

April 22, 2009

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
09-20347-CR-MARTINEZ/BROWN
Case No. _____

18 U.S.C. § 371

UNITED STATES OF AMERICA

vs.

ANTONIO PEREZ,

Defendant.

_____ /

INFORMATION

The United States Attorney charges that:

COUNT ONE
Conspiracy
(18 U.S.C. § 371)

At all times relevant to this Information:

GENERAL ALLEGATIONS

1. The Foreign Corrupt Practices Act of 1977, as amended, 15 U.S.C. §§ 78dd-l, *et seq.* ("FCPA"), prohibited certain classes of persons and entities from corruptly making payments to foreign government officials to assist in obtaining or retaining business. Specifically, the FCPA prohibited certain corporations and individuals from willfully making use of any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of money or anything of value to any person, while knowing that all or a portion of such money or thing of value would be offered, given, or promised, directly or indirectly, to a foreign official to influence the foreign official in his or her official capacity, induce the foreign official to do or omit to do an act in violation of his or her lawful duty, or to secure any

improper advantage in order to assist in obtaining or retaining business for or with, or directing business to, any person.

2. Telecommunications D'Haiti ("Haiti Teleco") is the Republic of Haiti's state-owned national telecommunications company. Haiti Teleco was the only provider of local telephone service in Haiti. Various international telecommunications companies contracted with Haiti Teleco to allow those companies' customers to make calls to Haiti. Telecommunications companies paid Haiti Teleco a set rate for each minute of telephone calls to Haiti.

3. From in or around May 2001 to April 2003, Official A was the Director of International Relations of Haiti Teleco. In this position, it was Official A's responsibility to negotiate contracts with international telecommunications companies on behalf of Haiti Teleco. Official A was a "foreign official" as that term is defined in the FCPA, 15 U.S.C. § 78dd-2(h)(2).

4. Company 1 was a privately owned telecommunications company that was incorporated in Florida and was headquartered in Miami, Florida. Company 1 executed a series of contracts with Haiti Teleco that allowed Company 1's customers to call Haiti. Company 1 was a "domestic concern" as that term is defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

5. From in or about March 1998 through in or about January 2002, defendant **ANTONIO PEREZ** was Company 1's Controller. As Controller, **PEREZ** managed the accounting department, prepared financial statements, and sought approval for and paid bills. **PEREZ** was a citizen of the United States. Therefore, **PEREZ** was a "domestic concern" and an employee and agent of a domestic concern, as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

6. Co-conspirator A was the President and Director of Company 1. In this position, Co-conspirator A negotiated and signed contracts with Haiti Teleco on behalf of Company 1. Co-

conspirator A had signatory authority over Company 1's bank accounts and had approximately an 80% ownership interest in Company 1. Co-conspirator A was a citizen of the United States. Co-conspirator A was a "domestic concern" and an officer, employee, and agent of a domestic concern, as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

7. Co-conspirator B was the Executive Vice President of Company 1. In this position, Co-conspirator B was in charge of overseeing Company 1's finances. Co-conspirator B had signatory authority over Company 1's bank accounts and had approximately a 20% ownership interest in Company 1. Co-conspirator B was a citizen of the United States. Co-conspirator B was a "domestic concern" and an officer, employee, and agent of a domestic concern, as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

8. Co-conspirator C was a citizen of the United States and served as an intermediary for Company 1 in its business dealings with Official A and Haiti Teleco. In or about November 2001, Co-conspirator C opened a small business checking account at Kislak National Bank in the name of JD Locator Services ("JD Locator"). On August 19, 2002, Co-conspirator C incorporated JD Locator in Florida and listed its principal address as located in Miami, Florida. Co-conspirator C is a "domestic concern" and an agent of a domestic concern as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

THE CONSPIRACY

9. From in or around November 2001, through in or around August 2003, in the Southern District of Florida, and elsewhere, the defendant,

ANTONIO PEREZ,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly conspire

and agree with other persons, including Co-conspirators A, B and C, Company 1, and others known and unknown to the United States Attorney, to commit offenses against the United States, that is:

(a) to corruptly make use of the mails and means and instrumentalities of interstate commerce in furtherance of an offer, payment, promise to pay, and authorization of the payment of any money, offer, gift, promise to give, and authorization of the giving of anything of value to any foreign official for purposes of: (a) influencing acts and decisions of such foreign official in his official capacity; (b) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; and (c) securing an improper advantage, in order to assist Co-conspirators A, B and C, Company 1, and others known and unknown, in obtaining and retaining business for and with, and directing business to Company 1 contrary to the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2(a);

