

## REPORT OF INVESTIGATION

**Prepared by: Grant W. Fine, Esq.**

**Re: Wayne Hansen, Diego Borja**

**Case: Aguinda v. ChevronTexaco**

**Date: October 29, 2009**

### **Introduction**

This report sets forth results obtained to date in an investigation of **Wayne Hansen**, one of two individuals that Chevron claims secretly taped meetings regarding a possible bribe connected to the above-referenced lawsuit currently pending in the Republic of Ecuador.<sup>i</sup> We note that these tapes never have been independently authenticated, and that Chevron has refused to release the name of the individual(s) who edited them.

Information revealed by a variety of sources, and in the tapes themselves, has cast doubt on Chevron's initial assertions regarding the tapes.<sup>ii</sup> We are aware of no legally admissible, non-hearsay evidence which Chevron has offered to support its assertions of a bribe, or to counter charges from **Judge Juan Nuñez** (the judge who, until recently, presided over the case) that the editing of the tapes was manipulated.

To date, representatives of Chevron have asserted that these men were motivated solely by a sense of civic duty to expose judicial corruption in Ecuador and that they neither received nor were promised any benefit.<sup>iii</sup> Given the seriousness of the allegations made by Chevron, we focused on information related to Hansen's character. The information we have gathered regarding Hansen's character raises serious doubts that Hansen would participate in the making of the videos out of sense of civic duty; such a commitment would be inconsistent with his general behavior and character.

The methodology we employed in this investigation consisted primarily of conducting public records research and interviewing witnesses. We were able to identify the correct Wayne Hansen by securing his cell phone number from a person he had called, as described herein, and by identifying his middle name (Douglas) from transcripts provided by Chevron, and then cross-referencing his full name against public databases and immigration records from Ecuador. It should be noted that the investigation has been limited by our lack of subpoena power. We strongly recommend that any investigative agencies possessing such power focus on Hansen and Borja, any relationship they had with Chevron prior to making the videos, what benefits they were promised or expected to receive for making the videos, and whether they or any official or agent of Chevron violated criminal laws in making the videos or otherwise in trying to entrap officials in Ecuador in a bribery scheme. That said, we were able to obtain significant information about Hansen, as follows.

## **Executive Summary**

These are the primary findings of the investigation with regard to Wayne Hansen:

- Wayne Hansen is a convicted federal felon. In 1986, he pled guilty in U.S. federal court in Texas for his role in a conspiracy to smuggle 275,000 pounds of marijuana from Colombia to the United States – an amount that today would have a street value of close to \$275 million.<sup>iv</sup> For this crime, Hansen was sentenced to serve two years and eight months in federal prison.<sup>v</sup>
- Hansen has no known ties to any environmental remediation company in the United States. Moreover, we did not find any engineering licenses in Hansen’s name anywhere in the United States. According to witnesses with whom we spoke, Hansen does not have a scientific background. Thus, Hansen’s representations in the taped meetings that he was “highly qualified” to perform remediation work and that he had an exclusive contact with Honeywell appear to be false.
- Evidence demonstrates that Hansen was in Ecuador continuously from April 18, 2009 to June 16, 2009 – dates that roughly coincide with the period of time when the videos were shot. On this extended trip, Hansen arrived in Ecuador approximately three weeks prior to the first of the taped meetings.<sup>vi</sup> He left Ecuador between the times of the third and fourth (and final) video taped meeting.<sup>vii</sup> Hansen also made numerous trips to Ecuador since 2006.<sup>viii</sup>
- Witness reports indicate that Hansen is a dishonest, unscrupulous man who is given to grandiose claims about his own wealth and who demonstrates a proclivity for get-rich-quick schemes. Witnesses who have known Hansen over the years refer to him as a “liar,” a “con man,” a “crook,” and a “hustler.”<sup>ix</sup> Witnesses report that Hansen does not appear to have stable employment, and has transferred all his assets to his wife’s name.
- Witnesses report that Hansen has a pattern of flouting the law. For example, Hansen did major construction work on his Bakersfield, CA home without proper permits, prompting the city to condemn his home as being too dangerous to be inhabited. This charge was brought by local authorities after repeated failures by Hansen and his wife to obtain necessary construction permits to do work on their house, dating back to 2006. In addition, Hansen has been successfully sued in civil court for unlawfully occupying a house and for a vicious attack by his two pit bulls on another dog. The plaintiffs in each case allege that Hansen lied in the course of defending himself in lawsuits stemming from these incidents.

- Hansen has associated himself, and engaged in business transactions with, disreputable individuals -- at least one of whom is a convicted felon whom Hansen met while incarcerated in federal prison. These associates have been involved in shadowy business activities. One such activity appears to have involved soliciting investments for front organizations designed to appear as religious charities, and then misappropriating funds for personal use.

### **Wayne Hansen's Biography**

Wayne Douglas Hansen was born in Santa Monica, CA on August 6, 1947. His parents are **Lillian M. Hansen**, now 81 years old and a resident of Pasadena, CA.<sup>xi</sup> His father was **Douglas W. Hansen**, who died in 1999 at the age 72. Hansen has one sibling, a sister named **Suzie Hansen**.

Hansen attended high school in Van Nuys, California, graduating in 1966.<sup>xii</sup> In January 1967, he enlisted in the Army, serving for roughly three years as a heavy equipment operator. During a portion of his military service, Hansen was stationed in Vietnam.<sup>xiii</sup> He received various military medals and was ultimately given an honorable discharge.

On August 28, 1969, while stationed at Fort Rucker, Alabama, Hansen married **Penelope Campbell**,<sup>xiv</sup> a woman whom he had known in high school. Hansen and Campbell lived in Alabama for six months until Hansen's release from active duty, at which point they returned to the Van Nuys, CA area. After Hansen's release from active duty, he (Hansen) worked in construction as a framer.

