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AO 91 (Rev. 11/11) Criminal Complaint

AUSA Bethany K. Biesenthal (312) 886-7629

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

BILAL AHMED

CASE NUMBER:  
UNDER SEAL

14 CR 134

14 CR. 134

CRIMINAL COMPLAINT MAGISTRATE JUDGE GILBERT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about March 7, 2014, at Elk Grove Village, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

*Code Section*

*Offense Description*

Title 18, United States Code, Section 554

fraudulently and knowingly attempted to export from the United States any merchandise, article, or object, contrary to any law or regulation of the United States

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: March 13, 2014

City and state: Chicago, Illinois

JUVENTINO MARTINI  
Special Agent, United States Department of  
Commerce, Bureau of Security and Industry

Judge's signature

JEFFREY T. GILBERT, U.S. Magistrate Judge  
Printed name and Title

**FILED**

MAR 13 2014

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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**AFFIDAVIT**

I, JUVENTINO MARTIN, being duly sworn, state as follows

1. I am a Special Agent with the United States Department of Commerce, Bureau of Security and Industry, and have been so employed for 17 years. My current responsibilities include the investigation of export control violations.

2. This affidavit is submitted in support of a criminal complaint alleging that Bilal AHMED has violated Title 18, United States Code, Section 554. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging AHMED with attempted smuggling of goods from the United States, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, information obtained from interviews of third party witnesses, review of documents, and database queries.

**RELEVANT LEGAL PROVISIONS**

4. The Export Administration Regulations ("EAR"), Title 15, Sections 730-774 of the Code of Federal Regulations, sets forth the rules and regulations governing the export of goods with foreign countries. The International Emergency

Economic Powers Act ("IEEPA"), Title 50, United States Code, Section 1705(c), criminalizes a willful violation of the EAR.

5. Pursuant to the EAR, the USDOC has identified items over which the Bureau of Industry and Security exercises regulatory control and jurisdiction. For those items identified by the Bureau of Industry and Security, a license must be obtained before that item can be lawfully exported from the United States to another country.

6. In addition, the EAR requires information to be filed with the USDOC when applying for an export license. Specifically, the EAR requires that the applicant for the export license identify the nature of the article to be exported, the name and location of the person or entity that will receive the article and the purpose for which the recipient of the article intends to use them. The EAR also prohibits the making of any false statements or misrepresentations in the application for export license or in any other report or declaration required to be filed or provided to the Bureau of Industry and Security.

7. Title 18, United States Code, Section 554 prohibits the fraudulent or knowing attempted export from the United States of any merchandise, article, or object contrary to any law or regulation of the United States. The statute also prohibits facilitating the transportation, concealment or sale of such merchandise, article, or object prior to exportation, knowing it to be intended for exportation contrary to any law or regulation of the United States.

## THE SUBJECT MATERIAL

8. As described below, Bilal AHMED attempted to export a FLIR HRC-U camera to Pakistan. According to a Certified License Determination by the Bureau of Industry and Security on March 11, 2014, this commodity is controlled under Export Control Classification Number ("ECCN") 6A003.b.4.a. These goods are controlled for National Security, Regional Stability and Anti-Terrorism reasons. Bureau of Industry and Security has certified that a license is required to export these goods from the United States to Pakistan. Evading, or attempting to evade, the license requirement for items on the Commerce Control List are violations of the IEEPA, cited above.

## THE INVESTIGATION

9. Agents with USDOC interviewed employees with Company A. According to internet searches and employee interviews, Company A is located in California and is a company engaged in the business of selling used and new thermal imaging systems, including thermal imaging cameras.

10. According to Employee A,<sup>1</sup> on or about November 19 2013, Company A received a request for a quote for a FLIR Ranger 750 mm High Performance Long-Range Thermal Security Camera. The request was sent by email. The sender of

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<sup>1</sup> Employee A is employed as Senior Accounts Manager. Employee A's duties include sales of the company's product, which includes providing price quotations.

the email identified himself in the email as Bilal AHMED with Trexim Corp.<sup>2</sup> The email was sent from email address ahmed@treximcorp.com.<sup>3</sup>

11. According to Employee A, and confirmed by a review of the emails, over the course of the next two months, Employee A and AHMED engaged in a series of discussions over email concerning the price and availability of the camera, including a discussion of price and availability of accessories for the camera. During the course of those negotiations, Employee A sent AHMED two formal price quotes for various cameras (different models of the same type of camera) via email, each that was addressed to "Trexim/Bilal AHMED." In response to those quotations, on or about December 31, 2013, Employee A received via email a purchase order for the purchase of an HRC thermal camera that was executed by Bilal AHMED of Trexim Corp. The purchase order was executed electronically.

