

Bribery of Officials at Telecommunications D'Haiti (Haiti Teleco) / Juan Diaz

Case ID:

ST-110

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:

2009

Month/Day of Settlement (or Notes):

05/19

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 Restitution, Criminal Forfeiture

Total Monetary Sanctions (US\$):

\$3,302,675.00

Criminal Fine/Penalty (US\$) :

\$0

Criminal Forfeiture / Confiscation (US\$):

\$1

028

851

Criminal Restitution / Reparation (US\$):

\$2

273

824

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

\$73,824

Monetary Sanctions Returned / Ordered Returned (Explanation):

Restitution to Haiti (unconfirmed as to \$2.2m)

UNCAC Articles(s) Implicated:

Art.16

Art.23

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 7

Offenses - Alleged:

Conspiracy to Bribe Foreign Officials, Conspiracy to Commit Money Laundering

Offenses - Settled:

Conspiracy to Bribe Foreign Officials, Conspiracy to Commit 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.) Diaz's Information included the following Notice of Forfeiture: "the defendant shall forfeit to the United States any property, real or personal, which constitutes proceeds traceable to the 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, a specified unlawful activity as defined in Title 18, United States Code, Section 1956(c)(7), which is \$1,028,851.95 in United States currency." (Source: US v. Diaz, Case No. 1:09-cr-20346-JEM (S.D. Fla.), Information filed April 22, 2009,

at p. 10.) According to the Sentencing Hearing Transcript, the victim recipient of the restitution is the Government of Haiti. (Source: US v. Diaz, Case No. 1:09-cr-20346-JEM (S.D. Fla.), Sentencing Hearing (July 30, 2010) Transcript filed August 5, 2010, accessed via Pacer.) 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 this entry as to avoid double counting of the sum. According to the US Department of Justice Press Release, "The Department of Justice is grateful to the government of Haiti for providing substantial assistance in gathering evidence during this investigation. In particular, Haiti's financial intelligence unit, the Unite de Renseignements Financiers, the Bureau des Affaires Financierses et Economiques, which is a specialized component of the Haitian National Police, and the Ministry of Justice and Public Security provided significant cooperation and coordination in this ongoing investigation." (Source: US Department of Justice Press Release, "Florida Businessman Sentenced to 57 Months in Prison for Role in Foreign Bribery Scheme," July 30, 2010.)

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. Diaz, Case No. 1:09-cr-20346-JEM (S.D. Fla.), Information filed April 22, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/diazj/04-22-09diaz-info.pdf>; Plea Agreement filed May 18, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/diazj/05-18-09diaz-plea-agree.pdf>; Factual Agreement filed May 18, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/diazj/05-18-09diaz-fatual-agree.pdf>; Judgment filed August 5, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/diazj/08-05-10diaz-judgment.pdf>; and Sentencing Hearing (July 30, 2010) Transcript filed August 5, 2010, accessed via Pacer. US Department of Justice Press Release, "Florida Businessman Sentenced to 57 Months in Prison for Role in Foreign Bribery Scheme," July 30, 2010, accessed at <http://www.justice.gov/opa/pr/2010/July/10-crm-883.html>.

Documents:

Attachment	Size
 Haiti_Teleco_Diaz_Sentencing_Hearing_Transcript_Aug_2010.pdf	115.76 KB