April 15, 2013

Office of the Inspector General
Charles K. Edwards
Deputy Inspector General – OIG – DHS
245 Murray Drive S.W.
Building 410/ Mail Stop 2600
Washington, D.C. 20528

Federal Bureau of Investigation
Richard A. Freely
Assistant Director for Criminal Investigations
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535-0001

Re: Formal Complaint Regarding Special Agent John Chakwin, III

Dear Messrs. Edwards and Freely,

This letter will serve as a formal complaint on behalf of my client, Mr. Jose Susumo Azano Matsura (Mr. Azano), regarding objectionable and possibly illicit conduct by Special Agent John Chakwin, III (Agent Chakwin) of the United States Department of Homeland Security (DHS) and Immigration & Customs Enforcement (ICE) San Diego, California, Office of Investigations. In particular, Mr. Azano, through undersigned counsel, is writing to report reasons to believe Agent Chakwin has engaged in official misconduct, official oppression, harassment, and profiling of Mr. Azano and his employees in violation of DHS policy and protocol.

The purpose of this letter is to 1) enumerate Agent Chakwin’s alleged misuse of official powers and describe his pattern of conduct designed to wrongfully influence and injure Mr. Azano and his business; 2) to describe the damages to Mr. Azano, his family, professional reputation, his employees and their families, and his business as a result of Agent Chakwin’s conduct; and finally, 3) to request your office take swift and decisive action to redress Mr. Azano’s grievances.
BRIEF SUMMARY

On or before January 2011, Agent Chakwin, without any substantive evidentiary basis, initiated an investigation directed at Mr. Azano, his employees, and his Mexico-based company, Security Tracking Devices (STDi). STDi is a global provider of security technology and services trusted and relied upon by various government security apparatuses.

Upon information and belief, we submit that Agent Chakwin, purportedly conducting an official investigation, has systematically and incorrectly profiled, targeted, harassed and threatened Mr. Azano and his employees, in violation of law enforcement policy and protocol, and Mr. Azano’s constitutional rights. Furthermore, Agent Chakwin appears to be the origin of baseless criminal allegations against Mr. Azano and his business, the driving force behind various invasive, frequent, and fruitless searches of Mr. Azano, his family, his business, and his aircraft, and has directed other DHS/ICE agents to investigate, question, search, and delay Mr. Azano and his employees prior to entering or leaving the United States. Moreover, Agent Chakwin continued and escalated this pattern of unwarranted scrutiny, intimidation, and harassment after his questionable searches yielded no evidence of wrongdoing and there existed ample evidence that Mr. Azano is in fact an upright, legitimate business person. Beyond these constitutional violations, there is reason to believe Agent Chakwin may have created a false record within both DHS and ICE computer systems, to the detriment of Mr. Azano.

Agent Chakwin’s conduct has resulted in substantial damages to and disruption of Mr. Azano’s profession, business, and personal freedom. In particular, Agent Chakwin’s reckless and unfounded public allegations that Mr. Azano is “a weapons smuggler and money launderer/drug trafficker” threaten to undermine his outstanding reputation in the business community. Mr. Azano is well-respected and trusted within high-level security elements of the Mexican government.

MR. AZANO’S BUSINESS – SECURITY TRACKING DEVICES (STDi)

Given the sensitive nature of Mr. Azano’s business, trust and a reputation for unimpeachable integrity are particularly important to success. Over decades, Mr. Azano’s entrepreneurial skill and proprietary products and services have given rise to his corporate achievements and great wealth. Mr. Azano is a widely respected pioneer in the field of international security technology, and is known throughout the business world as an honorable corporate executive with an extraordinary family lineage of success. His business acumen and unique security products have become a highly sought-after global brand. Mr. Azano possesses a high level of personal integrity and his ethos is reflected in his company. It is the policy of his company to refuse contracts with any business entities and/or countries perceived as actual or potential threats to the security interests of Mexico and/or the United States.
As his attorney, I have personally reviewed certified contracts for the provision of corporate technology services between the GOM and Mr. Azano’s company, STDi. The corporate services provided by STDi are in compliance with the laws of the United States and Mexico. To insure continued high standards of corporate compliance and oversight, Mr. Azano hired, among others, Mr. Juan Masini, former United States Department of Justice Compliance Specialist, in early 2013 to serve as head of corporate compliance and oversight for STDi.

**HARASSMENT OF EMPLOYEES**

To facilitate our representation of Mr. Azano, our firm has had its investigative team conduct extensive interviews of Mr. Azano and his employees, including his company pilots, assistants, security staff, Chief Financial Officer, corporate attorneys and business associates. All of the employees have reported similar concerns and complaints concerning Agent Chakwin’s conduct. Several of the employees interviewed related that they had witnessed Agent Chakwin and/or other DHS/ICE personnel make slanderous/untrue statements regarding Mr. Azano. Below, we describe the accounts of each employee more fully.

