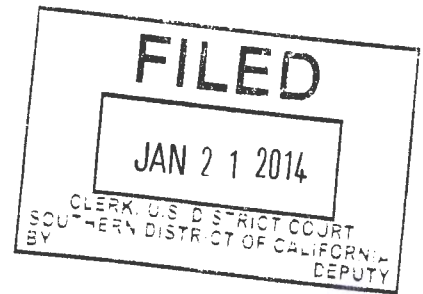


COPY

SEALED



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

14 MJ 0201

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAVNEET SINGH (1),
ELECTIONMALL, INC. (2),
ERNESTO ENCINAS (3),
Defendants.

Case No.:

COMPLAINT

Title 18, U.S.C., Sec.
371 - Conspiracy to
Commit Offenses Against
the United States

The undersigned complainant, being duly sworn, states:

Beginning in or about a date unknown, but no later than
2011, and continuing through in or about December 2013, in
the Southern District of California and elsewhere,
Defendants RAVNEET SINGH, ELECTIONMALL, INC., and ERNESTO
ENCINAS conspired together and with others to:

(1) Knowingly and willfully make foreign national
contributions and expenditures, aggregating \$25,000

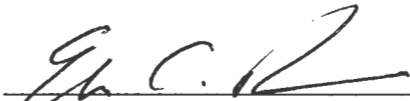
1 and more during a calendar year in violation of
2 Title 2, United States Code, Sections
3 437g(d)(1)(A)(i) and 441e;

4
5 (2) Knowingly and willfully make contributions to a
6 candidate for federal office in the names of other
7 persons, aggregating \$25,000 and more during a
8 calendar year in violation of Title 2, United
9 States Code, Sections 437g(d)(1)(A)(i) and 441f;
10 and
11

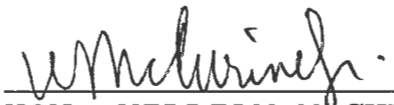
12 (3) to falsify a record in a matter within the
13 jurisdiction of the Federal Bureau of Investigation
14 in violation of Title 18, United States Code,
15 Section 1519;
16

17 all in violation of Title 18, United States Code, Section
18 371.
19
20
21
22
23
24
25
26
27
28

1 And the complainant further states that the foregoing is
2 based on the attached statement of facts, which is
3 incorporated herein by reference.

4
5 
ERIN C. PHAN
6 Special Agent, FBI

7
8 SWORN TO ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF
9 January, 2014.

10
11 
12 HON. WILLIAM MCCURINE, JR.
13 U.S. MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATEMENT OF PROBABLE CAUSE

Individuals Involved

According to witness statements, reports and open source records, a person hereinafter referred to as "the Foreign National" is a wealthy businessman with residences in California. Immigration records indicate that the Foreign National is a citizen of Mexico, and not a citizen of the United States. Nor has the Foreign National ever applied for, or obtained, legal permanent resident status in the United States. As a consequence, the Foreign National is a "foreign national" for the purposes of Title 2 of the United States Code. As a foreign national, the Foreign National cannot lawfully make donations, contributions or expenditures, directly or indirectly, in connection with any local, state or federal election.

Public and open source records show that RAVNEET SINGH ("SINGH") is the President, Chief Executive Officer and founder of ElectionMall, Inc. ("ELECTIONMALL"). According to its website, ELECTIONMALL specializes in providing social media services to political campaigns throughout the world. SINGH, who styles himself the "campaign guru," works principally out of offices in Washington, D.C., and has

1 helped the Foreign National make campaign contributions to
2 candidates for elective office in San Diego.

3 According to witnesses and open source records, ERNESTO
4 ENCINAS ("ENCINAS") is a retired San Diego Police Department
5 ("SDPD") detective and the owner of a private security and
6 consulting business. ENCINAS also oversees the Foreign
7 National's protection detail - and has helped the Foreign
8 National make contributions to, and seek favors from,
9 candidates and office holders in San Diego.

