

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 THE HONORABLE STEPHEN V. WILSON, JUDGE PRESIDING

5
6 UNITED STATES OF AMERICA,)
7)
8 Plaintiff,)
9)
10 vs.) NO. CR 20-579-SVW
11)
12 ARMAN HAYRAPETYAN,)
13)
14 Defendant.)
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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Friday, June 4, 2021, 11:33 A.M.

Change of Plea Hearing

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1 **APPEARANCES:**

2 **FOR THE PLAINTIFF:** TRACY L. WILKISON
3 ACTING UNITED STATES ATTORNEY
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 United States Courthouse
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6 **FOR THE DEFENDANT:** TAHMAZIAN LAW FIRM PC
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12
13 **ALSO PRESENT:** MAGDALINA AVETISYAN
14 ARMENIAN INTERPRETER

1 LOS ANGELES, CALIFORNIA; FRIDAY, JUNE 4, 2021; 11:33 A.M.

2 -oOo-

3 THE CLERK: Good afternoon, Your Honor.

4 THE COURT: Good afternoon, Paul.

5 THE CLERK: May I call the case?

6 THE COURT: Yes.

7 THE CLERK: Counsel, we're here before the
8 Honorable Stephen V. Wilson in Criminal Matter 20-579-SVW,
9 United States of America vs. Arman Hayrapetyan.

10 Counsel, please state your appearances.

11 MR. PAETTY: Good morning, Your Honor.

12 Scott Paetty for the United States.

13 MR. TAHMAZIAN: Good morning, Your Honor.

14 Jilbert Tahmazian for Mr. Hayrapetyan, Your Honor.

15 THE CLERK: The defendant will please state his
16 name.

17 THE DEFENDANT: Arman Hayrapetyan.

18 THE CLERK: Is that your true and correct name?

19 THE DEFENDANT: Yes.

20 THE CLERK: Is it now your intention to withdraw
21 your not guilty plea so that you can enter a plea of guilty
22 to Count 26 of the First Superseding Indictment?

23 THE DEFENDANT: Yes.

24 THE CLERK: How do you now plead to Count 26 of
25 the First Superseding Indictment; guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE CLERK: The Court is going to ask you some
3 questions while under oath.

4 THE COURT: I didn't hear the answer.

5 THE INTERPRETER: This is the interpreter. The
6 answer was "guilty."

7 THE COURT: Go ahead.

8 THE CLERK: The Court is going to ask you some
9 questions while under oath.

10 Can you raise your right hand?

11 THE DEFENDANT: *(Complies.)*

12 THE CLERK: Do you solemnly swear that the answers
13 you make to the questions asked of you by the Court shall be
14 the truth, the whole truth, and nothing but the truth, so
15 help you God?

16 THE DEFENDANT: Yes.

17 THE CLERK: Thank you.

18 THE COURT: Madam Interpreter, when you address
19 the Court, would it be possible for you to take that device
20 away from your mouth so I can see you better?

21 THE INTERPRETER: Sure. It's just I'm talking
22 with this device with him only and I am muting myself when I
23 speak Armenian.

24 THE COURT: Do it as best for yourself. I
25 understand.

1 All right. Go ahead.

2 THE CLERK: The defendant pled guilty and has been
3 sworn, Your Honor, and we can proceed with the proceeding.

4 THE COURT: All right. So, Mr. Hayrapetyan, is
5 that the correct pronunciation? Hayrapetyan?

6 Is that correct, Mr. Tahmazian? Hayrapetyan?

7 MR. TAHMAZIAN: It's actually Hayrapetyan.

8 THE COURT: All right. Hayrapetyan. Okay.

9 Mr. Hayrapetyan, I'm going to ask you some
10 questions which are designed to assure me that your guilty
11 plea is freely and voluntarily made and that there is a
12 factual basis for your guilty plea.

13 THE DEFENDANT: Yes.

14 THE COURT: Have you had enough opportunity to
15 discuss this case with your lawyer Mr. Tahmazian and have
16 you considered all possible defenses?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you satisfied with Mr. Tahmazian's
19 representation?

20 THE DEFENDANT: Yes. Very much so.

21 THE COURT: Has anyone made any threats or
22 promises to induce you to plead guilty other than the plea
23 agreement you've reached with the government?

24 THE DEFENDANT: No.

25 THE COURT: My copy of the plea agreement shows

1 that you signed it on May 25th of this year. Is that
2 correct?

3 THE DEFENDANT: That's correct.

4 THE COURT: And before you signed the plea
5 agreement, was it translated to you in the Armenian
6 language?

7 MR. TAHMAZIAN: Your Honor, I apologize to
8 interrupt but he signed it after I spoke to him and told him
9 what it is. It was translated through telephone by a
10 certified interpreter two days later on May 27th. That's
11 how it went.

12 THE COURT: And --

13 THE DEFENDANT: That's correct.

14 THE COURT: And so when you signed the plea
15 agreement, it was on the basis of what your lawyer
16 Mr. Tahmazian explained to you was in the plea agreement;
17 correct?

18 THE DEFENDANT: That's correct.

19 THE COURT: And, Mr. Tahmazian, when you explained
20 on the telephone as you've described it to your client what
21 was in the plea agreement, can you tell me what you told
22 him?

23 MR. TAHMAZIAN: Yes, Your Honor. Actually, I met
24 him in jail on two separate occasions.

25 THE COURT: Let me just ask you first. Are you

1 fluent in the Armenian language?

2 MR. TAHMAZIAN: Yes, Your Honor, I am.

3 THE COURT: And is that because of your study of
4 the language or from family or how is it that you're
5 familiar with it?

