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Lic. Enrique Pena Nieto  
Presidente de Mexico  
Residencia Oficial de Los Pinos  
Presidencia de la Republica  
Delegacion Miguel Hidalgo  
Mexico,D.F.  
C.P. 11860

**Via Email and Registered Mail**

June 24, 2013

Dear President Peña Nieto:

I am a US Citizen and I have a serious concern with a recent matter in which a member of Mexico's diplomatic service attempted to falsely use me to accuse someone of a crime. Allow me to explain my issue. I live and work in El Paso, Texas and my profession is a forensic Certified Public Accountant.

As a citizen of El Paso, I devote my time and energy not only as a CPA, but also donate my time as a leader on a number of community and government boards and committees in the City of El Paso including most recently as treasurer of the Camino Real Regional Mobility Authority and as Co-Chair of the City of El Paso's Mayor's Lyceum. I have also held a number of different positions over the years including as President of the Board of the Holocaust Museum in El Paso, President of the Board of Hospice El Paso and assisting many other organizations in our area by arranging a number of visits by major public figures such as General Colin Powell, General Norman Schwarzkopf, Governor Mario Cuomo, Christopher Reeve, Goldie Hawn, Secretary of State Henry Kissinger, author Salmon Rushdie as well as former President Clinton, President Mikhail Gorbachev and Mayor Rudy Giuliani.

I have been arranging for keynote speakers for fundraising events for over fifteen years, and I know more about organizing fund raising events and booking prominent speakers than anyone else in our community. In fact, in 2009, I assisted Mr. Carlos Chavira Rodriguez, who was then President of the Cd. Juarez chapter of Coparmex, with a Coparmex National Business Meeting, held in Mexico City, where I arranged for former U.S. President Bill Clinton to speak.

Because of this, I was asked early in 2011 to help the organizers of Juarez Competitiva to help bring two important keynote speakers to help highlight their event, and help the city of Juarez recover from the tragic events of the past few years. I was happy to help, and, because of my connections, I was able to arrange for the invitations for the two keynote speakers, President Mikhail Gorbachev and Mayor Rudy Giuliani to speak at the event.

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My issue with the Mexican Government started earlier this year, when In January 2013, a diplomatic representative of the Government of Mexico, Mr. Max Otto visited my office in El Paso, for a short meeting where he simply asked me if a specific invoice recapping the expenses for the two keynote speakers I arranged for Competitiva was accurate.

I was led to believe by this representative that he was sent by the Mexican Federal Government simply to confirm the invoice amounts or have me dispute them. I immediately provided him copies of not only the same invoice, but third party documents backing the invoice numbers on the recap. The representative thanked me, asked for a business card and left my office. There was no other discussion about this matter, and the representative was by himself. The meeting took about five minutes.

Just a week ago, I was shown a copy of an arrest warrant for Mr. Carlos Chavira Rodriguez issued by the State of Chihuahua, and I was shown a copy of a report written by the same individual who came to see me in January, Mr. Max Otto, which apparently is being used as "evidence" against Mr. Chavira Rodriguez.

It appears, according to the arrest warrant, as if the whole incident of Mr. Otto's visit to me, is part of a larger political persecution by Governor Cesar Durate Jaquez of Mr. Carlos Chavira Rodriguez, who happens to be one of Mexico's outstanding young leaders – a man devoted to his country and his home, Cd. Juarez, Mexico.

Apparently Governor Duarte has found it necessary to include me, in his attempt at fabricating a criminal case against Mr. Chavira Rodriguez, and it further appears that he is trying to make me, and it appears President Gorbachev, accomplices in the absurd claim that there was a duplication of invoices in relation to the fees paid to President Gorbachev and Mayor Giuliani.

After reading the report crafted by Mr. Otto regarding our meeting in January, I was appalled at the completely false statements he made in that report, which he and two other representatives of your government signed. In the report, he claims he came to my office the day before he actually visited with me, with two other representatives of your government and that I was not in my office. My receptionist was present both the day before this visit as well as the day Mr. Otto actually visited, and she never saw him, or anyone else the day before. She will be happy to testify that there was no one else with Mr. Otto the day he actually did come in and meet with me.

It appears in Mr. Otto's report that he spent quite a while in my office, with two other representatives from the Consulate in El Paso, and that I apparently discussed the invoice in question with them, stating that I paid for all the expenses and that Mr. Carlos Chavira Rodriguez still owed me the money for these expenses. They then went on to say that I was arranging for Mr. Chavira Rodriguez to make monthly payments to me to pay me back. This is apparently an attempt to prove that Mr. Chavira Rodriguez was billing the State of Chihuahua twice for the same bills. There is nothing further from the truth. In fact, the report is riddled with false and/or misleading statements.

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I have all the documents to prove that Mr. Chavira Rodriguez paid all these expenses IN FULL directly to the agencies owed the money. I can prove the money was sent via wire transfer and I have contracts with each agency and vendor to show what was agreed upon.

Furthermore, there appears to be some confusion on the part of the prosecutor's office regarding an "invoice" issued by me. They seem to think that Mr. Chavira Rodriguez paid me some money or, as the report issued by Max Otto states, owes me the money on the invoice. This is not the case!

