

United States v. Aguilar (E.D.N.Y. 2020)

Nature of the Business.

The undisclosed company at issue is a U.S. subsidiary of a multinational oil distributor and trading company (“Trading Company”).

Empresa Publica de Hidrocarburos del Ecuador (“Petroecuador”) is a state-owned oil entity in Ecuador.

Javier Aguilar is a Mexican citizen residing in the United States and former trader at the Trading Company.

Influence to be Obtained.

According to the grand jury indictment, between 2015 and July 2020, Aguilar participated in a conspiracy to pay and conceal bribes to Ecuadorian government officials, including officials at Petroecuador, to obtain and retain business for Trading Company. Specifically, the indictment alleges that Aguilar and his co-conspirators agreed to use sham consulting agreements between third party intermediaries and offshore shell companies to pay approximately \$870,000 in bribes to secure a \$300 million contract to purchase fuel oil.

Enforcement.

On September 22, 2020, a federal grand jury returned an indictment against Aguilar. The Justice Department’s press release stated that the investigation is being conducted by the FBI’s International Corruption squad in Miami and will be prosecuted by the Criminal Division’s Fraud Section and Money Laundering and Asset Recovery Section and the U.S. Attorney’s Office for the Eastern District of New York. In connection to the offenses alleged in the indictment, the Justice Department seeks criminal forfeiture of any proceeds that were gained as a result of the conspiracy to violate the FCPA or the conspiracy to commit money laundering.

Key Facts

Citation. *United States v. Aguilar*, Case No. 1:20-CR-390 (E.D.N.Y. 2020)

Date Filed. September 22, 2020.

Country. Ecuador.

Date of Conduct. 2015 – 2020.

Amount of the value. \$870,000.

Amount of business related to the payment. Contract valued at \$300 million.

Intermediary. Intermediary.

Foreign official. Petroecuador

FCPA Statutory Provision. None stated.

Other Statutory Provision. Conspiracy (Anti-Bribery); Conspiracy (Money-Laundering)

Disposition. Pending.

Defendant Jurisdictional Basis. Domestic Concern; Territorial Jurisdiction.

Defendant’s Citizenship. Mexico.

Total Sanction. Pending.

Compliance Monitor/Reporting Requirements. Pending.

Related Enforcement Actions. None.

Total Combined Sanction. Pending.