6 MR. TAHMAZIAN: From family, from having spoken
7 the language for many years, and having 90 percent Armenian
8 clientele for 32 years, Your Honor, I've become very fluent
9 in the language.

10 And for the Court's information, I met him twice
11 in court -- in jail. I went over the plea agreement, every
12 page, before he signed on the 25th of May.

13 Then on May 27th, I arranged for a certified
14 court interpreter in my presence in my office on telephone
15 translate every single word of the plea agreement to him on
16 the date that he signed off, May 27th, Your Honor.

17 THE COURT: And as you listened to the translator
18 read the plea agreement to him, was the plea agreement any
19 different than the way you read it to him?

20 MR. TAHMAZIAN: No, Your Honor.

21 THE COURT: And so you are totally satisfied based
22 upon what you said that he understood the plea agreement?

23 MR. TAHMAZIAN: Yes, Your Honor.

24 THE COURT: And I take it that in your
25 conversations with him, as any nonlawyer would think, there

1 would be questions about the plea agreement.

2 Did you go back and forth with him when he had
3 questions about the plea agreement?

4 MR. TAHMAZIAN: Yes, Your Honor. On more than one
5 occasion.

6 THE COURT: I see. And did he appear to you to
7 understand the plea agreement?

8 MR. TAHMAZIAN: Yes, Your Honor.

9 THE COURT: And Mr. --

10 MR. TAHMAZIAN: Hayrapetyan, Your Honor.

11 THE COURT: I wrote it phonetically so I don't
12 mispronounce it.

13 Mr. Hayrapetyan, do you agree that the meetings
14 that you had with your lawyer, as he described it, occurred?

15 THE DEFENDANT: I agree. Yes, exactly right.

16 THE COURT: And was there any difference in your
17 mind between what Mr. Tahmazian described the plea agreement
18 to be in the telephone conversations he had with you before
19 you signed the agreement and the translation by the
20 interpreter two days later?

21 THE DEFENDANT: No, the translation was fine.
22 Everything was normal.

23 THE COURT: All right. Have you taken any drugs
24 or medications in the last 24 hours?

25 THE DEFENDANT: No, never.

1 THE COURT: Are you thinking clearly today?

2 THE DEFENDANT: That's correct.

3 THE COURT: And you realize that today is a very
4 important day because you're pleading guilty to very serious
5 charges. Have you given this adequate thought?

6 THE DEFENDANT: Yes.

7 THE COURT: We're now going to ask Mr. Paetty to
8 review parts of the plea agreement in this specific order:

9 First, the maximum penalty.

10 Second, the elements of the offense or offenses to
11 which he is pleading guilty.

12 Third, the constitutional rights he's waiving by
13 pleading guilty.

14 Fourth, a summary of the important points of the
15 plea agreement, that is, the bargain between the government
16 and the defendant; what the government is agreeing to do, if
17 anything, for the defendant regarding the plea and what
18 requirements the defendant has on his aspect of the
19 agreement.

20 And then finally, the factual basis.

21 Would you please do that, Mr. Paetty, in that
22 order.

23 MR. PAETTY: Yes, Your Honor.

24 The statutory maximum sentence that the Court can
25 impose for conspiracy to commit money laundering is 20

1 years' imprisonment, a three-year period of supervised
2 release, a fine of \$500,000, or twice the gross gain or
3 gross loss resulting from the offense, whichever is
4 greatest, and a mandatory special assessment of \$100.

5 For defendant to be guilty of the crime charged in
6 count 26 of the Superseding Indictment which charges him
7 with conspiracy to commit money laundering, the following
8 must be true:

9 1. Defendant agreed with one or more
10 coconspirators to knowingly conduct a financial transaction
11 involving property that represented the proceeds of wire
12 fraud and/or bank fraud.

13 2. Defendant knew that the property represented
14 the proceeds of some form of unlawful activity.

15 And 3. Defendant knew that the transaction was
16 designed in whole or in part to conceal or disguise the
17 nature, location, source, ownership, or control of the
18 proceeds of such unlawful activity.

19 By pleading guilty, the defendant gives up the
20 following rights:

21 The right to persist in a plea of not guilty.

22 The right to a speedy and public trial by jury.

23 The right to be represented by counsel.

24 And, if necessary, have the Court appoint counsel
25 at trial.

1 Defendant understands, however, that he retains
2 the right to be represented by counsel and, if necessary,
3 have the Court appoint counsel at every other stage of the
4 proceedings.

5 He gives up the right to be presumed innocent and
6 to have the burden of proof placed on the government to
7 prove him guilty beyond a reasonable doubt.

8 The right to confront and cross-examine witnesses
9 against him.

10 The right to testify and to present evidence in
11 opposition to the charges including the right to compel the
12 attendance of witnesses to testify.

13 The right not to be compelled to testify and, if
14 defendant chose not to testify or present evidence, to have
15 that choice not be used against him.

16 And he gives up any and all rights to pursue any
17 affirmative defenses, Fourth Amendment or Fifth Amendment
18 claims, or other pretrials motions that have been or could
19 be filed.

20 The plea agreement here, Your Honor, is binding on
21 the parties but not on the Court; and in the agreement the
22 defendant agrees to the following among other things:

23 To plead guilty to Count 26 of the Superseding
24 Indictment charging him with conspiracy to commit money
25 laundering.

1 To consent to all court appearances except
2 sentencing by video teleconference.

3 To cooperate with the government as outlined in
4 paragraph 4 and in paragraph 8 of the agreement to
5 applicable sentencing factors that include a base offense
6 level of 22 and a plus 2 enhancement for a money laundering
7 conviction and a limited waiver of appeal of his conviction
8 and sentence as stated in the plea agreement.