12 According to witnesses and open source records, a person
13 hereinafter referred to as "the Straw Donor" is the owner of
14 a California company. The Straw Donor is a friend of the
15 Foreign National, and has assisted the Foreign National in
16 making campaign contributions to candidates for elective
17 office in San Diego.

20 ENCINAS and the Foreign National Learn of the Prohibition
21 against Foreign National Contributions

23 Witnesses indicate that in or about 2011, the Foreign
24 National became interested in influencing San Diego
25 electoral politics. On the Foreign National's behalf,
26 ENCINAS inquired with the representative of certain
27 political campaigns, who informed him that foreign nationals

1 cannot donate to political campaigns in the United States.
2 ENCINAS reported this to the Foreign National.

3 Illegal Campaign Expenditures: Candidate 1

4 In or about May 2012, the Foreign National and ENCINAS
5 agreed to create, and did cause to be created, an
6 independent expenditure committee. Sometimes called a
7 "PAC," "SuperPAC" or "IE," such a committee can be used to
8 pay for certain types of political advertising.
9

10 Public records show that ENCINAS invested \$3,000 in this
11 committee, and the Foreign National invested a total of
12 \$100,000. However, the Foreign National did not directly
13 fund the committee, but instead funneled his \$100,000
14 through a United States-based shell corporation. The
15 consequence of this, as ENCINAS and others knew, was that
16 the Foreign National would not be identified on the
17 committee's public filings. In this way, the Foreign
18 National, ENCINAS and others could facilitate a series of
19 illegal expenditures by a foreign national while impeding
20 any investigation into the true source of those funds.
21

22 Ultimately, this committee made approximately \$114,000
23 in expenditures in favor of Candidate 1, a candidate for the
24 office of mayor of San Diego during the 2012 primary
25

1 election cycle. For example, according to public filings,
2 between May 20 and 31, 2012, the committee spent
3 approximately \$86,000 on mailers and related services. As a
4 result of these actions, the committee failed to disclose in
5 public filings that the Foreign National was its major
6 source of financing.
7

8 According to email records, in or about February 2012,
9 the Foreign National agreed to pay SINGH and ELECTIONMALL
10 approximately \$100,000 for social media services that would
11 help Candidate 1 - over and above the cash he had already
12 contributed to the independent expenditure committee.
13 According to invoices obtained from the Foreign National's
14 email account, the Foreign National specifically agreed to
15 purchase from SINGH and ELECTIONMALL display ads, banner
16 ads, text ads and key ad word placements from Google, Inc.
17 According to email and bank records, the Foreign National
18 funded these campaign-related purchases by directing wire
19 transfers from a Mexico-based company to ELECTIONMALL's bank
20 account. As agreed between SINGH, ENCINAS and others, at no
21 time did any entity report this campaign-related spending in
22 a public filing. As a consequence, SINGH, ENCINAS and
23 others successfully concealed the fact that the Foreign
24
25
26
27
28

1 National was the source of this significant, and illegal,
2 campaign financing.

3 After the Foreign National used the PAC to make illegal
4 expenditures in favor of Candidate 1, a local news source
5 published an article noting the Foreign National's large
6 expenditures and implicitly questioning whether he was
7 eligible to donate. The article noted that the Foreign
8 National was a Mexican citizen, and quoted a political
9 consultant stating, incorrectly, that the Foreign National
10 had a "green card."
11
12
13

14 Illegal Campaign Contributions: Candidate 2

15 Witnesses further indicate that in or about September
16 2012, at the Foreign National's behest, ENCINAS approached a
17 representative of Candidate 2, who was a candidate for
18 federal elective office during the 2012 general election
19 cycle. ENCINAS offered to arrange campaign financing in
20 connection with Candidate 2's campaign, but was informed
21 that the Foreign National would have to show proof of a
22 "green card" before he could legally contribute, and that he
23 could not donate through a corporation. Knowing that the
24 Foreign National did not have legal permanent resident
25 status, and thus lacked a "green card," ENCINAS helped the
26
27
28

