

## United States v. Joo Hyun Bahn, a/k/a “Dennis Bahn,” Ban Ki Sang, and Malcolm Harris (S.D.N.Y. 2016)

## United States v. San Woo, a/k/a “John Woo” (S.D.N.Y. 2017)

## United States v. Andrew Simon (S.D.N.Y. 2017)

### Nature of the Business.

Joo Hyun Bahn (“Bahn”, also known as Dennis Bahn), a South Korean national and resident of New Jersey, was a commercial real estate broker in New York, New York. Bahn’s father, Ban Ki Sang (“Ban”), was a senior executive at a South Korean construction company, Keangnam Enterprises Co., Ltd. Keangnam built and owned Landmark 72, a large commercial building in Hanoi, Vietnam. Malcolm Harris is, according to the DOJ, a “self-described arts and fashion consultant and blogger” who resided in New York. Sang Woo (also known as John Woo), is a South Korean national and worked as a real estate broker in New York City. Andrew Simon, a US citizen, was a real estate broker based in New York.

### Influence to be Obtained.

The DOJ claims that beginning in 2013, Keangnam began searching for an investor to buy or refinance Landmark 72 for approximately \$800 million to ease liquidity problems it was facing at the time. Ban allegedly convinced his company to enter an exclusive broker agreement with his son and his realty firm that offered a multi-million dollar commission upon completion.

In his search for investors, Bahn allegedly initiated discussions with Harris, who claimed to have connections to the royal family of a Middle Eastern country. According to the DOJ, Harris offered to use his connections to secure the investment of the country’s sovereign wealth fund in Landmark 72 in exchange for a portion of Bahn’s commission from the sale. According to the DOJ, Simon met with Bahn and Ban to assist them in paying approximately \$2.5 million in bribes to the foreign official to influence them to invest in Landmark 72. As part of the scheme, Bahn and his father, with the assistance of Woo, allegedly arranged for Keangnam to pay a \$500,000 commission-advance to Bahn’s firm, which Bahn then passed to Harris to be ostensibly used as a bribe in hopes of finalizing the investment in Landmark 72. According to the DOJ, upon receipt of the \$500,000, Harris pocketed the funds for himself, never having intended to complete the bribery scheme.

### Enforcement.

On January 10, 2017, the DOJ unsealed its charges filed against Bahn, Ban, Woo, and Harris in the Southern District of New York.

Bahn was charged with conspiracy to violate the FCPA, three counts of violating the FCPA, conspiracy to commit money laundering, two counts of money laundering, wire fraud, and aggravated identity theft. On January 10, 2017, Bahn pleaded not guilty to the charges, but on January 5, 2018, he entered into a plea agreement with the DOJ. In September 2018, Bahn was sentenced to six months in prison. On a related matter, the SEC issued a cease-and-desist order against Bahn for violations of the FCPA’s anti-bribery and books-and-records provisions. As per the order, Bahn must pay \$225,000 in disgorgement, although it can be satisfied in part or in whole by any payments he may make pursuant to the criminal matter.

Ban was charged with conspiracy to violate the FCPA, three counts of violating the FCPA, conspiracy to commit money laundering, and one count of money laundering. Ban has not appeared in the case and is a fugitive.

Harris was charged with wire fraud, money laundering, and aggravated identity theft. On June 16, 2017, Harris pleaded guilty to one count of wire fraud and one count of identity theft. Harris was sentenced to three years’ imprisonment. He was also ordered to pay restitution of \$760,148, \$500,000 of which is owed jointly and severally with Simon, Bahn, and Woo.

Woo was charged with conspiracy to violate the FCPA. Simon was also charged with conspiracy to violate the FCPA. Woo and Simon entered into plea agreements. Pursuant to the plea agreements, Simon, Harris, Bahn, and Woo were sentenced to pay restitution of \$500,000 jointly and severally.

### Key Facts

**Citation.** *United States v. Bahn*, No. 1:16-cr-00831 (S.D.N.Y. 2016); *United States v. Woo*, No. 1:17-mj-00139 (S.D.N.Y. 2017); *United States v. Simon*, No. 1:16-cr-00831 (S.D.N.Y. 2017).

**Date Filed.** December 15, 2016 (Bahn; Sang; Harris); January 10, 2017 (Woo); October 17, 2017 (Simon).

#### FCPA Statutory Provision.

- **Dennis Bahn.** Conspiracy (Anti-Bribery); Anti-Bribery.
- **Ban Ki Sang.** Conspiracy (Anti-Bribery); Anti-Bribery.
- **Malcolm Harris.** None.

**Date Unsealed.** January 15, 2017.

**Country.** Korea; Middle East.

**Date of Conduct.** 2013 – 2015.

**Amount of the Value.** \$500,000.

**Amount of Business Related to the Payment.** Not stated.

**Intermediary.** Not stated.

**Foreign Official.** Unnamed official from Middle Eastern country.

**Disposition.**

- **Dennis Bahn.** Plea Agreement.
- **Ban Ki Sang.** Pending.
- **Malcolm Harris.** Plea Agreement.
- **John Woo.** Plea Agreement.
- **Andrew Simon.** Plea Agreement.

**Defendant Jurisdictional Basis.**

- **Dennis Bahn.** Domestic Concern; Conspiracy.
- **Ban Ki Sang.** Agent of Domestic Concern; Conspiracy.
- **Malcolm Harris.** Domestic Concern.
- **John Woo.** Domestic Concern; Conspiracy.
- **Andrew Simon.** Domestic Concern.

- **John Woo.** Conspiracy (Anti-Bribery).
- **Andrew Simon.** Conspiracy (Anti-Bribery).

**Other Statutory Provision.**

- **Dennis Bahn.** Conspiracy (Money Laundering); Money Laundering; Wire Fraud; Identity Theft; Criminal Forfeiture.
- **Ban Ki Sang.** Conspiracy (Money Laundering); Money Laundering; Criminal Forfeiture.
- **Malcolm Harris.** Wire Fraud; Identify Theft; Money Laundering.
- **Andrew Simon.** None.

**Defendant's Citizenship.**

- **Dennis Bahn.** South Korea.<sup>1</sup>
- **Ban Ki Sang.** South Korea.
- **Malcolm Harris.** United States.
- **John Woo.** South Korea.<sup>2</sup>
- **Andrew Simon.** United States

**Total Sanction.**

- **Dennis Bahn.** \$225,000;<sup>3</sup> Six-month Imprisonment.
- **Ban Ki Sang.** Pending.
- **Malcolm Harris.** \$760,148;<sup>3</sup> 3-year Imprisonment.
- **John Woo.** \$500,000.<sup>3</sup>
- **Andrew Simon.** \$500,000.<sup>3</sup>

**Related Enforcement Actions.** *In the Matter of Joohyun Bahn* (2018).

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<sup>1</sup> Dennis Bahn was a legal permanent resident of the United States.

<sup>2</sup> John Woo was a legal permanent resident of the United States.

<sup>3</sup> \$500,000 restitution to be paid jointly and severally by Bahn, Harris, Woo, and Simon.