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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**  
**11-20868-CR-WILLIAMS/TURNOFF**  
Case No.

18 U.S.C. § 371  
18 U.S.C. § 1001(a)(2)  
18 U.S.C. § 1505  
18 U.S.C. § 2

**UNITED STATES OF AMERICA**

vs.

**ALEJANDRO GONZALEZ,**

**Defendant.**

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Indictment:

1. The M/V CALA GALDANA was a 68-meter cargo vessel with a gross registered tonnage of 1,961 tons and IMO number 7334125. Its keel was laid in 1973. On or about December 15, 2009, the ship was rechristened the M/V NEW WAVE.
2. The M/V COSETTE was a 92-meter cargo vessel with a gross registered tonnage of 4,057 tons and IMO number 6617025. Its keel was laid in 1966.
3. Defendant **ALEJANDRO GONZALEZ**, a resident of Miami-Dade County, Florida, was a naval engineer and classification surveyor. **GONZALEZ** was the president of a company engaged in the business of surveying and certifying merchant ships. The governments of Panama and Bolivia authorized him to perform on their behalf classification surveys of and issue certifications to ships as the ships' nominated classification surveyor. **GONZALEZ** held

himself out to the public as an expert in the field of marine engineering and classification surveying and has testified as an expert witness in those fields.

#### **BACKGROUND**

4. The International Maritime Organization was an agency of the United Nations dedicated to the promotion of maritime safety. In 1960, the International Maritime Organization adopted the International Convention for the Safety of Life at Sea ("SOLAS"). International Convention for the Safety of Life at Sea, 1960, 16 U.S.T. 185. In 1974, it adopted an updated version of SOLAS, which was referred to as SOLAS 74. International Convention for the Safety of Life at Sea, 1974, 32 U.S.T. 47 (hereinafter "SOLAS 74"). The International Maritime Organization modified SOLAS 74 numerous times, including an amendment in the form of the Protocol of 1978 Relating to the International Convention for Safety of Life at Sea of 1 November 1974, 32 U.S.T. 5577 (hereinafter "1978 Protocol") and an amendment in the form of the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974, TIAS (hereinafter "1988 Protocol"). Over time, one-hundred and fifty-nine nations, representing approximately 99.16% of the gross tonnage of the world's merchant fleet, signed SOLAS. SOLAS 74 applies to any cargo ship of 500 gross tons and above that makes international voyages.

5. "Flag states" (*i.e.*, nations that register vessels) were responsible for ensuring the compliance of vessels sailing under their authority with international laws such as SOLAS. Flag states accomplished this task by surveying ships flying their flags and certifying their compliance with SOLAS.

6. A flag state often delegated the authority to conduct surveys and issue certificates to a marine surveyor specifically nominated for the purpose or to a recognized classification

society. Classification societies were organizations that established and applied technical standards in relation to the design, construction, and survey of marine facilities, including ships. When a delegation occurred, the nominated surveyor or recognized classification society issued the certificate on behalf of the flag state.

**The 1978 Protocol**

7. Bolivia was a flag state, a member of the International Maritime Organization, and a signatory to SOLAS 74 and the 1978 Protocol.

8. SOLAS 74, as modified by the 1978 Protocol, established standards for the survey of a ship after the discovery of a defect affecting the ship's safety. A survey "shall be such as to ensure that the necessary repairs or renewals are made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board." 1978 Protocol, ch. I, reg. 10(d).

9. SOLAS 74, as modified by the 1978 Protocol, established the standards for a survey when a ship transferred from one flag state to another. The survey "shall be such as to ensure that the arrangements, material and scantlings of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment are in all respects satisfactory for the service for which the ship is intended." 1978 Protocol, ch. I, reg. 10(b).

10. SOLAS 74, as modified by the 1978 Protocol, further required the maintenance of a Cargo Ship Safety Construction Certificate on board a cargo ship in a prominent and accessible place. SOLAS 74, ch. I, reg. 16. The certificate verified that the ship had been duly surveyed in accordance with SOLAS and that the condition of the hull, machinery, and equipment was in all respects satisfactory. SOLAS 74, ch. I, reg. 15(b).

11. If a nominated surveyor or recognized organization determined that a ship's hull, machinery, and equipment were not fit to proceed to sea without danger to the ship, or persons on board, the surveyor or recognized organization was required to immediately ensure that corrective action was taken, and, if such corrective action was not taken, to withdraw the Cargo Ship Safety Construction Certificate. SOLAS 74, ch. I, reg. 6(d).

#### **The 1988 Protocol**

12. Panama was a flag state, a member of the International Maritime Organization, and a signatory to SOLAS 74 and the 1988 Protocol.

13. SOLAS 74, as modified by the 1988 Protocol, required a Cargo Ship Safety Construction Certificate to be "readily available on board for examination at all times." 1988 Protocol, ch. I, reg. 16.

