

TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

[a rectangular red seal reading:]
CIRCUIT PROSECUTOR'S OFFICE
in Warsaw
Department VI for Business Crime
Ul. Chocimska 28
00-791 WARSZAWA

Warsaw, 30 March 2009

Case file number VI Ds 192/08

LETTER ROGATORY

**requesting international legal assistance
in a criminal matter**

The Circuit Prosecutor's Office in Warsaw is conducting investigation into the case of accepting money amounting to PLN 14,107,585.12 from the company named PRIME INVEST LLC, which may have originated from the profits related to the commitment of a prohibited act and to other actions which may prevent or significantly hamper the disclosure of such money's criminal origin or its location, its disclosure or forfeiture declaration. The said act occurred within the period from 4 December 2003 through 27 March 2007 in Warsaw, at the registered office of the limited liability companies "SESA Polska" and "Tęcza Mazur", 50 Płatowcowa street, and constitutes an offence against article 299 article 1 of the penal code.

The investigation was instituted following an anonymous letter addressed to the General Inspector of Financial Control, whereby it has been disclosed that a citizen of Ukraine, Sergiy Savchuk, is a shareholder

Upla



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

of the company named SESA Polska and also a shareholder of the company named Tęcza Mazur. Several audits revealed irregularities in the companies and there were some suspicions towards Sergiy Savchuk himself so he decided to fake a sales of his shares in both companies. To this end he used a fictional company named PRIME INVEST LLC, registered for USD 50 in the "offshore" zone in Florida. The office of PRIME INVEST LLC does not exist (it is represented abroad by an agent) and its fictional owners are just figureheads, while Sergiy Savchuk is the only person authorised to independently represent the company. PRIME INVEST LLC has no own capital, yet makes a multi-million money transfer for SESA Polska company operating in Poland. At the website www.corporationwiki.com there is an information that the main office of PRIME INVEST is located in the UK at the following address: 302 REGENT STREET, SUITE 401, LONDON W1H 3BB, and the address for correspondence is: PRIME INVEST LLC, 1220 N MARKET ST STE 804, WILMINGTON, DE 19801 NEW CASTLE COUNTY. There are 44 other companies at this address.

It has been established during the investigation that the limited liability company SESA Polska had been established on 7 November 2003. Its initial shareholders were: Elżbieta Tyszkiewicz holding 400 shares, Jerzy Robak holding 800 shares and Sergiy Savchuk holding 120 shares. The company was independently represented by the citizen of Ukraine Sergiy Savchuk. In 2004 SESA POLSKA received loans from the following entities: Jerzy Robak, in the amount of PLN 635,812.28, Sergiy Savchuk in the amount of PLN 42,065.33 and PRIME INVEST LLC in the amount of PLN 7,059,029.96. On 30.05.2005 the hitherto SESA Polska shareholder Elżbieta Tyszkiewicz sold her 400 shares to the other shareholders, 200

UPL



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

shares were bought by Sergiy Savchuk and 200 shares were bought by Jerzy Robak. Based on the power of attorney of 30.05.2004, the purchase on behalf of Jerzy Robak was effected by Sergiy Savchuk. On 23.11.2005 Jerzy Robak sold all of his 1000 shares, worth PLN 500,000.00, to PRIME INVEST LLC.

On 1 December 2005 the company capital was increased by PLN 4,300,000.00 by creating 8600 new shares which were taken hold of by PRIME INVEST LLC. The capital increase was made by conversion of loans granted earlier by PRIME INVEST LLC to SESA. Further, capital was increased again by PLN 4,415,00.00 on 1 February 2006 by way of creating and taking hold of 8830 shares by PRIME INVEST LLC for a money contribution. Presently, the SESA Polska company capital is PLN 13,940,000.00, and PRIME INVEST LLC, holding shares worth PLN 13,450,000.00 is the company's the major shareholder.

In January and September 2004, SESA POLSKA company purchased real estates located in the Nałęczów commune, worth PLN 195,200.00 and PLN 109,104.59, and on 5 November 2004 it purchased the former "Evita" water production plant in Biskupiec from the General Receiver in Bankruptcy of EVITA, for the amount of PLN 5,170,000.00. The resources for the purchase of the bankruptcy estate originated from PRIME INVEST LLC. The payment to the General Receiver of "EVITA" in

Bankruptcy was effected by bank transfer.

On 27 November 2003 SESA opened current account number [REDACTED] [REDACTED] at ING Bank Śląski S.A. Warsaw Office, on 1 December 2003 a foreign currency account number [REDACTED]

Upler



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

[REDACTED] USD, and on 12 August 2005 – account number [REDACTED]
[REDACTED]

Account number [REDACTED] featured numerous proceeds originated at the USD account of SESA Polska, effected in the following manner: a transfer from PRIME INVEST LLC to the SESA Polska USD account, and then currency translation and transfer to SESA Polska PLN account. The total amount originated from the currency translation is about PLN 12.5 million. Also payments from other business entities have been recorded, as well as transfers to the General Receiver of EVITA in Bankruptcy (about PLN 5,170,00.00).