The Invoice was issued to help Juarez Competitiva "recap" the expenses related to the two keynote speakers and of course, it included copies of all the contracts with the Speakers bureaus, and copies of wire transfers or other proof these invoices were paid to show that there was no money's owed. There was **no duplicate billing** and **no attempt to fraudulently charge anyone twice for the same invoice**. And I resent the implication by the Governor's office for the State of Chihuahua that this might have been the case, and that I was involved in anyway, or that there was any fraud!

I never billed Competitiva one penny for my services – I contributed my time in the hopes we could do something good for Cd. Juarez. Competitiva, and/or Carlos Chavira Rodriguez does NOT owe me a dime for any services or fees, contrary to what Mr. Otto would have you believe.

To reiterate, Mr. Chavira Rodriguez paid for the costs of these speakers in full either just before the Juarez Competitiva event, or shortly afterwards. The larger deposits and fees were paid through wire transfers from his personal accounts or personal credit cards he gave to the charter aircraft company and the Camino Real Hotel. He did so because there was no one else who was willing to pay the deposits and fees necessary to book these two speakers, including I might add, the Governor's office in Chihuahua. When we were planning for these two speakers, Mr. Chavira Rodriguez **was on his own and using his own funds** to pay advance deposits and costs. I am happy to send you the same copies of contracts and proof of payments that I gave to Mr. Otto in January.

Further, to the allegations set forth in the arrest report itself, there are clear indications that the prosecutor, and/or the Governor of the State of Chihuahua have no grasp of the facts involved with the two keynote speakers I arranged for, any of the contract terms or how they were arrived at. It's a real shame the prosecutor or his investigator didn't come interview me and ask me about this – I could have saved them a lot of time, and potential embarrassment.

All the speaker contracts for both President Gorbachev, and Mayor Giuliani, were negotiated directly with the speaker bureaus that represent each of these speakers. After the contract terms were arrived at, Mr. Chavira Rodriguez was required to pay a deposit equal to one-half the total agreed upon fee for that speech. Mr. Chavira Rodriguez did so shortly upon signing the contracts for both President Gorbachev's speech in Cd. Juarez and for Mayor Giuliani's speech in Cd. Juarez a week later.

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Sometime after this, as we got closer to the Competitiva event, I was told that the Governor of Chihuahua wanted to host President Gorbachev in Chihuahua over the weekend preceding his speech in Cd. Juarez. I negotiated a reduced fee to have President Gorbachev appear in Chihuahua to speak, but there were contract terms that had to be met to allow for this to happen.

Because I was negotiating this additional event within 30 days of the scheduled date for the speech, the speaker's bureau required full payment for this contract (a separate contract from the Cd. Juarez speech) and Mr. Chavira Rodriguez wire transferred to APB, the speakers bureau, the \$100,000 fee for the Chihuahua speech immediately. Then we started running into problems with the Chihuahua event including the Governor's inability to supply an appropriate Jet aircraft to transport President Gorbachev and his party of eight (8), and an inability to agree on the agenda for his visit. Then, on Thursday October 14<sup>th</sup>, within a few days of President Gorbachev's visit to Chihuahua, I was informed that the Governor's office was canceling the Chihuahua appearance of President Gorbachev because the Governor wasn't even planning on being in Chihuahua on the date in question.

In all of the speaker's contracts I have negotiated over the past fifteen to twenty years, there is a cancelation clause that states if you cancel a speech, usually within 30 days of its scheduled date, you forfeit 100% of the fee. This is what happened with the Chihuahua speech that was canceled **by the Governor of Chihuahua**. The fees were paid in full for a speech that the **Governor of Chihuahua had originally requested, but later canceled.**

I resent the implication in the arrest warrant that this was a "nonexistent event", and furthermore, it appears the arrest warrant might be implicating Mr. Carlos Chavira Rodriguez together with President Gorbachev in some kind of conspiracy to pocket the \$100,000 fee!

This event was very much in existence until the Governor cancelled it four days before it was scheduled. Any other claim is simply false. There was nobody more closely involved with this part of Competitiva and I can assure you that throughout the planning for this part of the event, Mr. Chavira Rodriguez acted with the upmost integrity and showed an incredible commitment to helping Cd. Juarez become a city to be proud of again.

It appears to me that a Governor of a State in Mexico has enormous power to require agents of the Federal Government to fabricate lies and to attribute those lies to a US Citizen on US soil.

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Mr. President, I can't imagine that you would condone these actions. Mexico is a country with a proud legal tradition. I know you recognize that to maintain that tradition, it is imperative that those who wield power – even high-ranking officials such as the Governor of Chihuahua – be held accountable when they break the law.

Sincerely,



David Marcus CPA CFF  
Marcus, Fairall, Bristol + Co. PLLC

XC: Mr. John Kerry, Secretary of State, USA Government  
XC: Mr. Anthony Wayne, Mexico's USA Ambassador  
XC: Mr. Ian Brownlee, USA General Consul in Ciudad Juarez  
XC: Mr. Jose Antonio Meade, Secretario de Relaciones Exteriores  
XC: Mr. Miguel Angel Osorio Chong, Secretario de Gobernacion  
XC: Mr. Eduardo Medina Mora, Embajador de Mexico en Estados Unidos  
XC: Mr. Julian Olivas Ugalde, Secretario de la Funcion Publica  
XC: Mr. Jesus Murillo Karam, Procurador General de la Republica