid defendants **ALBERTO**

PICHARDO, VICTOR BROWN, co-conspirators Kirk Drellich and A.R., and others in the United States for their actions in obtaining the defense articles.

OVERT ACTS

In furtherance of this conspiracy, and to accomplish its objective, at least one of the co-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:

10. On or about November 22, 2008, defendant **VICTOR BROWN** traveled from Miami, Florida to Madrid, Spain to meet with some of his co-conspirators.

11. On or about February 11, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. traveled from Miami, Florida to Madrid, Spain to meet with some of their co-conspirators.

12. On or about July 1, 2009, defendant **ALBERTO PICHARDO** and a co-conspirator from Spain, hereinafter identified as "A.S.", inspected two T56 engines at a facility in Oakland, California.

13. On or about July 21, 2009, defendant **VICTOR BROWN** and co-conspirator "A.S." attended a meeting with two other individuals at an office in Fort Lauderdale, Florida.

14. During the aforementioned meeting on July 21, 2009, defendant **VICTOR BROWN** reviewed the "Life Books" of two T56 engines which his co-conspirators intended to export out of the United States. The "Life Books" set forth the specifications, maintenance, and overhaul records of two T56 engines.

15. On or about July 31, 2009, an irrevocable letter of credit was issued for the purchase of two T56 engines in the amount of \$3,430,000 on behalf of a company in Spain, herein identified as "Spanish Company #1", in favor of a Florida corporation, herein identified as "M.T.G., LLC".

16. On or about August 4, 2009, co-conspirator A.S. and a co-conspirator from Spain,

herein identified as "M.G.", traveled to California to observe the planned shipment of two T56 engines to Venezuela.

17. On or about September 14, 2009, co-conspirator Kirk Drellich provided an Actuator, Geneva Lock (Part Number 100930-1); a Contractor/High Power Relay (Part Number B123J or 1616523-7); a Valve, Shutoff (Part Number 106388-1-2); and a Valve, Shut-off, Hydraulic, Solenoid Operated (Part Number 9A022-1) to defendant **VICTOR BROWN** and co-conspirator A.R.

18. On or about September 14, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned Actuator, Geneva Lock (Part Number 100930-1); Contractor/High Power Relay (Part Number B123J or 1616523-7); Valve, Shutoff (Part Number 106388-1-2); and Valve, Shut-off, Hydraulic, Solenoid Operated (Part Number 9A022-1) out of the United States to the Bolivarian Republic of Venezuela.

19. On or about October 13, 2009, co-conspirator Kirk Drellich provided a Pressure Switch (Part Number H-E 40088) to defendant **VICTOR BROWN** and co-conspirator A.R.

20. On or about October 13, 2009, **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned Pressure Switch (Part Number H-E 40088) out of the United States to the Bolivarian Republic of Venezuela.

21. On or about November 10, 2009, co-conspirator Kirk Drellich provided two Turbines, Cooling (Part Number 571925-3-1) to defendant **VICTOR BROWN** and co-conspirator A.R.

22. On or about November 10, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned two Turbines, Cooling (Part Number 571925-3-1) out of the United States to the Bolivarian Republic of Venezuela.

23. On or about December 1, 2009, co-conspirator Kirk Drellich provided an Actuator

Rotary Trim Tab Assy. (Part Number A489-5) and a Pump, Centrifugal, Fuel Booster (Part Number RR54860) to defendant **VICTOR BROWN** and co-conspirator A.R.

24. On or about December 1, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned Actuator Rotary Trim Tab Assy. (Part Number A489-5) and Pump, Centrifugal, Fuel Booster (Part Number RR54860) out of the United States to the Bolivarian Republic of Venezuela.

25. On or about December 3, 2009, co-conspirator Kirk Drellich provided a Rotating Disk (Part Number 313010) to defendant **VICTOR BROWN** and co-conspirator A.R.

26. On or about December 3, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned Rotating Disk (Part Number 313010) out of the United States to the Bolivarian Republic of Venezuela.

27. On or about December 28, 2009, defendant **VICTOR BROWN** and another individual delivered three shipping crates which contained thirty-five HGU-84/P Rotary Wing Helmets (Medium), ten HGU-84/P Rotary Wing Helmets (Large), and five HGU-84/P Rotary Wing Helmets (X-Large) to a warehouse located at or near 1715 NW 79th Avenue, Miami, Florida.

28. On or about December 28, 2009, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned thirty-five HGU-84/P Rotary Wing Helmets (Medium), ten HGU-84/P Rotary Wing Helmets (Large), and five HGU-84/P Rotary Wing Helmets (X-Large) out of the United States to the Bolivarian Republic of Venezuela.

29. On or about May 3, 2010, co-conspirator Kirk Drellich provided a Pressure Switch (Part Number H-E 40088), a Butterfly Valve and Actuator Assembly 3.00 DIA Stainless Steel (Part Number BYLB-51045) and a Pump Assembly, Fuel Booster (Part Number 60-369A) to defendant

VICTOR BROWN and co-conspirator A.R.

30. On or about May 3, 2010, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned Pressure Switch (Part Number H-E 40088), Butterfly Valve and Actuator Assembly 3.00 DIA Stainless Steel (Part Number BYLB-51045) and Pump Assembly, Fuel Booster (Part Number 60-369A) out of the United States to the Bolivarian Republic of Venezuela.