14. Pursuant to SOLAS 74, as modified by the 1988 Protocol, the Cargo Ship Safety Certificate needed to include the last two dates of the inspections of the outside of the ship's bottom. 1988 Protocol, ch. I, reg. 15. These inspections occurred during a drydock. A drydock was a basin that could be flooded and drained to allow a vessel to float into an enclosed area and ultimately come to rest on a dry platform. Drydocking enabled examination, maintenance, and repair of the ship's bottom, including its hull, rudder, propeller, and propeller shafts. If a ship's Cargo Ship Safety Construction Certificate did not list the approximate dates of its last two drydocks, a port state could detain a ship in port until it received such proof of the drydocks. 1988 Protocol, ch. I, reg. 10; 46 U.S.C. § 3303.

#### **Port States**

15. "Port states" (*i.e.*, nations visited by the ships) examined vessels to assure compliance with the law within their ports and waters. An examination of a foreign vessel by a

port state was a "port state control examination." The United States Coast Guard ("Coast Guard"), an agency of the United States Department of Homeland Security, was charged with enforcing the laws of the United States and was empowered with general authority under 14 U.S.C. § 89(a) to board vessels and conduct port state control examinations, inspections and investigations of potential violations and to determine compliance with SOLAS. Additionally, under 46 U.S.C. § 3303, the Coast Guard had specific authority to perform foreign vessel inspections, to review a ship's Certificates, and to ensure the ship's compliance with United States and international maritime safety law.

**COUNT 1**  
**Conspiracy to Commit an Offense Against the United States**  
**(18 U.S.C. § 371)**

1. Paragraphs 1 through 6 and 12 through 15 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. From on or about March 1, 2006, and continuing through on or about December 24, 2009, and thereafter, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**ALEJANDRO GONZALEZ,**

did knowingly, and with intent to further the object of the conspiracy, combine, conspire, confederate, and agree others known and unknown to the Grand Jury, to commit an offense against the United States, that is: in a matter within the jurisdiction of the United States Coast Guard, an agency of the executive branch of the United States, to knowingly and willfully make a materially, false, fraudulent, and fictitious statement, in that the defendant certified that the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, had an inspection of the outside of the ship's bottom during a drydock in 2006, when, in truth and in fact, and as the

defendant then and there knew, the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, did not have an inspection of the outside of the ship's bottom and was not drydocked in 2006, in violation of Title 18, United States Code, Section 1001(a).

**Purpose of the Conspiracy**

3. It was the purpose of the conspiracy for the defendant to keep the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, in service, even though the vessel did not attend a drydock for repairs to the ship's hull, by, among other things: (a) making false declarations to the United States Coast Guard that the vessel had visited a drydock in Cartagena, Colombia in March, 2006; and (b) issuing a provisional Cargo Ship Construction Certificate with a false drydock date.

**Manner and Means of the Conspiracy**

The manner and means by which the defendant sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. In 2006, the owners and operators of the M/V CALA GALDANA kept the ship in service instead of sending it to drydock, as required, for an inspection of the outside of the ship's bottom.

5. The owners and operators of the M/V CALA GALDANA obtained a Cargo Ship Safety Construction Certificate from the Panamanian Maritime Administration that listed a March 2006 drydock which never occurred.

6. In his capacity as the ship's nominated classification surveyor, **ALEJANDRO GONZALEZ** falsely declared to the Coast Guard that the drydock of the M/V CALA GALDANA had occurred in March 2006, but that all proof of the drydock was lost or unobtainable.

7. After the M/V CALA GALDANA's classification society withdrew all of the ship's Certificates, **ALEJANDRO GONZALEZ** issued a provisional Cargo Ship Safety Construction Certificate to the ship, then-rechristened as the M/V NEW WAVE, on behalf of his company and the Bolivian Maritime Administration. The Certificate listed a 2008 drydock date that had occurred and also listed the fictitious drydock date of 2006.

**Overt Acts in Furtherance of the Conspiracy**

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

8. On or about June 6, 2006, **ALEJANDRO GONZALEZ** issued a Cargo Ship Safety Construction Certificate to the M/V CALA GALDANA.

9. On or about March 6, 2008, the owners of the M/V CALA GALDANA obtained a Cargo Ship Safety Construction Certificate from the Panamanian Maritime Administration that listed a fictitious drydock date of March, 2006.

10. On or about August 13, 2008, in San Juan, Puerto Rico, **ALEJANDRO GONZALEZ** declared to the Coast Guard during a port state control examination, in his capacity as the M/V CALA GALDANA's nominated surveyor, that the ship had received sand-blasting, painting, and maintenance in a drydock in Cartagena, Colombia between March 12 and 17, 2006.

11. On or about December 11, 2008, the owners and operators of the M/V CALA GALDANA caused the vessel to enter the Port of Miami with a Cargo Ship Safety Construction Certificate that was based on a fictitious drydock date of March, 2006.

