

United States District Court

STATE AND DISTRICT OF MINNESOTA

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

The computers and computer equipment seized by the Minnesota State Patrol on June 17, 2009, and in the custody of the Minnesota State Patrol.

SEARCH WARRANT
Case Number:

TO: Special Agent Patricia L. Weber and any Authorized Officer of the United States

Affidavit(s) having been made before me by Patricia L. Weber who has reason to

believe that on the person of or on the premises known as (name, description and/or location)

The computers and computer equipment seized by the Minnesota State Patrol on June 17, 2009, and in the custody of the Minnesota State Patrol.

in the State and District of Minnesota there is now concealed a certain person or property, namely (describe the person or property)

See attached list of items to be seized.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 8/7/09

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.)~~(at any time in the day or night as I find reasonable cause has been established)~~ and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the Magistrate of the month or The Honorable Jeffrey J. Keyes, United States Magistrate Judge, as required by law.

July 29, 2009 4:00 pm
Date and Time Issued

at St. Paul, MN
City and State

The Honorable Jeffrey J. Keyes,
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Jeffrey J. Keyes
Signature of Judicial Officer

United States District Court

STATE AND DISTRICT OF MINNESOTA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

The premises known as 500 Ford Road, St. Louis Park, MN 55426, further described as the office building functioning as the corporate headquarters for entities controlled or owned by Dennis Hecker, including any outbuildings, sheds, garages, storage facilities, and vehicles located on said premises.

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City and State

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Signature of Judicial Officer

United States District Court

STATE AND DISTRICT OF MINNESOTA

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(Name, address or brief description of person or property to be searched)

The computers and computer equipment seized by the Minnesota State Patrol on June 17, 2009, and in the custody of the Internal Revenue Service - Criminal Investigative Division.

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UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

at St. Paul, MN
City and State

Jeffrey J. Keyes
Signature of Judicial Officer

LIST OF ITEMS TO BE SEIZED

For the period beginning January 1, 2006, and continuing through the date the search warrant is executed, the documents and records to be seized include all evidence, fruits, or instrumentalities of crime related to violations of Title 18, United States Code, Sections 152-157 (bankruptcy fraud), 371 (conspiracy), 1341 (mail fraud), 1343 (wire fraud), 1349 (conspiracy), 1956 (money laundering), and 1957 (money laundering), including but not limited to:

1. Documents and records reflecting or related to financing from Chrysler Financial for the financing of vehicles, including fleet lease vehicles. Such documents and records to include:
 - a. supply agreements, loan agreements, invoices, financial statements, security agreements, promissory notes, personal guarantees, financing packets, funding packages, payment schedules, and listing of vehicles used as collateral for loans;
 - b. any other documents submitted by Hecker, Hecker's entities or anyone working for or with Hecker, with respect to obtaining financing from Chrysler Financial;
 - c. documents reflecting or related to payment histories, including the source of payment, by Hecker/Hecker's entities;
 - d. agreements and other documents regarding vehicles purchased from Chrysler Motors, Hyundai Motor America, Toyota, GM, Suzuki, Nissan, and Mitsubishi, including those purchased under guaranteed repurchase or guaranteed depreciation programs (e.g., "GDP" program) and risk purchases;
 - e. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;

- f. any altered or forged documents created by Hecker, Hecker's entities, or anyone working for or with Hecker/Hecker's entities;
 - g. any "Chrysler" file maintained by Dennis Hecker or his employees;
 - h. any documents, including a Rolodex, of Chrysler contacts;
 - i. documents reflecting or related to any financial transactions with respect to payments by Chrysler Financial in or about November and December 2007.
2. Documents and records reflecting or related to Hyundai Motor America with respect to purchase or leasing of vehicles, including fleet lease vehicles. Such documents and records to include:
- a. documents reflecting and related to any agreements between any of Hecker's entity and Hyundai Motor America, including supply agreements and agreements pursuant to guaranteed repurchase or guaranteed depreciation programs (e.g., "GDP" program) and risk purchases.
 - b. documents related to the alleged fraudulently obtained floor plan(s) agreement(s) or financing approved in November 2007;
 - c. any altered or forged documents created by Hecker, Hecker's entities, or anyone working for or with Hecker/Hecker's entities;
 - d. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;
 - e. any "Hyundai" or "Hyundai Motor" file maintained by Dennis Hecker or his employees;
 - f. documents reflecting or related to any financial transactions with respect to payments by Hyundai Motor America in or about November and December 2007.

