

United States District Court

SOUTHERN

DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

ROBERT NEIL GURIN
JOAQUIN FOU

JOSE F. GRASCH

CRIMINAL COMPLAINT

CASE NUMBER: 89-3591-TEB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 17, 1989 through the present in Miami, Dade county, in the

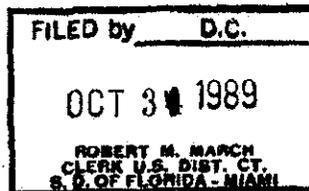
Southern District of Florida

defendant(s) did, (Track Statutory Language of Offense) knowingly and intentionally combine, conspire, confederate and agree with each other to commit an offense against the United States that is, to violate Title 15, United States Code, Section 78 dd-2. It was the purpose and object of this conspiracy that a domestic concern knowingly and intentionally make use of mails or any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay or authorization of the payment of any money, or offer, gift or promise to give anything of value to any foreign official or any person knowing or having reason to know that all or a portion of such money or thing of value will be given to any foreign official for the purpose of influencing any act or decision of such official, in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, ^{any person} in violation of Title 18 United States Code, Section(s) 371

I further state that I am a Special Agent and that this complaint is based on the following facts:

Official Title

See attached affidavit.



Continued on the attached sheet and made a part hereof:

Yes No

Gary J. Lang
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date 10/31/89

at Miami, Florida
City and State

LED. E. BANDETTA / U.S. MAG. DIST. CT.
Name & Title of Judicial Officer

T. B. [Signature]
Signature of Judicial Officer

(2)

AFFIDAVIT

1. I, Gary J. Lang, being duly sworn, deposes and says:
2. I am a Special Agent with the Department of Treasury, United States Customs Service assigned to the Air-Smuggling Investigations Group, Office of Enforcement, Special Agent in Charge, Miami, Florida. For the past eleven (11) years, and continuing to date, I have been employed as a federal law enforcement officer. I have specialized in the investigations of smuggling of contraband by private and cargo transport category aircraft and also corruption of public officials as it pertains to narcotics smuggling.
3. Based upon my training and experience, I know that for any domestic concern or any officer, director, employee, or agent of such domestic concern, to make use of the mails or any other means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, gift or promise to give any thing of value to any foreign official or any person knowing or having reason to know that all or a portion of such money will be given to a foreign official for the purpose of influencing any act or decision of such official

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to any person is in violation of Title 15, United States Code, Section 78dd-2, Foreign Corrupt Practices Act of 1977. In addition it is a violation of Title 18 United States Code, Section 371 to conspire to commit such offense.

4. I am presently conducting a criminal investigation of alleged violations of the aforementioned statutes by Robert Neil Gurin (aka Bob Gurin), owner and operator of AEA Aircraft Recovery, and co-conspirators Joaquin Pou and Jose Guasch in Dade County, Florida. This affidavit, based upon my investigation and information provided by fellow agents and two (2) confidential sources, is submitted in support of a criminal complaint for the arrest of Robert Gurin, Joaquin Pou and Jose Guasch for the reasons stated in the following paragraphs.
5. In February 1989, the United States Customs Service and the Federal Bureau of Investigation initiated an investigation into allegations of the bribery of high ranking military officials of the Dominican Republic by Robert Gurin. Gurin is alleged to have paid bribes to the Dominican Republic military to assure the release of an aircraft seized by the Dominican Republic for narcotics smuggling.
6. On January 24, 1989, FBI Agent Joseph Usher and I interviewed Gurin at his office/residence located at [REDACTED], [REDACTED], Coral Gables, Florida. Gurin stated he (Gurin) is a pilot and engineer and has operated AEA Aircraft

Recovery, a Division of Summerland Engineering, since 1979. Gurin stated that he has been recovering aircraft from countries in the Caribbean Basin since 1979.

7. On the morning of February 3, 1989, U.S. Customs Special Agent Frank Rifenberg and I interviewed Gurin at [REDACTED] [REDACTED] [REDACTED], [REDACTED], Coral Gables, Florida. Upon entering the residence, Gurin requested we (Special Agent Rifenberg and I) be seated in his office. Gurin advised that he (Gurin) recently moved from apartment [REDACTED] and was setting up his (Gurin's) new office. Within the office I observed a printer for a computer and several file folders.
8. In February 1989, a confidential source (referred to as CS-1) provided information regarding the activities of Gurin. CS-1 reported the following:
 - a. CS-1 stated Thomas Martin, a manager with the FAA, currently travels quite frequently to the Dominican Republic. According to CS-1, Martin has assisted Robert Gurin of AEA Aircraft Recovery in releasing seized aircraft in the Dominican Republic. CS-1 stated Martin is a close associate of a high ranking Military General in the Dominican Republic and has used this connection to help Gurin.
 - b. CS-1 said Martin made several calls on Gurin's behalf in an effort to obtain the release of a seized aircraft. According to CS-1, Martin spoke to General A (Dominican Republic officials are referred to by title and code

letter) of the Dominican Republic regarding seized aircraft and set up a meeting with Gurin. CS-1 stated Martin is a friend of General A.

c. According to CS-1, Robert Neil Gurin is assisted by numerous officials in Jamaica, Haiti, Dominican Republic and the Bahamas. CS-1 said Gurin recovers aircraft abroad for narcotics smugglers.

9. On February 10, 1989, at the direction of Special Agents of the U.S. Customs Service and the FBI, CS-1 placed a consensually monitored telephone call to Robert Gurin at telephone number [REDACTED] [REDACTED]. During the conversation, Gurin discussed his (Gurin's) involvement in corruption in Haiti and the Dominican Republic. Gurin said he was attempting to recover an aircraft from the Dominican Republic. Gurin stated that he (Gurin) attended a meeting with an attorney and "the general". Gurin added that "the general came through once, and he wants an additional contribution, another ten thousand dollars". Gurin said the generals involved in this bribery scheme were named General A, B and C. Gurin referred to General A as "Tommy's General" (Thomas Martin). Gurin said "we're talking a huge bribe here". Gurin concluded the conversation by saying "you don't call it a bribe, you call it a contribution".