In a recent interview, Campbell described Hansen as a "hustler," a "liar," and someone who was "emotionally abusive." In explaining her reluctance to sign a declaration, she stated that she was afraid of what he would do to her if he found out what she said about him.

Campbell recalled that while she was married to Hansen, Hansen both smoked, and sold, marijuana. She said Hansen would buy a kilogram of marijuana at a time and that he would sell ounce quantities of marijuana to customers while keeping some marijuana for his own personal use.

Campbell's marriage to Hansen was over by 1972, less than three years after their wedding. Campbell only saw Hansen once after the divorce. She recalled that Hansen told her he had befriended a man by the name of **Fernando** (last name unknown), and he and Fernando were supposedly importing fish from South America. A document contained in Hansen's 1986 federal criminal file (see below), signed by Hansen on July 7, 1986, appears to indicate that Hansen was President of an international seafood company called Winky's Seafoods Internatinal, Inc.<sup>xv</sup>

According to Hansen's military records, Hansen attended two years of college (at an as yet unknown college).<sup>xvi</sup>

### **Hansen's Felony Offense**

On August 29, 1986, Hansen was arrested by agents of the United States Drug Enforcement Agency (DEA) in connection with a conspiracy to import 275,000 pounds of marijuana to the United States from Colombia. Hansen was charged with three felony offenses, along with four other co-defendants: a Colombian citizen [REDACTED],<sup>xvii</sup> Mexican citizen **Enrique Ochoa-Castaños**,<sup>xviii</sup> U.S. citizen **Henry Frank Campina**,<sup>xix</sup> and Colombian citizen **Martha Del Carmen Sierra**.<sup>xx</sup> The criminal complaint filed in the case indicated that the defendants conspired to smuggle the marijuana by air into the U.S. from Colombia, using Mexico, Jamaica, Haiti, and the Cayman Islands as staging areas.

Counsel was appointed to represent Hansen at public expense given that Hansen claimed indigence in a financial affidavit. He stated in the affidavit that he was self-employed and that he hadn't earned any income since 1984.<sup>xxi</sup>

In documents contained in the court file, Hansen is referred to as "the cooperating defendant," suggesting that Hansen had, following his arrest, become an informant, or, in popular parlance, a "snitch." Further support for the suspicion that Hansen was a snitch was a reference (in the court file) to the fact that Hansen was being kept in protective custody. Often, cooperating witnesses (snitches) are kept in protective custody as a precaution, in order to protect them from retaliation by co-defendants on whom they are informing.

After Hansen's guilty plea, but before his sentencing, Hansen was released on a \$20,000 unsecured bond, subject to the conditions that he not leave the Southern District of Texas and that he stay with his aunt, **C.W. Hansen**, in San Benito, Texas. On January 7, 1987, Hansen was sentenced to serve thirty-two months in federal prison.<sup>xxii</sup> Documents contained in his criminal file indicate that he was incarcerated at FPC Boron, apparently in accession to the judge's recommendation that he be allowed to serve his sentence near his home town. With time off for good behavior, Hansen was released from federal prison on September 30, 1988.<sup>xxiii</sup>

Under the criminal statutes in effect at the time, Hansen would have faced up to 15 years in federal prison had he been convicted of the charges filed against him.<sup>xxiv</sup> His indicted co-conspirators received sentences ranging from 2 years, six months, to 11 years in federal prison.<sup>xxv</sup>

On June 4, 1987, apparently during the time that he was in federal custody, Hansen married **Lilianne Louise Brin**. This commenced what has been described as a long, stormy, on-again, off-again marriage. At one point (1991), Lilianne Hansen filed for divorce, but the action appears never to have been pursued. The records associated with that action do indicate that from July 1990 to at least August 1991, Hansen and Lilianne were separated.<sup>xxvi</sup> Witnesses report that Hansen and his wife are currently living together. However, one of Hansen's neighbors reported that Hansen and his

wife could frequently be heard screaming at each other.<sup>xxvii</sup> Lilianne is now 53 years old and works for Pacific Gas & Electric, a large California utility (reportedly in the mapping department).<sup>xxviii</sup> It is unclear whether Hansen and his wife had any children.<sup>xxix</sup>

Following his 1988 release from federal prison, Hansen lived in the following areas: Bainbridge Island (WA), Yucaipa (CA), Mentone (CA), and Bakersfield (CA). While in Washington, he appears to have started a construction business, Hansen Construction.<sup>xxx</sup> According to witness accounts, while living in Washington, Hansen boasted of owning a large fishing boat (deep-sea type), as well as a helicopter.<sup>xxxi</sup> He stated to one witness that he was flying guns and drugs for the CIA in and out of South America.<sup>xxxii</sup> He also claimed he had been a pilot of military aircraft while in the Army.<sup>xxxiii</sup>

### **Leslie Dutcher and the “Hooker” Hotel**

During the 1990's, Hansen engaged in various business ventures with two individuals, **Leslie Dutcher** and Washington attorney **William Plonske**. Dutcher is a convicted felon.<sup>xxxiv</sup> Hansen had met Dutcher while the two of them were serving their respective sentences in federal prison.<sup>xxxv</sup> According to Leslie Dutcher's ex-wife, **Kumja Dutcher**,<sup>xxxvi</sup> Leslie Dutcher was engaged in the business of smuggling diamonds from Thailand. His conviction, according to Kumja Dutcher, was related to his arrest in London for possession of a weapon, a fake passport, and diamonds.<sup>xxxvii</sup>

Dutcher and Plonske were close associates. During the 1990's and Plonske set up a series of what appear to be bogus religious nonprofit corporations, with the help of **John D. Fitzgerald** of Portland, Oregon. These corporations, such as “TMMT Services” and “Financial Freedom Ministries” were organized as a nonprofit, religious corporations. All of these corporations have since been dissolved. Fitzgerald and his phony religious nonprofit operation was the subject of a permanent injunction ordered by US District Court Judge Michael W. Mosman of Oregon.