9 And the government agrees to dismiss all remaining
10 counts against the defendant at the time of sentencing.

11 To recommend a three-level reduction in the
12 guidelines at sentencing provided defendant demonstrates
13 acceptance of responsibility.

14 To make a low-end sentencing recommendation and to
15 consider the possibility, depending on the circumstances
16 that exist at the time of sentence, to make a motion under
17 5K1.1 of the sentencing guidelines.

18 Additionally, there is no agreement with regard to
19 criminal history or criminal history category.

20 If this case were to proceed to trial, the
21 government would be prepared to prove beyond a reasonable
22 doubt, among other things, beginning in or around March 2020
23 and continuing at least until in or around October 2020 --

24 THE COURT: One second. You're not following the
25 direction.

1 MR. PAETTY: What was that?

2 THE COURT: I had a specific direction. Well,
3 maybe you did. I have to apologize. I think you did review
4 the maximum penalty, the elements, the constitutional
5 rights, and you did describe -- *(screen frozen, no sound)*.

6 MR. TAHMAZIAN: I think the judge froze.

7 MR. PAETTY: Your Honor, I believe the image is
8 frozen.

9 THE COURT: Can you hear me now?

10 MR. PAETTY: Yes, Your Honor.

11 THE COURT: What I said was *(screen frozen, no*
12 *sound)*.

13 MR. PAETTY: Your Honor, I believe you're frozen
14 again.

15 *(Pause in the proceedings.)*

16 MR. PAETTY: Paul, can you hear me?

17 THE CLERK: Your Honor, you froze up twice. Do
18 you want to sign on -- sign off and sign back on? You seem
19 to be -- you seem to be okay now.

20 THE COURT: Okay. Can you hear me now?

21 MR. PAETTY: Yes, Your Honor.

22 THE COURT: Okay. What I said before was I think
23 I made an error. You had in fact reviewed the first four
24 instructions that I gave, that is, the maximum penalty, the
25 elements, the constitutional rights, and the essence of the

1 plea agreement.

2 And you now were going to go to the factual basis
3 when I interrupted you improperly. So proceed to the
4 factual basis.

5 MR. PAETTY: Yes, Your Honor.

6 If this case were to proceed to trial, the
7 government would be prepared to prove beyond a reasonable
8 doubt, among other things, that beginning in or around
9 March 2020 and continuing at least in or around
10 October 2020, defendant together with coconspirators known
11 and unknown including Manuk Grigoryan and others,
12 collectively coconspirators, knowingly engaged in a money
13 laundering conspiracy, the object of which was to transfer
14 the illicit proceeds of a scheme in order to conceal the
15 nature, source, location, ownership, and control of those
16 proceeds.

17 These proceeds constituted fraudulently obtained
18 disaster relief funds under the Paycheck Protection Program,
19 PPP, and Economic Injury Disaster Loan Program, EIDL, two
20 federal relief programs that were created through the
21 Coronavirus Aid, Relief, and Economic Security Act, a
22 federal law that was enacted in or around March 2020 and it
23 was designed to provide emergency financial assistance to
24 Americans suffering economic harm as a result of the
25 Covid-19 pandemic.

1 As a result of the money laundering conspiracy,
2 such proceeds were distributed among the coconspirators for
3 their personal benefit including the purchase of luxury
4 goods, services, and real estate, rather than being used for
5 the permissible business expenditures under the provisions
6 of the PPP and EIDL programs.

7 Defendant was recruited by coconspirator Grigoryan
8 to join the money laundering conspiracy. In furtherance of
9 the conspiracy and for the purpose of carrying out its
10 object at the direction of Grigoryan and others, defendant
11 opened various business checking accounts at a federally
12 insured institution with account names that included Arman
13 Hayrapetyan DBA S. Construction; Arman Hayrapetyan DBA H.
14 Construction; and Arman Hayrapetyan DBA S. Dental, as set
15 forth in the below chart (the DBA bank accounts) for the
16 purpose of receiving deposits of criminal proceeds which
17 included the fraudulently obtained PPP and EIDL loans listed
18 below.

19 Defendant opened these accounts based on
20 Grigoryan's representation that defendant would be a partner
21 in the businesses listed in the account names.

22 In fact, defendant was never legally associated
23 with any of those businesses and proceeds from the loans in
24 the chart equal approximately \$1,323,887.

25 At the direction of codefendant Grigoryan who

1 supervised and managed defendant, defendant then used the
2 DBA bank accounts to launder the proceeds from fraudulently
3 obtained PPP and EIDL loans which defendant knew were the
4 proceeds of illegal activity undertaken by his
5 coconspirators including Grigoryan, Richard Ayvazyan,
6 Marietta Terabelian, Artur Ayvazyan, Tamara Dadyan, Edvard
7 Paronyan, and Vahe Dadyan.

8 For example, on or about May 4th, 2020,
9 defendant together with other coconspirators including
10 Grigoryan caused a check for approximately \$50,000 drawn on
11 the AH DBA S. Construction bank account and comprised in
12 substantial part of the fraudulent PPP loan proceeds for S.
13 Construction and H. Construction to be written to the order
14 of Fiber One Media (the Fiber One Media check).

15 The Fiber One Media check was endorsed on the back
16 with the name of codefendant Terabelian's alias, Viktoria
17 Kauichko.

18 Further, defendant together with other
19 coconspirators including Grigoryan caused some smaller
20 payments to be made out of each of the above-referenced DBA
21 bank accounts to some of the other codefendants.