31. On or about July 12, 2010, co-conspirator Kirk Drellich provided three 25 Liter Liquid Oxygen Converters (Part Number 10C-0001-26) to defendant **VICTOR BROWN** and co-conspirator A.R.

32. On or about July 12, 2010, defendant **VICTOR BROWN** and co-conspirator A.R. shipped or caused to be shipped the aforementioned three 25 Liter Liquid Oxygen Converters (Part Number 10C-0001-26) out of the United States to the Bolivarian Republic of Venezuela.

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

COUNTS 2 - 14

Violation of the Arms Export Control Act
(22 U.S.C. § 2778)

1. The “General Allegations” portion of this Information is realleged and incorporated by reference as if fully set forth herein.

2. On or about the dates listed as to each count set forth herein, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

VICTOR BROWN,

did knowingly and willfully export, from the United States to the Bolivarian Republic of Venezuela, defense articles, under Category VIII(h) of the United States Munitions List, that is,

Count	Date	Defense Article	Part Number	Quantity
2	09/14/09	Actuator, Geneva Lock	1009350-1	1
3	09/14/09	Contractor/High Power Relay	B123J or 1616523-7	1
4	09/14/09	Valve, Shutoff	106388-1-2	1
5	09/14/09	Valve, Shut-off, Hydraulic, Solenoid Operated	9A022-1	1
6	10/13/09	Pressure Switch	H-E 40088	1
7	11/10/09	Turbine, Cooling	571925-3-1	2
8	12/01/09	Actuator Rotary Elevator Trim Tab Assy.	A489-5	1
9	12/01/09	Pump, Centrifugal, Fuel Booster	RR54860	1
10	12/03/09	Rotating Disk	313010	1
11	05/03/10	Pressure Switch	H-E 40088	1
12	05/03/10	Butterfly Valve and Actuator Assembly 3.00 DIA Stainless Steel	BYLB-51045	1
13	05/03/10	Pump Assembly, Fuel Booster	60-369A	1
14	07/12/10	25 Liter Liquid Oxygen Converter	10C-0001-26	3

without having first obtained the required license or written approval from the Directorate of Defense Trade Controls of the United States Department of State; in violation of Title 22, United States Code, Sections 2778(b)(2) and (c); Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1; and Title 18, United States Code, Section 2.

COUNTS 15-16

Violations of the Arms Export Control Act
(22 U.S.C. § 2778)

1. The "General Allegations" portion of this Information is realleged and incorporated by reference as if fully set forth herein.
2. On or about the date set forth herein, in Miami-Dade County, in the Southern District

of Florida, and elsewhere, the defendants,

**ALBERTO PICHARDO
and
VICTOR BROWN,**

did knowingly and willfully export, from the United States to the Bolivarian Republic of Venezuela, defense articles, under Category VIII(b) of the United States Munitions List, that is,

Count	Date	Defense Article	Part Number
15	09/03/09	Rolls-Royce T56-A-15LFE Gas Turbine Engine	6875451
16	10/24/09	Rolls-Royce T56-A-15LFE Gas Turbine Engine	6875451

without having first obtained the required license or written approval from the Directorate of Defense Trade Controls of the United States Department of State; in violation of Title 22, United States Code, Sections 2778(b)(2) and (c); Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1; and Title 18, United States Code, Section 2.

COUNTS 17 - 19

Violation of the Arms Export Control Act
(22 U.S.C. § 2778)

1. The “General Allegations” portion of this Information is realleged and incorporated by reference as if fully set forth herein.

2. On or about the dates listed as to each count set forth herein, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

VICTOR BROWN,

did knowingly and willfully export, from the United States to the Bolivarian Republic of Venezuela, defense articles, under Category X(a)(6) of the United States Munitions List, that is,

Count	Date	Defense Article	Part Number	Quantity
17	12/28/09	HGU-84/P Rotary Wing Helmet (Medium)	D7748-1	35
18	12/28/09	HGU-84/P Rotary Wing Helmet (Large)	D7748-2	10
19	12/28/09	HGU-84/P Rotary Wing Helmet (X-Large)	D7748-3	5

without having first obtained the required license or written approval from the Directorate of Defense Trade Controls of the United States Department of State; 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, and 127.1; and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

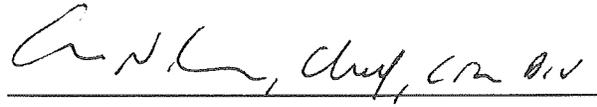
1. The allegations of Count 1, 15, and 16 of this Information are re-alleged for the purpose of alleging forfeitures to the United States of America of certain property in which defendant **ALBERTO PICHARDO** has an interest pursuant to Rule 32.2(a), Federal Rules of Criminal Procedure, and the provisions of Title 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), and the procedures outlined at Title 21, United States Code, Section 853.

2. Upon conviction of any violation of Title 22, United States Code, Section 2778, or a conspiracy to commit such offense, defendant **ALBERTO PICHARDO** shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to said violation.

3. The property subject to forfeiture includes but is not limited to: \$ 21,000.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), as made applicable by

Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.


WIFREDO A. FERRER
UNITED STATES ATTORNEY


THOMAS J. MULVIHILL
SENIOR LITIGATION COUNSEL