

EXHIBIT A

Affidavit of Special Agent Gary Brown

I, the affiant, Supervisory Special Agent Gary Brown of the Federal Bureau of Investigation, being duly sworn, deposes and says as follows:

- 1) I am a Supervisory Special Agent (SSA) with the Federal Bureau of Investigation (FBI). Before becoming a Supervisory Special Agent on June 30, 2011, I served as a Special Agent (SA) since 2004.
- 2) From October 2004 to until July 2011, I was assigned to the FBI's Honolulu Division in Honolulu, Hawaii, before being transferred to FBI Headquarters on or about July 3, 2011.
- 3) As an FBI Special Agent, my duties include investigating violations of federal criminal law, including, but not limited to the following: Conspiracy, in violation of Title 18, United States Code, Section 371; Visa Fraud, in violation of Title 18, United States Code, Section 1546; Forced Labor, in violation of Title 18, United States Code, Section 1589; Document Servitude, in violation of Title 18, United States Code, Section 1592; Obstruction of Justice, in violation of Title 18, United States Code, Section 1512; and Alien Harboring in violation of Title 8, United States Code, Section 1324.
- 4) During my career, I have conducted and participated in numerous federal criminal investigations involving civil rights, human trafficking, and related offenses, including but not limited to violations of the statutes listed above.

- 5) From November 2008 through June 30, 2011, I was assigned to serve as lead case agent in an investigation into reports of exploitation of Thai agricultural workers, including workers who were employed at Aloun Farms, Inc. in Kapolei, Hawaii. The investigation arose from reports of the exploitation of multiple Thai workers recruited to enter the United States on temporary non-immigrant visas, and then being exploited for agricultural labor in the United States by defendants Alec Souphone Sou and Mike Mankone Sou and others associated with the Sous.
- 6) I served as lead case agent on the investigation into the recruitment and treatment of Thai agricultural workers from in or about November 2008 until my transfer to FBI headquarters in July 2011.
- 7) On August 27, 2009, a federal grand jury in Honolulu, Hawaii returned a three-count Indictment charging defendants Alec Souphone Sou, Mike Mankone Sou, William Khoo, and additional co-conspirators with conspiring to commit forced labor and visa fraud, and also charging defendants Alec Souphone Sou and Mike Mankone Sou and additional co-conspirators with conspiracy to commit document servitude, in the case of United States v. Sou et al., Criminal No. 09-00345 (SOM).
- 8) On October 27, 2010, a federal grand jury in Honolulu, Hawaii returned a twelve-count First Superseding Indictment charging Alec Souphone Sou and Mike Mankone Sou and other co-conspirators with conspiracy to commit forced labor, forced labor, document servitude, conspiracy to commit visa fraud, harboring of aliens for financial gain, and obstructing or impeding an official proceeding; and also charging co-conspirator William Khoo with conspiracy to commit forced labor and conspiracy to commit visa fraud in the same case, United States v. Sou et al., Criminal No. 09-00345 (SOM).
- 9) Both the August 27, 2009 Indictment and the October 27, 2010 First Superseding Indictment were based on evidence developed in the course of the investigation into the circumstances surrounding the recruitment and employment of the Thai agricultural workers ("the investigation"). The

investigation included, but was not limited to, extensive interviews with the Thai workers and others knowledgeable about Aloun Farms; surveillance of Aloun Farms property; and document review and analysis of both documents obtained in the course of this investigation, and evidence obtained from earlier investigations by the Bureau of Immigration and Customs Enforcement (ICE) and the Department of Labor (DOL).