(b) to knowingly conduct a financial transaction affecting interstate and foreign commerce, which in fact involved the proceeds of specified unlawful activity, that is, a felony violation of the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2(a), knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and that the financial transaction was designed, in whole and in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

PURPOSE OF THE CONSPIRACY

10. The purpose of the conspiracy was for the defendant and his co-conspirators to unjustly enrich themselves by providing bribe payments to Official A in exchange for business advantages to Company 1, including, but not limited to, issuing preferred telecommunications rates,

reducing the number of minutes for which payment was owed (effectively reducing the per minute rate), and giving a variety of credits toward owed sums. It was further a purpose of the conspiracy for the defendant and his co-conspirators to conduct financial transactions with the proceeds of the bribe payments knowing that said transactions would conceal the nature of the bribe proceeds to Official A.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which **ANTONIO PEREZ** and his co-conspirators sought to accomplish the objects and purposes of the conspiracy included, among other things, the following:

11. **ANTONIO PEREZ**, with Co-conspirator A's authorization, would offer "side payments" or bribes to Official A, which Official A would accept, to reduce Company 1's debt to Haiti Teleco and prevent Official A from terminating Company 1's telecommunication connection.

12. **ANTONIO PEREZ**, to disguise the true nature of the payments, would issue checks for fictional "consulting services" to companies chosen by Official A. Among the companies selected by Official A was JD Locator, a shell entity used for the purpose of forwarding illicit payments to Official A.

13. Co-conspirator C opened a corporate bank account in the name of JD Locator in Miami, Florida and would use this account to receive funds and deposit checks from Co-conspirators A and B and **ANTONIO PEREZ** at Company 1, and intended for Official A.

14. **ANTONIO PEREZ** would, during the period of his employment at Company 1, cause payments to be made to JD Locator intended for Official A.

15. Over the course of the conspiracy, the bank account of JD Locator received over \$600,000 in wire transfers and checks from Company 1 to JD Locator, for services which were never

rendered.

16. Co-conspirator C, at Official A’s direction, would disburse the funds from the JD Locator bank account by wire transfers to Official A’s bank account, by issuing checks made payable to Official A, by withdrawing cash given to Official A, and by sending funds to family members of Official A and others.

17. To conceal the true nature of the payments to Officials A and B, Company 1 would falsely record in its books and records the payments to JD Locator as “commissions.”

OVERT ACTS

In furtherance of the conspiracy and to achieve the objects and purposes thereof, the Co-conspirators committed, and caused to be committed, in the Southern District of Florida and elsewhere, the following overt acts, among others:

On or about the following dates, **ANTONIO PEREZ**, Co-conspirator A and Co-conspirator B caused checks to be issued from Company 1’s bank account made payable to JD Locator in the following amounts:

Overt Act	Approximate Date	Signed by	Amount
1.	November 2, 2001	Co-conspirator B	\$6,375
2.	November 30, 2001	Co-conspirator A	\$30,000

On or about the following dates, Co-conspirator A and Co-conspirator B caused checks to be issued from Company 1’s bank account made payable to JD Locator in the following amounts:

Overt Act	Approximate Date	Signed by	Amount
3.	January 18, 2002	Co-conspirator B	\$20,000
4.	January 24, 2002	Co-conspirator B	\$20,000
5.	February 8, 2002	Co-conspirator B	\$40,000
6.	April 12, 2002	Co-conspirator B	\$33,818.50
7.	May 10, 2002	Co-conspirator B	\$25,000
8.	July 15, 2002	Co-conspirator B	\$3,000
9.	July 17, 2002	Co-conspirator A	\$40,000
10.	July 24, 2002	Co-conspirator B	\$50,000
11.	August 1, 2002	Co-conspirator B	\$40,000
12.	August 12, 2002	Co-conspirator B	\$3,000
13.	August 14, 2002	Co-conspirator B	\$50,000
14.	November 7, 2002	Co-conspirator B	\$45,000
15.	November 22, 2002	Co-conspirator A	\$45,000
16.	January 22, 2002	Co-conspirator B	\$50,000
17.	January 30, 2002	Co-conspirator A	\$50,000
18.	February 24, 2003	Co-conspirator B	\$25,000
19.	March 14, 2003	Co-conspirator B	\$25,000
20.	March 24, 2003	Co-conspirator B	\$25,000
21.	March 28, 2003	Co-conspirator B	\$25,000
22.	June 10, 2003	Co-conspirator A	\$3,000

23. On or about February 4, 2002, Co-conspirator A and Co-conspirator B caused a wire transfer of \$20,000 to be sent from Company 1 to JD Locator.