10. A check with Southern Bell shows telephone number [REDACTED] [REDACTED] [REDACTED] to be subscribed to by:

Cynthia W. Von Kittendorf and
Robert N. Gurin

████████████████████
Coral Gables, Florida

11. On February 23, 1989, CS-1 placed another telephone call to Gurin at telephone number ██████████ ██████████. This telephone conversation was electronically monitored and recorded by U.S. Customs Agents. Gurin told the source that he (Gurin) was still unable to obtain release of the aircraft due to General A being greedy.
12. During February 1989, in an effort to obtain additional evidence in this investigation an aircraft seized by the Dominican Republic military was identified. The aircraft, a Rockwell Aerocommander 690 B, FAA Registration number N244MP, was seized by the Dominicans for suspected drug smuggling.
13. On March 17, 1989, at the direction of fellow U.S. Customs agents, an FBI agent and I, a second confidential informant (CS-2) was introduced to Gurin.
14. On March 17, 1989, CS-2 telephoned Gurin at telephone number ██████████ ██████████. This conversation was electronically monitored and tape recorded by U.S. Customs and FBI agents. CS-2 informed Gurin that CS-2 represented the owner of aircraft N244MP. Gurin was asked if he (Gurin) would be able to recover the aircraft that was previously seized in the Dominican Republic. During the conversation Gurin outlined his (Gurin's) involvement with Generals in the Dominican Republic. Gurin stated that he (Gurin) had recently recovered

an aircraft from the Dominican Republic and it had cost approximately fifty thousand dollars (\$ 50,000). Gurin said the money was necessary to obtain "cooperation" from the Generals. Gurin said it would probably cost about the same to obtain the release of aircraft N244MP.

15. On the afternoon of March 21, 1989, a meeting was arranged between CS-2 and Gurin in front of Horatio's Restaurant located on Virginia Key, Florida. The purpose of the meeting was to discuss Gurin's ability to obtain the release of aircraft N244MP.
16. On March 21, 1989 fellow U.S. Customs and FBI agents established a stationary surveillance outside the aforementioned meeting place. The meeting was consensually tape recorded, video taped and photographed by U.S. Customs agents.
17. During the meeting, Gurin discussed the plan to recover aircraft N244MP from the Dominican Republic. Gurin informed CS-2 that an attorney, identified as Alfredo Duran, would channel the money to Generals of the Dominican Military through his (Duran's) escrow account. Gurin stated he (Gurin) would confer with Duran in order to determine the cost of releasing the aircraft.
18. On March 27, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED]. The telephone call was consensually tape recorded. Gurin stated that Alfredo Duran was aware of the entire bribery scheme and that it would be Duran who could

negotiate a final price with the generals. CS-2 told Gurin the owner of aircraft N244MP was a "ghost" and that the address for the company was merely a post office box. Gurin advised CS-2 that there would be no problem with the paperwork so long as "creativity" was used.

19. On April 12, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED] subsequent to being paged on CS-2's digital pager. The conversation was consensually tape recorded. Gurin advised CS-2 that he had a long conversation with Alfredo Duran and that there were problems with getting the aircraft (N244MP). Gurin stated "it is not going to be practical to go directly to General B". Gurin outlined the procedure necessary to obtain the release of the aircraft as follows:

Initial contact with the Dominican Republic will be through the FAA International Office (Thomas Martin) to Official A. Martin will fax an affidavit, power of attorney and other documents to Official A in the Dominican Republic. (Gurin informed CS-2 that Martin is co-owner of a business with General A). Gurin will draft a letter to Martin who will transmit it directly to the general.

Gurin made several comments to CS-2 regarding the Drug Enforcement Administration (DEA). "We will run into a cracker early on because of the DEA situation". "DEA is involved in this case" "This is an active case with the DEA". He (Gurin)

then added "You need to do a little thinking about Gor-Com, (the aircraft's registered owner), and who its principals are...to have some stand-ups in there, there's got to be a face someplace". Gurin further advised CS-2 that "I can give you an outline of what would be a patently acceptable affidavit". "I can give you a copy of one that works". Gurin stated "Duran said, when you get to the point where you need some negotiating done, call him."

Gurin told CS-2 approval for the release must first come from the Civil Aviation Division in the Dominican Republic. Gurin provided the following procedure, an affidavit of the owners facts, as he knows them to be, is forwarded to them for their approval. A copy of the aircraft title, ownership papers, registration are all sent to the Dominicans. They (Dominicans) will contact the FAA to verify the ownership and "they will find that it is fine". They go to their version of the FBI and get back a report saying no one is likely to be prosecuted. The paperwork approval is only the first stage of the recovery. Once Official A gets back all the needed reports, that is when the negotiation starts.

Gurin stated that he (Gurin) would have the sample affidavit prepared by April 14, 1989, and that he (Gurin) would provide it to CS-2 on or about April 18, 1989.

20. On April 21, 1989, a meeting was arranged between CS-2 and Gurin at Denny's Restaurant located on U.S. 1 in Coral Gables,

Florida. The meeting was consensually tape recorded and photographed by U.S. Customs and FBI agents.

21. During the meeting, Gurin provided CS-2 with copies of documents that he (Gurin) utilized in affecting the release of another seized aircraft (N777ST) in the Dominican Republic. Gurin also outlined the documents that were needed to be created to help obtain release of aircraft N244MP. Gurin instructed CS-2 to produce documents showing the owner of the aircraft (Gor-Com) "lacks any involvement in whatever happened" (referring to the narcotics smuggling activity). Gurin said once all the documentation has been created the paperwork is submitted to the Dominican Civil Aviation authorities.