- 10) In the course of performing my duties as lead case agent on the investigation, I was assisted by other federal law enforcement agents, including but not limited to Special Agents (SAs) Joseph Fangon, Frank Kalepa, Jeff Felmann, Tricia Whitehill, Valerie Venegas, and Laura Salazar. SA Salazar joined the investigation in September 2010 and assumed the role of lead case agent on June 30, 2011, upon my transfer to FBI Headquarters.
- 11) In the course of the investigation, I, with the assistance of other federal law enforcement agents including but not limited to those federal law enforcement agents identified above, interviewed approximately forty Thai workers, of whom thirty-one were identified as cooperating victim-witnesses (CVWs). Each of these CVWs independently and credibly related accounts of being recruited in Thailand for agricultural jobs in the U.S. and being charged thousands of dollars in recruitment fees, requiring them to incur thousands of dollars in debts secured by their family homes and subsistence lands. The CVWs were from an impoverished, rural region of Thailand, with limited education.
- 12) Multiple CVWs recounted that they incurred these debts on verbal promises of long-term jobs of one to three years' duration, with wages over nine dollars an hour, forty-eight hours per week, and promises that transportation and housing would be provided by the employer free of charge. Multiple CVWs reported that, based on these verbal promises, they determined they would earn enough to pay back the substantial recruitment fees.

- 13) Multiple CVWs consistently related that after paying thousands of dollars of up-front recruitment fees, they were rushed into signing employment contracts with Aloun Farms without being given an opportunity to adequately review or understand them. The CVWs indicated that they signed the Aloun Farms employment contracts, despite not having an opportunity to fully review and understand them, out of fear of forfeiting the fees they had paid.
- 14) Multiple CVWs reported that the Thai recruiting agents who recruited them to Aloun Farms instructed them to lie to Thai and U.S. government officials to conceal the fact that they had paid thousands of dollars in recruitment fees. They reported that they feared losing all or part of the recruitment fees they had already paid, or losing the job opportunity in the United States, if they did not lie and conceal the fees as instructed. Multiple CVWs reported that the Thai recruiting agents required the CVWs to sign documents completed by the recruiters, for presentation to the Thai Department of Labor. In the course of my investigation, I obtained copies of these documents, whose English versions were entitled "Recruitment Agreement for Seekers of Foreign Employment." These "Recruitment Agreements" are separate from the Aloun Farms employment contracts and falsely state that the CVWs only paid 65,000 Thai Baht in fees and expenses.
- 15) Multiple CVWs further recounted that upon arriving in Hawaii, their passports were confiscated either temporarily or for an extended time; they were paid far less than promised; they were housed in overcrowded housing, and later some of them were moved to isolated, substandard housing; and were instructed not to leave the property.
- 16) According to the dozens of Thai CVWs I interviewed, when they complained of insufficient earnings to pay back their debts, the defendants and the defendants' associates responded by stating that the workers would be sent back to Thailand, where the CVWs feared they would have no way to repay their debts and would face financial ruin.

- 17) Several CVWs reported that shortly after they arrived at Aloun Farms, the defendants and the defendants' associates, with the defendants present, informed the workers that the workers would not be paid according to the promises in the Aloun Farms employment contract. A few CVWs reported that they, attempting to speak on behalf of the group of workers, contacted the Thai recruiters who served as the defendants' agents and co-conspirators, and demanded a refund of the recruitment fees. The recruiters responded that the recruitment fees were not refundable and that the recruiters had already paid half the recruitment fees to Aloun Farms, leaving the workers in fear of having no way to repay their debts.
- 18) Based on my training and experience investigating human trafficking offenses, including the offenses of document servitude and forced labor, and on the evidence that the Thai CVWs had been held in service at Aloun Farms through threats of serious harm, including serious financial and reputational harm, and that their documents had been confiscated in the course of and in furtherance of this conduct, I determined that there was ample evidence to establish that the majority of the Thai CVWs I had interviewed met the definition of victims of a severe form of trafficking pursuant to the Trafficking Victims Protection Act of 2000 (TVPA).
- 19) Based on my determination that the majority of the CVWs that I and assisting federal law enforcement agents had interviewed were Victims of a Severe Form of Trafficking (VSFTs) pursuant to the Trafficking Victims Protection Act of 2000, beginning in or about early 2009, I applied to the Department of Homeland Security for Continued Presence Parole to permit the CVWs who met the VSFT definition to lawfully remain in the United States to continue cooperating with the investigation. Beginning in or about July 2009, the Department of Homeland Security began approving the applications for Continued Presence on behalf of the 31 CVWs identified as VSFTs.
- 20) In addition to the evidence provided by the CVWs, I interviewed a cooperating witness, Matee Chowsanitphon. His statements further

corroborated the accounts of the CVWs in significant respects and implicated the defendants and the defendants' co-conspirators in the scheme to enlist recruiters in Thailand, recruit the workers, and then hold the workers in service at Aloun farms, knowing the workers feared they would face insurmountable debts and financial ruin to their families if returned to Thailand. According to the information provided by Chowsanitphon, co-conspirators Alec Sou, William Khoo participated in conversations with Chowsanitphon regarding recruitment fees.