3. Documents and records reflecting or related to Hyundai Motor Finance Company with respect to financing of vehicles. Such documents and records to include:
 - a. supply agreements, loan agreements, invoices, financial statements, security agreements, promissory notes, personal guarantees, financing packets, funding packages, payment schedules, and listing of vehicles used as collateral for loans;
 - b. any other documents submitted by Hecker, Hecker's entities or anyone working for or with Hecker, with respect to obtaining financing from Hyundai Motor Finance Company;
 - c. documents reflecting or related to payment histories, including the source of payment, by Hecker/Hecker's entities;
 - d. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;
 - e. any altered or forged documents created by Hecker, Hecker's entities, or anyone working for or with Hecker/Hecker's entities;
 - f. any "Hyundai Motor Finance" file maintained by Dennis Hecker or his employees;
 - g. documents reflecting or related to any financial transactions with respect to payments by Hyundai Motor Finance Company in or about February and August 2008.

4. Documents and records reflecting or related to Mitsubishi with respect to purchase or leasing of vehicles, including fleet lease vehicles. Such documents and records to include:
 - a. documents reflecting and related to any agreements between any of Hecker's entity and Mitsubishi, including supply agreements and agreements pursuant to

- guaranteed repurchase or guaranteed depreciation programs (e.g., "GDP" program) and risk purchases.
- b. documents related to an alleged fraudulently obtained floor plan(s) agreement(s) or financing approved in or about 2002-2003
 - c. documents related to transaction fees or advertising-time credits or discount credits for commercial TV air time;
 - d. any altered or forged documents, including invoices, bills of sale, or other documents, created by Hecker, Hecker's entities, or anyone working for or with Hecker/Hecker's entities;
 - e. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;
 - f. any "Mitsubishi" file maintained by Dennis Hecker or his employees.
5. Documents and records reflecting or related to GE Capital, Gelco Corporation, GE Fleet and/or VFS Financing, Inc. with respect to purchase or leasing of vehicles, including fleet lease vehicles, as well as with respect to financing for a Bombardier Challenger aircraft and aircraft equipment. Such documents and records to include:
- a. supply agreements, loan agreements, invoices, financial statements, security agreements, promissory notes, personal guarantees, financing packets, funding packages, payment schedules, and listing of airplane(s), airplane equipment and/or vehicles used as collateral for loans;
 - b. any other documents submitted by Hecker, Hecker's entities or anyone working for or with Hecker, with respect to obtaining financing from GE Capital, Gelco Corporation, GE Fleet and/or VFS Financing, Inc;

- c. documents reflecting or related to payment histories, including the source of payment, by Hecker/Hecker's entities;
 - d. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;
 - e. any altered or forged documents created by Hecker, Hecker's entities, or anyone working for or with Hecker/Hecker's entities;
 - f. any "GE Capital," "Gelco Corporation," "GE Fleet" and/or "VFS Financing, Inc" file maintained by Dennis Hecker or his employees.
6. Documents and records reflecting or relating to the purchase and/or sale and use of airplanes by Dennis E. Hecker and/or Hecker's entities. Such documents and records to include:
- a. documents reflecting and related to purchase agreements for planes, loan applications, cancelled checks for loan issuance, appraisals, loan payment history, flight logs, payments made to pilots, mechanics and others for use of the plane, and correspondence between buyer(s) and seller(s).
 - b. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes.
7. Documents and records reflecting or related to Advantage Rent-A-Car, including Southwest-Tex Leasing Co., ARC Venture Holding, and Advantage Touch. Such documents and records to include:
- a. financial statements, financial projections, statements of revenues and expense, and assessment of profitability of each rental car business location, including spreadsheet projections provided to Chrysler Financial in November 2007;

- b. documents reflecting or related to repairs or reimbursement for repairs;
 - c. documents reflecting or related to complaints by State Farm, Advantage Touch and/or any other insurance company with regard to alleged fraudulent claims;
 - d. documents reflecting or related to the National Association of Attorneys General Task Force on Car Rental Industry Advertising and Practices and its "Final Report and Recommendations of the National Association of Attorneys General Task Force on Car Rental Industry Advertising and Practices";
 - e. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes;
 - f. any "Advantage Rent-A-Car" file maintained by Dennis Hecker or his employees.
8. Documents and records reflecting or related to the financial condition of Hecker's entities.

Such documents and records to include:

- a. documents and records reflecting and related to periodic financial/net worth statements, statements of income and/or expenses, books, records, receipts, invoices, bank account records, account applications, deposit statements/slips, notes, checks, invoices and/or bills, journals, ledgers, credit card billing statements and receipts, calendars, billings, agreements, contracts, safe deposit box records and keys;
- b. documents and records reflecting and related to cash receipts and cash disbursements, any other financial records relating to any of Hecker's entities;
- c. checking account ledgers, including hand-prepared documents;
- d. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes.