12. On or about February 21, 2009, the owners and operators of the M/V CALA GALDANA caused the vessel to enter the Port of Miami with a Cargo Ship Safety Construction Certificate that was based on a fictitious drydock date of March, 2006.

13. On or about April 22, 2009, in Miami, Florida, **ALEJANDRO GONZALEZ** told agents of the Coast Guard that he had seen in San Juan, Puerto Rico a plain piece of paper with no seal, signature, letterhead or company affiliation in the common room of the M/V CALA GALDANA which indicated that the ship had visited a drydock in Cartagena, Colombia in March, 2006.

14. On or about December 15, 2009, **ALEJANDRO GONZALEZ**, issued a provisional Cargo Ship Safety Construction Certificate to the M/V NEW WAVE that listed a fictitious drydock date of 2006.

15. On or about December 24, 2009, in Miami, Florida, the Master of the M/V NEW WAVE presented the ship's provisional Cargo Ship Safety Construction Certificate with the fictitious 2006 drydock date, which was issued by **ALEJANDRO GONZALEZ**, to the United States Coast Guard.

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

**COUNT 2**  
**False Official Statement**  
**(18 U.S.C. § 1001(a)(2))**

1. Paragraphs 1 through 6 and 12 through 15 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. On or about April 22, 2009, in Miami, Florida, in the Southern District of Florida,

in a matter within the jurisdiction of the United States Coast Guard, an agency of the executive branch of the Government of the United States, the defendant,

**ALEJANDRO GONZALEZ,**

did knowingly and willfully make a materially false, fictitious, and fraudulent statement, in that the defendant stated that the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, had an inspection of the outside of the ship's bottom during a drydock in 2006, when, in truth and in fact, and as the defendant then and there knew, the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, did not have an inspection of the outside of the ship's bottom and was not drydocked in 2006; in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

**COUNT 3**

**False Official Statement  
(18 U.S.C. § 1001(a)(2))**

1. Paragraphs 1 through 6 and 12 through 15 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. On or about December 24, 2009, in Miami, Florida, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the United States Coast Guard, an agency of the executive branch of the Government of the United States, the defendant,

**ALEJANDRO GONZALEZ,**

did knowingly and willfully make a materially false, fictitious, and fraudulent statement, in that the defendant stated that the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, had an inspection of the outside of the ship's bottom during a drydock in 2006, when, in truth and in fact, and as the defendant then and there knew, the M/V CALA GALDANA, later rechristened the M/V NEW WAVE, did not have an inspection of the outside of the ship's

bottom and was not drydocked in 2006; in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

**COUNT 4**  
**Obstruction of an Agency Proceeding**  
**(18 U.S.C. § 1505)**

1. Paragraphs 1 through 11 and 15 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. On or about November 13, 2009, in St. Lucie County, in the Southern District of Florida, and elsewhere, the defendant,

**ALEJANDRO GONZALEZ,**

did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of the law under which a pending proceeding, that is, a port state control examination of the M/V COSETTE, that was being had before the United States Coast Guard, an executive agency of the United States, in that the defendant corruptly certified that his inspection of the M/V COSETTE satisfied SOLAS, and that the structure, equipment, and machinery of the M/V COSETTE were satisfactory, in violation of Title 18, United State Code, Sections 1505 and 2.

**COUNT 5**  
**False Official Statement**  
**(18 U.S.C. § 1001(a)(2))**

1. Paragraphs 1 through 11 and 15 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. On or about November 13, 2009, in St. Lucie County, in the Southern District of

Florida, and elsewhere, in a matter within the jurisdiction of the United States Coast Guard, an agency of the executive branch of the Government of the United States, the defendant,

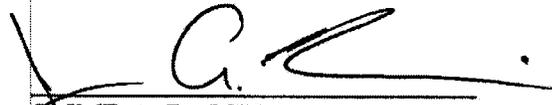
**ALEJANDRO GONZALEZ,**

did knowingly and willfully make a materially false, fictitious, and fraudulent statement, in that the defendant certified that he surveyed the M/V COSETTE in accordance with SOLAS, as modified by the 1988 Protocol, and that the survey showed that the condition of the structure, machinery, and equipment were satisfactory and the ship complied with the relevant requirements of chapters II-1 and II-2 of SOLAS, when in truth and in fact and as the defendant then and there well knew, he did not survey the M/V COSETTE in accordance with SOLAS, as modified by the 1988 Protocol, and his survey did not show that the condition of the structure, machinery, and equipment were satisfactory and the ship complied with the relevant requirements of SOLAS; in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

A TRUE BILL

FOREPERSON

  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY

  
JAIME A. RAICH  
ASSISTANT UNITED STATES ATTORNEY

  
KENNETH E. NELSON  
TRIAL ATTORNEY  
ENVIRONMENTAL CRIMES SECTION  
U.S. DEPARTMENT OF JUSTICE