During the 1990's, Leslie Dutcher began managing a huge, sprawling, dilapidated motel in Bakersfield, CA known as the Rancho Bakersfield Motel.<sup>xxxviii</sup> This motel has been referred to in the media as “the Costco of drugs, hookers, and guns”.<sup>xxxix</sup> During this period, Dutcher was engaged in a variety of suspicious activities.<sup>xl</sup>

Hansen lived and worked at the Rancho Bakersfield Motel for extended periods of time during the 1990's.<sup>xli</sup> In 1993, Hansen and Dutcher launched a business under the name “Advanced Distribution Systems” (ADS).<sup>xlii</sup> Then, in 1994, Hansen, Dutcher, and Plonske, filed a business name for an entity called the “Rancho Senior Living Center.”<sup>xliii</sup> This latter business appears to be what witnesses have described as Hansen and Dutcher's effort, during the latter half of the 1990's, to open a retirement community on the premises of the Rancho Bakersfield Motel.

Hansen and Dutcher enlisted the help of **Linda Rohlring** (now **Linda Hardy**), a consultant in the creation of retirement homes for seniors. They told Hardy that they were business partners, they owned the Rancho Bakersfield Motel, and they wanted to turn it into a retirement city. Hansen and Dutcher hired Hardy to do a “profit and loss” analysis on the project, and to show them how to convert the units into handicapped accessible apartments in order to comply with regulatory requirements.

Hardy recalled riding around the Rancho Bakersfield site and surveying the rooms with Hansen. Hansen represented to Hardy that he was a building contractor, and he said he was going to do all of the construction and renovation work necessary to complete the project. Hardy stated that, during this period, Hansen was on-site full time. There were people living in some of the units, and Hansen appeared to be acting as something of a property manager.

Hardy described Hansen as “a con artist.” “He was very personable,” she recalled, but he “had an air, like a lot of con men do, of having a lot of money and being eccentric.” She continued: “He was always talking about how much money he had over here or invested over there. He was always working on a big deal. He was one of those guys who was always trying to convince you he could get a million dollars when he wanted to.”

Hansen and his partners never paid Hardy for her consulting work on the project, despite repeated promises they would pay her.

During the time that Hardy was assisting Hansen and his associates, Hardy and her husband moved to Keene, CA, a small town about 30 miles southeast of Bakersfield. They had vacated their Bakersfield home<sup>xliv</sup> and intended to put it on the market. Hansen and his wife moved into Hardy’s vacated home, pursuant to an oral lease with an option to purchase. However, the Hansens failed to pay rent pursuant to their agreement. Then, when Hardy’s husband, Marvin Rohlring, went to inspect the house, he found that Hansen had already begun demolishing the exterior, as well as a bathroom inside – despite the fact that neither he nor his wife had communicated with Rohlring or Hardy about exercising the option to purchase the house. “The place was trashed,” Marvin Rohlring recalled in an interview. “They left concrete and piping in one of the bedrooms.” In July 1998, Hardy and her husband successfully sued Hansen and his wife for unpaid rent and unlawful detainer.<sup>xlv</sup> They had to enforce the judgment by garnishing the wages of Lilianne Hansen at Pacific Gas & Electric.<sup>xlvi</sup>

In 1998, the Rancho Senior Living (the entity owned by Hansen, Dutcher and Plonske), was sued by a commercial collections agency.<sup>xlvii</sup> That same year, for some reason – perhaps to avoid civil liability – Hansen put what property he owned into his wife’s name.<sup>xlviii</sup> He also told others he had to do this.<sup>xlix</sup> At present, it appears that Hanson owns no real property under his name. Even the car he drives, a red Mercury, is in his wife’s name.<sup>1</sup>

Little is known of what Hansen has been doing for the past several years. No one we interviewed was aware of Hansen ever holding down a regular job. Hansen has bragged about his success in the seafood industry, although that success has not been independently verified. However, our interview with Kumja Dutcher may provide some insight into the nature of Hansen's seafood industry activities. She reported that in the late 1990's or early 2000's she overheard Dutcher and Hansen discussing an illegal fishing business they were planning to launch. They were planning on fishing in Alaska and selling the fish in Japan, but doing so completely off the books and without the required licenses.

More recently, Kumja Dutcher was told that Hansen has done some work, possibly off the books, at his friend's drug store in Bakersfield.<sup>li</sup>

### **Flouting of the law in Bakersfield, CA**

Hansen's neighbors on Landfair Drive (in Bakersfield, CA) report that over the past ten years or so, Hansen has done construction and remodeling work on his home at 6100 Landfair Drive – without the appropriate permits.<sup>lii</sup> In 2008, Kern County prosecutors filed misdemeanor charges against Hansen and his wife (in separate cases), relating to their flouting of the building codes in the course of remodeling their home.<sup>liii</sup>

In 2006, Lilliane Hansen was issued a "Dangerous Building Notice Certificate" in connection with the dangerous condition in which Hansen's construction activities left their residence on Landfair Drive.<sup>liv</sup> Despite the notice, however, as of September 26, 2009, neighbors report that there are two men living there (neither of whom is Hansen).<sup>lv</sup>

The City of Bakersfield also filed a Notice of Lien on the Hansen property on Landfair Drive for an assessment relating to their failure to abate weed and waste matter.<sup>lvi</sup>

**Ken Allen**, one of Hansen's neighbors on Landfair Drive who has reported Hansen's illegal construction activities to the code enforcement division, described (Wayne Hansen) as "a liar." Allen stated, "He spreads the word around he owns 10,000 acres in Peru, has all kind of boats, owns nurseries in Kern County, and that he built 227 condos, but they burnt down and he had no insurance."