22. On April 26, 1989, CS-2 placed a consensually taped recorded telephone call to Gurin at telephone number [REDACTED] [REDACTED]. Gurin informed CS-2 that he (Gurin) had contacted Tommy Martin at FAA regarding aircraft N244MP. Martin found out that the aircraft was released to another party on March 2, 1989. Gurin informed CS-2 that copies of the paperwork that were submitted to General A for release of N244MP were going to be sent to Tommy Martin. Gurin said he (Gurin) would obtain the documents from Martin and show them to CS-2 once they were received by Martin at the FAA International Office, Miami, Florida.

Gurin expressed his disbelief that the aircraft was released, and advised CS-2 that Alfredo Duran had spoken to an

individual in the Dominican Republic about aircraft N244MP. Gurin and CS-2 agreed to meet soon in order to view the documentation being sent to Tommy Martin. CS-2 also agreed to obtain specific information regarding another aircraft being detained in the Dominican Republic and provide it to Gurin at the next meeting.

23. On May 3, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED]. The conversation was consensually tape recorded. Gurin told CS-2 that aircraft N244MP was released to another party and the paperwork was in Tommy Martin's office.
24. On May 12, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. This conversation was consensually monitored and recorded by U.S. Customs agents. CS-2 provided Gurin with aircraft registration number N6846L, a pressurized Piper Navajo, and told Gurin the aircraft was seized in the Dominican Republic after conducting an airdrop. Gurin told CS-2 "all right, I'll talk to, I'll try and reach out for (General) "A".
25. On May 25, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED]. The conversation was consensually tape recorded. Gurin told CS-2 Tommy Martin would not release a copy of the report on aircraft N244MP. Gurin said CS-2 would have to telephone Official A in the Dominican Republic to obtain the information.

26. On May 26, 1989, CS-2 telephoned Gurin at phone number [REDACTED]. This conversation was consensually recorded. CS-2 told Gurin my client, "Mr. Jaramillo" (Hector Jaramillo - a fictitious name utilized by CS-2 to facilitate the bribery scheme and provide a connection to narcotic smuggling) has an investment in the aircraft (N6846L). CS-2 informed Gurin that Jaramillo is working out of Colombia, South America. CS-2 advised Gurin that there was an informant used against CS-2's client's (Jaramillo's) aircraft and that CS-2 believed they (Jaramillo) lost the "Load." CS-2 told Gurin "they air dropped it." Gurin asked CS-2 what the Dominican's were holding the pilot and co-pilot in jail for and CS-2 told Gurin drug smuggling, "plus they found guns."
27. On May 30, 1989, CS-2 placed a telephone call to Gurin at telephone number [REDACTED]. This call was consensually monitored and tape recorded by U.S. Custom Agents. Gurin and CS-2 discussed the recovery of aircraft N6846L. Gurin suggested using a scenario that would be used to create paperwork to recover the aircraft. Gurin said he (Gurin) had one available in his (Gurin's) computer. Gurin said he (Gurin) wanted to use a scenario that makes the aircraft's (N6846L) owner appear innocent.
28. On June 9, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] and discussed the paperwork on aircraft N6846L. The conversation was consensually tape recorded. CS-2 and

Gurin discussed creative writing for the scenario to be utilized to facilitate the release of N6846L. During their conversation, a meeting was arranged between CS-2 and Gurin on June 12, 1989 at Denny's Restaurant, U.S. 1, Coral Gables, Florida.

29. On June 12, 1989, U.S. Customs agents and agents of the FBI established a stationary surveillance outside the Denny's Restaurant. The meeting was consensually tape recorded and photographed by U.S. Customs and the FBI.
30. During the meeting, CS-2 paid Gurin \$482.00 (U.S. government funds) for his (Gurin's) services to date. Gurin outlined his (Gurin's) plans stating "we'll go to Tommy Martin together".. "we can use or Tommy Martin". Gurin said "what we want them to do is make a simple telephone call down there just saying, you know, Bob is coming". "..just receive them well". Gurin, stated Duran spent approximately ten (10) days in the Dominican Republic for the last project (referring to aircraft N777ST). Gurin said he (Duran) made tremendous progress". "My sense will be to meet with the General, uh, hopefully with some good words from Tommy and then with that General Pou, and go from there". Gurin commented on the bribery scheme and said " corruption is clearly rampant in the Dominican Republic".. "the bottom line is , these guys don't want to stick there necks out, they want to be careful.."
31. On June 15, 1989, a meeting was arranged between CS-2, Gurin and Thomas Martin at FAA, International Field Office, Room

333, 5600 NW 36th Street, Miami, Florida. The meeting took place in the personal office of Tommy Martin.

32. On June 15, 1989, U.S. Customs agents an FBI agent and I established a stationary surveillance outside the aforementioned meeting place. The meeting was consensually tape recorded and photographed by U.S. Customs and the FBI.
33. During the meeting, CS-2 told Martin that CS-2 has a client with an aircraft seized in the Dominican Republic. Gurin told Martin "we're gonna take another crack at them". Martin told CS-2 that General A is a "good guy". Gurin told Martin, "what we're gonna do, procedure wise, is, uh, replicate what we've done in the past". Martin told CS-2 "we're a little leery about how much support we provide in these things, and he (Gurin) can tell you why"..(referring to the arrest of Arminta Oates, an ex-FAA employee). Martin continued and explained "...my darkest dream is being picked up and put in a fucking jail right here in Miami...".

After the meeting, Gurin told CS-2 "He'll still talk to Official A and the general". Gurin said "Tommy's walking a tightrope because they caught somebody (Arminta Oates) in his office and threw in the slammer..."

34. On June 16, 1989, CS-2 returned a digital beeper page to Gurin at telephone number [REDACTED]. The telephone call was consensually tape recorded. Gurin read the fraudulent affidavit he (Gurin) created to CS-2 and they (Gurin and CS-2) discussed the scenario to be used to facilitate their

bribery scheme. Gurin told CS-2 he (Gurin) will have General Pou (General in the Dominican Republic) check the status of aircraft N6846L.

