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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

October 2008 Grand Jury

2008 DEC -3 PM 3:21
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SANTA ANA
BY 

FILED

UNITED STATES OF AMERICA,	)	SA CR 08- <u>SACR08-00322</u>
)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
)	
v.	)	[18 U.S.C. § 371: Conspiracy;
	)	22 U.S.C. §§ 2778(b)(2), (c),
DAN TRAN DANG,	)	22 C.F.R. §§ 123.1, 126.1,
LIEM DUC HUYNH, and	)	127.1(a)(1), 127.3: Illegal
GEORGE NGOC BUI,	)	Export Of Defense Articles;
	)	18 U.S.C. §§ 2(a), (b): Aiding
Defendants.	)	And Abetting, Causing An Act
	)	To Be Done]
)	
)	

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

A. INTRODUCTION

At all times relevant to this Indictment:

Entities and Defendants

1. Win-Tron Electronics was a wholesale distributor of electronics, which included ITT Industries' military Generation 3

1 Night Vision Goggles, Model # AN/PVS-7D, F5001 Series
2 ("GEN3NVG").

3 2. Professional Security was a purported business entity
4 located in Huntington Beach, California, which carried on little
5 or no public business and existed primarily as a front company to
6 acquire GEN3NVGs.

7 3. Defendant GEORGE NGOC BUI ("BUI") was a naturalized
8 U.S. citizen living in Vietnam, and the purported owner of
9 Professional Security.

10 4. Defendant LIEM DUC HUYNH ("HUYNH") was a naturalized
11 U.S. citizen living in Huntington Beach, California, and an
12 associate of defendant BUI and Professional Security.

13 5. Defendant DAN TRAN DANG ("DANG") was a naturalized U.S.
14 citizen living in Santa Ana, California, and an associate of
15 defendant BUI and Professional Security.

16 Export Restrictions and Licensing Requirements

17 6. Export controls are one of the primary mechanisms for
18 preserving the national security and foreign policy interests of
19 the United States. Accordingly, the export from the United
20 States of arms, munitions, and related military components and
21 equipment, and the technology to build such items, is heavily
22 regulated by federal statutes and regulations.

23 7. The Arms Export Control Act ("AECA") authorizes the
24 President to, among other things, control the export of "defense
25 articles" deemed critical to the national security and foreign
26 policy interests of the United States. The AECA also authorizes
27 the President to designate items as "defense articles," require
28 licenses for the export of such articles, and promulgate

1 regulations for the export of such articles. By executive order,
2 the President has delegated this authority to the U.S. Department
3 of State, Directorate of Defense Trade Controls ("DDTC").
4 Accordingly, the DDTC promulgates regulations under the AECA,
5 which are known as the International Traffic in Arms Regulations
6 ("ITAR").

7 8. The ITAR implements the provisions of the AECA, and
8 establishes the framework for regulating the export of defense
9 articles. The ITAR defines an "export" as the sending or taking
10 of a defense article out of the United States in any manner. The
11 ITAR defines a "defense article" to be any item on the United
12 States Munitions List ("USML"). The ITAR contains the USML.

13 9. The USML sets forth 21 categories of defense articles
14 and services that are subject to export licensing controls.
15 Included in this list are such things as military aircraft,
16 helicopters, artillery, shells, missiles, rockets, bombs, vessels
17 of war, explosives, military and space electronics, and certain
18 types of optical equipment, such as the GEN3NVG. Unless an
19 exemption applies, the ITAR requires a validated export license
20 from the DDTC for the export of defense articles on the USML for
21 all destinations.

22 10. It was the policy of the U.S. Department of State to
23 deny licenses and other approvals for the export of defense
24 articles destined for Vietnam.

25 11. GEN3NVGs were classified by the ITAR as a "defense
26 article" on the USML, and could not be exported to Vietnam
27 without express authorization in the form of an export license
28 issued by the U.S. Department of State.

1 12. At no time did defendants DANG, HUYNH, and BUI have
2 authorization in the form of a license from the U.S. Department
3 of State to export GEN3NVGs from the United States to Vietnam.

4 **B. THE OBJECT OF THE CONSPIRACY**

5 13. Beginning in or around October 2003 and continuing
6 through at least February 2005, in Orange County, within the
7 Central District of California, and elsewhere, defendants DANG,
8 HUYNH, and BUI, together with others known and unknown to the
9 Grand Jury, knowingly combined, conspired, and agreed to commit
10 the following offense against the United States: To willfully
11 export, and cause to be exported, from the United States defense
12 articles designated on the USML, namely, GEN3NVGs, without first
13 obtaining from the U.S. Department of State a license or written
14 authorization for such export, in violation of Title 22, United
15 States Code, Sections 2778(b)(2), (c), and Title 22, Code of
16 Federal Regulations, Sections 123.1, 126.1, 127.1(a)(1), 127.3.