In 2005, Hansen was successfully sued in Kern County small claims court by a woman who alleged that Hansen let his two pit bulls attack her and her dog.<sup>lvii</sup> The judge awarded the plaintiff the statutory maximum (\$5,000). In the course of the incident, plaintiff **Kresse Armour** reported, Hansen lied about his identity, failed to render aid during the attack, and then ignored a court order to have the dogs turned over to authorities at Animal Control.<sup>lviii</sup>

Kresse Armour also reported that Hansen showed no remorse whatsoever after the attack. According to Armour, Hansen told the animal control officer that Armour and her dog run by his house every day and bother his dogs. He said his dogs "finally had the chance and they took it."<sup>lxv</sup> Later on, when Armour ran into Hansen on the golf course and asked him when they would be able to resolve the matter, Hansen stated, "Probably never," and he told her to go away. He then sprayed her in the chest with a powerful stream of water from a golf course sprinkler.

### **The Hansen-Ecuador Connection**

According to official Ecuadoran National Police immigration records,<sup>lx</sup> Hansen began making trips to Ecuador in 2006. During that year, he took two trips there, one for just a few days, the other of unknown duration.<sup>lxi</sup> The immigration records indicate that Hansen took six trips to Ecuador in 2007. These trips ranged in duration from four days to 27 days.<sup>lxii</sup> In 2009, Hansen took one trip to Ecuador, from April 18 to June 16 – dates that coincide with three of the four videotaped meetings. (The dates of the video meetings, according to Chevron, were May 11, May 15, June 5, and June 22, 2009. Hansen appears in the videos taped on May 15 and June 5, 2009.).

### **Possible Effort to Entrap the Plaintiffs**

Upon his return to the U.S., and approximately four weeks after the secret videotapes had been turned over to Chevron but before Chevron disclosed that it had the tapes, Hansen made a suspicious phone call to the U.S. cell phone number of **Karen Hinton**, a U.S. citizen. Hinton is the U.S. spokesperson for the Amazon Defense Coalition, the organization that represents the plaintiffs in the environmental lawsuit against Chevron. This call was made after Hansen was in contact with Chevron about the videotapes, but before Chevron disclosed the tapes to the public. Hansen called Hinton's cell phone from his cell phone.<sup>lxiii</sup> According to Hinton,<sup>lxiv</sup> Hansen identified himself as Wayne Hansen and said he had been in Ecuador to look for water and sewage contracts.

Hansen said he had been in the courthouse in the Ecuadorian town of Lago Agrio (where the trial is being held) and, while there, he "accidentally" picked up a folder with the name of the presiding judge of the trial (Juan Nuñez) on it. He told Hinton he didn't realize he had this folder until he returned to the U.S. Hansen told Hinton that, once back in the U.S., he opened the folder and saw that it contained a press release with Hinton's name, email and phone number on it. He said he was calling her to see if she knew how he could return the folder to the judge. She told him she didn't have that information, but suggested that he simply call the courthouse to get the address. Hinton now believes that Hansen was trying to entrap her into providing information that would suggest some sort of improper relationship with the judge on the part of the plaintiffs – a charge that Chevron made, albeit totally unsubstantiated, when it released the videos on August 31. (In fact, Hinton has

never met the judge and says that at the time of the call she thought Hansen's request was bizarre. After Chevron released the videos, she remembered that Hansen had called her.)

Regardless of Hansen's intent in calling Hinton, Hansen either lied that he had a folder belonging to the judge, or, he was in possession of confidential information that he should have returned to the judge immediately, without reviewing its contents. It is also possible that Hansen stole the folder from the Lago Agrio courthouse, which would give rise to potential criminal liability.

## End Notes

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- i. Chevron has alleged that the tapes prove that three parties – the trial Judge (Nuñez), the President of Ecuador or a member of his family, and the plaintiffs – were all involved in a bribery scheme related to an environmental remediation contract that would be awarded if Chevron lost the lawsuit alleging environmental damage. All three parties cited by Chevron denied any involvement in any such scheme. Chevron has not presented any evidence to substantiate this claim, other than hearsay statements made on the tapes themselves. In addition, the key witnesses who are in position to answer questions (Hansen and Diego Borja, the other man who allegedly taped the officials) are unavailable, given that they are both represented by counsel (criminal defense attorneys whose fees Chevron has suggested it may be paying).
- ii. There are discrepancies and inconsistencies in Chevron's initial account of the videos that have been documented publicly by journalists, and that indicate the company was overreaching: **(1) Chevron's allegation that the judge said he had already decided to rule against Chevron is either unclear or the product of an editing manipulation.** See *Under Pressure, Ecuadorean Judge Steps Aside in Suit Against Chevron*, N.Y. Times, Sept. 4, 2009, p. A8 (reporting that Chevron tapes are unclear as to whether the judge was involved in a bribery scheme or was aware of any attempt to bribe him); *Chevron steps up Ecuador legal fight*, Financial Times, Sept. 1, 2009 (reporting that Chevron videos raise questions about whether judge understood what he was being asked during the taped meetings); *Chevron's legal fireworks*, Los Angeles Times, September 5, 2009, at A26 (editorial stating Chevron's claims about the judge are unclear from the videos, and asking Ecuador government to investigate possible misconduct by Chevron); *Ecuador Oil Pollution Case Only Grows Murkier*, N.Y. Times, Oct. 9, 2009, at A4 (reporting that it is unclear from Chevron videos whether any bribes paid, or whether judge was aware of any attempt to bribe him); Jeanneth Valdivieso, *Judge Recuses Himself From Multibillion-Dollar Chevron Case*, The Associated Press, Sept. 8, 2009 at <http://www.law.com/jsp/article.jsp?id=1202433634113&rss=newswire/feed> (quoting judge saying Chevron manipulated editing of videos to make it appear he said he would rule against the company, when in fact he never made such a statement). **(2) Chevron's initial claim that**