35. On June 19, 1989, a meeting was arranged between CS-2 and Gurin at Denny's Restaurant on Route US 1, Coral Gables, Florida. The meeting was consensually tape recorded by U.S. Customs and the FBI. During the meeting, Gurin provided CS-2 with a manila folder containing paperwork he (Gurin) had created. The documents included a letter to General A and affidavits pertaining to aircraft N6846L. Gurin also included a bill to CS-2, for services he (Gurin) had provided to date.
36. On June 22, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. The conversation was consensually tape recorded and monitored by U.S. Customs agents. Gurin told CS-2 that he (Gurin) had just spoken to Tommy Martin and that Martin would call General A. Gurin said, "So, uh, he (Martin) said no problem, he'll make the call. He knows what the documents are gonna look like anyway". "He said he (Martin) was gonna call him (General A) right now". During the conversation, Gurin and CS-2 discussed the bribery scheme in the Dominican Republic. Gurin stated, "...paying is a normal mode of operation there but that doesn't change the obligation to maintain the image". "These are major government officials and they're not gonna sit there and shake hands with you, not knowing whether you're gonna walk to the local newspaper and say, hey, we just scammed them, we got the government". Gurin

added, "But these guys are, they're dealing on a daily basis with the U.S. DEA, and with zillions of dollars U.S. money, and they're not gonna jeopardize anything, you know, so what they do is be crooked, but be it smooth".

37. On June 22, 1989, CS-2 placed a subsequent telephone call to Gurin at telephone number [REDACTED]. The conversation was consensually tape recorded and monitored by U.S. Customs agents. Gurin informed CS-2 that CS-2 should contact a Major A in the Dominican Republic to find out the status of aircraft N6846L. Gurin provided the telephone number for Major A as [REDACTED]. Gurin told CS-2 that Tommy Martin had spoken to General A about the plane (N6846L). Gurin stated, "Tommy caught him, apparently caught him (General A) at home. He'll talk to this guy (Major A) and take care of it". "He's (Major A) been alerted, he's expecting the call, ok, use Tommy's, Tommy Martin's name and my (Gurin's) name".
38. On June 22, 1989, CS-2 placed another call to Gurin at telephone number [REDACTED] [REDACTED]. The conversation was consensually tape recorded and monitored by U.S. Customs agents. CS-2 informed Gurin of what was discussed during CS-2's conversation with Major A. Gurin stated that he (Gurin) had given Tommy Martin the registration number of the aircraft (N6846L) during (Gurin's) conversation with Martin. CS-2 asked Gurin if he (Gurin) thought they (Gurin and CS-2) should have a conference call with Tommy Martin. Gurin responded "No, you're gonna put the man in a position he can't be

in...no he's already said he can not be in the middle of this, this is why he's setting it up this way". Gurin added, "the general just won't make any commitments at all, he's tough, 'cause he has to talk to his boss and that's where the big dollars go"... "we've never given anything to General A, he's getting his from the other guys". Gurin told CS-2, "Tommy told me this morning that the general (A) told this guy (Major A) to give us the information". "The funding, if there is any illegal funding transfer, comes from, uh, somebody else to General B who then obviously dispenses it, whatever fashion he (General B) thinks is appropriate, to his underlings".

39. On June 27, 1989 and June 28, 1989, documents pertaining to aircraft N6846L (to include the aircraft bill of sale, registration and affidavit of Jay Burns - a fictitious name utilized in this scheme) were faxed to the office of General A at telephone number [REDACTED] [REDACTED]. All documents were translated into Spanish prior to being sent.
40. On June 28, 1989, CS-2 participated in a conference call, placed by Gurin, to Major A. The conversation was consensually monitored and tape recorded by U.S. Customs agents. The aircraft was discussed and Major A confirmed the receipt of the aforementioned documents for aircraft N6846L.
41. Gurin indicated that the last aircraft he (Gurin) attempted to get released took approximately four (4) months to get to this same point. Gurin stated, "... it also took about ten thousand dollars (\$ 10,000)". Gurin said, " you've got to

remember they (Generals) separate this business of payoffs from scam'en, they don't want to get scammed". Gurin added, "he's (Major A) gonna want a present of some kind, but I mean you're talking maybe a few hundred dollars, you know..".

42. On July 14, 1989, a meeting was arranged between CS-2 and Gurin at Denny's Restaurant on US 1, Coral Gables, Florida. The meeting was photographed and consensually tape recorded by U.S. Customs agents. During the meeting, Gurin advised CS-2 "there might be a breakthrough" and that he (Gurin) was going to contact a General Pou. Gurin stated, " General Pou used to be in charge of security". Gurin said he (Gurin) had his "latin connection" contacting Pou.
43. On the evening of July 17, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED]. The conversation was consensually tape recorded. Gurin informed CS-2 "we" talked to the General (Pou) today. Gurin said Pou informed him (Gurin) that aircraft N6846L was in "good shape".
Gurin advised CS-2 Pou said "it is going to take some funding to make the airplane move". He (Pou) says ".. be prepared to little front money". Gurin stated, "my guess is that a thousand, fifteen hundred (\$1,000 -\$ 1,500) to General Pou is gonna go a long way".
44. On July 23, 1989, CS-2 received a telephone call from General Joaquin Pou in the Dominican Republic. The conversation was consensually tape recorded. General Pou advised CS-2 that he (Pou) was travelling to Miami.

45. On July 25, 1989, CS-2 telephoned Gurin at telephone number [REDACTED] [REDACTED]. The conversation was consensually tape recorded. Gurin advised he (Gurin) met General Pou at Miami International Airport and arranged a meeting with Pou on July 26, 1989, at the Pan Am Clipper Club, Miami International Airport, Florida.
46. On July 26, 1989, CS-2 attended a meeting with Gurin and General Pou at the Pan Am Clipper Club, Miami International Airport. The meeting was consensually tape recorded.
47. On July 26, 1989, U.S. Customs and an FBI agent established a stationary surveillance inside the Pan Am Clipper Club. The meeting was electronically monitored and video taped.
48. During the conversation, Pou (speaking Spanish), explained how he (Pou) does business in the Dominican Republic, and that he (Pou) feels there is no problem obtaining release of aircraft N6846L. CS-2 paid Pou five thousand dollars (\$ 5,000 U.S. Govt. funds), the initial money necessary to pay officials to affect the release of the aircraft. Pou indicated it would be necessary to take care of General A and Colonel A. CS-2 translated for Gurin from Spanish to English. Pou departed Miami via commercial airlines back to the Dominican Republic. CS-2 and Gurin discussed utilizing Alfredo Duran as escrow agent for the remaining money necessary to pay bribes to Dominican officials for the release of aircraft N6846L.