17 **C. THE MANNER AND MEANS OF THE CONSPIRACY**

18 14. The object of the conspiracy was carried out, and was
19 to be carried out, in substance, as follows:

20 a. Defendant BUI instructed defendants HUYNH and DANG
21 to assist him in procuring GEN3NVGs from a supplier located in
22 the United States.

23 b. Defendants BUI, HUYNH, and DANG contacted
24 suppliers in the United States for availability, pricing, and
25 delivery of GEN3NVGs.

26 c. Defendants BUI, HUYNH, and DANG claimed to be
27 employed by Professional Security, a company located in
28 Huntington Beach, California, so as not to arouse suspicion with

1 suppliers that the GEN3NVGs were destined for Vietnam.

2 d. Defendants BUI and HUYNH ordered GEN3NVGs from
3 Win-Tron Electronics, a supplier located in the United States.

4 e. Defendants BUI, HUYNH, and DANG, having been
5 informed by Win-Tron Electronics of the export restrictions and
6 licensing requirements, falsely claimed that the GEN3NVGs were
7 for domestic use and would not be exported outside of the United
8 States.

9 f. Defendants BUI, HUYNH, and DANG requested that
10 Win-Tron Electronics deliver the GEN3NVGs to Professional
11 Security to conceal their ultimate destination and to facilitate
12 their subsequent export to Vietnam.

13 g. Defendants HUYNH and DANG paid Win-Tron
14 Electronics for the GEN3NVGs.

15 h. Defendant BUI made arrangements to have his
16 associates located in the United States reimburse defendants
17 HUYNH and DANG for the cost of the GEN3NVGs.

18 i. Defendant HUYNH called and informed defendant DANG
19 when the GEN3NVGs arrived at Professional Security.

20 j. Defendant DANG removed the GEN3NVGs from their
21 boxes, took the accessories, which consisted of head straps and
22 helmet mounts, to a freight forwarding company, and shipped them
23 to defendant BUI in Vietnam.

24 k. Defendant DANG, and others, concealed the GEN3NVGs
25 inside their luggage, traveled to Vietnam, and delivered the
26 GEN3NVGs to defendant BUI.

27 l. Defendant BUI reimbursed defendant DANG, and
28 others, for the travel expenses related to their delivery of the

1 GEN3NVGs.

2 m. At no time did defendants BUI, HUYNH, and DANG
3 apply for or obtain a validated export license from the U.S.
4 Department of State authorizing export of the GEN3NVGs from the
5 United States to Vietnam.

6 **D. OVERT ACTS**

7 15. In furtherance of the conspiracy, and to accomplish its
8 object, defendants DANG, HUYNH, and BUI, together with others
9 known and unknown to the Grand Jury, committed and willfully
10 caused others to commit the following overt acts, among others,
11 in Orange County, within the Central District of California, and
12 elsewhere:

13 Overt Act No. 1: In or around October 2003, defendant BUI
14 instructed defendants DANG and HUYNH to assist him in procuring
15 GEN3NVGs from a supplier located in the United States.

16 Overt Act No. 2: In or around October 2003, defendant BUI
17 informed defendant DANG that the GEN3NVGs required an export
18 license from the U.S. Department of State, but told defendant
19 DANG that he had brought many GEN3NVGs to Vietnam in the past and
20 that defendant DANG should not worry.

21 Overt Act No. 3: On or about October 30, 2003, defendants
22 BUI and HUYNH ordered 15 GEN3NVGs from Win-Tron Electronics.

23 Overt Act No. 4: On or about October 30, 2003, defendants
24 BUI and HUYNH instructed Win-Tron to deliver the 15 GEN3NVGs to
25 Professional Security, located in Huntington Beach, California.

26 Overt Act No. 5: On or about November 4, 2003, defendant
27 HUYNH instructed Win-Tron Electronics to charge \$12,000 to his
28 Visa credit card as partial payment for the pending order of 15

1 GEN3NVGs.

2 Overt Act No. 6: On or about January 4, 2004, defendant
3 HUYNH instructed Win-Tron Electronics to charge in separate
4 transactions \$10,000, \$10,000, and \$3,246.61 to his MasterCard
5 and two Visa credit cards, respectively, as payment of the
6 balance due for the pending order of 15 GEN3NVGs.

