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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2012 Grand Jury

CR 13 00042

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT EUGENE OLSON and
MARC STEVENS PETTIBONE,
Defendants.

CR No. 13-
I N D I C T M E N T
[18 U.S.C. § 371: Conspiracy; 18
U.S.C. § 2315: Receipt,
Possession, Concealment, Storage,
Barter, Sale, and Disposal of
Stolen Goods; 18 U.S.C. § 2:
Aiding and Abetting, and Causing
an Act to be Done; 21 U.S.C.
§ 853, 18 U.S.C. § 545, 18 U.S.C.
§ 981(a)(1)(C), 19 U.S.C. § 1595a
and 28 U.S.C. § 2461(c): Criminal
Forfeiture]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

A. The Defendants

1. ROBERT EUGENE OLSON, doing business as "Bobby O Imports," was engaged in the import and sale of antiquities from South Asian countries.

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1 2. MARC STEVENS PETTIBONE was engaged in the export and
2 sale of antiquities from South Asian countries to the United
3 States.

4 B. Thailand's Cultural Patrimony Law Protecting Archaeological
5 Resources

6 1. Section 24 of the Kingdom of Thailand's Act on Ancient
7 Monuments, Antiques, Objects of Art and National Museums, B.E.
8 2504 (1961, as amended in 1992) ("Thai Act") provided that
9 antiques that were buried, concealed, or abandoned were state
10 property.

11 2. Section 4 of the Thai Act defined "antique" as
12 an archaic movable property, whether produced by man or by
13 nature, or being any part of an ancient monument or human
14 skeleton or animal carcass which, by its age or characteristics
15 of production or historical evidence, was useful in the field of
16 art, history, or archaeology.

17 3. Section 21 of the Thai Act provided that no person
18 shall export or take out of the Kingdom of Thailand any antique
19 or object of art irrespective of whether it is registered or not,
20 unless a license had been obtained. The export restriction had
21 been in effect since the Thai Act was enacted in 1961.

22 C. Cambodia's Cultural Patrimony Law Protecting Archaeological
23 Resources

24 1. In 1996, the Kingdom of Cambodia enacted the Law on the
25 Protection of Cultural Heritage (the "Cambodian Law") to protect
26 the nation's cultural heritage and cultural property from illegal
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1 destruction, alteration, excavation, and exportation. Royal
2 Decree No. 0196/26 of January 25, 1996, Article 1.

3 2. Article 4 of the Cambodian Law defined "cultural
4 property" as any work produced by human agency and any natural
5 phenomenon of a scientific, historic, artistic, or religious
6 nature which bears witness to a certain stage in the development
7 of a civilization or of the natural world and whose protection is
8 in the public interest.

9 3. Article 39 of the Cambodian Law provided that movable
10 cultural property found by chance was public property.

11 4. Article 40 of the Cambodian Law provided that no one
12 was permitted to carry out excavations or surveys, on land or
13 underwater, for the purpose of bringing to light cultural
14 property likely to be of relevance to the study of prehistory,
15 history, archaeology, ethnology, paleontology, or other branches
16 of science dealing with the past or of human sciences in general,
17 without prior authorization issued by the Cambodian government.

18 5. Article 44 of the Cambodian Law provided that immovable
19 and moveable cultural property discovered by scientific
20 institutions shall be the property of the State.

21 6. Article 51 of the Cambodian Law provided that the
22 export of any cultural object from Cambodia was prohibited
23 without a special export license issued by the Cambodian
24 government.

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1 D. The Convention on the Means of Prohibiting and Preventing
2 the Illicit Import, Export, and Transfer of Ownership of
3 Cultural Property

4 1. The General Conference of the United Nations
5 Educational, Scientific, and Cultural Organization ("UNESCO")
6 adopted a Convention on the Means of Prohibiting and Preventing
7 the Illicit Import, Export, and Transfer of Ownership of Cultural
8 Property ("the Convention") (823 U.N.T.S. 231 (1972)).

9 2. In 1983, the United States became party to the
10 Convention by virtue of the Cultural Property Implementation Act.
11 19 U.S.C. §§ 2601, et seq. ("the Act"). The Act authorized the
12 President to impose restrictions on the importation of designated
13 archeological resources from foreign countries that were parties
14 to the Convention by means of bilateral agreements with the
15 United States. The Act provided that no item designated in a
16 bilateral agreement could be imported into the United States
17 unless the country of origin of the archeological resource
18 certified in writing that the exportation was not in violation of
19 that country's laws.