1 Foreign National contribute in the Straw Donor's name
2 instead.

3 Shortly thereafter, bank records show that in or about
4 September and October 2012, the Foreign National gave money
5 to the Straw Donor, including through a \$380,000 check dated
6 October 2, 2012. The Straw Donor deposited this check into
7 a bank account associated with one of his corporations, and
8 then proceeded to divide the Foreign National's money among
9 other bank accounts that he (the Straw Donor) controlled.
10 While the various checks cleared, the Straw Donor wrote a
11 \$30,000 check to a political party committee associated with
12 Candidate 2's campaign. In doing so, ENCINAS and others -
13 in conjunction with the Straw Donor and the Foreign National
14 - illegally facilitated a conduit contribution in connection
15 with a federal campaign. In addition, they furnished
16 illegal campaign financing while hiding the fact that the
17 Foreign National was the true source of the funds.

23 Illegal Contributions and Expenditures: Candidate 3

24 In or about October 2012, SINGH, ENCINAS and others
25 approached a representative of Candidate 3, who was a
26 candidate for the office of mayor of San Diego in the 2012
27 general election cycle. Together, SINGH, ENCINAS and others
28

1 proposed to this representative (herein referred to as
2 Confidential Informant #1 ("CI-1")) that they could arrange
3 for certain social media spending on behalf of Candidate 3's
4 campaign. CI-1 asked for a price quote for this social
5 media spending, but SINGH and ENCINAS demurred, telling
6 him/her the expenses would be "taken care of." CI-1 then
7 agreed to this spending, even though s/he knew it would not
8 be reported on any public filings, in contravention of the
9 law. (Since that time, CI-1 has spoken to agents about this
10 incident after requesting, and receiving, an informal grant
11 of immunity.)
12
13
14

15 During approximately the same period that this
16 conversation between SINGH, ENCINAS and CI-1 took place, in
17 or about October 2012, bank records reveal that the Foreign
18 National's Mexico-based company transmitted a total of
19 approximately \$190,000 to ELECTIONMALL. Despite this, the
20 Foreign National and his coconspirators never provided an
21 invoice or other statement of costs to Candidate 3's
22 campaign. In addition, at no time did any entity report
23 this campaign-related spending in a public filing. In this
24 way, SINGH, ELECTIONMALL, ENCINAS and others facilitated
25 illegal in-kind contributions by a foreign national to
26
27
28

1 Candidate 3's campaign while impeding any investigation into
2 the true source of the funds.

3 Meanwhile, according to bank records, also in or about
4 October 2012, using money that the Foreign National had
5 given him, the Straw Donor wrote a \$120,000 check from one
6 of his corporation's bank accounts to an independent
7 expenditure committee that favored Candidate 3. Shortly
8 thereafter, a representative of the independent expenditure
9 committee emailed ENCINAS and another person to thank them
10 for the check. Around the same time, using money that the
11 Foreign National had given him, the Straw Donor wrote yet
12 another \$30,000 check from one of his corporation's bank
13 accounts, this time to a political party committee
14 associated with Candidate 3's campaign.

19 Proposed Illegal Campaign Financing: Candidate 4

20 According to an intercepted telephone call, on or about
21 August 1, 2013, ENCINAS called CI-1 on his/her cell phone
22 and asked whether Candidate 4 would consider running for the
23 office of mayor of San Diego in the event that the then-
24 Mayor of San Diego resigned or was recalled from office. In
25 addition, ENCINAS asked whether Candidate 4 might be
26 interested in "foreign investment" to his campaign. CI-1,
27
28

1 who had not yet been contacted by the FBI and was not yet a
2 confidential informant, replied that campaign financing for
3 Candidate 4 "has got to be clean, you know," further
4 elaborating that "shit still hasn't come out from the last
5 election, whether it's clean or not . . . and ethics probes
6 . . . and the FPPC violations and everything, so . . .
7 [Candidate 4]'s going to be squeaky clean."
8
9