7 Overt Act No. 7: On or about January 17, 2004, defendant
8 HUYNH called and informed defendant DANG that the shipment of 15
9 GEN3NVGs from Win-Tron Electronics had arrived at Professional
10 Security.

11 Overt Act No. 8: On or about January 18, 2004, defendant
12 DANG removed the GEN3NVGs from their boxes, took the accessories,
13 which consisted of head straps and helmet mounts, to a freight
14 forwarding company, and shipped them to defendant BUI in Vietnam.

15 Overt Act No. 9: On or about January 19, 2004, defendant
16 DANG concealed 15 GEN3NVGs inside two suitcases, traveled to
17 Vietnam, and delivered the GEN3NVGs to defendant BUI.

18 Overt Act No. 10: In or around January 2004, defendant BUI
19 reimbursed defendant DANG for the travel expenses related to his
20 delivery of the GEN3NVGs.

21 Overt Act No. 11: On or about April 13, 2004, defendant
22 HUYNH ordered 21 GEN3NVGs from Win-Tron Electronics.

23 Overt Act No. 12: On or about April 13, 2004, defendant
24 HUYNH instructed Win-Tron to deliver the 21 GEN3NVGs to
25 Professional Security, located in Huntington Beach, California.

26 Overt Act No. 13: In or around August 2004, defendants BUI,
27 HUYNH, and DANG contacted Win-Tron Electronics to discuss the
28 delivery status for the pending order of 21 GEN3NVGs.

1 Overt Act No. 14: On or about September 7, 2004, defendant
2 HUYNH paid Win-Tron Electronics \$10,000 as partial payment for
3 the pending order of 21 GEN3NVGs.

4 Overt Act No. 15: On or about September 7, 2004, in response
5 to Win-Tron Electronics' request for domestic end-use
6 verification, defendant BUI acknowledged that the GEN3NVGs could
7 not be shipped overseas unless an export license was obtained
8 from the U.S. Department of State.

9 Overt Act No. 16: On or about September 7, 2004, in response
10 to Win-Tron Electronics' request for domestic end-use
11 verification, defendant BUI stated that the GEN3NVGs would not be
12 shipped overseas, and would instead be used domestically by
13 Professional Security.

14 Overt Act No. 17: On or about September 8, 2004, in response
15 to Win-Tron Electronics' request for domestic end-use
16 verification, defendant HUYNH acknowledged that the GEN3NVGs
17 could not be shipped overseas unless an export license was
18 obtained from the U.S. Department of State.

19 Overt Act No. 18: On or about September 8, 2004, in response
20 to Win-Tron Electronics' request for domestic end-use
21 verification, defendant HUYNH stated that the GEN3NVGs would not
22 be shipped overseas, and would instead be used domestically by
23 Professional Security.

24 Overt Act No. 19: On or about September 8, 2004, defendant
25 HUYNH called and informed defendant DANG that a partial shipment
26 of 10 GEN3NVGs from Win-Tron Electronics had arrived at
27 Professional Security.

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1 Overt Act No. 20: On or about September 9, 2004, defendant
2 DANG removed the GEN3NVGs from their boxes, took the accessories,
3 which consisted of head straps and helmet mounts, to a freight
4 forwarding company, and shipped them to defendant BUI in Vietnam.

5 Overt Act No. 21: On or about September 9, 2004, defendant
6 HUYNH paid Win-Tron Electronics \$11,122 for the remaining half of
7 the GEN3NVG order.

8 Overt Act No. 22: On or about September 10, 2004, defendant
9 DANG concealed 10 GEN3NVGs inside two suitcases, traveled to
10 Vietnam, and delivered the GEN3NVGs to defendant BUI.

11 Overt Act No. 23: In or around September 2004, defendant BUI
12 reimbursed defendant DANG for the travel expenses related to his
13 delivery of the GEN3NVGs.

14 Overt Act No. 24: On or about November 9, 2004, defendant
15 HUYNH called and informed defendant DANG that the remaining half
16 of the GEN3NVG order from Win-Tron Electronics, containing 15
17 units, had arrived at Professional Security.

18 Overt Act No. 25: On or about November 10, 2004, defendant
19 DANG removed the GEN3NVGs from their boxes, took the accessories,
20 which consisted of head straps and helmet mounts, to a freight
21 forwarding company, and shipped them to defendant BUI in Vietnam.