- 21) Matee Chowsanitphon stated that he met with the defendants and a Thai recruiter in Hawaii in or about August 2003, and met with defendant Alec Sou in Thailand in or about October 2003 in preparation for recruiting the Thai CVWs to work at Aloun Farms, and that, on the instructions of defendant Alec Sou, Chowsanitphon confiscated the Thai CVWs' passports to prevent them from running away once they were in Hawaii.
- 22) Matee Chowsantiphon provided information about the meetings and arrangements between Thai recruiting agents and the defendants, consistent with the CVWs' accounts that the Thai recruiting agents were recruiting the CVWs for employment at Aloun Farms, as agents of the defendants and Aloun Farms, and on behalf of the defendants and Aloun Farms.
- 23) During the course of the investigation, including in an interview on July 21, 2009, Matee Chowsanitphon informed investigators that he learned about H-2A visa regulations from internet research, an immigration attorney, and co-conspirator William Khoo, and from these sources he determined that excessive and undisclosed recruitment fees were prohibited based on his understanding of applicable rules and regulations. According to Chowsanitphon's statements during the investigation, he formed this understanding of the regulations pertaining to recruitment fees from research and consultations he conducted before recruiting the Thai workers, and not during the course of the investigation.

- 24) Through further investigation, I obtained documentary evidence including travel records, passports, documents submitted in the course of the H-2A application process, and bank records reflecting the payment of recruitment fees, that corroborated the information provided by Matee Chowsanitphon.
- 25) In the course of my investigation, I also interviewed an Aloun Farms employee who corroborated in part information provided by the CVWs and Chowsanitphon, and reported that the Sou defendants were aware of the recruitment fees the workers had paid. This employee confirmed that he was aware of defendant Alec Sou traveling to Asia to recruit Thai workers through a Thai recruiter. Alec Sou instructed this employee to sign a master employment contract on behalf of Aloun Farms, and this employee was aware that the workers had borrowed money in the course of being recruited to work at Aloun Farms.
- 26) In the course of my investigation, I also obtained evidence and documents from the Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE"), including statements that defendant Alec Sou made to ICE investigators in 2007 and correspondence between him and a Thai recruiter regarding the expiration of the Thai CVWs' visas in February 2005, reflecting his knowledge that the workers' visas had expired in February 2005. The evidence, investigative files, and documents I obtained from ICE included statements of CVWs from a 2005 ICE investigation, which related details of the recruitment scheme, recruitment fees, and terms and conditions of employment that were consistent with information the CVWs had provided in this investigation.
- 27) Information obtained from sources close to Aloun Farms revealed that two of the Thai CVWs whose 2004 visas had expired remained employed at Aloun Farms in 2009, and were paid in cash, in contrast to the payroll practices while the CVWs had valid visas. ICE agents detained the CVWs at Aloun Farms in August 2009, and subsequent record checks revealed they were without legal status.

- 28) In addition, I obtained and reviewed bank records that corroborated the CVWs' accounts of the debts they incurred to pay the up-front recruitment fees, as well as Department of Labor records, Aloun Farms payroll records and business records, employment contracts, immigration documents, and visa application documents, all of which corroborated witnesses in significant respects.
- 29) The CVWs reported that, during the CVWs' employment at Aloun Farms, the CVWs were told by the defendants and the defendants' associates and co-conspirators, in the defendants' presence, words to the effect that the promises on their employment contracts were false and that the contract was just a piece of paper.
- 30) One CVW reported that when he asked defendant Mike Sou to return the CVWs' passports, defendant Mike Sou refused and stated it was company policy to keep them. This CVW asked defendant Mike Sou to return his passport several times. Defendant Mike Sou returned the passport only after this CVW threatened to call the police.
- 31) CVWs reported that, after defendants informed the CVWs that the promised terms of employment would not be honored, the CVWs complained to the defendants about the broken promises and informed the defendants of the CVWs' large debts. CVWs further recounted that, soon thereafter, the defendants often told the workers that if the workers complained or tried to escape they would be found and sent back to Thailand.
- 32) Several CVWs further related that the workers told defendant Mike Sou about their debts and thereafter Mike Sou told workers if they did not obey the rules, or if they complained about low pay or deductions from their pay, they would be sent back to Thailand.
- 33) Several CVWs reported that they remained in the defendants' service at Aloun Farms, despite low pay and poor conditions, fearing that if they