**videotapes of the four meetings were made without the company's knowledge appears to be false.** See *Ecuador Judge Asserts Videos Manipulated; Chevron Backs Them*, Dow Jones Newswires, Sept. 1, 2009, available at <http://online.wsj.com/article/BT-CO-20090901-715741.html> (reporting that Chevron knew of the recording operation when the last of the four videos was shot); *Ecuador Oil Pollution Case Only Grows Murkier*, N.Y. Times, Oct. 9, 2009, at A4 (reporting that Chevron admitted it received tapes of the first three meetings before the fourth meeting); Letter from Thomas F. Cullen, Jr., Jones Day, to Dr. Diego Garcia Carrion, Solicitor General of the Republic of Ecuador (Oct. 26, 2009), available at <http://www.chevron.com/ecuador/background/judicialmisconduct>. **(3) Chevron's claim that the judge said that any appeal would be a formality is untrue and resulted from an inaccurate translation provided by Chevron.** See *Ecuador will conduct a fair, impartial trial*, Miami Herald, Sept. 16, 2009 (letter to editor by Ecuador's Solicitor General pointing out that the correct translation of judge's statement on tapes is that "formalisms must be observed" on appeal rather than that any appeal was a mere "formality" as Chevron had claimed in earlier press release); **(4) Chevron's claim it had no relationship to Hansen is raised into question by the admission by Chevron that the company has offered to pay for the legal fees of Mary McNamara, a prominent criminal defense lawyer, to represent Hansen in connection with the bribery scandal.** See Letter from Thomas F. Cullen, Jr., Jones Day, to Dr. Diego Garcia Carrion, Solicitor General of the Republic of Ecuador (Oct. 26, 2009), available at <http://www.chevron.com/ecuador/background/judicialmisconduct/> (admitting Chevron has offered to pay Hansen's attorney's fees); *Men Behind Alleged Ecuador Bribery Videos Lawyer Up*, The American Lawyer, Sept. 17, 2009 at <http://www.law.com/jsp/law/international/LawArticleIntl.jsp?id=1202433855735> (quoting Chevron spokesman Kent Robertson saying Chevron would "consider" paying legal fees of Borja and Hansen given that they gave the company the videotapes). **(5) Chevron never fully disclosed the extent of its relationship to Borja, who worked for Chevron during the underlying environmental trial and who has an office in the same office building in Ecuador where Chevron's local trial lawyers work.** See Karen Gullo and Stephan Kueffner, *Chevron Accuses Ecuadorean Judge of Bribery Scheme*, Bloomberg, Sept. 1, 2009, at <http://www.bloomberg.com/apps/news?pid=20601086&sid=astsoaCI9UEA> (reporting that Borja worked for Chevron during trial in field inspections). **(6) Chevron's claim that Patricio Garcia, the central figure in the bribery scandal, is a high-level official of Ecuador's ruling party is misleading. Garcia is actually a car salesman and not listed on the party's registrar of more than 350,000 people.** See Adriana Brasileiro and Karen Gullo, *Ecuadorean Car Salesman Denies Seeking Bribe in Chevron Case*, Bloomberg, Oct. 1, 2009 at <http://www.bloomberg.com/apps/news?pid=20601072&sid=aXpzXWOjCHAY>.

iii. See *Chevron Alleges Bribery in Ecuador Suit, Oil Firm Releases Videos of Judge, Official on Web*, Washington Post, Sept. 1, 2009 (reporting that Chevron did not solicit the information and

that the men recorded the meetings without Chevron's knowledge and without remuneration"); *Ecuadorean Car Salesman Denies Seeking Bribes in Chevron Case*, Bloomberg, Oct. 1, 2009 (quoting Borja attorney, Cris Arguedas, claiming that Borja "came forward on his own to expose corruption").

iv. This figure considers an estimated average price of \$1000 per pound of marijuana. According to the DEA fact sheet, "prices for commercial-grade marijuana have remained relatively stable over the past decade, ranging from approximately \$400 to \$1,000 per pound in U.S. Southwest border areas to between \$700 to \$2000 per pound in the Midwest and northeastern United States." See [http://www.usdoj.gov/dea/pubs/state\\_factsheets.html](http://www.usdoj.gov/dea/pubs/state_factsheets.html).

v. See **Annex A**, Judgment and Probation/Commitment Order, U.S. District Court, Southern District of Texas, Case No. CR-86-440.

vi. The first meeting allegedly took place on May 11, 2009 at the offices of Alianza PAIS and involved the following individuals: Diego Borja, Patricio Garcia, Aulo Gelio Avila, Pablo Almeida, and Ruben Miranda. It turns out the house was actually owned by Garcia and was not an office of the political party.

vii. Hansen left Ecuador on June 16, 2009. According to Chevron, the final videotaped meeting took place on June 22, 2009.

viii. See **Annex B**, Hansen's entry and exit records, obtained from the immigration agency of the National Police of Ecuador.

ix. See references to interviews with Penelope Campbell, Kumja Dutcher, Marvin Rohlfing, Linda Hardy, Ken Allen, and Terry Wolfe, contained herein.