CS-2 advised Gurin that Pou had to take care of Colonel A, General B in the Dominican Airforce and General A.

Subsequent to Pou leaving CS-2 advised Gurin that Hector (Jaramillo) has to move powder (cocaine) real quickly. CS-2 told Gurin there is another \$10,000 in the deal for both of us." Gurin responded, "where does he want the airplane delivered?"

49. On July 28, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. The telephone conversation was consensually tape recorded. CS-2 asked Gurin if there was any word from General Pou. CS-2 asked Gurin to arrange a meeting with Duran to set up the escrow. Gurin said, "I have an escrow agreement form that we can use with Duran".
50. On August 1, 1989, a meeting was arranged between CS-2, Gurin and Duran. The meeting was scheduled by Robert Gurin to discuss Duran's role as an escrow agent to hold the remaining funds necessary to be paid to officials of the Dominican Republic Military to release aircraft N6846L from seizure. The meeting took place at Duran's office located at [REDACTED], Miami, Florida. The meeting was consensually tape recorded.
51. During the beginning of the meeting it was explained to Duran that CS-2 has a client who had an aircraft (N6846L) seized in the Dominican Republic for narcotics smuggling. CS-2 told Duran, in Spanish, that CS-2 had paid Pou five thousand dollars (\$5,000) and that Pou estimated it would cost

approximately twenty-five to thirty thousand dollars (\$25,000 - 30,000) to affect release the of aircraft N6846L. CS-2 and Gurin requested Duran to become part of the escrow agreement to hold funds received in order to pay for the release of aircraft N6846L. At the conclusion of the meeting, Gurin provided an escrow agreement and disbursement instructions to Duran and CS-2. The agreement named Duran as escrow agent. The disbursement instructions outline disbursement of funds to Pou upon release of aircraft N6846L.

52. On August 8, 1989, a meeting was arranged between CS-2 and Duran at Duran's office located at [REDACTED] [REDACTED] Miami, Florida. The meeting was consensually recorded and video taped.

Duran told CS-2 he (Duran) "checked the guy, I (Duran) checked with Pou". CS-2 and Duran discussed Pou's ability to affect the release of the aircraft. Duran stated, "it seems like he (General Pou) now has General C's trust" and he (Duran) explained that was why Pou would be able to get the aircraft released. CS-2 advised Duran that CS-2 spoke with Pou and Pou requested a Power of Attorney to assist Pou in negotiations. CS-2 told Duran CS-2 already paid Pou five thousand dollars (\$5,000). Duran answered "for them the thing is ... is very difficult and they, they steal the ... from you. Duran acknowledged knowing Gurin attempted to bribe officials on a previous aircraft (N777ST) seized in the Dominican Republic.

CS-2 paid Duran five hundred dollars (\$500 U.S. Govt. funds) for his assistance in this part of the scheme. CS-2 told Duran we both do not work for free. The meeting concluded by CS-2 and Duran agreeing to give General Pou two weeks to get the release accomplished. Duran said after that he (Duran) would set up a meeting with General C. Duran stated "General C is the only one who is going to give the, the solution to your problem...no one else". According to CS-2, Duran removed business cards of General C and General B from within his (Duran's) desk and showed these business cards to CS-2.

53. On August 17, 1989, a meeting was arranged between CS-2 and Gurin at the Denny's Restaurant located on US 1, Coral Gables, Florida. The meeting was consensually tape recorded and surveilled by U.S. Customs and an FBI agent. CS-2 discussed the recovery of aircraft N6846L and paid Gurin one thousand twenty-four dollars and fifty cents (\$1024.50)(U.S. Government funds) for Gurin's services to date.
54. On August 31, 1989, a meeting was arranged between CS-2 and Alfredo Duran at Duran's office located at [REDACTED], Miami, Florida. The meeting was consensually recorded and video taped.
55. On August 31, 1989 a stationary surveillance was established by fellow U.S. Customs agents and an agent of the FBI.
56. CS-2 stated upon arrival in Duran's office, Duran removed a file from a drawer within his (Duran's) desk. CS-2 stated

the file contained the escrow agreement pertaining to the recovery of aircraft N6846L. During the meeting, CS-2 gave Duran twelve thousand dollars (\$12,000 U.S. Govt. funds) to deposit into escrow. Duran dictated a receipt to his secretary for the money from CS-2 (\$12,000). CS-2 and Duran discussed the escrow agreement necessary to complete the bribery transaction and Duran provided the receipt to CS-2. Duran said he wanted twenty five hundred dollars (\$2,500) for his (Duran's) services as escrow agent, and if he (Duran) introduces CS-2 to General C, General A or General B it would cost more money. Duran requested Pou's telephone number so that he (Duran) could contact him and discuss the escrow situation.

57. On September 6, 1989, CS-2 telephoned General Pou in Miami, Florida at telephone number [REDACTED] after being advised by Gurin that Pou was in Miami, Florida on business with an individual named Guasch. The conversation was electronically monitored and consensually tape recorded by U.S. Customs agents. Pou informed CS-2 that he (Pou) wanted the original airworthiness certificate for aircraft N6846L. Pou also told CS-2 he (Pou) wanted and needed money to pay airforce guys (referring to the Dominican Republic Airforce). Pou also told CS-2 he (Pou) was in Miami on official business for the government of the Dominican Republic. Pou provided a digital beeper number [REDACTED] at which he could be contacted.

