

## Alain Gagnon / Archive Case

**Case ID:**

ARW-2

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Canada

**Position of Public Official(s) (yrs in office):**

Financial Auditor, Department of Public Works and Government Services (exact years in office unknown, but at least from 1996-2007)

**Jurisdiction of Asset Recovery:**

United States

**Jurisdiction of Asset Recovery ? Description:**

Location of Recovery Effort, Asset Location / Alleged Asset Location

**Asset Recovery Start:**

2008

**Asset Recovery End:**

2008

**UNCAC Offenses Implicated:**

Art.17

**Money laundering Implicated:**

No

**Legal Basis for Asset Recovery:**

Other

**Basis for Intl Cooperation:**

Treaty Between the Government of the United States of America and the Government of Canada on Mutual Legal Assistance in Criminal Matters (1985 U.S.T. LEXIS 230)

**Contributing Factors in Asset Recovery:**

Mr. Gagnon pleaded guilty and as part of his plea agreement, he assigned his property to the victim, namely Her Majesty the Queen in Right of Canada. In addition, when served with the Canadian restitution order, the U.S. investment firms liquidated his accounts and voluntarily remitted the funds to the Canadian agency. (Source: In re: Restraint of All Assets Held in the Name of Alain Gagnon In, etc. Case No. 1:08-mc-00260-PLF (D.D.C.), Official Supplemental Request by Canada to the United States of America, document 6-1 filed on April 13, 2009.)

**Status of Asset Recovery :**

Completed

**Agreement for Returned Assets:**

No

**Agreement for Returned Assets - Description:**

NA

**Case Summary:**

As part of his 2008 plea agreement, Mr. Gagnon assigned his property to the victim, namely Her Majesty the Queen in Right of Canada, by executing a "Deed of Assignment." The properties included funds held in the U.S. in accounts under his name with the firm Options Express in Chicago, FX Solutions in New Jersey, and Forex Capital Markets in New York. On April 28, 2008, the U.S. District Court for the District of Columbia acted upon the January 4, 2008 Request for Assistance by the Canadian court and ordered those funds to be restrained.

Upon being served with the Canadian Order, however, the law firm acting on behalf of FX Solutions issued a check payable to the Receiver General for Canada in the amount of CAD \$46,828.04. In October 2008, the Public Works and Government Services' Legal Counsel and case agents followed up with Forex Capital Markets and Options Express; each of the firms liquidated the accounts and remitted to the Public Works and Government Services all of the money in the investment accounts: \$19,533.40 by Forex Capital and \$50,931.68 by Options Express. (Source: In re: Restraint of All Assets Held in the Name of Alain Gagnon In, etc. Case No. 1:08-mc-00260-PLF (D.D.C.), Official Supplemental Request by Canada to the United States of America, document 6-1 filed on April 13, 2009 which also includes an official translation of the Order of Restitution and Order to Revoke Restraining Order in Director of Criminal and Penal Prosecutions v. Alain Gagnon, Respondent and Her Majesty the Queen in the Right of Canada, FX Solutions, FOREX Capital Markers, Mis-en-case, No. 550-01-030814-075, 550-26-000342-070, Court of Quebec, Criminal and Penal Division, Province of Quebec, District of Hull, signed on August 21, 2008).

**Disposition of Criminal Case(s):**

On August 21, 2008, Mr. Gagnon pleaded guilty to fraud and breach of trust by a public officer, and sentenced in November 2008. He had been charged by the Director of Criminal and Penal Prosecutions in the Province of Quebec (Canada) of fraud, breach of trust by a public officer and laundering proceeds of crime. (Source: In re: Restraint of All Assets Held in the Name of Alain Gagnon In, etc. Case No. 1:08-mc-00260-PLF (D.D.C.), Official Supplemental Request by Canada to the United States of America, document 6-1 filed on April 13, 2009.)

**Jurisdiction of Origin: Investigative Agency:**

Royal Canadian Mounted Police

**Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):**

Director of Criminal and Penal Prosecutions in the Province of Quebec (Canada); Department of Public Works and Government Services, Legal Counsel

**Jurisdiction of Origin: Courts Involved:**

Court of Quebec, Criminal and Penal Division

**Jurisdiction of Asset Recovery: Investigative Agency:**

NA

**Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):**

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section

**Jurisdiction of Asset Recovery: Courts Involved:**

U.S. District Court for the District of Columbia

**Documents:**

Gagnon\_Supp\_Req\_April\_13\_2009.zip

**Documents Links:**

[http://www1.worldbank.org/finance/star\\_site/documents/arw/Gagnon\\_Supp\\_Re...](http://www1.worldbank.org/finance/star_site/documents/arw/Gagnon_Supp_Re...)

**Other Sources:**

In re: Restraint of All Assets Held in the Name of Alain Gagnon In, etc. Case No. 1:08-mc-00260-PLF (D.D.C.), Official Supplemental Request by Canada to the United States of America, document 6-1 filed on April 13, 2009, which includes an official translation of the Order of Restitution and Order to Revoke Restraining Order in Director of Criminal and Penal Prosecutions v. Alain Gagnon, Respondent and Her Majesty the Queen in the Right of Canada, FX Solutions, FOREX Capital Markers, Mis-en-case, No. 550-01-030814-075, 550-26-000342-070, Court of Quebec, Criminal and Penal Division, Province of Quebec, District of Hull, signed 21st day of August 2008.