x. In 2008, Hansen was charged with a misdemeanor for failure to obtain the required construction permits on s house in Bakersfield, CA. See **Annex C**, Kern County Superior Court Case number BM730980A.

xi. Lillian Hansen lives in a condominium which she has owned since 2005. The address of this condominium is 360 South Euclid Ave #320, Pasadena, CA.

xii. Hansen's high school name and year of graduation was reported to us by his first wife, Penelope Campbell.

xiii. See **Annex D**, an informational copy of Hansen's military discharge documents obtained from the Kern County Recorder's Office. According to those documents, Hansen entered service on January 13, 1967, and was released early on January 19, 1970 for school.

xiv. Campbell, age 60, currently lives in Oak Park, California. We interviewed her by telephone on September 30, 2009.

xv See **Annex E**, Letter of Authorization signed by Wayne Hansen.

xvi. Based on what Campbell told us (i.e., that she was unaware he attended any college before or during her marriage to him), we believe he attended college after 1972.

xvii. According to the criminal complaint in CR-86-440, [REDACTED]'s address at the time of his arrest was Carrera 14 #141A26, Bogota, Colombia.

xviii. According to the criminal complaint in CR-86-440, Ochoa-Castonos's address at the time of his arrest was Calle Francisco Imadero #527 PTE, Culicicon, Sinoloa, Mexico.

xix. According to the criminal complaint in CR-86-440, Campina's address at the time of his arrest was 201 B. St., #B, Tustin, CA.

xx. According to the criminal complaint in CR-86-440, Sierra's address at the time of her arrest was 4525 W. 20<sup>th</sup> Ave, #426, Hialiah, Florida.

xxi. See **Annex F**, Financial Affidavit, CR-86-440.

xxii. See **Annex A**, CR-86-440.

xxiii. See **Annex G**, printout of BOP website's Inmate Locator tool results from a search on Wayne Douglas Hansen. Hansen's Federal Registration Number is 31246-079.

xxiv. Under the initial indictment, all five defendants were charged with violations of 21 U.S.C. Sections 963, 952(a) and 960(b)(2). They each faced punishment of up to 15 years imprisonment and/or a fine of up to \$250,000. See **Annex A**, Indictment, CR-86-440.

xxv. [REDACTED] was sentenced to 11 years imprisonment, Enrique Ochoa-Castaños to 10 years imprisonment, Henry Campina to 4 years imprisonment, and Martha Sierra to 2 years, six months imprisonment. See **Annex H**.

xxvi. See **Annex I**, San Bernardino Superior Court - Central, case number SFL 88175. In a declaration contained in that file, Hansen reports that he moved to Bainbridge Island, WA in June 1990.

xxvii. Ken Allen, a neighbor whom we interviewed by telephone on September 27, 2009, was the source of this information.

xxviii. Terry Wolfe, a neighbor whom we interviewed on September 23, 2009, was the source of the information regarding Ms. Hansen's work for PG&E's mapping department.

xxix. According to a document contained in Hansen's 1986 federal criminal file, Hansen had a son named Antony Hansen. In the financial affidavit Hansen filled out at the inception of the case, he listed his family members as his wife, Lillianne, and his son, Antony. At another place in the file, reference is made to Hansen's "nine year old child." See **Annex A, F**. Note, however, that in the dissolution case filed by his wife against him in 1991, his wife's declaration indicates there are no minor children of their marriage. See **Annex J**.

xxx. We found no record of Hansen's contractor's license or this construction business on file with the Washington State government. We did locate a Kitsap County, WA Auditor's document referring to an entity called "Hansen Const," at an address we know was associated with Wayne Douglas Hansen (6522 NE Monte Vista Dr., Bainbridge Island, WA). See **Annex K**, Westlaw printout of Real Property Transaction Record. Note that there is an entity called Hansen Construction on file with the State of Washington, but our research indicates that this company is not associated with Wayne Douglas Hansen.

xxxi. According to Marvin Rohlfig, whom we interviewed on September 23, 2009, Hansen made this claim to Rohlfig in 1998 or 1999, around the time that Rohlfig's wife was consulting with Hansen and his business associates.

xxxii. Ibid.

xxxiii. Ibid. We were able to locate only a "student pilot" certificate on file with the Federal Aviation Administration under Hansen's name. On July 6, 1989, Hansen received his third class medical certificate and a student pilot certificate. This information was obtained from Federal Aviation Administration website, Airmen Certification Inquiry. We also found no history of aircraft ownership in Hansen's name.

xxxiv. Beginning in the mid 1990's, Dutcher and Plonske created a murky web of trusts, such as the Joseph Emerson Trust, through which they apparently bought and sold real estate. See **Annexes L, M**

xxxv. We identified two federal criminal cases filed against Dutcher in the United States District Court for the Central District of California, case numbers are CR 86-1654M and CR-87-275. Both files are currently on order from the National Archives and Records Administration.

xxxvi. See **Annex N**. According to the BOP Locator website, Leslie Dutcher was released from federal custody in 1988, the same year as Hansen. We interviewed Kumja Dutcher in person on

September 24, 2009.

xxxvii. See **Annex O**, Declaration of Kumja Dutcher, Kern County case no. 574243. In Leslie Dutcher's own declaration in that case, Leslie Dutcher acknowledged that he was detained in London in 1985, and that allegations were made about his possession of diamonds. He claimed the allegations of diamond possession were unfounded. It is significant to note that the Dutchers' Kern County family law file contains photocopies of an International Drivers Permit and *Carte D'indentification*, both showing what appear to be photographs of Dutcher, but in each case identifying the subject of the photographs as "Leslie Emerson" (Emerson is his middle name). The signatures on each of these identification cards also appear to bear the name, "Leslie Emerson." See **Annex P**, copies of *Carte D'indentification* and International Driver's Permit.