22 Overt Act No. 26: On or about November 11, 2004, defendant
23 DANG delivered 15 GEN3NVGs to an individual known as "Tho," who
24 concealed the GEN3NVGs inside his suitcases, traveled to Vietnam,
25 and delivered the GEN3NVGs to defendant BUI.

26 Overt Act No. 27: On or about November 18, 2004, defendant
27 BUI ordered 15 GEN3NVGs from Win-Tron Electronics.

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1 Overt Act No. 28: On or about November 18, 2004, defendant
2 BUI instructed Win-Tron to deliver the 15 GEN3NVGs to
3 Professional Security, located in Huntington Beach, California.

4 Overt Act No. 29: On or about December 9, 2004, defendant
5 BUI faxed a signed e-mail notice to Win-Tron Electronics
6 acknowledging the export restrictions and licensing requirements
7 applicable to the GEN3NVGs.

8 Overt Act No. 30: In or around February 2005, defendant
9 HUYNH called and informed defendant DANG that the shipment of 15
10 GEN3NVGs from Win-Tron Electronics had arrived at Professional
11 Security.

12 Overt Act No. 31: In or around February 2005, defendant DANG
13 removed the GEN3NVGs from their boxes, took the accessories,
14 which consisted of head straps and helmet mounts, to a freight
15 forwarding company, and shipped them to defendant BUI in Vietnam.

16 Overt Act No. 32: In or around February 2005, defendant DANG
17 delivered 15 GEN3NVGs to an individual known as "Tho," who
18 concealed the GEN3NVGs inside his suitcases, traveled to Vietnam,
19 and delivered the GEN3NVGs to defendant BUI.

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COUNT TWO

[22 U.S.C. §§ 2778(b)(2), (c);

22 C.F.R. §§ 123.1, 126.1, 127.1(a)(1), 127.3; 18 U.S.C. § 2]

16. The allegations set forth in paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about January 19, 2004, in Orange County, within the Central District of California, and elsewhere, defendants DAN TRAN DANG, LIEM DUC HUYNH, and GEORGE NGOC BUI, aided and abetted by each other, willfully exported and caused to be exported from the United States to Vietnam defense articles listed on the United States Munitions List, namely, 15 Generation 3 Night Vision Goggles, Model # AN/PVS-7D, F5001 Series, without first obtaining from the U.S. Department of State a license or written authorization for such export.

COUNT THREE

[22 U.S.C. §§ 2778(b)(2), (c);

22 C.F.R. §§ 123.1, 126.1, 127.1(a)(1), 127.3; 18 U.S.C. § 2]

18. The allegations set forth in paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

19. On or about September 10, 2004, in Orange County, within the Central District of California, and elsewhere, defendants DAN TRAN DANG, LIEM DUC HUYNH, and GEORGE NGOC BUI, aided and abetted by each other, willfully exported and caused to be exported from the United States to Vietnam defense articles listed on the United States Munitions List, namely, 10 Generation 3 Night Vision Goggles, Model # AN/PVS-7D, F5001 Series, without first obtaining from the U.S. Department of State a license or written authorization for such export.

COUNT FOUR

[22 U.S.C. §§ 2778(b)(2), (c);

22 C.F.R. §§ 123.1, 126.1, 127.1(a)(1), 127.3; 18 U.S.C. § 2]

20. The allegations set forth in paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

21. On or about November 11, 2004, in Orange County, within the Central District of California, and elsewhere, defendants DAN TRAN DANG, LIEM DUC HUYNH, and GEORGE NGOC BUI, aided and abetted by each other, willfully exported and caused to be exported from the United States to Vietnam defense articles listed on the United States Munitions List, namely, 15 Generation 3 Night Vision Goggles, Model # AN/PVS-7D, F5001 Series, without first obtaining from the U.S. Department of State a license or written authorization for such export.

COUNT FIVE

[22 U.S.C. §§ 2778(b)(2), (c);

22 C.F.R. §§ 123.1, 126.1, 127.1(a)(1), 127.3; 18 U.S.C. § 2]

22. The allegations set forth in paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

23. In or around February 2005, in Orange County, within the Central District of California, and elsewhere, defendants DAN TRAN DANG, LIEM DUC HUYNH, and GEORGE NGOC BUI, aided and abetted by each other, willfully exported and caused to be exported from the United States to Vietnam defense articles listed on the United States Munitions List, namely, 15 Generation 3 Night Vision Goggles, Model # AN/PVS-7D, F5001 Series, without first obtaining from the U.S. Department of State a license or written authorization for such export.

A TRUE BILL

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Foreperson

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