22 To facilitate these transfers, defendant provided
23 his log-in and password information, the DBA bank accounts,
24 to codefendant Grigoryan to give Grigoryan access to these
25 accounts.

1 For instance, after the deposit of fraudulent PPP
2 loan proceeds into the AH DBA S. Construction Co. account,
3 defendant and codefendant Grigoryan caused the transfer of
4 \$500 to Iuliia Zhadko, the alias of codefendant
5 Richard Ayvazyan.

6 Similarly, after the deposit of the proceeds from
7 two of the PPP loans into the AH DBA H. Construction
8 account, defendant and codefendant Grigoryan caused the
9 transfer of two separate payments (\$600 and \$400) to
10 codefendant Viktoria Kauichko.

11 Defendant agrees that he received approximately
12 5 percent of the fraudulent proceeds as payment for his
13 agreement to launder the funds.

14 Defendant agrees the deposits of fraudulently
15 obtained PPP and EIDL loan proceeds into bank accounts that
16 defendant controlled totaled approximately \$1,323,887.

17 THE COURT: Now, Mr. Hayrapetyan, I have to be
18 satisfied that you are in fact guilty of the charge that
19 you're pleading guilty to, and I am reading the factual
20 basis at page 15 of the plea agreement and I'm going to ask
21 you some questions that are designed to assure me that in
22 fact you did acts which would constitute a finding of guilty
23 to these charges.

24 And so when you say at page 13 of the plea
25 agreement at line 16 that: Beginning in or around

1 March 2020 until October 2020, together with coconspirators
2 known and unknown, including Grigoryan and others, who are
3 the others?

4 In other words, in this conspiracy or in the
5 Indictment there are eight people named as defendants.

6 You say that you conducted money laundering with
7 Grigoryan and others. Which of the other eight defendants
8 did you have contact with? In other words, who did you take
9 direction from other than Grigoryan?

10 THE DEFENDANT: With nobody.

11 THE COURT: And did you know Grigoryan before
12 October 2020?

13 THE DEFENDANT: No. I met him here.

14 THE COURT: When did you meet him?

15 THE DEFENDANT: In the beginning of March.

16 THE COURT: And how did you get to meet him? What
17 was the occasion or introduction?

18 THE DEFENDANT: He was just offering me because at
19 the time I was looking for a second job. I wanted to work.

20 THE COURT: And what kind of business did
21 Grigoryan have in March of 2020? What did he represent to
22 you?

23 THE DEFENDANT: He was presenting it as a
24 construction business.

25 THE COURT: And what job did he offer you?

1 THE DEFENDANT: That I was told work at this
2 construction -- that he was working at this large
3 construction business and then we could open a branch in my
4 name for this company, for the construction company.

5 THE COURT: Uh-huh. I'm not following that. I
6 need some further explanation. You're not, at least at this
7 point, adequately informing me of your initial contact with
8 Grigoryan. How did you meet him? Who introduced you to
9 him?

10 THE DEFENDANT: A friend of mine introduced me to
11 him.

12 THE COURT: Who was the friend?

13 THE INTERPRETER: A-l-i-k, interpreter spelling,
14 Alik.

15 THE DEFENDANT: Yes.

16 THE COURT: I didn't hear that.

17 THE INTERPRETER: Oh, Your Honor, I was spelling
18 the name. A-l-i-k. Alik.

19 THE COURT: Is that the first or last name?

20 THE DEFENDANT: I'm saying his first name.

21 THE COURT: Let me say this to you,
22 Mr. Hayrapetyan. These questions are not designed to
23 influence you to answer in any way. All I'm seeking is what
24 your true involvement was, if any, in the charges that
25 you're pleading or attempting to plead to.

1 And so far I have to tell you that what you're
2 saying doesn't come together for me. In other words, you're
3 not giving me your version, if in fact there is more to it,
4 regarding how you met Grigoryan; and you're saying in the
5 plea agreement that this codefendant Grigoryan asked you to
6 set up some accounts in certain business names that weren't
7 yours.

8 Let me back up and just ask you that.

9 Did Grigoryan ask you to set up certain bank
10 accounts for businesses that were not businesses for which
11 you were involved?

12 THE DEFENDANT: Yes.

13 THE COURT: And when you set up these bank
14 accounts, did you do it online or did you go to a bank?

15 THE DEFENDANT: I went to the bank personally and
16 I opened them.

17 THE COURT: And did Grigoryan accompany you to the
18 bank?

19 THE DEFENDANT: No.

20 THE COURT: And when you went to the bank, did you
21 go to a bank where the bank employee spoke the Armenian
22 language?

23 THE DEFENDANT: Yes.

24 THE COURT: Where was that bank? Was it the same
25 bank or different banks?

1 THE DEFENDANT: I went to two banks.

2 THE COURT: What were the banks? Where were they
3 located?

4 THE DEFENDANT: Chase. Chase Bank and they were
5 in Glendale.

6 THE COURT: I see. And when you went to the bank,
7 were there bank employees who spoke the Armenian language?

8 THE DEFENDANT: Yes.

9 THE COURT: And did you speak to these bank
10 employees in the Armenian language or the English language?

11 THE DEFENDANT: No, I was speaking in Armenian
12 because I don't know how to speak English.

13 THE COURT: And so when you opened the bank
14 accounts that are listed in the Indictment, they were in the
15 names of the companies that are contained at lines 21 on
16 page 14 to line 10 at page 15.

17 Those bank accounts appear to be opened at -- some
18 on the same date and some on different dates. I'm looking
19 at the plea agreement, and it seems like all the bank
20 accounts were opened at Chase Bank. Is that correct?

