

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

13-20831-CR-MARTINEZ/GARBER

Case No. _____

18 U.S.C. § 1512(c)(2)

18 U.S.C. § 981(a)(1)(C)

UNITED STATES OF AMERICA

vs.

**LORIN & SON, LLC, and
FRANCOIS B. LORIN,**

Defendants.

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

1. Defendant **LORIN & SON, LLC** was a Nevada limited liability company registered to do business in Florida, and conducted business at 807 S. Orlando Ave., Suite J-K, Winter Park, Florida, 32789. **LORIN & SON, LLC** was in the business of buying and selling, and importing and exporting, Asian fine art, including Chinese cultural artifacts.

2. Defendant **FRANCOIS B. LORIN** was the Manager of **LORIN & SON, LLC**, and engaged in the day-to-day operation of its business, including by attending trade shows and other industry meetings in the United States and other countries.

3. Pursuant to the Tariff Act of 1930, Title 19, United States Code, Section 1499, *et seq.*, examination of imported merchandise was conducted by U.S. Customs and Border Protection ("CBP"), an agency of the United States. Pursuant to the procedures set forth in Title

19, Code of Federal Regulations, Section 171.12 *et seq.*, an administrative proceeding occurred when imported merchandise was interdicted by CBP, and fines, penalties, or administrative forfeiture could be imposed for violations.

4. Pursuant to a Memorandum of Understanding between the United States and the People's Republic of China entered into as of January 14, 2009 (the "MOU"), archaeological materials representing China's cultural heritage from the Paleolithic Period (c. 75,000 B.C.) through the end of the Tang Period (A.D. 907), could not be imported into the United States absent specific prior government approval. If, however, such items were already in the United States as of the MOU date, the items could be re-imported without prior authorization.

5. B&P was a law firm with offices in Miami-Dade County, among other places, with a specialty in dealing with customs-related matters, including representing persons and entities when CBP interdicted imported merchandise.

6. On or about June 4, 2011, defendants **LORIN & SON, LLC** and **FRANCOIS B. LORIN** imported a shipment of approximately 488 items of merchandise from Hong Kong to the Port of Miami, in Miami-Dade County, Florida, bearing shipment number EQY-0001437-3. The shipment included approximately 27 items of Chinese fine art that dated to periods prior to the year A.D. 907. The shipment was interdicted by CBP and was assigned case number 2011-5206-900009-01.

7. On or about July 3, 2012, B&P filed a Petition for Expedited Procedures and Early Release with CBP on behalf of **LORIN & SON, LLC**, in connection with CBP case number 2011-5206-900009-01.

OBSTRUCTION OF PROCEEDING
(18 U.S.C. § 1512(c)(2))

8. The General Allegations section is re-alleged and incorporated herein by reference.

9. From on or about June 4, 2011, through at least on or about July 3, 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

LORIN & SON, LLC, and
FRANCOIS B. LORIN,

did corruptly obstruct, influence, and impede, and attempt to obstruct, influence, and impede, the due and proper administration of the law under which a pending official proceeding was being conducted, specifically to frustrate the ability of CBP to implement and carry out the terms of the Tariff Act of 1930, Title 19, United States Code, Section 1499, *et seq.*, with regard to examination of merchandise imported to the Port of Miami on or about June 4, 2011, bearing shipment number EQY-0001437-3, to wit, by causing their attorneys at B&P to submit to CBP correspondence dated June 30, 2011 and a Petition for Expedited Procedures and Early Release dated July 3, 2012, containing false and fraudulent information and phony supporting documentation, falsely alleging provenance for items of Chinese fine art contained in the shipment, including false information related to items dated to the period pre-907 A.D., in order to frustrate the ability of CBP to accurately determine whether such items were lawfully imported into the United States with regard to CBP case number 2011-5206-900009-01.

In violation of Title 18, United States Code, Section 1512(c)(2).

FORFEITURE
(18 U.S.C. § 981(a)(1)(C))

1. The allegations contained in this Information are realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America, of certain property in which any defendant has an interest.


2. Upon conviction of the offense alleged in this Information, defendants shall forfeit to the United States all property, real or personal, which constitutes or is derived from proceeds traceable to such offense.