xxxviii. Dutcher was reported to have an ownership interest in this property. According to his declaration, filed in Kern County Case number 574243, Dutcher and wife were 17% owners of the Rancho Bakersfield Motel. Dana Pankey was an 83% owner. The declaration states that Pankey encumbered the motel so heavily that Dutcher and his wife lost their investment. See also, FBN filings in Kern County on September 16, 1994, by Leslie Emerson Dutcher and Dana Pankey, for FBN's Rancho Bakersfield Motel and Rancho Bakersfield Market. Business addresses for both FBN's: 1700 Golden State, Ave., Bakersfield, CA.

xxxix. See **Annex Q**, LA Weekly article.

xl. According to Kumja Dutcher, Leslie Dutcher set up various trusts in the Bahamas using nominees' names. Documents contained in the Dutcher family law file indicate that at least some of these trusts set up by Dutcher held investments in the Cambridge Investment Fund. When (in 2001) the Dutchers were divorced, these Bahamian holdings were divided up between Dutcher and his (ex-) wife. According to Kumja Dutcher, Leslie Dutcher embezzled from TMMT and Financial Freedom Ministries. Analysis of checking account documents contained in his family law file seems to support her accusation. The documents suggest that, from January 1999 to early 2000, Leslie Dutcher wrote hundreds of thousands of dollars in checks from a Masters Mission Team and Financial Freedom Ministries Wells Fargo bank account to himself, his family, and to accounts of other individuals. See **Annex R**, checking account documents, Kern County Case number 574243. Non-family recipients of large (greater than a thousand dollar) checks included Dana Pankey, William J. Plonske, and others. He also used the TMMT and Financial Freedom Ministry account to pay off various credit card debts. Yet, in 2001, despite taking in these large sums of money, Dutcher declared bankruptcy. Fresno Bankruptcy Case No. 01-18494. It appears that Dutcher was placing at least some of the funds of the "investors" in TMMT with a shady, fraudulent off-shore financial fund called the Cambridge Global Group. See **Annex S**, letter written by Leslie Dutcher to Cambridge Global Group, referencing The Masters Mission Team trusts established on behalf of The Masters Mission Team clients. Contained in Kern County Case number 574243. The Cambridge

Global Group has since become the subject of a US District Court consent order of permanent injunction, monetary judgement and other equitable relief due to, among other things, misrepresentations.

xli. Marvin Rohlfig made this observation in an interview with us on September 23, 2009. Hansen listed the Rancho Bakersfield Motel's address (1670 Golden State Ave.) as his address as early as 1993.

xlii. The information regarding Advanced Distribution Systems, Kern County fictitious business name number 9304074, filed November 30, 1993, was obtained from a proprietary data source (Merldata). The business address was listed as 1670 Golden State Highway (sic), Bakersfield 93301. Hansen and Dutcher listed their addresses as 1670 and 1700 Golden State Highway (sic), respectively. Note that 1670 and 1700 Golden State Highway were part of the same large plot of land on which the Rancho Bakersfield Motel and its outbuildings were located. Note also that this fictitious business name statement is no longer on file with the Kern County Clerk, having been destroyed pursuant to the Clerk's purging policy. To date, we have been unable to gather any information regarding the nature of this business. ADS was never organized as a corporation or limited partnership in California.

xliii. This fictitious business statement, number 400881, was filed in Kern County. The business address was listed as 3200 H St., Bakersfield, CA 93301. Business owners were listed as Leslie Emerson Dutcher, Wayne D. Hansen (both at 1700 Golden State Ave., Bakersfield, CA and 3200 H St., Bakersfield, CA 93301), and William J. Plonske (at 3200 H St., Bakersfield, CA 93301 and 828 W Broadway, Moses Lake, WA 98837). FBN 9400881. Note that this fictitious business name statement is no longer on file with the Kern County Clerk, having been destroyed pursuant to the Clerk's purging policy. We have not yet found reference to any public records pertaining to this company (other than the fictitious business name filing and a civil lawsuit, referenced below).

xliv. This home was located at 2025 Nute St., Bakersfield, CA.

xlvi. See **Annex T**, Register of Actions and other documents from Marvin L. Rohlfig v Wayne Hansen, Kern County Case number CIV 146994.

xlvii. Ibid. Default judgment was entered for plaintiffs for a total of \$9434.13, and defendants were served with a notice to surrender. Subsequently, Lilianne Hansen's wages were garnished (Wayne Hansen had claimed no income).

xlviii. See Commercial Trade Bureau of CA v. Rancho Senior Living, S-1500-CL-147309. Commercial Trade Bureau of California is a commercial collections company. Defendants included Wayne D. Hansen, Lilianne Louise Brin Hansen, Kumja Dutcher, Leslie Emerson Dutcher and

William J. Plonske, as individuals. Note: the court file in this case is empty (contains no documents, just the folder).

xlvi. E.g., On July 7, 1998, Wayne D. Hansen and Lilianne Louise Brin Hansen purchased a condominium at 1315 Capricorn Ct., Bakersfield, CA 93309. Then, on July 13, 1998, Hansen signed an interspousal transfer grant deed, terminating his interest in the 1315 Capricorn Ct. condominium transferring all to Lilianne Louise Brin Hansen. See **Annex U**, Interspousal Transfer Grant Deed.

xlix. Marvin Rohlfing was the source of this information.

l. See **Annex V**, DMV registration.

li. Niles Drugstore, 1405 Niles Rd., Bakersfield. Michael Lee is the owner, and presumably, the friend to whom Kumja Dutcher was referring (she declined to confirm the owner's identity).