complained or tried to escape, they would be sent back to Thailand to face serious harm, including financial ruin.

- 34) A review of H-2A visa application materials revealed that, in support of their petitions to the U.S. government for visas for the Thai CVWs, the defendants made false and misleading representations regarding the terms and conditions of employment. A review of the materials submitted by the defendants in support of their petitions for H-2A visas, and in the applications for Department of Labor certifications in support of those petitions, revealed that defendants were required to attest that the petition and accompanying documents had revealed "all the material terms and conditions of the job." A review of the terms and conditions of the jobs as represented on forms signed by defendant Mike Sou revealed that the documentation in support of the H-2A visas materially misrepresented the terms and conditions of the jobs for which the visas were sought, in that they represented that the workers would be paid \$9.60 per hour for eight hours a day, six days a week; failed to disclose that the workers were charged recruitment fees and transportation costs; and described temporary and seasonal terms of employment at odds with the promised one- to three-year longer-term jobs.
- 35) On December 22, 2009, defendants Alec Sou and Mike Sou, each represented by counsel, signed plea agreements pleading guilty to conspiracy to commit forced labor in violation of 18 U.S.C. Sections 371 and 1589.
- 36) The plea agreements dated December 22, 2009, signed by the defendants, included factual stipulations and representations that were consistent with the evidence I had developed throughout the investigation, adding further corroboration to the CVWs' statements, the information provided by Matee Chowsanitphon, evidence provided by Aloun Farms employees, and the documentary evidence.
- 37) On January 13, 2010, the defendants appeared in Federal District Court in the District of Hawaii and entered guilty pleas to committing forced labor conspiracy. In the course of entering these guilty pleas, the defendants

attested under oath to the factual admissions and stipulations in support of their pleas of guilty to conspiracy to commit forced labor as set forth in their respective plea agreements.

- 38) The defendants' sworn admissions that were consistent with the other evidence developed throughout the investigation include, but are not limited to the following sworn admissions by defendant Alec Sou:
- a. That defendant Alec Sou authorized an Aloun Farms employee to sign employment contracts on behalf of Aloun Farms promising one to three year terms of employment;
 - b. That defendant Alec Sou traveled to Thailand in 2003 to meet with co-defendant William Khoo and Matee Chowsanitphon about recruiting Thai workers and collecting recruitment fees;
 - c. That defendants knew from co-conspirators and from the Thai workers that the workers had incurred thousands of dollars in debts to pay up-front recruitment fees;
 - d. That the defendants knew the workers expected, based on promises in the recruitment process, that they would be securing long-term employment of one to three years, but that the visas the defendants sought had shorter terms of several months;
 - e. That the defendants knew that the workers' airfare was paid by the workers from their recruitment fees, despite requirements that it be paid by the employer;
 - f. That on or about September 4, 2004, Matee Chowsanitphon took possession of the workers' passports, acting on the direction of defendant Alec Sou;
 - g. That in September 2004, shortly after the workers arrived in Hawaii, the defendants Alec Sou and Mike Sou together with co-conspirator William

Khoo and Matee Chowsanitphon informed the workers that the employment contracts were just a piece of paper;