3. The following property constitutes or is derived from proceeds traceable to the offense alleged in this Information, and would not have been obtained or retained but for the offense:

- (1) J6/CL5. A Nephrite Jade "Bi" Disk composed of Three "Huang" from the Neolithic or Shang Dynasty.
- (2) J5/CL12. A Chinese nephrite jade "Bi" disk composed of three Huang from the late Shang or Western Zhou Dynasty.
- (3) M1. A Chinese Pan Bronze Footed Tray with Two handles from the Archaic-Zhou Dynasty, first millennium BC.
- (4) J1. A Chinese Nephrite Jade Insignia Blade from the Late Neolithic Period.
- (5) M6. A Chinese Lion & Grapevine mirror w elaborate wood.
- (6) J3/CL18. A Nephrite Jade "Bi" Disk from the Han Dynasty.
- (7) J2/CL19. A Nephrite Jade "Bi" Disk from the Han Dynasty.
- (8) J4/CL6. A Chinese Three-part Nephrite Jade "Bi" Disk from the Shang Dynasty.
- (9) M7/CL23. A Chinese Gold and Silver Inlaid Bronze Cylindrical Lidded Container from the Late Zhou Dynasty.
- (10) J12/CL15. A Chinese Nephrite Jade Phoenix from the Warring States Period.
- (11) J13/CL4. A Nephrite Jade Bird hand piece from the Neolithic Period, possibly Hongshan culture.
- (12) J56/CL21. A Chinese Nephrite Jade model of a pig from the Han Period.
- (13) J14/CL3. A Chinese Nephrite Jade Falcon-type Bird from the Neolithic Period, said to be Hong Shan.
- (14) J15/CL9. A Chinese Nephrite Jade "Humanoid" Figure from the Shang Dynasty.

- (15) J16/CL2. A Chinese Nephrite Jade Three-Pong Attachment from the Neolithic Period, perhaps Liangzhu Culture, 5th-6th Millenium BC or Hongshan Culture, 5th-3rd Millenium BC.
- (16) J10. A Chinese Nephrite Jade "Bi" Form from the Warring States.
- (17) J9. A Chinese Nephrite Jade Fish Toggle from the Neolithic Period.
- (18) J17. A Chinese Bronze and Nephrite Jade Lidded Container ("Lian") from the Han Dynasty, Early Western Han, Xang.
- (19) J18/CL17. An Archaic, yellow jade blade from the Han Dynasty or earlier.
- (20) M10. A Bronze mirror with fish & birds from the Tang Dynasty.
- (21) M8. Four Chinese Bronze weapons or articles of adornment from an undetermined Period, possibly Qin-Han Period. Pre-907AD.
- (22) M10. A Bronze mirror with fish & birds from the Tang Dynasty. Pre-907AD.
- (23) All other artifacts imported by or on behalf of defendant, seized by United States Customs and Border Protection on or about June 4, 2011, consisting of 466 items not otherwise specified in paragraphs 1 through 22 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and the procedures set forth at Title 21, United States Code, Section 853, made applicable through Title 28, United States Code, Section 2461(c).



WIFREDO A. FERRER
UNITED STATES ATTORNEY



JERROBB DUFFY
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

**LORIN & SON, LLC and
FRANCOIS B. LORIN**

Defendants. _____/

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
FTL WPB FTP

New Defendant(s) Yes No
Number of New Defendants
Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) NO
List language and/or dialect _____
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u> X </u>	Petty	<u> </u>
II	6 to 10 days	<u> </u>	Minor	<u> </u>
II	11 to 20 days	<u> </u>	Misdem.	<u> </u>
IV	21 to 60 days	<u> </u>	Felony	<u> X </u>
V:	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) X

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No


JERROLD DUFFY
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. A5501106

*Penalty Sheet(s) attached

REV 4/8/08

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: LORIN & SON, LLC.

Case No: _____

Count #: 1

Obstruction of Proceeding

Title 18, United States Code, Section 1512

*** Max. Penalty:** \$500,000 Fine

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: FRANCOIS B. LORIN

Case No: _____

Count #: 1

Obstruction of Proceeding _____

Title 18, United States Code, Section 1512 _____

*** Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**