21 THE DEFENDANT: Yes.

22 THE COURT: And was it the same branch in Glendale
23 or a different branch?

24 THE DEFENDANT: No. In Glendale but different
25 branches.

1 THE COURT: And did Mr. Grigoryan instruct you to
2 open accounts at different branches of Chase Banks in
3 Glendale?

4 THE DEFENDANT: Yes.

5 THE COURT: And did he tell you why that should be
6 done?

7 THE DEFENDANT: Yes.

8 THE COURT: And what did he tell you?

9 THE DEFENDANT: He was saying that the account
10 needs to be open in your name because we have to transfer
11 money into it in order to pay the workers money; and for me
12 to do that, I will be receiving 5 percent of the amount.

13 THE COURT: But what he said, you have to open
14 these bank accounts in the names of the businesses in the
15 plea agreement for workers, what did you understand to be
16 the workers?

17 THE DEFENDANT: In my understanding, the way I
18 understood it, it was that they were going to pay some
19 workers, people who are working at construction, and for me
20 I had to also go and kind of supervise the work there but I
21 did not go.

22 THE COURT: Did Mr. Grigoryan tell you why you
23 should open bank accounts in order to pay his workers?

24 THE DEFENDANT: In my understanding he was saying
25 that -- I understood that he was very busy and that's why he

1 was trying for one portion of the business to be in my name
2 so that I could take care of it. That's -- something like
3 that.

4 THE COURT: And were you in the construction
5 business?

6 THE DEFENDANT: Yes. When I was in Armenia, I to
7 some degree was involved in construction.

8 THE COURT: Like what? To what degree? What did
9 you do? Were you an electrician, a carpenter, a laborer, an
10 architect? What did you do?

11 THE DEFENDANT: No. In Armenia, I have to serve
12 in military so when I'm talking about working in
13 construction, I was just doing it for my own house whenever
14 things needed to be done or constructed. So that's how I
15 was using the construction skill working on my paternal
16 house.

17 THE COURT: Now, I remember from the bail hearing
18 that you were traveling back and forth to Armenia in the
19 period prior to March of 2020.

20 When did you come to the United States from
21 Armenia in your most -- before meeting Grigoryan? Do you
22 understand the question? In other words, how long before
23 you met Grigoryan -- did you meet Grigoryan for the first
24 time in March of 2020 or did you meet him before that?

25 THE DEFENDANT: No, it was after that.

1 THE COURT: But how long had you been back from
2 Armenia, that is, how long were you in the United States
3 before you met Grigoryan?

4 THE DEFENDANT: So it was only once that I
5 actually went to Armenia and back. It's not that I kept
6 going back and forth but I came back that one time.

7 I came back in May and then I met with Grigoryan
8 in March. And then the only other time it was September but
9 I wasn't going back and forth.

10 THE COURT: You're not giving me the chronology
11 correctly because these bank accounts in the plea agreement,
12 the column for deposit date, I don't know. When you opened
13 the accounts, did you make deposits at the time you opened
14 the accounts?

15 THE DEFENDANT: So it was -- I put there only \$100
16 and then it was only until May. In May, I had to go back to
17 Armenia because of family issues.

18 THE COURT: Okay. When were these accounts
19 opened? The Indictment doesn't say -- unless I'm missing
20 something -- when these accounts were opened. It just has a
21 column for the first deposit.

22 When was the account -- when were these accounts
23 in the plea agreement opened? When did you open them? What
24 date? In March or May or some other date?

25 THE DEFENDANT: No. I opened the account in

1 March, two account, and that was online; and then through
2 online account, I was just transferring the checks.

3 THE COURT: I'm not following. The question again
4 is: There are one, two, three -- how many accounts were
5 opened? There's the account for S. Construction, AH DBA H.
6 Construction, H. Construction, S.S Dental.

7 I guess that's one, two, three. Looks like four
8 accounts. Is that correct? Am I correct on that,
9 Prosecutor Paetty? Is that --

10 MR. PAETTY: No, Your Honor. There are three
11 accounts that are listed. The 9906, 1511, 5355.

12 THE COURT: One moment.

13 *(Pause in the proceedings.)*

14 THE COURT: So I'm looking at page 14. The AH DBA
15 H and H. Construction are the same account; correct?

16 MR. PAETTY: Your Honor, if you look on the far
17 right column, there's an account number.

18 THE COURT: I see. But there's a column, Business
19 Applicant, H. Construction; and then the bank account seems
20 to be AH DBA H.

21 MR. PAETTY: That's correct, Your Honor. The
22 business applicant is who is applying for the loans and the
23 funds for the loans were going into a different account.

24 So when you see the column that says "Business
25 Applicant," that's the name that was on the loan.

1 THE COURT: And there I see business applicant, I
2 see S. Construction, that's one. AH DBA Construction is
3 two. I see S.S. Dental is three. So those are the three
4 applicants; correct?

5 MR. PAETTY: Yes, Your Honor.

6 THE COURT: And did you open those accounts at the
7 same time or at different times, Mr. Hayrapetyan?

8 THE DEFENDANT: I only opened two accounts in the
9 month of March and just a little bit one after another.

10 THE COURT: Only two. So which two did you open?

11 THE INTERPRETER: Your Honor, this is the
12 interpreter. So I'm not understanding his pronunciation
13 about the name. Could you -- he's saying it in English, I
14 guess, but I wasn't able to understand it.

15 THE COURT: Mr. Hayrapetyan, the translator is not
16 understanding your answer and you apparently tried to answer
17 in English. Can you answer once again which of the three
18 accounts did you personally open? You said you opened two
19 of the three. Which two?