9. Documents and records reflecting or relating to any of Hecker's entities failure to pay state sales tax and/or failure to pay off any customer's liens on trade in vehicles. Such documents records to include:
 - a. documents and records reflecting or relating to customer complaints taken by Dennis E. Hecker, Hecker's entities and/or any employees regarding sales taxes not being paid and/or liens not being paid; and
 - b. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes.
10. Documents and records reflecting or relating to any transfer of money and assets by Hecker and/or certain of Hecker's entities to other Hecker's entities and/or any third party, including such transfers that were made with intent to hinder, delay or defraud creditors of the transferring entities. Such documents and records to include:
 - a. documents reflecting or related to wire transfers or other payments and transfers of money;
 - b. documents reflecting or related to any fixed asset listings of Hecker/Hecker's entities;
 - c. documents reflecting or related to any closing files or other documents relating to the sale of any Hecker dealerships, including but not limited to Inver Grove Toyota;
 - d. documents reflecting or related to communications, including memoranda, letters, emails, faxes, notes.
11. Documents and records reflecting or relating to personnel files which show job titles, dates of employment, duties and responsibilities, location where employed, personnel issues, and contact information for employees of Dennis E. Hecker and/or Hecker's entities;

employment agreements, severance agreements, confidentiality agreements, and non-compete agreements.

12. Documents and records reflecting or relating general ledgers and accounting software for Hecker's entities.
13. Documents and records reflecting or relating to bank records for Hecker's entities from 2006 to the present.
14. Documents and records reflecting or relating to any accounting audit including forensic accounting audit.
15. Cash over \$10,000.

The terms "Hecker's entities" includes but is not limited to Rosedale Fleet Leasing II LLC, Rosedale Dodge, Inc., Walden Fleet Services II, Inc., Denny Hecker Automotive Group, Inc., Walden Investment, LLC, and Southwest-Tex Leasing Co., Inc., d/b/a Advantage Rent-A-Car, Den-Star of Minnesota, LLC, and all other entities owned and controlled by Dennis E. Hecker.

The terms "document(s)" and "record(s)" includes all the foregoing items of evidence, in whatever form and by whatever means such documents, their drafts, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as drawing, writing, painting, with any implement or surface, directly or indirectly); any photographic form (such as prints, slides, videotapes, photocopies); any mechanical form (such as printing or typing) and any electronic or magnetic form (such as tape recordings, cassettes, compact discs, information on an electronic or magnetic storage device).

Moreover, all of the above-noted documents and records may be stored on magnetic or electronic media, including hard drives, diskettes, tapes, or other media in a form readable by

computer. These records include media maintained as archive or backup copies. Also included in magnetic or electronic media are electronic data processing and storage devices, computers, and computer systems, including central processing units, internal and peripheral storage devices such as fixed disks, external hard disks, floppy disks and diskettes, tape drives and tapes, optical storage devices such as keyboards, printers, video display monitors, optical readers, and related communication devices such as modems. Computer equipment, as needed, is defined as follows.

A. Hardware. All equipment that can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. Hardware includes, but is not limited to, any data-processing devices; internal and peripheral storage devices; peripheral input/output devices (such as keyboards, printers, scanners); related communication devices (such as modems, cables, and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers); and any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

B. Software. Digital information that can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications, utilities, compilers, interpreters, and communication devices.

C. Documentation. Written, recorded, printed, or electronically stored material that explains or illustrates how to configure or use computer hardware, software, or related items.

D. Handwritten or printed notes regarding passwords, finding the file or directory names of important data, operating the hardware or software, identifying the suspect's electronic or telephone connections with co-conspirators and victims, and/or finding login names or accounts.

SEARCH WARRANT ADDENDUM

1. In conducting the search authorized by this warrant, the government shall make reasonable efforts to utilize computer search methodology that avoids searching files, documents or other electronically stored information which is not identified in the warrant.

2. If electronically stored data or documents have been identified and seized by the government pursuant to this warrant, the government may retain the original hard drive or other data storage mechanism. The person from whom the data storage device has been seized may request that the government provide him or her with electronic copies of the electronically stored data or documents by making a written request to the United States Attorney's Office, identifying with specificity the files, data, or software sought to be copied. The government must respond to all such requests within a reasonable amount of time, and must provide a copy of the electronically stored data or documents requested unless the copies requested constitute contraband, instrumentalities, or property subject to forfeiture.

3. Nothing in this warrant shall limit or prevent the government from seizing the computer as contraband or an instrumentality of a crime or commencing forfeiture proceedings against the computer and/or the data contained therein. Nothing in this warrant shall limit or prevent the owner of the computer from (a) filing a motion with the Court pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure for the Return of Property or (b) making a request of the government to return certain specified files, data, software or hardware.

4. The government shall establish a search methodology governing the review of seized data to ensure that no attorney-client privileged communications will be inadvertently reviewed by the prosecution team. In the event that documents or other records seized pursuant to this warrant are identified by the government as possibly containing attorney-client privileged communications, an Assistant United States Attorney, who is not a member of the prosecution team and who is not participating in the search, shall act as a "taint team" to set up a "Chinese wall" between the evidence and the prosecution team that will prevent any privileged material from getting through.