- h. That defendant Alec Sou knew the workers were prepared to testify that the defendants told the workers the contracts were used to deceive the government;
 - i. That defendants Alec Sou and Mike Sou housed approximately eleven of the Thai workers in unapproved housing consisting of mobile storage containers;
 - j. That between September 4, 2004 and October 31, 2004, some of the Thai workers received little or no net earnings after charges and deductions were taken from their pay; and
 - k. That at times between September 2004 and February 2005, the defendants Alec Sou, Mike Sou, William Khoo, and Matee Chowsanitphon told the Thai workers that the workers would be sent back to Thailand if they were disobedient, failed to follow directions, or tried to leave, knowing of the workers' debts in Thailand and the workers' fear of losing their family homes and land.
- 39) The defendants' sworn admissions that were consistent with the other evidence developed throughout the investigation further include, but are not limited to the following sworn admissions by defendant Mike Sou:
- a. That in or about March 2004 defendant Mike Sou sought H-2A seasonal and temporary worker visas by submitting documentation to the United States Department of Labor;
 - b. That at the time he sought H-2A visas he was aware that applicable regulations required employers to pay costs of housing and airfare;
 - c. That defendant Mike Sou refused Thai workers' requests to return their passports to them;

- d. That defendant Mike Sou, along with co-defendants Alec Sou, William Khoo and Matee Chowsanitphon, informed the workers that their contracts were just a piece of paper;
 - e. That defendants Mike Sou and Alec Sou housed eleven Thai workers in unapproved housing consisting of mobile storage containers;
 - f. That defendant Mike Sou, along with co-defendants Alec Sou, William Khoo, and Matee Chowsanitphon, told the Thai workers that the workers would be sent home to Thailand if they were disobedient, failed to follow directions, or tried to leave, knowing of the workers' debts in Thailand and the workers' fears of losing their family homes and land.
- 40) These admissions made under oath by defendants Mike Sou and Alec Sou were consistent with evidence developed from other sources in the investigation, including statements provided by multiple CVWs, Aloun Farms employees, and Matee Chowsanitphon, further contributing to the evidence of a scheme to hold workers in fear of serious economic harm and to withhold their passports in connection with that scheme.
- 41) In court proceedings following the guilty plea hearings, I viewed a videotape that the Sou defendants presented in court proceedings, and that was admitted into evidence on July 19, 2010 as Joint Defense Exhibit #1000, purporting to depict the living and working conditions of the Thai workers. The defendants offered the videotape into evidence following a hearing at which multiple CVWs addressed the Court and described conditions during their employment at Aloun Farms, including inadequate living conditions and food. The videotape purported to contradict multiple CVWs' accounts during previous court proceedings as to the conditions at Aloun Farms by offering an account of far more favorable conditions for the workers at Aloun Farms.
- 42) The individuals who appeared in the videotape that the defendants presented to the Court as Joint Defense Exhibit #1000 identified themselves as cooks, drivers, and Aloun Farms field workers. These individuals described

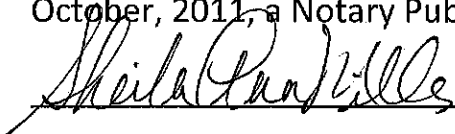
living and working conditions in terms far more beneficial than the conditions the CVWs had consistently described, including in a prior court proceeding.

- 43) Upon further investigation into the production of the videotape, including multiple witness interviews, I verified the identity of the individuals who had appeared in the videotape and the identity of the individuals who had actually cooked for the Thai CVWs. These interviews consistently indicated that the person appearing in the videotape had never cooked for the Thai CVWs, but rather had cooked for different groups of workers of different nationalities. Furthermore, I identified the individuals in the videotape purporting to describe the Thai workers' living conditions and purporting to have served as the Thai workers' primary driver.
- 44) Upon further investigation, including multiple witness interviews, I determined that the individual purporting to describe the living conditions was referencing a different group of Micronesian workers housed under different conditions, and had no knowledge of the Thai workers' housing conditions. Similarly, I determined that the individual purporting to be the driver for the Thai workers had driven them only in a few instances, whereas a different individual was their regular driver. In addition, investigation into the production of the videotape revealed that individuals closely associated with the defendants participated in its production and that it was produced in close physical proximity to the Aloun Farms office.

Gary Brown,
Supervisory Special Agent, Federal Bureau of Investigation



Subscribed and sworn to before me, in my presence, this 6th Day of October, 2011, a Notary Public in and for the District of Columbia.



SHEILA ANN MILLER
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 14, 2015