On or about the following dates, Co-conspirator C caused checks to be issued from JD Locator's bank account, payable to Official A in the following amounts:

Overt Act	Approximate Date	Amount	Memo
24	August 21, 2002	\$69,750	Inv 57645
25	November 21, 2002	\$4,900	Inv 4571
26	November 26, 2002	\$4,950	Inv 21575
27	December 9, 2002	\$4,800	Inv 21603
28	December 11, 2002	\$4,800	Inv 21614
29	December 30, 2002	\$2,465	Inv 21654
30	February 5, 2003	\$4,900	Inv 037351
31	February 10, 2003	\$2,380	Inv 037382
32	February 12, 2003	\$4,900	Inv 037402
33	February 19, 2003	\$4,900	Inv 037453
34	February 24, 2003	\$3,700	Inv 037492
35	March 26, 2003	\$4,500	Inv 037536
36	March 28, 2003	\$4,500	Inv 037579
37	April 9, 2003	\$4,500	Inv 037612
38	April 16, 2003	\$4,500	Inv 037647
39	April 28, 2003	\$4,500	Inv 037725

On or about the following dates, Co-conspirator C caused wire transfers to be made from JD

Locator's bank account to the Miami bank account of Official A:

Overt Act	Approximate Date	Amount
40	August 21, 2002	\$58,223.00
41	November 21, 2002	\$33,000.00
42	November 26, 2002	\$46,500.00
43	December 9, 2002	\$37,200.00

44. On or about August 15, 2003, Co-conspirator C cashed a check made payable to

himself from the JD Locator account for \$9,000, which funds he then tendered to Official A.

45. On or about August 19, 2003, Co-conspirator C cashed a check made payable to himself from the JD Locator account for \$5,000, which funds he then tendered to Official A.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

1. Pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 21 United States Code Section 853, and Title 28, United States Code, Section 2461, and in accordance with the procedures set forth in Fed. R. Crim. P. 32.2, upon conviction of **ANTONIO PEREZ** for the offense charged in Count One of this Information, the defendant shall forfeit to the United States \$36,375 in United States currency as proceeds traceable to his violation of Title 18, United States Code, Section 371 (conspiracy to commit a violation of the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2).

Substitute Assets Provision

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

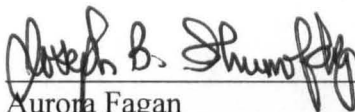
- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States pursuant to Title 21, United States Code, Section 853(p) as

incorporated by Title 28, United States Code, Section 2461(c) to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

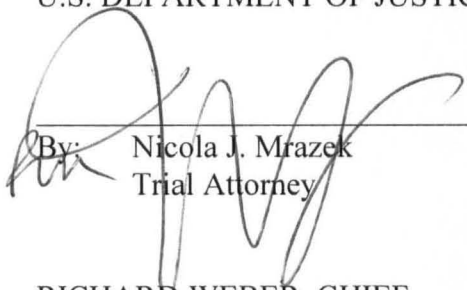


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

 For Aurora Fagan

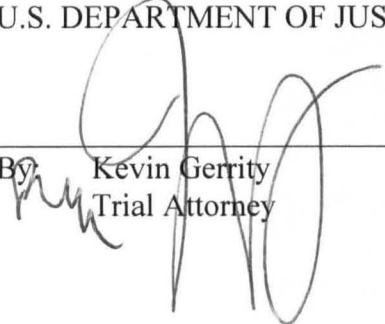
Aurora Fagan
Assistant United States Attorney

STEVEN A. TYRRELL, CHIEF
MARK F. MENDELSON, DEPUTY CHIEF
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE



By: Nicola J. Mrazek
Trial Attorney

RICHARD WEBER, CHIEF
LAUREL LOOMIS RIMON, DEPUTY CHIEF
ASSET FORFEITURE AND MONEY LAUNDERING SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE



By: Kevin Gerrity
Trial Attorney

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

ANTONIO PEREZ,

Defendant.

Superseding Case Information:

Court Division: (Select One)

Miami Key West
 FTL WPB FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u>X</u>	Petty _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u>X</u>
V 61 days and over _____	

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____ Case No. _____

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: 09-20346-CR-Martinez/izoun
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No



Aurora Fagan
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 188591

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Antonio Perez Case No: _____

Count 1

18 U. S. C. § 371

Conspiracy to Violate the Foreign Corrupt Practices Act and to Commit Money Laundering

*Max Penalty: 5 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**