20 THE DEFENDANT: When Grigoryan told me -- brought
21 me the papers to open the account, it was only for two.

22 THE INTERPRETER: And, Your Honor, the interpreter
23 is hearing Bolo Construction and Got Construction. That's
24 what I hear that he's saying in English.

25 THE COURT: Can you ask him in Armenian -- can you

1 tell him how you say the letter S in Armenian, S.

2 Construction?

3 THE DEFENDANT: S -- I mean, I don't know the
4 English alphabet.

5 THE COURT: Well, can he tell -- can you tell the
6 translator, Mr. Hayrapetyan, the names of the accounts that
7 you personally opened at the Chase Banks as set forth in the
8 plea agreement in the Armenian language?

9 THE DEFENDANT: Okay. I don't know how to explain
10 it but it's the letter that looks like 8, like S.

11 THE COURT: When the -- and when Mr. Grigoryan
12 instructed you to open the accounts, did he have all the
13 information filled out?

14 THE DEFENDANT: Yes. He brought the paper and it
15 already had a seal on it; and according to that paperwork,
16 that's how I went to the bank.

17 THE COURT: And turning back to an earlier
18 question, who introduced you to Mr. Grigoryan?

19 THE DEFENDANT: My friend. It was a friend of
20 mine that when I came from Armenia, he came to greet me.
21 That friend.

22 THE COURT: What was the friend's name?

23 THE DEFENDANT: Alik.

24 THE COURT: And I don't have that before me,
25 Mr. Paetty. Would you read the names of the eight

1 defendants other than Grigoryan? Just read those names.

2 MR. PAETTY: Yes, Your Honor.

3 Richard Ayvazyan, Marietta Terabelian,
4 Artur Ayvazyan, Tamara Dadyan, Edvard Paronyan, Vahe Dadyan.

5 THE COURT: Did you ever meet those people?

6 THE DEFENDANT: Never. I only knew Grigoryan.

7 THE COURT: Did he ever mention the names of those
8 other defendants that the prosecutor just read?

9 THE DEFENDANT: No. And I didn't have that much
10 closeness with him. Like we didn't have too many meetings
11 or things like that.

12 THE COURT: How many times did you meet Grigoryan
13 before you opened these accounts?

14 THE DEFENDANT: So I only met him after I opened
15 the account because the first conversation was over the
16 phone that my friend introduced me to him so we had the
17 conversation and then afterwards I only met him in Vegas.

18 THE COURT: Now, I'm going to tell you how I'm
19 understanding your answer and I want you to tell me if I'm
20 understanding your answer correctly or incorrectly or how
21 you want to modify it.

22 What I hear you saying is that Grigoryan told you
23 that he had a construction business and that he wanted you
24 to open certain bank accounts so he could use those bank
25 accounts to pay his employees. Is that what he told you?

1 THE DEFENDANT: Yes.

2 THE COURT: And did he tell you anything else?

3 THE INTERPRETER: Your Honor, this is the
4 interpreter. May I inquire? His voice was cutting off so I
5 need a couple of words there. Could I inquire?

6 THE COURT: Yes. Go ahead.

7 THE INTERPRETER: Thank you.

8 *(Interpreter speaking to defendant.)*

9 THE INTERPRETER: So the way he was saying, I
10 asked what kind of company is that; and he said: This is a
11 very large company but the company is not doing well. The
12 company might go bankrupt. They might close it up.

13 So that's why he was saying maybe small branch we
14 could open in your name like have a bank account. That's
15 how he was describing it.

16 THE COURT: Did you understand that to mean that
17 if Grigoryan's companies went bankrupt, these bank accounts
18 could be used outside the bankruptcy to pay his employees
19 and keep the business going?

20 THE DEFENDANT: Yes, yes. That's very correct.

21 THE COURT: And it says at line 19 on page 15 that
22 on May 4th you cashed a check for approximately \$50,000
23 drawn on the AH DBA S.Construction account comprised a
24 substantial amount of fraudulently PPP loan proceeds for S.
25 Construction and H. Construction to be written to the order

1 of Fiber One Media (The Fiber One check) and that check was
2 endorsed by codefendant Terabelian.

3 Did you write that check? Sign that check?

4 THE DEFENDANT: No, no.

5 THE COURT: It says in the factual basis that you
6 knew that the deposits to these bank accounts that you
7 opened were substantially -- that the deposits in those
8 accounts were substantially from fraudulent PPP loans.

9 Do you know what PPP loans are?

10 THE DEFENDANT: So I understood that word only
11 after I spoke with my lawyer. I only found out that's what
12 it meant.

13 THE COURT: Right.

14 I'm now going to ask Mr. Paetty some questions.

15 What evidence would the government have if this
16 case went to trial that would establish the money laundering
17 that you have alleged?

18 Because the way I'm understanding his answers is
19 he has not admitted to the crimes that are charged. He
20 possibly is admitting to participation in some sort of
21 bankruptcy charge. That isn't what's alleged.

22 What evidence would you have if the case went to
23 trial to show that he was guilty of money laundering as
24 charged?

25 MR. PAETTY: Yes, Your Honor.

1 So as I read earlier on the elements of money
2 laundering, he does not need to know that the proceeds that
3 he was laundering and the money that was being transferred
4 through his accounts which are alleged in the charts on page
5 14 and 15, he does not need to know that the source of those
6 fraudulent proceeds were in fact PPP or EIDL funds.