58. On September 6, 1989, CS-2 telephoned Gurin at telephone number [REDACTED], in response to a page on CS-2's digital beeper. CS-2 advised Gurin an airworthiness certificate was needed by Pou to finalize the release of the aircraft (N6846L).
59. On September 7, 1989, CS-2 attempted to contact General Pou through digital beeper number [REDACTED] [REDACTED] of the male identified previously as Guasch. The conversation was electronically monitored and consensually tape recorded by U.S. Customs agents. The male returning the call identified himself as Jose (Guasch), and explained to CS-2 Pou returned to the Dominican Republic. Jose told CS-2 Pou needed the keys for aircraft N6846L.
60. On September 8, 1989, a meeting was arranged between CS-2 and Alfredo Duran at Duran's office located at [REDACTED], Miami, Florida. The conversation was consensually recorded and video taped. On September 8, 1989, a stationary surveillance van was established outside the above referenced meeting place by fellow U.S. Customs agents and I. CS-2 told Duran, General Pou wanted an additional \$1,000 to pay officials of the Dominican Republic. The meeting concluded with Duran telling CS-2 he (Duran) will contact Pou and advise him (Pou) that (Duran) is holding the money for the release of aircraft N6846L.
61. On September 12, 1989, a meeting was arranged between CS-2 and Gurin at Denny's Restaurant, located at N.W. 36th Street

in Miami Springs, Florida. Jose Guasch, General Pou's "confidant" and representative in Miami also attended the meeting. The meeting was consensually tape recorded.

On September 12, 1989, a stationary surveillance was established outside the aforementioned meeting place by fellow Customs agents, an FBI agent and I. The meeting was video taped by U.S. Customs and the FBI. During the beginning of the meeting CS-2 and Gurin discussed the overall scheme to obtain the release of aircraft N6846L before the arrival of Jose Guasch.

CS-2 informed Gurin CS-2 spoke with Hector (Jaramillo) and a decision was made to pay \$1,000 to Guasch to give to General Pou for Dominican Airforce officials.

According to CS-2, Gurin removed an Airworthy Certificate from a black flight navigators briefcase and showed CS-2 the Airworthy certificate he obtained at FAA for aircraft N6846L. Gurin stated "I used significant leverage to get this done very quickly." Gurin said he (Gurin) met with Tommy (Martin) this morning.

At approximately 1:30 p.m. Jose Guasch, a latin male, arrived at the meeting. Guasch asked if the General (Pou) was contacted. Gurin advised he (Gurin) has the airworthy certificate for aircraft N6846L. CS-2 stated to Guasch "I know he (Pou) needs another, you know, \$1,000 to spread the wealth down there".

Guasch advised Gurin and CS-2 referring to getting things done

in the Dominican Republic. "That country as well as any other country, money, my friend, is money." Gurin told Guasch he (Gurin) worked on another aircraft in the Dominican Republic with Duran, and General B. Guasch said General B carries a "big stick".

At the conclusion of the meeting CS-2 paid Guasch \$1,000 (actually \$990) (U.S. Government funds) to pay officials in the Dominican Republic. Gurin and CS-2 advised Guasch they (Gurin and CS-2) wanted a final price and a delivery date. Guasch told Gurin and CS-2 he (Guasch) would deposit the \$1,000 in Pou's account. Gurin provided Alfredo Duran's telephone number to Guasch to verify the money was in escrow.

62. On September 12, 1989, the joint U.S. Customs and FBI surveillance revealed Guasch driving a 4 door, grey 1989 Honda, bearing Florida tag: [REDACTED].

An inquiry with Florida Department of Highway Safety and Motor Vehicle disclosed the following registration information relative to the aforementioned Honda:

Alejandra Guasch
DOB [REDACTED]
[REDACTED]
Miami, Florida

Also during the surveillance I observed Gurin removing a document from a black flight navigators briefcase which he (Gurin) placed in the rear of a white Jeep Cherokee bearing Florida tag [REDACTED].

63. A check of FBI indices revealed the name Jose Guasch disclosed a Jose Francisco Guasch, DOB: [REDACTED], resided at [REDACTED], Miami, Florida.
64. On September 13, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. The conversation was consensually taped recorded. Gurin advised Jose Guasch telephoned Gurin and informed Gurin General Pou wanted proof that \$12,000 was held in escrow by Alfredo Duran. Gurin informed CS-2 he (Gurin) telephoned Duran and asked Duran to contact General Pou. Gurin told CS-2, per Guasch, Pou wanted more money, \$5,000.00. CS-2 explained to Gurin the General wanted \$1,000 for "grease money". CS-2 and Gurin discussed the escrow agreement and disbursement. The conversation concluded and CS-2 informed Gurin, CS-2 would contact Pou and arrange a conference call between CS-2, Pou and Duran.
65. On September 14, 1989, CS-2 telephoned General Pou at telephone number [REDACTED]. The conversation was in Spanish and consensually tape recorded. CS-2 arranged with General Pou a conference call scheduled for September 15, 1989, between CS-2, Pou and Alfredo Duran. Pou told CS-2 he (Pou) needed the registration and keys for aircraft N6846L to finalize the deal.
66. On September 15, 1989, a meeting was arranged between CS-2 and Duran at Duran's office at [REDACTED], Miami, Florida. The meeting was consensually recorded and videotaped.