**CHIEF JET PILOT CAPTAIN SHANE C. BURDETTE**

Chief Pilot Shane Curtis Burdette (Captain Burdette) serves as the Senior Chief Corporate Pilot for Mr. Azano and his company, Security Tracking Devices (STDi). Agent Chakwin approached Captain Burdette on multiple occasions in a harassing and threatening manner to extract evidence against Mr. Azano.

Captain Burdette was first approached by Agent Chakwin on or about December 2010 or January 2011, while piloting Mr. Azano’s corporate jet at Brown Airfield in San Diego, California. Captain Burdette reports that Agent Chakwin identified himself as an agent of the ICE office in San Diego, California. Captain Burdette related that during their first encounter, Agent Chakwin told him “your boss, Mr. Azano, is engaged in weapons smuggling, drug trafficking and money laundering and if you don’t cooperate you will go down with Azano.” Captain Burdette stated that he was shocked by Agent Chakwin’s allegations, intensity, aggression, and bullying behavior. Captain Burdette reports he then told Agent Chakwin that he had never witnessed or suspected criminal behavior by Mr. Azano. Agent Chakwin appeared visibly irritated at Captain Burdette’s response. Captain Burdette again advised Agent Chakwin that he had never observed or heard anything to suggest or support Agent Chakwin’s criminal allegations against Mr. Azano.

Agent Chakwin chided Captain Burdette and repeatedly asked him, “how does Azano make a living, what kind of cargo does he carry on his jet,” to which Burdette responded “he owns a security company in Mexico, STDi, and you should Google him.” A Google search of Mr. Azano would have revealed that his company was a contracted technology provider and approved security vendor to the highest levels of government in Mexico combating drug and terrorist threats in Mexico and the United States.
Despite Captain Burdette’s unequivocal responses that he had never observed any wrongful or suspicious activity by his employer, Agent Chakwin continued to pursue Mr. Azano by wrongfully soliciting Captain Burdette. Later, Agent Chakwin told Captain Burdette, “you are refusing to cooperate and you will go down with Azano when he goes to the Grand Jury.”

During 2012, Agent Chakwin again contacted Captain Burdette and requested that he conduct searches of Mr. Azano’s personal effects and luggage on behalf of Agent Chakwin.

On or about June/July 2012, Captain Burdette reported that a number of ICE agents and DHS inspectors vigorously searched Mr. Azano’s jet on multiple occasions over a two-month period, and that a large x-ray truck was brought to x-ray Mr. Azano’s aircraft. Beyond these searches, Captain Burdette estimates that an additional ten searches were conducted with DHS K-9 dogs of Mr. Azano’s aircraft, family (including his 5 year-old child), and Mr. Azano’s employees with negative results. After the searches, Agent Chakwin reportedly called Captain Burdette to say, “I [Agent Chakwin] ordered the x-ray truck and enhanced searches of Azano’s jet.” In our opinion, Agent Chakwin’s communication was a form of unwarranted intimidation.

Agent Chakwin’s pattern of harassment of Captain Burdette not only continued, but escalated. In the fall of 2012, Agent Chakwin called Captain Burdette and told him that he wanted to search Mr. Azano’s office and warehouse (located at 1536 Lancaster Point Way, San Diego, California). Agent Chakwin told Captain Burdette that he would be sending an “undercover officer” dressed as a City of San Diego inspector to accomplish a search for “any evidence” in Mr. Azano’s business. The following day, Captain Burdette reports that a person dressed as a City of San Diego employee arrived at the warehouse, walked throughout the business, and then departed. Captain Burdette was understandably worried and intimidated by Agent Chakwin’s actions.

Later in 2012, Agent Chakwin and another agent came to Captain Burdette’s residence while his children were home alone. Agent Chakwin reportedly knocked loudly on the front door yelling “Police, open up!” obviously shocking and frightening Captain Burdette’s young children. The children became hysterical and called their father.

Following this visit to Captain Burdette’s home, he contacted Agent Chakwin and demanded that he stop harassing his family and instructed him to never return to his home again. Agent Chakwin reportedly responded, “we had to do a welfare check on you, I wasn’t sure if Azano had killed you.”

Agent Chakwin’s outrageous, reckless, unfounded and wrongful statements further support a pattern of abuse of authority and outrageous behavior directed at Mr. Azano, his family, and his employees.
HARASSMENT OF CO-PILOTS AND FLIGHT CREW

Mr. Azano’s co-pilots, reserve pilots and flight crew were interviewed and reported similar issues of concern regarding unexplained delays and unwarranted, fruitless searches, seemingly at the behest of Agent Chakwin.

