

APR 02 2019

DEPARTMENT OF
JUDICIAL ADMINISTRATION

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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

THE STATE OF WASHINGTON,
Plaintiff,

NO. 19-1-01475-6 SEA
INFORMATION

v.
YUNHUA CHEN,
Defendant.

I, Robert W. Ferguson, Attorney General of Washington, in the name and by the authority of the State of Washington, pursuant to RCW 43.10.232 and at the request of Daniel T. Satterberg, King County Prosecuting Attorney, hereby allege YUNHUA (NMI) CHEN did commit the following crime:

COUNT I

VIOLATION OF WASHINGTON ANIMAL TRAFFICKING ACT

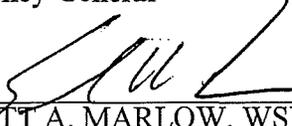
On or about the 16th day of January, 2018 in the County of King, State of Washington, YUNHUA CHEN, did sell, offer to sell, purchase, trade, barter for, or distribute a covered animal species part or product to wit: African Elephant ivory, with a value of \$250 or more; contrary to RCW 77.15.135 (Maximum Penalty – Five (5) years imprisonment and/or \$10,000 fine pursuant

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1 to RCW 77.15.135(4)(d) and RCW 9A.20.021(1)(c), plus \$4,000 Criminal Wildlife Penalty
2 pursuant to RCW 77.15.135(5) and (7), plus restitution and assessments.)

3 DATED this 2nd day of April, 2019.

4 ROBERT W. FERGUSON
5 Attorney General

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7 SCOTT A. MARLOW, WSBA #25987
8 Assistant Attorney General
9 Attorney for Plaintiff
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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

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THE STATE OF WASHINGTON,

NO. 19-1-01475-6 SEA

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Plaintiff,

AFFIDAVIT OF PROBABLE CAUSE

11

v.

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YUNHUA CHEN, an individual

13

Defendant.

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WENDY WILLETTE declares under penalty of perjury of the laws of the State of Washington that the following is true and correct:

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17

I have been a Detective for the Washington State Department of Fish and Wildlife Police (WDFW) since 2013, assigned to the Statewide Investigative Unit, and was a uniformed patrol officer from March 2002 to January 2013. My primary duties include both overt and covert investigations surrounding complex and large-scale fish and wildlife related crimes. I am trained in Economic Crimes Investigation and Analysis, Open-Source and Social Media Investigations, Cell Phone Investigations, GPS Tracking Device Use and Application, Handling Confidential Informants, Report Writing, Covert Investigations, Interview and Interrogation Techniques, and Marine Fish and Shellfish Identification. I am a member of the Pacific Northwest License, Tax, and Fraud Association. In addition, I have provided training regarding financial investigations, cell-phone investigations, GPS tracking device investigations, and social media investigations

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1 to new and existing WDFW Officers and Detectives. I attended the Washington State Criminal
2 Justice Training Academy, via Police Corps, in 2001, which included training in criminal
3 investigations, criminal law and procedures, the analysis and processing of evidence, and
4 surveillance techniques.

5 In addition, Your Affiant has written and successfully executed numerous search
6 warrants during her career, many of which involved commercial catch accounting fraud and
7 illegal shellfish harvest and sales.

8 The Honorable Daniel T. Satterberg, King County Prosecuting Attorney, granted the
9 Washington State Office of Attorney General concurrent authority to investigate this case and
10 conduct any prosecution arising from said investigation.

11 On December 3, 2015, the State of Washington passed into law RCW 77.15.135, which
12 banned the unlawful sale, purchase, trade, barter, or distribution of covered animal species part
13 or product. Covered animal species are defined as any species of elephant, rhinoceros, pangolin,
14 tiger, lion, leopard, cheetah, marine turtle, shark or ray either listed in Appendix I or II of the
15 Convention on International Trade in Endangered Species of Wild Flora or Fauna or listed as
16 critically endangered, endangered, or vulnerable on the International Union for Conservation of
17 Nature and Natural Resources Red List of threatened species. A violation of this law involving
18 any part or product with a total market value less than \$250.00 is classified as a gross
19 misdemeanor. A violation of this law involving any part or product with a total market value
20 more than \$250.00 is classified as a Class C Felony.

21 As part of the new law, I have been trained to identify Proboscidean (elephant, mammoth,
22 and mastodon) ivory by its morphological characteristics. Proboscidean ivory exhibits Schreger
23 Lines, which are cross-hatching or over-lapping chevrons. Mammoth typically exhibit Schreger
24 Lines with angles less than 90 degrees (acute), whereas mastodon and elephant typically exhibit
25 Schreger Lines with angles greater than 120 degrees (obtuse). Mastodon ivory is not typically
26 suitable for carving, so the majority of ivory on the market today consists of elephant and

1 mammoth ivory. Elephant Schreger Lines also become more acute further into the center of the
2 tusk, so genetic testing is required to confirm that an item is elephant ivory unless the orientation
3 of the tusk is clearly discernable from the carving.