20 3. On September 19, 2003, pursuant to the Act, the United
21 States and Cambodia entered into a bilateral agreement that
22 prohibited the importation of Khmer stone, metal, and ceramic
23 archeological materials ranging in date from the 6th century
24 through the 16th century A.D., unless accompanied by appropriate
25 export certification.

4. These Introductory Allegations are incorporated into each and every count of this Indictment, including the Forfeiture Allegation.

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COUNT ONE

[18 U.S.C. § 371]

A. OBJECTS OF THE CONSPIRACY

Beginning on a date unknown to the Grand Jury, and continuing to on or about January 24, 2008, in Los Angeles County, within the Central District of California, and elsewhere, defendants ROBERT EUGENE OLSON ("OLSON"), MARC STEVENS PETTIBONE ("PETTIBONE"), and others known and unknown to the Grand Jury, knowingly conspired and agreed to commit the following offenses against the United States:

1. to transport, transmit, and transfer in interstate and foreign commerce any goods, wares, and merchandise, of the value of \$5,000 or more, knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314;

2. to receive, possess, conceal, store, barter, sell, and dispose of any goods, wares, and merchandise, of the value of \$5,000 or more, which have crossed a State or United States boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315; and

3. to knowingly import and bring into the United States any merchandise contrary to law, in violation of Title 18, United States Code, Section 545.

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1 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
2 ACCOMPLISHED

3 The objects of the conspiracy were to be accomplished in
4 substance as follows:

5 1. Defendant PETTIBONE, or his agent, would travel to
6 various locations within the Kingdom of Thailand ("Thailand"),
7 where archaeological sites were being actively looted by
8 individuals known as "diggers" who did not have authorization by
9 the Thai government to be excavating archaeological resources,
10 known as "antiques" in Thailand.

11 2. Defendant PETTIBONE, or his agent, would purchase the
12 looted Thai archaeological resources shortly after they were
13 discovered and excavated by the diggers.

14 3. Defendant PETTIBONE would purchase archaeological
15 resources looted in the Kingdom of Cambodia ("Cambodia") by
16 individuals known as "diggers" who did not have authorization by
17 the Cambodian government to be excavating archaeological
18 resources, after such resources had been smuggled into Thailand
19 from Cambodia.

20 4. Defendant PETTIBONE would contact defendant OLSON by
21 phone or email to discuss and offer for sale the looted
22 archaeological resources recently purchased by defendant
23 PETTIBONE.

24 5. Defendant PETTIBONE would email photographs of the
25 looted archaeological resources to defendant OLSON in an effort
26 to convince defendant OLSON to purchase the resources, and to
27 assist defendant OLSON's efforts to sell the resources to his
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1 customers in advance of defendant OLSON's actual purchase of the
2 archaeological resources.

3 6. Defendant OLSON would agree to purchase the looted
4 archaeological resources from defendant PETTIBONE.

5 7. Defendant PETTIBONE would bribe Thai customs officers
6 to ensure that the shipments of archaeological resources to
7 defendant OLSON would not be inspected and denied exportation
8 from Thailand because they lacked special export licenses.

9 8. Defendant PETTIBONE, or his agent, would falsely state
10 on export paperwork that fees had been paid for special export
11 licenses to allow the shipment and export of the archaeological
12 resources from Thailand to defendant OLSON.

13 9. Defendant PETTIBONE, or his agent, would place "made in
14 Thailand" labels on the archaeological resources to make it
15 appear the resources had been recently manufactured and to
16 conceal the fact that the resources were looted from
17 archaeological sites in Thailand and Cambodia without government
18 authorization.

19 10. Defendant OLSON would receive the shipments of looted
20 archaeological resources exported to him from Thailand by
21 defendant PETTIBONE in Los Angeles, California.

22 11. Defendant OLSON would then transport the archaeological
23 resources looted from Thailand and Cambodia to storage facilities
24 in Anaheim and Cerritos, California, for storage and concealment
25 pending distribution and sale.

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1 12. Defendant OLSON would then distribute and sell the
2 archaeological resources looted from Thailand and Cambodia to his
3 customers in the United States and elsewhere.

4 13. To facilitate the distribution and sale of the
5 archaeological resources looted from Thailand and Cambodia to his
6 customers, defendant OLSON would make the following types of
7 representations to his customers:

8 a. it was illegal to dig up archaeological resources
9 in Thailand and to ship them out of the country;

10 b. only the King of Thailand or the Thai government
11 was permitted to own archaeological resources;

12 c. he would be jailed in Thailand if he was ever
13 caught attempting to take archaeological resources out of the
14 country;

15 d. his shippers had to pay bribes to Thai customs
16 officials in order to get his shipments released for export to
17 the United States;

18 e. his shippers could not declare what was actually
19 in the shipments because the contents were against the law; and

20 f. it was necessary to affix the "made in Thailand"
21 labels to the archaeological resources because it made them look
22 like replicas.

