

FEDERAL BUREAU OF INVESTIGATION
**Notification of Authority Granted for Use of
Electronic Monitoring Equipment - Not Requiring a Court Order**

Background Information

To: **Miami** Date: **10/28/2009**

From: **Miami** For FBI Field Office Use Only
CM#:

Contact:
Name: **[REDACTED]**
Enter as much of the name as you know and click **Search** to find matches.
Phone: **5618337517** Ext:
Squad: **PB-2**

Case File ID: **72-MM-113327-ELA** Title Text: **ALFREDO RODRIGUEZ; OBSTRUCTION OF JUSTICE**

- Consensual Monitoring
- Other Electronic Surveillance

OIA Authority for CHS

Are you seeking OIA Authority for a CHS to consensually monitor in a two-party state?

Yes (OIA authority for CHS is only valid for 90 day increments - additional 90 day increments will require submission of another FD-759)

No (If not OIA, consensual monitoring can be authorized for the duration of the investigation unless the monitoring circumstances substantially change)

OIA approval for a CHS shall be maintained in the appropriate CHS file with a copy placed in the appropriate ELSUR file.

Investigation Classification Level

- Unclassified
- Confidential
- Secret

1. Reason for Proposed Use:

Collect Evidence

2. Types of Equipment:

Telephone

2a. Equipment Concealed:

In a Telephone

3. Interceptee(s): (If Public Official, Include Title and Entity)

Name: **Alfredo Rodriguez**

And others yet unknown

4. Consenting Party (Identify ONLY on Field Office Copy):

Nonconfidential Party

Protect Identity

Name: **Bradley J. Edwards**

4a. The following mandatory requirements have been or will be met prior to Consensual Monitoring taking place:

- National Security
- Criminal

Consenting party has agreed to testify;

Consenting party has agreed to execute the consent form prior to monitoring/recording; &

Recording/transmitting device will be activated only when consenting party is present.

5. Location where monitoring will likely occur:

Location (City, County or Other) **Southern District of Florida**

State **Florida**

Will the monitoring occur in the territory of another division?

6. Duration of proposed use:

For the duration of investigation (including OIA for FBI employees)

For 90 days (OIA for CHS - renew every 90 days)

Yes No

6b. Check box if verbal authority was obtained.

7. Chief Division Counsel (CDC)/Office of the General Counsel (OGC) has been contacted, foresees no entrapment, and has advised monitoring is legal & appropriate.

8. Violations

Title: **18**

U.S.C: **1509 & 1510**

Name: Enter as much of the name as you know and click **Search** to find matches.

Telephone#: Ext:

Date of Contact: **10/28/2009**

CDC Review:

Initials: Date:

Field Office:

9. DOJ approval is required if the requested monitoring includes any of the following sensitive circumstances (Check all that apply):

- Monitoring relates to an investigation of a member of Congress, a federal judge, a member of the Executive Branch at Level IV or above, or a person who has served in such capacity within the previous 2 years.
- Monitoring relates to an investigation of the Governor, Lieutenant Governor, or Attorney General of any state or territory, or a judge or justice of the highest court of and State or Territory, and the offense investigated is one involving bribery, conflict of interest, or extortion relating to the performance of his/her official duties.
- Consenting/non-consenting party is or has been a member of the Witness Security Program and that fact is known to the agency involved or its officers.
- Consenting/non-consenting party is in the custody of the Bureau of Prisons of the U.S. Marshals Service.
- Attorney General, Deputy Attorney General, Associate Attorney General, Assistant Attorney General for the Criminal Division, or the U.S. Attorney in the district where an investigation is being conducted has requested the investigating agency obtain prior written consent for making a consensual interception in a specific investigation.

10. Synopsis and predicate of Case (the synopsis of the investigation should articulate pertinent, timely facts and predication for which the purpose of the consensual monitoring is requested):

On or about August of 2009, Bradley James Edwards, date of birth 11/16/1975, was contacted by Alfredo Rodriguez, date of birth 04/12/1954, Edwards is an attorney who is representing four female individuals who are suing Jeffrey Epstein, Rodriguez was an employee for Epstein. Edward's deposed Rodriguez and served him with a federal subpoena to provide any and all documents relating to the case. Rodriguez is trying to sell Edwards documents that he claims are pertinent to the civil case. Edwards explained to Rodriguez that his demands are illegal and that he was obligated under the subpoena to turn the documents over. Rodriguez is still demanding \$50,000.00 for the documents. Edwards will make a consensual call to Rodriguez and introduce an Under Cover Employee (UCE) to complete the transaction.

Some states, by law, prohibit recordings of conversations or communications without the consent of all parties to the conversation or communication, although under federal law the FBI may undertake these recordings. Under FBI guidelines, one party consensual recording of communications occurring in these states may be considered "Otherwise Illegal Activity" unless an exception to the prohibition is available for law enforcement activity, including that undertaken by the FBI. By signature below, the SAC (or designee) approves the consenting party's possible Otherwise Illegal Activity in the event the recording takes place in a state with such a prohibition.

Approval/Review:

- 11. SSA Signature: Date:
- 12. ASAC (If Applicable) Signature: Date:
- 13. SAC (If Applicable) Signature: Date:

- 14. Unit Chief (If Sensitive Circumstances Exist) Signature: Date:

Author: **GUMBINNER GAVIN**

ÿ

Â