Account number [REDACTED] featured proceeds from UAB VP Market Lithuania and Maximalt. The charges of the account included transfers to KHS Maschinen Und Anlagenubau GmbH Kronos Ag. The amount of EUR 912,397 originated from currency translation.

At account number [REDACTED] proceeds from PRIME INVEST LLC have been featured as well as currency translations into PLN, numerous deposits and a few payments to MIKKOPLAST LTD Ukraine. It is significant that PRIME INVEST LLC address provided in the SWIFT message as the ordering party was: Suite 401 No 302 Regent Street, United Kingdom, and not 1591 E. Atlantic Blvd. Suite 200, Pompano Beach, Florida. Additionally, based on the SWIFT message it has been established that the bank – which originally ordered the transfers – is located in Hong Kong. This means that PRIME INVEST LLC with the indicated registered office in the UK has a bank account at HSBC in Hong Kong.

UPL



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

As all the proceeds into SESA POLSKA S.A. account were coming from PRIME INVEST LLC with its registered office in the UK; in order to verify the above data the General Inspector of Financial Information addressed an enquiry to the British foreign unit. The reply received indicated that the said entity has not been registered in the UK and is not located at 302 Regent Street, Suite 401. London W1H 3BB, United Kingdom, as provided at the website www.sunbiz.org.

The above website also informs that the management board of PRIME INVEST LLC consists of two persons: Craig A. Rayner living at Annesley House, Rectory Road, N. Fambridge, Chelmsford, Essex, UK and Sylvia G. Rayner, living at Annesley House, Rectory Road, N. Fambridge, Chelmsford, Essex, UK. Such information has also been provided in the photocopies of the founding documents of PRIME INVEST LLC sent by the author of the anonymous letter.

It has been further found during the investigation that PRIME INVEST has bank account number [REDACTED] and [REDACTED] at ING Bank Śląski S.A. in Poland as of 8 November 2005. The accounts have been opened for PRIME INVEST LLC with its registered office at 1591 E. Atlantic Blvd. Suite 200, Pompano Beach Florida 33060. The correspondence address was featured to be 11-300 Biskupice, ulica Chrobrego 35 (address of the SESA Polska production plant). The person representing PRIME INVEST is Sergiy Savchuk, holder of passport no [REDACTED]. Analysis revealed that account number [REDACTED] features a few proceeds in November 2005 from the currency translation and transfers to Jerzy Robak as the payment for shares. Account number [REDACTED] featured two proceeds from



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

PRIME INVEST LLC, where part of the resources was converted, and part was transferred to SESA Polska limited liability company. Sergiy Savchuk held power of attorney issued by the owners of PRIME INVEST, the contents of which indicated that the company had been established according to the laws of the State of Florida, with the registered office at 360 South Shore Driver, Sarasota, Florida 34234 USA. Sergiy Savchuk was authorised to represent the company in its operations in the Republic of Ukraine. On 12 October 2005 further power of attorney was signed for Sergiy Savchuk to represent the company in Poland and at a Polish bank.

Documentation provided by Sergiy Savchuk at ING Bank Śląski indicates that PRIME INVEST LLC had been registered in Florida on 30 October 2000 and may be located at the following addresses:

- 360 South Shore Driver, Sarasota, Florida 34234 USA,
- 1591 E. Atlantic Blvd. Suite 200, Pompano Beach, Florida 33060
- 1333 North Duval Street Tallahassee, Florida,
- 1220 North Market Street Suite #804 Willmington, Delaware,
- 302 Regent Street, Suite 401, London W 1B 3HH, UK.

The agents of PRIME INVEST LLC have been:

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- ~~W. Rick Fletcher living at 1220 North Market Street, Wilmington, Delaware or 360 South Shore Driver, Sarasota, FL 34234~~
 - Carlton Management, Inc., 1591 East Atlantic Blvd. Suite 200, Pompano Beach, Florida 33060

W. Rick Fletcher



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

- Florida Filing and Search Services, 1333 North Duval Street
Tallahassee, FL 32303

The members of the management board and partners in PRIME INVEST LLC are:

- Craig A. Rayner, living at Annseley Mouse, Rectory Road, N. Farmbridge, Chelmsford, Essex, UK
- Sylvia G. Rayner, living at Annesley Mouse, Rectory Road, N. Farmbridge, Chelmsford, Essex, UK.

On 20 December 2004 at 16 Island View Avenue, Frirars Cliff, Christchurch in the UK, a meeting of PRIME INVEST LLC shareholders was held. The correspondence address was defined as: 302 Regent Street, Suite 401, London W 1 B 3HH, UK.

On 4 December 2004 the members of the management board of PRIME INVEST LLC, Craig A. Rayner and Sylvia G. Rayner granted their power of attorney to a citizen of Ukraine Marian Savchuk (probably she is the daughter of Sergiy Savchuk) to represent PRIME INVEST LLC in the period from 4 December 2003 until 4 December 2006 at the Meetings of shareholders of SESA Polska limited liability company and to acquire shares in SESA Polska company from the present shareholders.