lii. Ken Allen, a neighbor of Hansen, referred to an October 2006 notice to Hansen to have his home on 6100 Landfair Drive, Bakersfield, CA 93309 restored or barricaded. Allen indicated that two weeks later, PGE shut off power to the Hansen residence, but Hansen installed a generator.

liii. The case against Wayne Hansen alleged a violation of Uniform Building Code 106.1 - Permit required for construction, etc of building/structure. See **Annex C**, Kern County Superior Court Case number BM730980A.

liv. See **Annex W**, Dangerous Building Notice Certificate.

lv. This, according to neighbor Ken Allen, interviewed on September 27, 2009. Terry Wolfe, the man whose property abuts the Hansen residence on Landfair Drive, reported that he was aware that Hansen lied to the City in claiming that a wall he installed was pre-existing. Another neighbor of Hansen's, Ken Allen, had photographs of Hansen's home that were taken before Hansen bought the property. According to Wolfe, these photographs prove that no such wall existed prior to the Hansen's purchase of the property (and therefore it was not pre-existing).

lvi. See **Annex X**, March 27, 2008 Notice of Lien for Assessment for Abatement of Weed and Waste matter, 6100 Landfair Drive, Bakersfield, CA 93309. Amount of lien: \$1775.

lvii. See **Annex Y**, Complaint, Declaration, and Judgment documents from Kresse Armour v. Wayne Hansen, S-1500-CS-172467. The Animal Control case number, filed with the City of Bakersfield Police Department, was 05-82942.

lviii. We interviewed Armour by telephone on October 1, 2009.

lix. See **Annex Y**, Kresse Armour declaration, Kern county case number S-1500-CS-172467.

lx. These records were obtained through the Office of Transparency in Ecuador.

lxi. See **Annex B**, Immigration records documenting a 3 day trip from September 27 to September 29, US-Ecuador-US, by air. And, a trip of unknown duration (no information regarding his entry into Ecuador, but he departed Ecuador on August 6, on which date he left on a flight to Panama from the city of Guayaquil, Ecuador.

lxii. See **Annex B**, documenting the following trips by Hansen to Ecuador: (1) 9/28/07, arrived Quito from US via Lacs flight 661, 10/10/07, departed to Peru by air; (2) 9/6/07, arrived from US via air, 9/20/07, left by land to Rumichaca, Colombia; (3) 4/12/07, arrived from Colombia to Quito, 4/18/07, left Quito for US via Continental flight 654; (4) 4/8/07, arrived Quito from Colombia, via Icaro flight 233, 4/11/07, left from Quito to go to US via air; (5) 3/7/07, arrived from US, via American 931, 4/2/07, left Quito for Colombia, via Icaro 232 (6) 1/10/07, arrived in Quito from USA via Continental 653, 1/17/007, left Quito.

lxiii. See **Annex Z**, redacted page from Hinton's cell phone records indicating a six-minute incoming call from this number on July 14, 2009.

lxiv. We interviewed Hinton on October 17, 2009.

## TABLE OF ANNEXES<sup>1</sup>

- Annex A:** Judgment and Probation/Commitment Order, U.S. District Court, Southern District of Texas, Case No. CR-86-440.
- Annex B:** Wayne Hansen's entry and exit records, Immigration Agency of the National Police of Ecuador.
- Annex C:** Misdemeanor Charge for Construction Permits, Kern County Superior Court Case number BM730980A.
- Annex D:** Wayne Hansen's military discharge documents, Kern County Recorder's Office.
- Annex E:** Letter of Authorization signed by Wayne Hansen.
- Annex F:** Financial Affidavit, CR-86-440.
- Annex G:** Inmate Locator information, Wayne Hansen, Federal Registration Number 31246-079.
- Annex H:** Sentencing Orders for [REDACTED], Enrique Ochoa-Castaños, Henry Campina and Martha Sierra.
- Annex I:** San Bernardino Superior Court - Central, case number SFL 88175.
- Annex J:** Petition for Dissolution of Marriage.
- Annex K:** Real Property Transaction Record, Westlaw.
- Annex L:** Deed of Trust with Assignment of Rent as Additional Security, Dutcher/Plonske.
- Annex M:** Bank Statements, Wells Fargo, Leslie Dutcher.
- Annex N:** Inmate Locator Information, Leslie Dutcher.
- Annex O:** Declaration of Kumja Dutcher, Kern County case no. 574243.
- Annex P:** Copies of *Carte D'indentification* and International Driver's Permit, Leslie "Emerson".
- Annex Q:** LA Weekly article.
- Annex R:** Checking Account Documents, Kern County Case number 574243.

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<sup>1</sup> To review omitted annexes, contact: Karen Hinton at 703-757-0601 or Karen@hintoncommunications.com

- Annex S:** Letter from Leslie Dutcher to Cambridge Global Group, referencing The Masters Mission Team trusts established on behalf of The Masters Mission Team clients, Kern County Case number 574243.
- Annex T:** Register of Actions and other documents from Marvin L. Rohlfig v. Wayne Hansen, Kern County Case number CIV 146994.
- Annex U:** Interspousal Transfer Grant Deed.
- Annex V:** DMV Registration.
- Annex W:** Dangerous Building Notice Certificate.
- Annex X:** Notice of Lien for Assessment for Abatement of Weed and Waste Matter, 6100 Landfair Drive, Bakersfield, CA 93309.
- Annex Y:** Complaint, Declaration, and Judgment documents from Kresse Armour v. Wayne Hansen, S-1500-CS-172467, Case Number 05-82942; Kresse Armour declaration, Kern county case number S-1500-CS-172467.
- Annex Z:** Cell Phone Record, Karen Hinton, July 14, 2009.