10 Eventually, the Mayor of San Diego resigned his office,
11 triggering a special election to replace him. Shortly
12 thereafter, Candidate 4 became a candidate for the office of
13 mayor in the 2013 special election cycle.
14

15 On or about August 28, 2013, CI-1 met ENCINAS and
16 another person at a downtown hotel to discuss how the
17 Foreign National might help finance Candidate 4's mayoral
18 campaign. This meeting was the product of a ruse, and
19 Candidate 4 had no knowledge of it taking place. During the
20 meeting - which was audio- and video-recorded - CI-1 asked
21 ENCINAS to confirm that the Foreign National was Mexican,
22 which he and his associate did. CI-1 then asked how SINGH
23 received payment for his services to Candidate 3. Laughing,
24 ENCINAS said "I think a third party."
25
26
27
28

//

1 On or about September 10, 2013, CI-1 and ENCINAS met at
2 a coffee shop to continue to discuss financing for Candidate
3 4's mayoral campaign. This meeting was also the product of
4 a ruse, and Candidate 4 had no knowledge of it taking place.
5 During their discussion, which was audio- and video-
6 recorded, ENCINAS explained that - just as he had done in
7 the past - he could create a series of companies or
8 committees for the purpose of hiding the ultimate source of
9 the campaign financing. According to ENCINAS, this would
10 create "walls" between the Foreign National and Candidate 4,
11 thus "layer[ing] out" the entities through which money was
12 "funneled" so that "it can be hidden away pretty good."
13

14 On or about September 18, 2013, ENCINAS contacted a
15 person involved in campaign finance (hereinafter referred to
16 as "CI-2"), and asked to meet with him/her. That same day,
17 ENCINAS and CI-2 met at a coffee shop. During the meeting,
18 which was audio- and video-recorded, CI-2 informed ENCINAS
19 that the Foreign National could not give to Candidate 1 in
20 the future because the Foreign National did not have a green
21 card. Acting at my direction, CI-2 then asked whether
22 ENCINAS could think of a way for the Foreign National to
23 contribute that was "not sort of traceable." ENCINAS
24
25
26
27
28

1 replied, in substance, that the Foreign National could
2 funnel money through the Straw Donor.

3 ENCINAS's Request to Fire the Chief of Police
4 and Choose his Replacement
5

6 Immediately after meeting with CI-2, on September 18,
7 2013, ENCINAS met with CI-1. During this meeting, ENCINAS
8 and CI-1 continued to discuss how ENCINAS could facilitate
9 campaign financing for Candidate 4 while concealing the
10 funds' true source. In addition, ENCINAS related that he
11 wanted the next mayor to fire the Chief of Police and
12 replace him with a person of ENCINAS's choosing. ENCINAS
13 further stated that this was the one "guarantee" he sought
14 from Candidate 4 in exchange for the Foreign National's
15 campaign money.
16
17
18

19 FBI Jurisdiction and Investigation
20

21 It is a matter within the jurisdiction of the Federal
22 Bureau of Investigation ("FBI") to investigate potential
23 illegal campaign donations, contributions and expenditures
24 at the federal, state and local level. It is also a matter
25 within the jurisdiction of the FBI to investigate the
26 potential influence of foreign money in American elections,
27 including the donations, contributions and expenditures of
28

1 foreign nationals. It is furthermore a matter within the
2 jurisdiction of the FBI to investigate bribery of public
3 officials, including bribery schemes characterized as the
4 deprivation of honest services.
5

6 Presently, the FBI is investigating the Foreign
7 National, SINGH, ELECTIONMALL, ENCINAS, the Straw Donor and
8 others with respect to, among other things, possible illegal
9 campaign contributions and expenditures, as well as
10 potential conspiracies to deprive the public of honest
11 services through the improper influence of San Diego City
12 officials.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28