On 8 September 2005 PRIME INVEST represented by Craig A. Rayner granted a loan to SESA Polska company amounting to USD 820,000 (PLN 2,594,316) for the period of 5 years.

It has also been revealed during the investigation that SESA POLSKA company is probably closely linked to the operation of the Ukrainian entity Company SESA Ltd., as according to the information provided by

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TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

an Ukrainian financial analysis unit, it had been established by PRIME INVEST LLC from Florida, 1591 E, Atlantic Blvd. Suite 200, Pompana Beach. Sergiy Savchuk is the director of Company "SESA" Ltd. and the founder of the following entities:

- Company "SESA" Ltd., capital UAH 1,845,720.00; where the other founder is OB. "Cromptown Group LLC" (1000, Connecticut Ave, NW Suite 1020, Washington DC, 20036 USA)
- "SESA-Centre" Ltd., capital of UAH 7,500.00;
- "SESA-Bud" Ltd., capital UAH 70,000.00

Further, Company "SESA" Ltd. is the founder of three entities:

- Closed enterprise Company "SESA" Ltd., where the other founder is PRIME INVEST LLC (USA, Florida, 1591 E, Atlantic Boulevard, Suite 200, Pompana Beach);
- "SESA-Trade" Ltd., where the other founder is "Lightware business group LLC (USA, Washington DC, Connecticut EB, NW 1000, K 1020)
- "SESA-Trans" Ltd., where the other founder of Savchuk Marina born on 30.04. 1977 (probably the daughter of Sergiy Savchuk).

According to FinCEN the present registered representative of PRIME INVEST LLC is ~~ANGLO MANAGEMENT (USA) Inc. 62 Rockford Road, Wilmington, Newcastle, Delaware.~~ FinCEN also informed the General Inspector of Financial Control of several suspicious transactions carried out through the agency of PRIME INVEST LLC.

At the present stage of investigation it is necessary to reveal what is the company capital of PRIME INVEST LLC, its legal form, propriety

Uplu



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

structure, composition of the management board, representatives and the actual registered office, personal relations between the company's agents and Sergiy Savchuk and the origin of the money lent by PRIME INVEST to SESA Polska.

Considering the above circumstances, the Circuit Prosecutor's Office in Warsaw is kindly asking you to perform the following as part of legal assistance:

- 1) please establish what is the company capital of PRIME INVEST LLC, legal form, propriety structure, composition of the management board, representatives and the actual registered office
- 2) please check whether American authorities have any information on the origin of money provided by PRIME INVEST LLC as the loan to SESA Polska, especially whether the money originates directly or indirectly from crime (if so, what crime)
- 3) please interview as witnesses all agents of PRIME INVEST LLC, that is:
 - a) W. Rick Fletcher (1220 North Market Street, Wilmington, Delaware 19801 or 360 South Shore Driver, Sarasota, FL 34234)
 - b) ANGLO MANAGEMENT Inc., 62 Rockford Road, Wilmington, New Castle, Delaware
 - c) Carlton Management, Inc., 1591 East Atlantic Blvd. Suite 200, Pompano Beach, Florida 33060
 - d) Florida Filing and Search Services, 1333 North Duval Street Tallahassee, FL 32303

UPL



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

regarding the following issues:

- how did they become the representatives of PRIME INVEST LLC, what are their rights and obligations in that respect
- what is the actual registered office of PRIME INVEST LLC, its company capital and the business objects
- who are the shareholders of PRIME INVEST LLC, and who are the members of its management board
- how do they contact the members of the management board of PRIME INVEST LLC
- do they know Sergiy Savchuk, Marina Savchuk
- are they aware of any loans granted by PRIME INVEST LLC to SESA Polska limited liability company, especially from where did PRIME INVEST LLC had resources to grant loans (the origin of the money)
- who decided to converse the loan to the shares of SESA Polska limited liability company
- is PRIME INVEST LLC related to the Ukrainian Company SESA Ltd., and if so, how.

Please brief the witnesses before the interviews of the contents of
~~articles: 233 paragraph 1 of the penal code and 183 of the code of~~
penal procedure. If allowed by your applicable provisions, please
record the interviews in the form of minutes.

Upler



TRANSLATION FROM POLISH

[PR VI Oz 677/09/P]

Please find enclosed: excerpts from the provisions of the penal code and the code of penal procedure and the template of the statement to be signed by the witnesses.

[a round seal with the Polish national emblem and writing in the rim:]

Circuit Prosecutor's Office in Warsaw *1*

[a seal:] DEPUTY
CIRCUIT PROSECUTOR
in Warsaw
[signature]
Katarzyna Bosiakowska

I, Katarzyna Piotrowska-Cholewińska, a sworn translator of the English language, listed at no TP/2246/05 at the Ministry of Justice of the Republic of Poland, hereby certify that this is a true translation of the original Polish text. In witness hereof, I have laid my signature and affixed my office seal.

Chotomów, 14.04.2009

Repertory no 26/2009