7 He just needs to know those funds were sourced
8 from some unlawful -- they were unlawful proceeds and
9 that --

10 THE COURT: Perhaps -- so far I haven't -- I
11 understand that but that isn't -- the Indictment
12 specifically charges the EIDL and the PPP loans.

13 What he's talking about, if in fact they are
14 fraudulent funds -- and I don't know that at this point --
15 that's not alleged in the Indictment.

16 MR. PAETTY: If I understand Your Honor's question
17 correctly, what's alleged in the Indictment is a PPP loan
18 fraud scheme and an EIDL loan fraud scheme.

19 What Mr. Hayrapetyan is pleading guilty to is the
20 money laundering conspiracy. There are two conspiracies in
21 the Indictment. One is the fraud conspiracy and one is
22 money laundering.

23 THE COURT: I want to have the Indictment before
24 me. But read to me the beginning of the conspiracy, the
25 money laundering conspiracy count. Just that count.

1 MR. PAETTY: May I have one moment, Your Honor?

2 *(Pause in the proceedings.)*

3 MR. PAETTY: This is on page 40 of the Superseding
4 Indictment.

5 That beginning no later than in or around
6 March 2020 and continuing --

7 THE COURT: Read it slowly if you will.

8 MR. PAETTY: Yes, Your Honor.

9 Beginning no later than in or around March 2020
10 and continuing until at least in or around October 2020, in
11 Los Angeles County within the Central District of California
12 and elsewhere, defendants Richard Ayvazyan, Marietta
13 Terabelian, Artur Ayvazyan, Tamara Dadyan, Manuk Grigoryan,
14 Arman Hayrapetyan, Edvard Paronyan, and Vahe Dadyan
15 conspired with one another and with others known and unknown
16 to commit offenses against the United States in violation --
17 well, to commit -- conspiracy to commit money laundering, to
18 wit, to knowingly conduct and attempt to conduct financial
19 transactions involving the proceeds of specified unlawful
20 activity, that is, wire fraud and bank fraud, knowing that
21 the transaction was designed in whole and in part to conceal
22 and disguise the nature, location, source, ownership, and
23 control of the proceeds of specified unlawful activity; to
24 knowingly engage and attempt to engage in monetary
25 transactions in criminally derived property of a value

1 greater than \$10,000, such property having been derived from
2 the specified unlawful activity, that is, bank and wire
3 fraud.

4 And then the manner and the means of the
5 conspiracy. The defendants Richard Ayvazyan, Terabelian,
6 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,
7 Paronyan, and Vahe Dadyan, together with other
8 coconspirators, submitted and caused the submission of
9 fraudulent PPP and EIDL loan applications which caused the
10 Small Business Association, the SBA, and SBA-approved
11 lenders including lenders who were federally insured
12 financial institutions to wire loan proceeds to bank
13 accounts in the names of the entities used to obtain such
14 loans.

15 THE COURT: Let me ask you this. When you mention
16 wire fraud and mail fraud, the only wire fraud and mail
17 fraud in the Indictment is the wire fraud and mail fraud
18 alleged in Count 1 of the Indictment; correct?

19 MR. PAETTY: That's the conspiracy count, Your
20 Honor, and there are separate substantive wire and bank
21 fraud counts also alleged.

22 THE COURT: Is there any wire and bank fraud count
23 that relates to bankruptcy fraud?

24 MR. PAETTY: No, Your Honor.

25 THE COURT: And by the way, is there any -- does

1 anyone know whether any of -- what's his name, Grigoryan,
2 ever put any of his companies into bankruptcy?

3 MR. PAETTY: I'm unaware of that, Your Honor.

4 THE COURT: You know something? This is deficient
5 and I am not going to go any further. Either I'm not fully
6 understanding, perhaps it's not my place, why these pleas
7 are even being attempted.

8 This is just inadequate. I don't know what is
9 truthful or untruthful; but it seems to me that's a jury
10 question and if the jury believes what Mr. Hayrapetyan says,
11 there's a good argument for Mr. Tahmazian that he isn't
12 guilty of money laundering and, under these circumstances, I
13 can't accept the plea.

14 There is some indication of cooperation. Is the
15 cooperation anticipated that he would say what he has said
16 about Grigoryan?

17 MR. PAETTY: Yes, Your Honor.

18 He would say about Grigoryan that Grigoryan
19 instructed to open these accounts; and if the Court would
20 allow Mr. Hayrapetyan to continue to describe the conduct
21 that he undertook at the direction of Mr. Grigoryan, the
22 Court may understand that there was no legitimate business
23 that was being done by any of these construction businesses;
24 that Mr. Hayrapetyan was essentially being paid 5 percent of
25 the proceeds of the PPP and EIDL fraud.

1 He did not know the source. He did not know that
2 those funds from fraudulent PPP and EIDL loans; but the
3 monies that were coming into that account were fraudulent.
4 There was no basis for them. There was no construction
5 business that he was working on.

6 THE COURT: It's over. I'm rejecting the plea.
7 It is over. We're going to trial on the 15th.

8 MR. TAHMAZIAN: Your Honor, may I very briefly be
9 heard please. Thank you, Your Honor.

10 It's unfortunate that in this colloquy the main
11 point is not coming across, Your Honor; and I apologize for
12 that.

13 But just to put the whole thing into perspective
14 is that when Mr. Hayrapetyan was approached to open up these
15 accounts and do this transaction, he was told that he'll be
16 doing some supervision work. He'll be doing some work for a
17 certain amount of money every month and it had to do with
18 construction work.

19 But within a few days he realize that there is no
20 construction work, there is no construction site, there are
21 no employees, he was getting checks to deposit in the
22 account, money was going in the account.