4 On March 28, 2018, I was actively investigating eBay.com for violations of RCW
5 77.15.135 and located an advertisement for an ivory snuff bottle with a price of \$348.00 posted
6 by eBay user yunh.che, who was geographically located within 15 miles of Kent, WA, my target
7 search area. I could clearly see Schreger Lines on the snuff bottle. I searched through yunh.che's
8 other items and located three additional Proboscidean ivory items for sale. They were all carved
9 statues and their prices were \$1080.00, \$1380.00 and \$89.00 respectively. The two more
10 expensive items featured additional photos, clearly displaying Schreger Lines. I believe yunh.che
11 was deliberately posting photos of Schreger Lines to attract discerning ivory collectors. I bid on
12 the \$89.00 statue and had a brief email dialogue with yunh.che through eBay, but was ultimately
13 outbid. I continued to investigate yunh.che and on April 11, 2018, I saw that yunh.che posted
14 an ivory pagoda for sale on eBay for \$1480.00, again clearly featuring Schreger Lines in the
15 associated photos.

16 I wrote an affidavit and search warrant for eBay records related to yunh.che and served
17 it upon eBay on April 13, 2018. I received records from eBay on April 16, 2018. The records
18 provided the identity of yunh.che as Yunhua Chen, as well as the e-mail address, physical address
19 and telephone number. eBay also provided Excel spreadsheets of all items posted for sale by
20 yunh.che and all items won by yunh.che since December 3, 2015.

21 Using eBay's identifying information, I was able to confirm that yunh.che was Yunhua
22 Chen, and obtain a date of birth and Washington driver license number. I wrote an additional
23 affidavit and search warrant for Google Gmail records for Chen's email address provided by
24 eBay and served it upon Google on April 26, 2018. I received results on June 7, 2018. I reviewed
25 all of the Gmail and eBay data and discovered that Chen had posted thirteen items for sale on
26 eBay that likely consisted of Proboscidean ivory. Ten of those postings resulted in sales to buyers

1 in Washington, California, Louisiana, New York, Georgia, and Mongolia via a shipper in
2 Illinois, Hong Kong, and Australia.

3 I saw in the advertisements for these items that Chen consistently used certain terms to
4 identify his ivory pieces to discerning buyers. Some of the terms were statue, carving, figurine,
5 bone, bovine bone, and ivory color. I saw in the email records that eBay warned Chen at least
6 twice, on February 19, 2018 and on April 21, 2017, for violating their ivory policy. They advised
7 Chen to make changes to the postings or to end them to avoid having action taken against his
8 account. I also saw that eBay removed a posting Chen had made due to violations of their ivory
9 policy on April 10, 2017.

10 Using the eBay data, I identified buyers within the United States and contacted the United
11 States Fish & Wildlife Service to assist in contacting those buyers in other parts of the country.
12 On July 31, 2018, two US Fish & Wildlife agents contacted Devereux Parker Moring,
13 05/02/1978, of Metairie, LA. eBay records showed that Moring had purchased a Proboscidean
14 ivory carving for \$1305.00 from Chen on January 16, 2018. The two USFW Agents advised
15 Moring of the violation and Moring forfeited the statue he had purchased from Chen to the
16 Agents. The statue matched the photograph of the item posted by Chen on eBay. USFW then
17 submitted the statue to the US Fish and Wildlife Laboratory in Ashland, OR for genetic testing.
18 On October 18, 2018, I took custody of the statue after it had been returned from the USFW Lab.
19 The lab confirmed the statue was made of African elephant ivory and the base of the statue was
20 made of walrus tusk.

21 On November 15, 2018, I attempted to contact Chen at his home, which was confirmed
22 to be 2458 S Spencer St, Seattle, WA. I left a card and asked him to call. I also left a voicemail.
23 I did not receive a response so I emailed Chen at his Gmail email address. I received a response
24 from Chen via email on November 19, 2018. I advised Chen I wanted to speak with him
25 regarding his ivory eBay sales and requested an in-person meeting. He said via email that he
26 was willing to call me however not comfortable enough to speak over the phone without a

1 translator. I agreed and provided Chen a Cantonese translator via telephone on November 20,
2 2018. Chen refused to have a discussion with me when I advised him of the law violation, the
3 potential penalty for that violation and that I was recording the phone call.

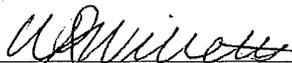
4 Yunhua Chen, 05/30/78, a resident of Seattle, in the county of King, and in the state of
5 Washington, did violate RCW 77.15.135 Unlawful Sale, Purchase, Trade, Barter, or Distribution
6 of Covered Animal Species part or Product in the First Degree when he sold of one African
7 elephant carving for \$1305.00 to Devereux Parking Moring of Metairie, LA via his eBay
8 platform, username yunh.che, on January 16, 2018.

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10 Based on the facts set forth in this affidavit, there is probable cause to believe that
11 YUNHUA (NMI) CHEN on or about January 16, 2018 committed the crime of:

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13 1. UNLAWFUL SALE, PURCHASE, TRADE, BARTER, OR DISTRIBUTION OF
14 COVERED ANIMAL SPECIES PART OR PRODUCT – 1 Counts
15 RCW 77.15.135

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17 I certify (or declare) under penalty of perjury under the laws of the State of Washington
18 that the foregoing is true and correct.

19 DATED this 26 day of March, 2019 at Redmond, Washington.

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23 WENDY WILLETTE, WDFW
24 DETECTIVE W-53
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