67. On September 15, 1989, a stationary surveillance was established by fellow U.S. Customs agents, an FBI Agent and I outside the aforementioned meeting place.
68. During the meeting, CS-2 advised Duran, General Pou wanted a "hard copy" of aircraft N6846L's registration and an additional \$5,000. Duran attempted to call General Pou, however, was unsuccessful. Duran and CS-2 discussed the subject of bribery and the Dominican Republic. Duran telephoned Gurin and entered into a conference call between CS-2, Duran and Gurin. The conversation concluded and Duran provided CS-2 with a copy of a Barnett Bank check #1090, Account Number [REDACTED], documenting the \$12,000 had been placed in Duran's trust account. Duran stated he would get a cashier's check for the \$12,000 and would give Gurin a copy of the cashier's check. According to CS-2, Duran had a file containing the escrow agreement on the top of his (Duran's) desk.
69. On September 21, 1989, CS-2 telephoned General Pou at telephone number [REDACTED] in the Dominican Republic. The conversation was in Spanish and consensually tape recorded. CS-2 asked Pou for a delivery date for aircraft N6846L. Pou advised CS-2 the aircraft could be released by September 26 or 27, 1989, and that he (Pou) needed the registration and a ferry permit. CS-2 requested Pou to come to Miami upon delivery of the aircraft to discuss future business. Pou told CS-2 a ferry pilot would be needed and suggested Jose Guasch

as the pilot. The conversation concluded by arranging a conference call between CS-2, Pou and Duran to discuss disbursement of funds.

70. On September 22, 1989, a meeting was arranged between CS-2 and Alfredo Duran at Duran's office located at [REDACTED], Miami, Florida. The purpose of their meeting was to have a conference call via speaker phone between General Pou in the Dominican Republic, CS-2 and Duran. The meeting was in Spanish and consensually recorded and video taped.
71. On September 22, 1989, a stationary surveillance was established by fellow U.S. Customs agents, an FBI Agent, and I outside the aforementioned meeting place.
72. Upon entering the office, Duran handed CS-2 a photocopy of a cashier's check in the amount of \$12,000 payable to CS-2 and/or Joaquin Pou (Barnett Bank check #TE2141758 dated 9-19-89). Later in the meeting the original and a copy of the escrow agreement was given to CS-2 by Duran. During the meeting Duran telephoned General Pou in the Dominican Republic and CS-2 engaged in conversation via speaker phone with Pou. Pou told CS-2 and Duran he (Pou) needed \$2,000 to pay airforce officials in the Dominican Republic to assure the release of aircraft N6846L.
73. On September 25, 1989, a meeting was arranged between CS-2 and Jose Guasch at the Dunkin Donuts Restaurant located on W. Flagler Street, Miami, Florida, just east of S.W. 87th Avenue. The meeting was in Spanish and consensually tape recorded.

74. On September 25, 1989, a stationary surveillance was established by fellow U.S. Customs agents, an FBI Agent, and I outside the aforementioned meeting place.
75. During the meeting CS-2 explained to Guasch, General Pou needed \$2,000.00 additional front money for airforce officials to affect the release of aircraft N6846L. Guasch told CS-2 Pou had released other aircraft seized in the Dominican Republic and if Pou needed the \$2,000.00, to pay him (Pou). CS-2 showed Guasch a photocopy of the cashier's check (Barnett Bank check # TE2141758, dated 9-19-89) and escrow agreement. CS-2 also showed Guasch \$7,000 in \$100 dollar bills (U.S. currency) and told Guasch to advise Pou CS-2 had all the money necessary to pay for the release of aircraft N6846L.
76. On the evening of September 25, 1989, CS-2 telephoned General Pou at telephone number [REDACTED] [REDACTED]. The telephone conversation was in Spanish and consensually tape recorded. CS-2 told General Pou CS-2 showed Guasch proof that CS-2 had all the money to pay for the release of the aircraft (N6846L), Pou said that was fine and to telephone Guasch at his (Guasch's) residence at telephone number [REDACTED]. Pou told CS-2 he (Pou) had an aircraft in Miami going to Santo Domingo.
77. On September 26, 1989, CS-2 telephoned General Pou at telephone number [REDACTED] [REDACTED]. The conversation was in Spanish and consensually tape recorded. CS-2 advised Pou CS-2 was obtaining a ferry permit for the aircraft (N6846L). CS-

2 told Pou CS-2 could not contact Guasch. Pou told CS-2 he (Pou) could communicate with Guasch via radio (high frequency radio).

78. On September 27, 1989, a meeting was arranged between CS-2 and Gurin at the Denny's Restaurant located at NW 36th Street, Miami Springs, Florida. The meeting was consensually tape recorded.

79. On September 27, 1989, a stationary surveillance was established outside the aforementioned meeting place by fellow U.S. Customs agents and I. The meeting was photographed by U.S. Customs agents.

80. During the meeting, Gurin advised CS-2 he (Gurin) had obtained the ferry permit for aircraft N6846L. CS-2 and Gurin discussed Guasch flying the aircraft back to Florida. CS-2 stated Gurin removed the ferry permit from a black flight navigator's briefcase and showed the ferry permit to CS-2. Gurin removed a typed bill for services from the black flight navigator's briefcase and provided CS-2 with a bill for services to date and also informed CS-2 his (Gurin's) cost for the recovery of the aircraft (N6846L) was \$20,000. CS-2 stated Gurin removed a ledger from the aforementioned briefcase and made an entry in the ledger stating a ferry permit cost \$500.00. Gurin concluded the meeting and told CS-2 he (Gurin) wanted to place a lien on the aircraft in case the aircraft ran into problems upon arrival into the United States (referring to a problem with any law enforcement

organization). During the surveillance I observed Gurin exit the Denny's restaurant carrying a black flight navigator's briefcase.

81. On September 28, 1989, a meeting was arranged between CS-2 and Jose Guasch at the Dunkin Donuts Restaurant located on West Flagler Street, Miami, Florida just east of SW 87th Avenue. The meeting was in Spanish and consensually recorded and video taped.
82. On September 28, 1989, a stationary surveillance was established at the aforementioned meeting place by fellow U.S. Customs agents, an FBI agent and I. The meeting was video tape recorded by U.S. Customs agents.
83. During the meeting, CS-2 paid Guasch \$2,000 for payment to people in the Dominican Republic Airforce. Guasch advised if CS-2 wanted to utilize him (Guasch) as the pilot, the cost would be \$1,000. Guasch told CS-2 he (Guasch) would deposit the \$2,000 in General Pou's bank account.
84. On October 4, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. The telephone conversation was consensually tape recorded. CS-2 and Gurin discussed waiting for a "green light" from General Pou before Gurin departs Miami to recover aircraft N6846L. Gurin told CS-2 "...we need to get moving...". Gurin said it was his (Gurin's) opinion that the General was "...hungry for money...". Gurin stated he (Gurin) spoke with Guasch and that Guasch was ready to go to the Dominican Republic. Gurin said Guasch had not been given the

"word" from the General. Gurin and CS-2 discussed the condition of the aircraft. Gurin stated "...a lot of these places let the air out of the tires on there drug planes". The conversation concluded and CS-2 told Gurin CS-2 would attempt to telephone General Pou.