23 THE COURT: How did he know this? He's not even
24 telling me how he knew Grigoryan. He's not familiar with
25 the construction business. You know something? I'm not

1 going any further.

2 This is -- this is just plain inadequate. I am
3 not pulling teeth here. This should be clear as a bell.
4 This should not need all these explanations.

5 MR. TAHMAZIAN: Your Honor --

6 THE COURT: No, it's over. I am rejecting the
7 plea. Mr. Tahmazian, I have spoken and you are not to speak
8 any more. It is over.

9 This is very inadequate; and if you intended for
10 your client to plead guilty under these circumstances, I
11 think you ought to be better prepared and certainly he ought
12 to be better prepared; and that doesn't in any way signal
13 that he should say what he didn't do to plead guilty.

14 We are going to trial.

15 THE CLERK: Your Honor. There is a matter of a
16 third application for --

17 THE COURT: What about the bail? I rejected bail
18 previously. But what is the government's position on the
19 bail?

20 MR. PAETTY: Your Honor, the government's position
21 is the same. This is the third motion to reconsider. The
22 Court has denied the previous two.

23 Defendant has essentially proffered the same
24 sureties that were proffered before, and there's no material
25 change to his argument for bond.

1 THE COURT: What is the difference now between the
2 other two bail bond applications?

3 MR. TAHMAZIAN: Two differences, Your Honor, if I
4 may. I just need five minutes of your time to explain where
5 I'm coming from, Your Honor.

6 THE COURT: The facts are different then before?

7 MR. TAHMAZIAN: Yes.

8 The difference is he met with the government, he
9 gave his story. He agreed to cooperate and he's willing to
10 accept responsibility for his side of what he did. In
11 addition to that, Your Honor, if you just give me just a few
12 minutes.

13 THE COURT: Go ahead.

14 MR. TAHMAZIAN: I'm sorry?

15 THE COURT: Go ahead.

16 MR. TAHMAZIAN: Thank you.

17 When this Indictment first came down against my
18 client was March of this year, Your Honor. When arrest
19 warrant was issued, there was a knock on the door at a
20 location where he was supposed to meet. Supposed to be
21 living in.

22 It was the agent. When he heard about that, there
23 was a card left. He retained my offices and within a week
24 we came to court.

25 In that week, Your Honor, I went through the

1 entire Indictment and I told him exactly what he's facing;
2 and knowing that he could be going to trial and getting
3 large number of years in custody, he walked in the
4 courtroom.

5 Prior to that, there was some discussion with the
6 government about a possible bail; and at that time the
7 government decides other terms of house arrest, electronic
8 monitoring, was asking for \$125,000 of secured bond.

9 At that time I was not able to put that together
10 and in my mind, Your Honor, I thought that if somebody with
11 this kind of Indictment facing this kind of Indictment is
12 walking in the courtroom, the Court and everybody else can
13 see that this man is not a flight risk. He's walking
14 himself with his own two feet.

15 THE COURT: You've made that argument before.

16 MR. TAHMAZIAN: Oh. So since then, I was able to
17 secure additional sureties which total about \$125,000,
18 75,000 is unsecured; 50,000 is secured and I made that
19 argument to Your Honor previously.

20 But since then, he's met with the government.
21 He's given a statement. He's trying to accept
22 responsibility for whatever he's done and take his
23 punishment. Help the government to try to show that this is
24 not something ordinary for this man because his background
25 is military.

1 And I was hoping the Court can see that based on
2 his role in this offense, based on his knowledge of the
3 people, only knows one person, the Court may consider
4 allowing him to be out on bail with this surety.

5 THE COURT: All right. I will take the matter
6 under advisement, give further thought to your argument, and
7 I'll issue an order. Thank you.

8 MR. TAHMAZIAN: May I ask one more question, Your
9 Honor? I am so sorry. Would the Court give us a chance to
10 amend his factual basis exactly in the specific order you
11 want to refile the plea agreement, Your Honor?

12 THE COURT: You've misinterpreted. I don't want
13 anything. I don't want a thing. I don't want him to plead
14 guilty. I don't want him to go to trial. I have no stake
15 in this whatsoever.

16 My job here is to assure me that he's pleading
17 guilty because he is guilty and for no other reason and I am
18 unsatisfied at this point. That's the end of it.

19 MR. TAHMAZIAN: Thank you, Your Honor.

20 THE CLERK: This Honorable Court stands in recess.

21 *(At 12:48 p.m., proceedings were concluded.)*

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CERTIFICATE

I, PAT CUNEO, CSR 1600, hereby certify that
pursuant to Section 753, Title 28, United States Code, the
foregoing is a true and correct transcript of the
stenographically reported proceedings held in the
above-entitled matter and that the transcript page format is
in conformance with the regulations of the Judicial
Conference of the United States.

Date: June 8, 2021

/s/_____

**PAT CUNEO, OFFICIAL REPORTER
CSR NO. 1600**

MR. PAETTY: [24] 3/11 9/23 13/1 13/7 13/10 13/13 13/16 13/21 14/5 25/10 25/16 25/21 26/5 28/2 30/25 31/16 32/1 32/3 32/8 33/19 33/24 34/3 34/17 36/20 MR. 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21/16 21/17 21/19 21/20 22/2 22/19 24/13 25/14 26/6 26/7 27/7 29/21 31/14 32/10 34/21 37/19 38/6 38/9 39/18 39/21 attempt [2] 32/18 32/24 attempted [1] 34/7 attempting [1] 19/25 attendance [1] 11/12
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{PLAINTIFF} v.
{DEFENDANT}

#15354

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