23 c. OVERT ACTS

24 In furtherance of the conspiracy and to accomplish the
25 objects of the conspiracy, defendants OLSON and PETTIBONE, and
26 others known and unknown to the Grand Jury, committed various
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1 overt acts within the Central District of California, and
2 elsewhere, including, but not limited to the following:

3 1. On or about May 5, 2004, defendant PETTIBONE shipped a
4 box from Thailand to defendant OLSON in Cerritos, California,
5 labeled "gift" and "2 pair of earrings" with no declared value.

6 2. On or about May 26, 2004, defendant OLSON sold an
7 undercover agent posing as a customer interested in purchasing
8 antiquities (the "UCA") two pairs of glass earrings for \$800.00
9 that he represented had been made in Cambodia between the 3rd

10 A.D. and 5th A.D. centuries. The earrings were placed in a box
11 sent from defendant PETTIBONE in Thailand that was labeled "gift"
12 and "2 pair of earrings."

13 3. On or about June 7, 2004, defendant PETTIBONE emailed
14 color photographs of Southeast Asian antiquities to an agent of
15 defendant OLSON known to the Grand Jury.

16 4. On or about June 8, 2004, defendant OLSON showed the
17 color photographs emailed to him by defendant PETTIBONE to an
18 individual known to the Grand Jury and stated that one pair of
19 bronze earrings shown in the photographs was from Cambodia.

20 5. On or about June 8, 2004, defendant OLSON offered to
21 sell another Cambodian antiquity shown in the color photographs
22 emailed to him by defendant PETTIBONE to the UCA for \$1,200.

23 6. On or about June 8, 2004, defendant OLSON gave the UCA
24 two of the color photographs emailed to him by defendant
25 PETTIBONE on June 7, 2004.

26 7. On or about July 21, 2004, defendant OLSON met with the
27 UCA at defendant OLSON's storage lockers in Cerritos, California,
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1 for the purpose of selling Southeast Asian antiquities to the
2 UCA. During their meeting, defendant OLSON offered to sell the
3 UCA two antiquities that had been depicted in the color
4 photographs emailed to defendant OLSON by defendant PETTIBONE on
5 or about June 7, 2004, namely, an ivory and gold carved piece
6 selling for \$1,150, and a bronze bell selling for \$2,200. In
7 addition, defendant OLSON represented to the UCA that both
8 antiquities were from Cambodia.

9 8. During in or about September and during in or about
10 October 2004, defendant OLSON placed telephone calls to defendant
11 PETTIBONE in Thailand.

12 9. On or about November 6, 2005, defendant OLSON sent
13 money to defendant PETTIBONE for the purchase of swords and
14 daggers looted from Cambodia.

15 10. On or about November 10, 2005, defendant OLSON received
16 a shipment from defendant PETTIBONE in Thailand containing six
17 metal swords and two metal daggers.

18 11. On or about November 10, 2005, defendant OLSON told the
19 UCA that he had just received six swords and two daggers from a
20 dig site in Cambodia. Defendant OLSON described the swords and
21 daggers as being "pre-Khmer" and dating from 1,000 A.D.
22 Defendant OLSON further told the UCA that he had the swords and
23 daggers classified on United States Customs documents as "metal
24 sticks," and defendant OLSON offered to sell the swords and
25 daggers to the UCA.

26 12. On or about November 16, 2005, defendant OLSON offered
27 to sell the UCA the Cambodian swords and daggers received from
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1 defendant PETTIBONE on or about November 10, 2005. Defendant
2 OLSON also told the UCA that an additional shipment of swords had
3 been delayed because the shipper needed to avoid a new team of
4 Thai Customs officials.

5 13. On or about November 17, 2005, defendant OLSON met the
6 UCA at defendant OLSON's storage lockers in Cerritos, California.
7 During their meeting, defendant OLSON showed the UCA the six
8 swords and two daggers shipped from Thailand by defendant
9 PETTIBONE, and defendant OLSON told the UCA he had purchased the
10 antiques from defendant PETTIBONE.

11 14. On or about January 18, 2006, defendant OLSON told the
12 UCA that he had recently received more Cambodian antiques from
13 defendant PETTIBONE.

14 15. On or about March 5, 2006, defendant OLSON told the UCA
15 that he was negotiating with defendant PETTIBONE to purchase an
16 antique scale from Ban Chiang, Thailand. Defendant OLSON stated
17 that he expected to buy the scale from defendant PETTIBONE and
18 sell it to a customer, known to the Grand Jury, in Chicago,
19 Illinois.