ALBERTO LOZA

Mr. Alberto Loza (Loza), one of the co-pilots for Mr. Azano, expressed concern over delays he personally experienced while flying for Mr. Azano that had the indicia of unexplained heightened security checks. In particular, in December 2012, while flying for Mr. Azano and his family, they were stopped and held for six (6) hours by DHS ICE Agents in Fort Lauderdale, Florida prior to flying overseas. Loza explained that such extended delays significantly contributed to pilot fatigue, regulated by the Federal Aviation Administration (FAA), Part 91, which establishes requirements for pilot rest and flight limitations. Loza stated such delays contributed to a pilot’s inability to capture gross navigational errors. Furthermore, Loza reported that he observed DHS ICE inspectors order Mr. Azano and his family, including his six-year-old daughter, to stand in a line on the tarmac while a K-9 drug dog searched them with negative results.

Loza stated that, during his career as a pilot, he had never observed the type of consistent harassment visited upon Mr. Azano, his family, and employees during airport clearances and was stunned by their treatment. Loza reported that while they were held and searched in Fort Lauderdale, he overheard a DHS ICE agent state, “We have your boss listed as an illegal arms dealer on the way to Europe.”

During the aforementioned Fort Lauderdale search, Mr. Azano’s pilots observed one of the DHS ICE agents carrying a folder with a “Post-It” note attached on the outside with a handwritten notation “Chakwin.” It is reasonable to conclude that Agent Chakwin had some role in this delay and search.

These incredibly damaging and patently false statements are apparently memorialized in the DHS ICE computer system, which the agent alluded to while speaking within earshot of Loza.

After numerous lengthy DHS ICE searches and detentions, one DHS ICE official suggested that Mr. Azano’s pilots, “should file a Freedom of Information Act (FOIA) request and see what’s going on; this doesn’t make sense.”

RAMON CASTILLO MANRIQUEZ

Mr. Ramon Castillo Manriquez (Castillo) is a twenty-three year U.S. Army veteran and pilot who has served as one of Mr. Azano’s pilots since November 2011. During 2012, Castillo found a handwritten note inscribed “Sorry I missed you,” on his residence door. This note was written on checked graph paper identical to the notepad graph paper that Captain Burdette had observed
Agent Chakwin writing on during an interview. This strongly suggests that Agent Chakwin had visited Castillo’s residence just as he had visited Captain Burdette.

During the above mentioned Fort Lauderdale search, Castillo was told by a DHS ICE Agent, “We have you guys listed as illegal arms merchants.” Again, this is the same baseless and damaging remark made originally by Agent Chakwin appearing in the DHS, ICE, and Customs and Border Patrol (CBP) computer systems.

CHANTRELL MOBLEY

Ms. Chantrell Mobley (Mobley), who is employed full-time as a flight attendant for Mr. Azano’s jet, was also present during the above-referenced search and detention conducted in Fort Lauderdale, Florida. During the search Mobley reported that she heard a DHS ICE inspector state, “They are listed as arms dealers in the system.” Mobley is the third employee of Mr. Azano to hear this unfounded, reckless and damaging false statement made by DHS ICE staff.

ERNESTO ENCINAS

Mr. Ernesto Encinas (Encinas) serves as Mr. Azano’s Chief of Security. Encinas formerly served with distinction as a San Diego Police Department (SDPD) Detective and worked on DHS ICE, DEA, Alcohol Tobacco and Firearms (ATF) and Federal Bureau of Investigation (FBI) Federal Task Force Teams in San Diego, California. Our investigation reveals that Encinas is well-respected within state and local, and federal law enforcement communities in California.

In 2010, Encinas accepted employment with Mr. Azano after conducting his own research and due diligence of Mr. Azano. Encinas stated that he found Mr. Azano to be a man of high ethics and integrity, and a highly successful corporate executive. As Chief of Security for Mr. Azano, Encinas has unlimited access to Mr. Azano’s residence, offices, aircraft, and vehicles. Encinas stated that he has never observed anything questionable concerning Mr. Azano.

Furthermore, Encinas related that Mr. Azano had expressed concerns regarding DHS ICE Agent Chakwin’s allegations and harassment, and wondered whether Agent Chakwin would even go so far as to fabricate reports or “evidence” against Mr. Azano, one of his employees, or his company.

