

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of (Name, address or brief description of person, property, or premises to be searched)

SEARCH WARRANT

MINGEI INTERNATIONAL INC., which operates the MINGEI INTERNATIONAL MUSEUM
1439 El Prado
San Diego, CA 92101

08 0205

TO: Bonny L. MacKenzie and any Authorized Officer of the United States

An affidavit having been made before me by Special Agent Bonny L. MacKenzie
who has reason to believe that on the premises known as

See Attachments "A" & "C"

in the Southern District of California, there is now concealed certain property, namely

See Attachment "B"

I am satisfied that the affidavits establishes probable cause to believe that the property so described is now concealed on the premises above-described and establishes grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before ten (10) days

the place named above for the property specified, serving this warrant and making the search in the daytime - 6:00 A.M. to 10:00 P.M. and if the property be found there to seize same, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the U.S. Magistrate Judge, as required by law.

1-17-08 @ 12:00 noon
Date/Time issued

at San Diego, California

Honorable
United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT BITEMS TO BE SEIZED

Based on the foregoing, I respectfully submit that there is probable cause to seize the following items which constitute evidence of violations of California Penal Code sections 31, 497, thus in contravention of the ARPA, 16 U.S.C. sections 470ee(c), (d), and 18 U.S.C. section 371 and 26 U.S.C. section 7206(2), conspiracy to aid and assist in the preparation of false tax returns:

- (a) Any item donated by the UCA to the museum that is identified on the inventory attached as Exhibit A;
- (b) Any archeological resource identified as being from Thailand;
- (c) Photographs of archaeological resources from Thailand;
- (d) Books and other materials containing information on archaeological resources from Thailand;
- (e) Records from 1998 to the present pertaining to the acquisition (including exportation and importation), purchase, sale, disposition or donation (including disposition of donated material) of archeological resources from Thailand, including appraisals and Internal Revenue Service forms and records relating to donations or disposition of donated material;

(f) Records from 1998 to present pertaining to the receipt, transfer and expenditure of income received from the sale of archaeological resources exported from Thailand;

(g) As used above, the term "records" includes documents, programs, applications or materials created, modified or stored in any form; and

(h) in searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

i. Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the "computer personnel") will make an initial review of any computer equipment and storage devices (collectively the "computer devices") to determine whether the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data contained on the computer devices;

ii. If the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, they will be searched on-site, and a computer device will be seized only if the search reveals it to contain any data that falls within the list of items to be seized set forth herein;

iii. If the computer devices cannot be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, then the computer personnel will determine whether it is practical to copy the data contained on the computer devices during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve that data. If it is practical, and the computer devices cannot be searched on site in a reasonable amount of time and without jeopardizing the ability to preserve data, the computer personnel will make a copy of the data contained on each computer device (a "data image") during the execution of this search and shall seize the data images rather than the computer devices themselves;

iv. If the computer personnel determine it is not practical to perform an on-site search of the computer devices or make an on-site data image within a reasonable period of time and without jeopardizing the ability to preserve data, then the computer devices will be seized and transported to an appropriate law enforcement laboratory for review. The computer devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein;

v. In searching the computer devices or data images, the computer personnel may examine all of the data contained in

the computer devices or data images to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein; and

vi. if the computer personnel seize the computer devices pursuant to subparagraph iv above or make a data image pursuant to subparagraph iii above, the computer personnel will search the computer devices or data images within a reasonable amount of time not to exceed 60 days from the date of execution of the warrant. If, after conducting such a search, the case agents determine that a computer device or data image contains any data falling within the list of items to be seized pursuant to this warrant, the government will retain the computer device or data image; otherwise, the government will return the computer device or delete the data image. If the government needs additional time to determine whether the data on the computer devices or data images falls within any of the items to be seized pursuant to this warrant, it may seek an extension of the time period from the Court within the original sixty day period from the date of execution of the warrant.


(i) Except for the items listed in paragraph (a) above, a substantial amount of time maybe necessary to determine whether

an object is evidence of the crimes listed in this warrant. An analysis of the records, including those stored on a museum computer, and the items listed in paragraphs (b) through (f) above and/or an examination by an antiquities expert to determine the origin, age, and authenticity of an object will likely be necessary.

It would be highly impractical to do this analysis during the execution of the physical search of the museum.


There is also risk of damaging archaeological resources in transporting them to an evidence storage locker.

Based on these factors, law enforcement personnel executing this search warrant will employ the following procedure:

i. Upon entering and securing the premises, the government will temporarily "seize in place" those archeological resources that the UCA or an expert in the field of Ban Chiang antiquities believes to be evidence of the crimes listed in the warrant.  The museum shall:

(a) allow government agents and experts access to the "seized" archeological resources during the normal business hours of the museum and at another mutually agreed upon time to photograph, document and examine the resources;

(b) allow the government to remove from the museum any "seized" archeological resource that an expert believes

 Should it become necessary for the government to not "seize in place," the government will retain²⁸ the services of a professional company to pack and transport seized items to industry standards; and the items will then be maintained & stored according to the same standards.

requires additional examination at another location to determine origin, age and authenticity; and

(c) not access, touch, move, loan, sell, damage, destroy or otherwise dispose of the "seized" archeological resource without first receiving approval from the Court or the government.

ii. The government will have 90 days to determine if the temporarily "seized" archeological resources are evidence of violations listed in the search warrant. The time frame of 90 days is necessary because it may take up to 60 days to get any computer data copied and analyzed, and there are a limited number of experts available to examine the "seized" objects;

iii. At the end of 90 days from the date of the start of the execution of this warrant any archeological resource that was temporarily "seized" but is not evidence of a crime listed in the warrant will be returned to the museum; and

iv. If the government needs additional time to determine whether the temporarily "seized" archeological resources are evidence of the crimes listed in the warrant, the government may seek an extension from the Court of the initial 90 day time period.

MINGEI INTERNATIONAL MUSEUMExhibit A2nd Quarter 2006 Donation

<u>Museum Accession #</u>	<u>Description</u>
2006-41-01	Ban Chiang Basket Impressed Vessel
2006-41-02	Ban Chiang Rope Impressed Vessel
2006-41-03	Ban Chiang Offering Dish
2006-41-04	Khmer Bottle
2006-41-05	Khmer Vessel
2006-41-06	Ban Chiang Pedestal Bowl
2006-41-07	Ban Chiang Vessel

3rd Quarter 2006 Donation

<u>Museum Accession #</u>	<u>Description</u>
2006-57-01	Ban Chiang Vessel

1st Quarter 2007 Donation

<u>Museum Accession #</u>	<u>Description</u>
2007-16-01	Ban Chiang Double Flanged Bracelet
2007-16-02A-H	Ban Chiang Spindle Whorls
2007-16-03	Ban Chiang Pottery Anvil
2007-16-04	Ban Chiang Pottery Anvil
2007-16-05	Ban Chiang Pottery Roller
2007-16-06	Ban Chiang Pottery Roller
2007-16-07	Ban Chiang Adze
2007-16-08	Ban Chiang Adze w/ Textile
2007-16-09A-B	Ban Chiang Serpentine Bracelets
2007-16-10	Ban Chiang Serpentine Bracelet

3rd Quarter 2007 Donation

<u>Museum Accession #</u>	<u>Description</u>
2007-?	Ban Chiang Vessel with Red Design

4th Quarter 2007 Donation

<u>Museum Accession #</u>	<u>Description</u>
2007-16-21	Ban Chiang Globular Jar with Tall Pedestal
2007-16-22	Ban Chiang Globular Jar with Pedestal