12. After the purchase order was received by Company A, Employee A and AHMED continued to negotiate the sale of the camera. Specifically, Employee A

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<sup>2</sup> According to internet queries, Trexim Corp. has a website. On that website, Trexim Corp. is described as follows: "Trexim Corp. provides engineering services for a sustainable infrastructure, with an emphasis on security, energy and the environment. The website lists Trexim Corp. as having 11 to 50 employees and offices in France, Pakistan, Sri Lanka, Saudi Arabia, the United Arab Emirates, the United Kingdom, and the United States. The website also states: "Our team includes civil, environmental mechanical, electrical, chemical, and software engineers; health and safety specialists; and many former high-ranking members of military. Headquartered in Schaumburg, Illinois, Trexim has project sites throughout North America and overseas."

<sup>3</sup> All of the emails described throughout this Affidavit were sent by or to the same email address. In addition, in each of the emails, the user of the email account used the name AHMED. Therefore, throughout the Affidavit, I reference AHMED as the sender/recipient of the emails.

sent AHMED emails informing him of a new price quote for a "demo" camera and different models of the same camera.

13. According to Employee B,<sup>4</sup> and confirmed by a review of the emails, on or about January 15, 2014, Employee B sent AHMED an email informing him that the manufacturer of the camera asked whether the camera was ultimately destined for Pakistan. In the email, Employee B explained, "[the manufacturer] says the bid for this is black listed on their end and they cannot quote it."

14. According to Employee B and confirmed by a review of the emails, AHMED responded by email on the same day by saying, "This is for Trexim's internal use."

15. According to Employee A, and confirmed by a review of the emails, over the course of the next week, Employee A and AHMED continued to negotiate the sale of the camera via email. Specifically, AHMED continued to ask for additional discounts on the product. Ultimately, on or about February 3, 2014, Employee A sent AHMED via email a revised price quote. The price quote was addressed to "Bill of Trexim," and included quotes for the FLIR HRC-X camera (\$144,890) and the FLIR HRC-S camera (\$104,225). According to a review of subsequent emails between the parties, AHMED ultimately agreed to purchase the FLIR HRC-U camera.

16. According to Employee A, and confirmed by a review of the emails, on or about February 10, 2014, AHMED sent an email to Employee A apologizing for

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<sup>4</sup> Employee B is employed in the Sales and Administrative Support Department. Employee B's duties include assisting Employee A and responding to customer's questions/requests.

the delay in payment for the camera. Specifically, AHMED stated, "Bank-LC taking longer than anticipated." AHMED then stated that he was arranging a wire transfer in the amount of \$52,000 to be sent on Thursday, February 13, 2014, and a wire transfer in the amount of \$50,000 to be sent on Monday, February 17, 2014. In the same email, AHMED asked for the weight and volume of the shipment.

17. According to Employee B, and confirmed by a review of the emails, Employee B responded via email to AHMED the same day. In that email, Employee B informed AHMED that the shipment would consist of two boxes, one that weighs 61 pounds and one that weighs 26 pounds. In a subsequent email, Employee B informed AHMED that the shipping cost was \$240.

18. According to Employee C,<sup>5</sup> and confirmed by a review of the emails, on or about February 14, 2014, AHMED sent Employee C an email attaching a copy of a check for the HCR-U. The email included a UPS tracking number for the check and indicated that the check was to be delivered to Company A the following Monday. The check was issued from, "Trexim Corporation, 1900 East Golf Road, Suite 950, Schaumburg, Illinois."<sup>6</sup> The check was dated February 14, 2014, and was issued to Company A in the amount of \$50,000. The check included a notation,

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<sup>5</sup> Employee C is employed as Controller. Employee C's duties include handling and managing both accounts payable and accounts receivable.

<sup>6</sup> The address listed as belonging to "Trexim Corp." is referred to throughout this Affidavit as "the Schaumburg Office Address." Through the course of the investigation, agents determined that the Schaumburg Office Address is leased by Company C. Agents interviewed employees with Company C who informed agents that the office space is not actual office space, but is "virtual." In other words, there is no office, furniture or equipment. The space is used for address purposes only, such as for shipment of goods.

"FLIR HRC-U, PO #1314-7." In the email, AHMED informed Employee C that the remaining balance for the camera would be sent on Monday.

19. According to Employee C, and confirmed by a review of the emails, on or about February 17, 2014, AHMED sent Employee C another email with an attachment. The attachment contained a copy of a second check, this time in the amount of \$52,300. The check was again issued from "Trexim Corporation" and was issued to Company A. The check included a notation, "FLIR HRC U, PO #1314-7."

20. According to Employee C, and confirmed by a review of the emails, on or about February 19, 2014, AHMED sent Employee C another email, this time attaching the business card for a representative from Bank A, with an address in Oakbrook Terrace, Illinois. In the email, AHMED instructed Employee C to "initiate and [sic] 3 Way and we'll verify funds." In the email, AHMED included his name and the Schaumburg Office Address.

