

SDD:TAD
F. #2015R00760

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ JUN 14 2016 ★

----- X

BROOKLYN OFFICE

UNITED STATES OF AMERICA

I N F O R M A T I O N

- against -

Cr. No. 16-308 (DLI)
(T. 18, U.S.C., §§ 981(a)(1)(C) and 3551 et
seq.; T. 50, U.S.C., §§ 1705(a) and 1705(c);
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

ERDAL KUYUMCU,

Defendant.

----- X

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times relevant to this Information:

1. The export of “commerce controlled” items was regulated by the United States Department of Commerce (“DOC”). Under the International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. §§ 1701 et seq., the President of the United States was granted the authority to deal with unusual and extraordinary threats to the national security, foreign policy, and economy of the United States. Under the IEEPA, the President could declare a national emergency through Executive Orders that had the full force and effect of law.

2. On March 15, 1995, President William Jefferson Clinton issued Executive Order 12957, finding that the actions and policies of the Government of Iran constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and declared a national emergency to deal with the threat.

Executive Order 12957, as expanded and continued by Executive Orders 12959 and 13059, was in effect at all times relevant to this Information.

3. Pursuant to the Executive Orders noted above, the United States Secretary of the Treasury, in consultation with the Secretary of State, promulgated the Iranian Transactions Regulations, 31 C.F.R. Part 560, which were renamed the Iranian Transactions and Sanctions Regulations (“ITSR”) in October 2012. The ITSR generally prohibit “United States persons”¹ from conspiring to engage in, engaging in or attempting to engage in the export, reexport, sale, or supply, directly or indirectly, of any goods, technology, or services to Iran or the Government of Iran without having first obtained a valid export license from the U.S. Treasury Department’s Office of Foreign Assets Control (“OFAC”).

4. Specifically, the ITSR forbid a United States person from exporting, reexporting, selling or supplying any goods, technology or services to a person in a third country where the United States person has knowledge or reason to know that the goods, technology or services are intended to be supplied, transshipped or reexported, directly or indirectly, to Iran or the Government of Iran, without having obtained a valid OFAC license. See 31 C.F.R § 560.204. In addition, the ITSR forbid a United States person from engaging in any transaction or dealing in or related to goods, technology or services that are exported, reexported, sold or supplied, directly or indirectly, to Iran or the Government of Iran, without having obtained a valid OFAC license. See 31 C.F.R § 560.206. The ITSR also forbid a transaction by any United States person that is conducted for the purpose of evading any of the

¹ “[T]he term United States person means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.” 31 C.F.R. § 560.314.

prohibitions on trade-related transactions with Iran. See 31 C.F.R § 560.203.

CONSPIRACY TO VIOLATE THE IEEPA

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. On or about and between January 1, 2013 and March 1, 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ERDAL KUYUMCU, together with others, did knowingly and willfully conspire to export from the United States to Iran one or more items under the jurisdiction of the DOC, to wit: a metallic powder composed of cobalt and nickel, with the chemical makeup CoNiCrAlY, (the “Cobalt Compound”), without having obtained the required OFAC license, contrary to Title 31, Code of Federal Regulations, Sections 560.203, 560.204 and 560.206.

(Title 50, United States Code, Sections 1705(a) and 1705(c); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

7. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting or derived from proceeds traceable to such offense.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of the defendant up to the value of the forfeitable property as described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))



ROBERT L. CAPERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2015R00760
FORM DBD-34
JUN. 85

No. 16-CR-308 (DLI)

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ERDAL KUYUMCU,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 981(a)(1)(C) and 3551 et seq.; T. 50, U.S.C., §§ 1705(a) and 1705(c); T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this ----- *day,*

of ----- *A.D. 20* -----

Clerk

Bail, \$

Tiana A. Demas, Assistant U.S. Attorney (718) 254-6116