20 16. On or about April 7, 2006, defendant PETTIBONE entered
21 the United States and completed a Customs declaration form
22 stating that he was bringing \$200.00 worth of "gifts" into the
23 United States. Defendant PETTIBONE failed to declare on this
24 form the Ban Chiang, Thailand scale that he also brought into the
25 United States.

26 17. Between on or about April 7, 2006, and on or about
27 April 18, 2006, defendant PETTIBONE met with defendant OLSON in
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1 Los Angeles, California and offered to sell him the Ban Chiang
2 scale and other antiques. Specifically, defendant PETTIBONE
3 offered to sell the Ban Chiang scale to defendant OLSON for
4 between \$15,000.00 and \$20,000.00.

5 18. On or about April 20, 2006, defendant OLSON received
6 approximately 30 Thai and Cambodian antiques shipped to him from
7 defendant PETTIBONE, some of which were labeled with "made in
8 Thailand" stickers.

9 19. On or about October 10, 2006, defendant OLSON told the
10 UCA that he had purchased \$300,000.00 or more in antiques from
11 defendant PETTIBONE in the last eight years or so.

12 20. On or about November 14, 2006, defendant PETTIBONE
13 shipped defendant OLSON an antique ceramic vessel and two stone
14 pieces that make a spear mold from Thailand falsely labeled as a
15 "sample" with no value. The ceramic vessel was medium sized with
16 four bulls on it.

17 21. On or about November 17, 2006, defendant OLSON told the
18 UCA that defendant PETTIBONE had shipped him a Middle Period
19 ceramic vessel from Northeast Thailand as partial repayment for
20 money that defendant OLSON had loaned him. Defendant OLSON
21 stated that the ceramic vessel was a medium sized vessel, that it
22 had four bulls on it, and that it was worth \$1,200.

23 22. On or about March 19, 2007, defendant OLSON told the
24 UCA that he had sold the ceramic vessel with four bulls on it to
25 a customer, known to the Grand Jury, located in Chicago,
26 Illinois.

1 23. On or about January 9, 2007, defendant OLSON called
2 defendant PETTIBONE in Thailand, and defendant PETTIBONE told
3 defendant OLSON that he had some good Chinese bronzes coming out
4 of Thailand from the Philippines.

5 24. On or about October 26, 2007, defendant PETTIBONE
6 shipped defendant OLSON six to seven ceramic vessels as repayment
7 for money that defendant OLSON had loaned him in 2006.

8 25. On or about January 11, 2008, defendant OLSON showed
9 the UCA a bronze bell from Cambodia that he had received from
10 defendant PETTIBONE, and defendant OLSON told the UCA that he was
11 shipping the bronze Cambodian bell to a customer, known to the
12 Grand Jury, in Chicago, Illinois.

13 26. Between on or about January 18, 2008, and on or about
14 January 24, 2008, defendant OLSON possessed, concealed, and
15 stored antiquities looted from Thailand and Cambodia at a storage
16 facility located in Cerritos, California, with the intent to
17 barter, sell, and dispose of them to customers.

COUNT TWO

[18 U.S.C. § 2315]

Between on or about January 18, 2008, through on or about January 24, 2008, in Los Angeles County, within the Central District of California, and elsewhere, defendant ROBERT EUGENE OLSON received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, and merchandise, namely, antiques and antiquities from the countries of Thailand and Cambodia, of the value of \$5,000 or more, which had crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken.

1 (3) imported or brought into the United States
2 contrary to law with respect to any offense set forth in any of
3 Counts One or Two of this Indictment, including, without
4 limitation, any and all property seized by law enforcement
5 officers on or about January 24, 2008 during the execution of
6 search warrants; or

7 (4) stolen, smuggled, or clandestinely imported
8 or introduced into the United States contrary to law with respect
9 to any offense set forth in any of Counts One or Two of this
10 Indictment, including, without limitation, any and all property
11 seized by law enforcement officers on or about January 24, 2008
12 during the execution of search warrants; and

13 b. A sum of money equal to the total value of the
14 property described in subsection a. For each of Counts One or
15 Two for which more than one defendant is found guilty, each such
16 defendant shall be jointly and severally liable for the entire
17 amount forfeited pursuant to that Count.

18 3. Pursuant to Title 21, United States Code, Section
19 853(p), as incorporated by Title 28, United States Code, Section
20 2461(c), each defendant shall forfeit substitute property, up to
21 the total value of the property described in the preceding
22 paragraph, if, as a result of any act or omission of a defendant,
23 the property described in the preceding paragraph, or any portion
24 thereof: (a) cannot be located upon the exercise of due

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