21. According to Employee C, and confirmed by a review of the emails, on or about February 20, 2014, Employee C sent AHMED an email informing him that the checks for the camera had cleared and that the product would be shipped that day via three day delivery. On the same day, AHMED sent a return email informing Employee C that three day delivery was acceptable. On or about February 25, 2014, Employee C sent AHMED an email with the tracking number for the package. The camera was sent to the Schaumburg Office Address.

22. Agents obtained a Driver's License photograph of "Eilal AHMED." According to government database queries, AHMED's home address is located in



Bolingbrook, Illinois. On or about February 27, 2014, agents observed the same AHMED depicted in the Driver's License photo leaving the Bolingbrook, Illinois residence and followed him as he traveled to a FedEx store located in Bolingbrook, Illinois.

23. According to Employee A, and confirmed by a review of the emails, that same day, AHMED confirmed via email that he had received the camera. Specifically, AHMED said he had picked up the camera and complained that the "case is really used and banged up." AHMED informed Employee A that he wanted a new case for the camera. AHMED also informed Employee A that the camera did not come with a manual.<sup>7</sup>

24. According to Employee A, and confirmed by a review of the emails, on or about March 4, 2014, AHMED sent Employee A an email. In that email, AHMED stated, "I really need to get this camera moving. Too much money stuck in this order. I'm sure you understand." The next day, Employee A sent AHMED an email informing him that the manufacturer would provide a new case at no additional charge.

25. According to Employee A and confirmed by a review of the emails, on or about March 5, 2014, AHMED sent Employee A an email instructing Employee A to use a specific UPS account and to ship the case using two day delivery.

26. According to Employee A and confirmed by a review of the emails, on or about March 5, 2014, Employee A sent AHMED a response email, in which

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<sup>7</sup> Company A does not know whether the camera case was actually damaged or whether the package was actually missing the manual.

Employee A informed AHMED that Company A was attempting to ship the case as quickly as possible. In the same email, Employee A stated: "Please note: It is [Company A's] policy to inform all customers domestic and international, that the Ranger HRC-U is export restricted and that a license from the U.S. Department of State is required prior to export."<sup>8</sup>

27. According to Employee A, and confirmed by UPS records, on or about March 6, 2014, Company A sent a replacement case to the Schaumburg Office Address. According to UPS records, the case arrived at the UPS Palatine, Illinois, location on or about March 7, 2014. The package was then delivered to the Schaumburg Office Address.

28. On or about March 7, 2014, agents again conducted surveillance of AHMED. On that date, agents observed AHMED and an unidentified male ("Individual A") drive to the Schaumburg Office Address and enter the office. Agents later observed AHMED and Individual A exit the Schaumburg Office Address carrying a box. Agents then observed AHMED and Individual A drive to and enter an office building, which according to internet searches, is owned by Technology Company A. Several hours later, agents observed AHMED and Individual A exit Technology Company A's office space, this time carrying two boxes.

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<sup>8</sup> Company A included this language at the request of law enforcement.

29. Agents followed AHMED as he drove to a UPS store located in Elk Grove Village, Illinois. Agents observed AHMED place the two boxes on a forklift. Agents then observed AHMED leave the UPS store.

30. After AHMED left the UPS store, agents approached the manager of the UPS location. The manager provided agents with a UPS Air Waybill for the two boxes. The Waybill listed AHMED as the sender with the Schaumburg Office Address. The Waybill listed Company B as the recipient with an address in Pakistan. The contents of the shipment were described as "CCTV Camera, listed a declared value of \$1600." The Waybill also included the following handwritten note: "FRAGILE NLR." According to a customer service agent, AHMED was observed filling out the Waybill, including the handwritten note. According to the same customer service agent, AHMED explained that "NLR" meant "no license required."

31. Based on the above and pursuant to Customs and Enforcement authority, agents asked to examine the boxes. The UPS manager provided agents with the boxes, one of which had a "TREXIM" stamp on the top of the box. Agents opened the first box with the TREXIM label and discovered an invoice from "Trexim" which listed a FLIR HRC-U Thermal Security Camera, serial number 36870013 and accessories. The value listed on the invoice was \$100,000.


32. On or about March 10, 2014, agents requested a search of the United States Department of State and United States Department of Commerce's licensing database for the individual and company names listed throughout this affidavit. The United States Department of State and the United States Department of

Commerce informed agents that there were no licenses applied for or obtained by any of those names or entities for any items, including the export of a FLIR HRC-U camera from the United States to Pakistan.

**CONCLUSION**

33. Based on the above, I believe there exists probable cause to believe that Bilal AHMED, did knowingly and fraudulently attempt to export from the United States any merchandise, object or article, in violation of any law or regulation of the United States, in violation of Title 18, United States Code, Section 554.

FURTHER AFFIANT SAYETH NOT.

  
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JUVENTINO MARTIN  
Special Agent, United States Department of  
Commerce, Bureau of Security and Industry

SUBSCRIBED AND SWORN to before me on March 13, 2014.

  
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JEFFREY T. GILBERT  
United States Magistrate Judge