85. On October 4, 1989 CS-2 telephoned Alfredo Duran at telephone number [REDACTED]. The conversation was in Spanish and consensually tape recorded. CS-2 advised Duran there had been no progress since General Pou said \$ 2,000 (referring to \$2,000 paid to people in the Dominican Republic Airforce). CS-2 advised Duran Pou was impossible to locate.
86. On October 7, 1989, CS-2 engaged in a telephone conversation with Gurin. The conversation was consensually tape recorded. Gurin advised CS-2, General Pou had returned to the Dominican Republic and that he (Gurin) had a conference call with the General and a third party acting as a translator. Gurin told CS-2 the General said the aircraft was unable to fly and that the General would negotiate with an off duty airforce mechanic to asses what parts the aircraft needed. Gurin advised CS-2 that CS-2 should telephone the General at telephone number [REDACTED].
87. On October 7, 1989, CS-2 telephoned General Pou at telephone number [REDACTED]. The conversation was in Spanish and consensually tape recorded. Pou told CS-2 he (Pou) had just returned from New York and Costa Rica. Pou told CS-2 he (Pou) would advise CS-2 when the aircraft (N6846L) was ready. Pou

said an airforce mechanic would inspect the plane. General Pou told CS-2 the release of the aircraft was not a problem but the aircraft had to be airworthy. General Pou acknowledged the two thousand (U.S. Govt. funds previously paid through Jose Guasch) and said no one could travel to the Dominican Republic until he (Pou) said the aircraft was ready.

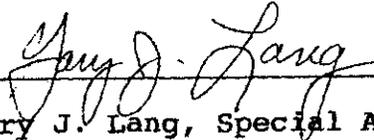
88. On October 11, 1989, CS-2 telephoned Gurin's wife at telephone number [REDACTED] [REDACTED] in response to a digital page from Gurin's wife. The conversation was consensually tape recorded and monitored by U.S. Customs Agents. Gurin's wife told CS-2 the General (Pou) had the paperwork and was waiting to hear from CS-2. Gurin's wife said he (Pou) wanted reassurance he (Pou) will get paid. CS-2 explained to Gurin's wife the money (for the release of N6846L) will be paid when the aircraft is delivered. Gurin's wife told CS-2, Gurin needs an acknowledgement from Duran that the funds have been placed in escrow. CS-2 told Gurin's wife CS-2 would telephone General Pou.
89. On October 11, 1989, a meeting was arranged between CS-2 and Alfredo Duran at Duran's office located at [REDACTED] [REDACTED], Miami, Florida. The meeting was consensually recorded and video taped. A stationary surveillance was established by fellow U.S. Customs agents and I outside the aforementioned meeting place.
90. CS-2 stated a file folder was open on Duran's desk identified in type "Insua/Pou Escrow Agreement". CS-2 advised Duran that

CS-2 spoke with Gurin's wife and that the General (Pou) wanted proof funds were available. CS-2 told Duran CS-2 had previously showed Jose Guasch a copy of the cashier's check and money (necessary for the release of aircraft N6846L). CS-2 and Duran attempted to telephone General Pou at Puerto Plata Airport at telephone number [REDACTED], however, were unsuccessful. CS-2 told Duran, Gurin was getting \$20,000 for recovering this aircraft. Duran recorded Pou's telephone numbers in a black, diary/calendar and told CS-2 he (Duran) would try to contact the General (Pou) during the evening hours. CS-2 explained to Duran, CS-2 has paid money to Pou and that this money was for "the Colonel" and other officials (Dominican Republic)

91. On October 14, 1989, CS-2 telephoned General Pou at telephone number [REDACTED]. The conversation was consensually tape recorded and was in Spanish. CS-2 told General Pou CS-2 had attempted to contact him (Pou). Pou advised CS-2 the aircraft (N6846L) was under investigation by the FAA in Oklahoma. Pou told CS-2 he (Pou) was at the airforce base for the last four days. General (Pou) advised CS-2 the aircraft had a magneto problem.
92. On October 19, 1989, CS-2 telephoned General Pou at telephone number [REDACTED]. General Pou informed CS-2 that he (Pou) would be speaking with General A the following day, and that he (Pou) had already given General A a radio worth one thousand dollars (\$1,000) and a mini Uzi machine gun.

93. On October 23, 1989, CS-2 telephoned Gurin at telephone number [REDACTED]. The telephone conversation was consensually tape recorded. Gurin advised CS-2 Tommy Martin spoke with General A and Official A regarding any restrictions on aircraft N6846L. Gurin advised Official A reported to Tommy Martin that the aircraft had no restrictions. Gurin said Martin told General A that neither the FAA nor any law enforcement agency within the U.S. had any restraint on the aircraft. Gurin and CS-2 discussed having General Pou move the aircraft from the Dominican Republic Airforce base to Herrera Airport for the purpose of ferrying the aircraft back to the United States.
94. Based upon the foregoing, I believe there is probable cause to believe Robert Neil Gurin, Joaquin Pou, and Jose Guasch are presently engaged in crimes against the United States, to include conspiracy to violate the Foreign Corrupt Practices Act in violation of Title 15, United States Code, Section 78dd-2 and Title 18 United States Code, Section 371.

Further affiant sayeth naught.



Gary J. Lang, Special Agent
United States Customs Service

Subscribed and sworn to before
me this 31~~st~~ day of October, 1989



United States Magistrate