

Bribery of Officials at Telecommunications D'Haiti (Haiti Teleco) / Jean Fourcand

Case ID:

ST-109

Case Cluster :

Bribery of Officials at Telecommunications D'Haiti (Haiti Teleco)

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

Haiti

Year of Settlement:

2010

Month/Day of Settlement (or Notes):

02/19

Other Jurisdictions of Settlement:

None

Settlement with Individual or Legal Person?:

Individual

Type of Settlement:

Criminal

Legal Form of Settlement:

Guilty Plea

Monetary Sanctions (Types):

Criminal Forfeiture, Criminal Restitution

Total Monetary Sanctions (US\$):

\$18,500.00

Criminal Fine/Penalty (US\$) :

\$0

Criminal Forfeiture / Confiscation (US\$):

\$18

500

Monetary Sanctions Returned / Ordered Returned (US\$):

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.23

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 7

Offenses - Alleged:

Money Laundering

Offenses - Settled:

Money Laundering

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the June 2011 United States Report to the OECD, "On December 4, 2009, two former executives of a Florida-based telecommunications company, the president of a Florida-based intermediary company, and two former Haitian government officials were charged in an indictment for their alleged roles in a foreign bribery, wire fraud, and money laundering scheme that lasted from at least November 2001 through March 2005. Joel Esquenazi, the former president of the telecommunications company; Carlos Rodriguez, the former executive vice-president of the telecommunications company; Marguerite Grandison, the former president of Telecom Consulting Services Corp.; Robert Antoine, a former director of international relations at the Republic of Haiti's state-owned national telecommunications company, Telecommunications D'Haiti (Haiti Teleco); and Jean Rene Duperval, another former director of international relations at Haiti Teleco, were charged in connection with a scheme whereby the telecommunications company paid more than \$800,000 to shell companies, including Grandison's Telecom Consulting Services Corp., to be used for bribes to foreign officials of Haiti Teleco. The purpose of these bribes was to obtain various business advantages from the Haitian officials for the telecommunications company, including issuing preferred telecommunications rates, reducing the number of minutes for which payment was owed, and giving a variety of credits toward owed sums, as well as to defraud the Republic of Haiti of revenue. Previously, on April 22, 2009, Juan Diaz, the president of J.D. Locator Services Inc., a Florida-based intermediary, and Antonio Perez, the former controller of the Florida-based telecommunications company, were charged in connection with their roles in the alleged foreign bribery scheme. According to court documents, from 1998 to 2003, Diaz and Perez conspired to make "side payments" totaling \$1 million to the Haitian government officials through a shell company belonging to Diaz, all on behalf of the Florida-based telecommunications company. On February 1, 2010, Jean Fourcand, the president of Fourcand Enterprises, Inc., another intermediary company, was charged in a one-count criminal information with engaging in monetary transactions involving property derived from the scheme to bribe the former Haitian government officials. Specifically, between November 2001 and August 2002, Fourcand received funds originating from this and other U.S. telecommunications companies for the benefit of Robert Antoine. A portion of these funds came in the form of a check from J.D. Locator Services Inc., and a portion of these funds were used to engage in a real estate transaction that benefitted Antoine." (Source: US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Information as of May 31, 2011, Bribery of Officials at Telecommunications D'Haiti (Haiti Teleco) Case Summary at 51-52.) According to the Amended Judgment in US v. Esquenazi, Esquenazi, Rodriguez, Perez, Fourcand and Antoine were ordered joint and severally liable for \$2.2 million in restitution. (Source: US v. Esquenazi, Case No. 1:09-cr-20210-JEM (S.D. Fla.), Amended Judgment filed November 3, 2011, accessed via Pacer.) Esquenazi and Rodriguez were sentenced following their convictions; hence there is no entry on their cases and the restitution sum is noted only in the Perez entry as to avoid double counting of the sum.

Sources :

US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Information as of May 31, 2011, Bribery of Officials at Telecommunications D'Haiti (Haiti Teleco) Case Summary at 51-52, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>; US v. Jean Fourcand, Case No. 1:10-cr-20062-JEM (S.D. Fla.), Information filed February 1, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/fourcandj/02-01-10fourcand-info.pdf>; Plea

Agreement filed February 19, 2010, accessed at

<http://www.justice.gov/criminal/fraud/fcpa/cases/fourcandj/02-19-10fourcand-plea-agree.pdf>;

Factual Agreement filed February 19, 2010, accessed at

<http://www.justice.gov/criminal/fraud/fcpa/cases/fourcandj/02-19-10fourcand-agree.pdf>;

Judgment filed May 6, 2010, accessed at

<http://www.justice.gov/criminal/fraud/fcpa/cases/fourcandj/05-06-10fourcand-judgment.pdf>