CORPORATE COMPLIANCE OF STDi

CHIEF FINANCIAL OFFICER, ANTHONY BUFINSKY

Mr. Anthony Bufinsky (Bufinsky) is employed as Mr. Azano’s Chief Financial Officer (CFO). In preparation for this investigation, Mr. Azano instructed Bufinsky to provide full disclosure to my office regarding the internal business finances of Mr. Azano’s companies. As a result, my investigative staff and I interviewed Bufinsky who confirmed that Mr. Azano’s company is a party to substantial sensitive contracts providing Anti-Drug Countermeasures Technology to the
GOM and that these contracts are valued well in excess of $100 million USD and serve as the principle source of funds for Mr. Azano. Bufinsky stated that the Mr. Azano has achieved great financial success as a result of proprietary technology patents and services.

Bufinsky stated that he had personally traveled with Mr. Azano when they were delayed and held by DHS ICE personnel while exiting and entering the United States. Bufinsky further revealed that Mr. Azano always complies with Customs regulations when entering or exiting United States borders. While Bufinsky concedes that Mr. Azano, a man of substantial wealth, maintains a lavish lifestyle, he remains perplexed as to the motivations of Agent Chakwin.

CHIEF COMPLIANCE OFFICER AND SENIOR COUNSEL TO MR. AZANO, JUAN M. MASINI

Mr. Juan M. Masini (Masini) serves as Chief Compliance Officer and Senior Counsel to Mr. Azano and his company, Security Tracking Devices (STDi), regarding corporate compliance in Mexico and the United States. Masini was a former Assistant United States Attorney in San Diego and lawyer for the United States Department of Justice (DOJ) in Washington D.C. and a DOJ Special Advisor in 7 United States Embassies. Most recently, Masini served as the lead Financial Intelligence and Money Laundering Point of Contact (POC) for the United States Embassy in Mexico City, Mexico.

Masini, who had an extraordinary career with the DOJ and who possesses impeccable credentials, stated that he had no knowledge of Mr. Azano being involved in criminal behavior of any sort, and that if he had, he would not have accepted employment with Mr. Azano. Masini reported that he was aware that Mr. Azano had a proprietary technology contract with the Mexican government and that Mr. Azano provided surveillance technology services to the Mexican government to battle drug cartels in Mexico.

SUMMARY OF COMPLAINT

The alleged pattern of conduct engaged in by Agent Chakwin has damaged and undermined Mr. Azano and his business. The apparent creation of false records in the DHS/ICE computer systems, Mr. Azano and his company have further harmed Mr. Azano, his business, and his professional reputation. Additionally, Agent Chakwin’s directives to Captain Burdette to search Mr. Azano’s luggage, personal effects and offices, is a violation of Mr. Azano’s civil rights and civil liberties. Agent Chakwin’s statement to Captain Burdette that “I was afraid that Mr. Azano had you killed,” after not hearing back from Burdette regarding his request that Burdette search Mr. Azano’s personal effects, speaks volumes of a distorted mindset of Agent Chakwin.

The detailed allegations addressed in this complaint as conducted by Agent Chakwin include but are not limited to; 1) Unlawful searches; 2) Creation of false records within U.S. Government DHS/ICE/CBP computer systems; 3) Creation of false investigative reports within DHS/ICE/CBP; 4) Harassment and profiling of Mr. Azano and his employees by DHS/ICE/CBP.
as a result of Agent Chakwin’s false reporting; 5) Flagged travel Entry/Exit profiling of Mr. Azano and his employees by DHS/ICE/CBP as a result of Agent Chakwin’s false reporting; 6) False and damaging public allegations claiming Mr. Azano was involved in criminal activity i.e. weapons smuggling, drug trafficking and money laundering; 7) Threatening to have Chief Pilot Burdette indicted by a Grand Jury; 8) Inferring that an official of the United States Attorney’s Office can “re-cast or work around past improprieties of a witness against Mr. Azano; 9) Suggesting that Mr. Azano would commit or direct the murder of an employee or anyone for that matter.

One final point, in preparation for filing this complaint, my office “Googled” Agent Chakwin, and the search yielded many reports and allegations of misconduct. One account stated, “ICE Special Agent John Chakwin, [has been] the subject of numerous EEO complaints for years.” ¹ The account also stated that, “SAC Chakwin used a Soviet style reign of terror,” and that “John Chakwin, who was appointed ICE SAC of Dallas, was in violation of Federal law for nepotism for hiring two of his sons as ICE agents.”² One of John Chakwin’s sons is the subject of this complaint, John Chakwin, III.

CONCLUSION

The totality of these events, if true, are disturbing and directly call into question the integrity of Agent John Chakwin, III and other DHS ICE agents. On behalf of our client, Mr. Jose Susumo Azano Matsura, we demand an official investigation into the genesis of Agent John Chakwin, III’s actions and motivations associated with the targeting of Mr. Azano and expect that the continuation of these actions and activities will cease and desist.

Should you have any questions or comments regarding this matter, please contact my office.

Sincerely,

[Signature]

Daniel Forman, Esq.