

United States v. Ramiro A. Luque Flores (E.D.N.Y. 2017)
United States v. Arturo Escobar Dominguez (S.D. Fla. 2018)
United States v. Jose L. De La Paz Roman (S. D. Fla. 2019)
United States v. Gustavo Trujillo (E.D.N.Y. 2019)
United States v. Roberto Barrera & Jose R. De La Torre Prado (S.D. Fla. 2019)
United States v. Juan S. Espinoza Calderon (S.D. Fla. 2019)
United States v. Raymond Kohut (E.D.N.Y. 2021)

Nature of the Business.

Ramiro Andres Luque Flores was an Argentinian national who previously lived in Ecuador and now resides in the US. He owned and controlled GalileoEnergy S.A., an Ecuadorian company that specialized in the disposal of hazardous waste from oil and gas production.

Gustavo Trujillo was an Ecuadorian citizen who resided in Florida.

Juan Sebastian Espinoza Calderon was a partner of an Ecuadorian firm and owned majority of the firm's shares between 2010 and 2015.

Raymond Kohut was a citizen of Canada who primarily resided in Panama. From approximately 2009 to 2019, Kohut worked for a European energy trading organization.

Jose Luis De La Paz Roman was a United States national that served as a contractor for PetroEcuador.

Roberto Barrera and Jose Raul De La Torre Prado were businessmen located in Florida and citizens of Ecuador. Both defendants were also former PetroEcuador officials.

Little public information is provided about Arturo Escobar Dominguez in the DOJ's filings.

Influence to be Obtained.

PetroEcuador is the state-owned oil company of the Republic of Ecuador. Flores and his co-conspirators allegedly provided millions of dollars to foreign officials such as Barrera and Prado in Ecuador to obtain and retain business on behalf of himself and Galileo. Flores allegedly paid PetroEcuador at least \$3.2 million in bribes to PetroEcuador officials for a contract for the removal of hazardous waste with PetroEcuador and laundered proceeds of the contract through a bank account owned by Trujillo. As a result of the scheme, between 2013 and 2016, Flores obtained contracts worth approximately \$38.8 million with PetroEcuador.

Kohut also allegedly paid bribes on behalf of Kohut's employer, a European energy trading company. Kohut allegedly structured payments using bank accounts in the US to disguise and conceal the source and destination of the laundered money. In total, the DOJ alleges that Kohut and others transferred at least \$70 million to third party consultants to pay bribes to Ecuadorian officials.

According to the DOJ, between 2012 and 2016, Roman also allegedly bribed officials at PetroEcuador over \$8 million for contracts with the SOE.

Calderon was also allegedly involved in a scheme to bribe Ecuadorian officials but the public details are sparse.

Enforcement.

Six of the seven defendants have pleaded guilty to the charges brought against them. Flores pleaded guilty in October 2017 and was sentenced to probation for

Key Facts

Citations. *United States v Flores*, No. 1:17-cr-00537 (CBA) (E.D.N.Y. 2017); *United States v. Arturo Escobar Dominguez*, No. 18-20108-cr (S.D. Fla. 2018); *United States v Roman*, No. 1:19-cr-20004 (MGC) (S.D. Fla. 2019); *United States v Trujillo*, No. 1:19-cr-00134 (CBA) (E.D.N.Y. 2019); *United States v Barrera & Prado*, No. 1:19-cr-20580 (KMW) (S.D. Fla. 2019); *United States v Calderon*, No. 1:19-cr-20626 (KMW) (S.D. Fla. 2019); *United States v Kohut*, No. 1:21-cr-00115 (ENV) (E.D.N.Y. 2021).

Date Filed. October 6, 2017 (Flores), March 28, 2018 (Escobar); January 8, 2019 (Roman), April 4, 2019 (Trujillo), September 12, 2019 (Barrera & Prado), September 27, 2019 (Calderon), & April 6, 2021 (Kohut).

Country. United States and Ecuador.

Date of Conduct. 2005 – 2020.

Amount of the Value. Approximately \$80 million.

Amount of Business Related to the Payment. Not Stated.

Intermediary. 2 Shell Companies, an Escrow Agency Company, a Real Estate Company, and a Financial Services Firm.

Foreign Officials. Barrera, Prado, and Roman.

FCPA Statutory Provision.

- Flores – Conspiracy to Violate the FCPA (Anti-Bribery)

Other Statutory Provision.

- Barrera – Conspiracy to Commit Money Laundering.
- Calderon – Conspiracy to Commit Money Laundering.
- Escobar – Conspiracy to Commit Money Laundering.
- Flores – Conspiracy to Commit Money Laundering.

a term of four years with the condition of six months monitored home detention. He was also ordered to pay a criminal fine of \$30,000 and issued a forfeiture order to the tune of \$2.14 million.

Roman, Trujillo, Calderon, Barrera, and Prado pleaded guilty in January 2019, April 2019, October 2019, October 2019, and November 2019, respectively. Calderon was sentenced to eight months in prison, three years of supervised release, and ordered to forfeit \$43,000. Roman was sentenced to three years in prison, two years of supervised release, and ordered to forfeit \$2,145,000. Barrera was sentenced to twenty-three months in prison, three years of supervised release, and ordered to forfeit \$150,000. Sentencing for Prado and Trujillo remains pending.

Escobar pleaded guilty to one charge of conspiracy to commit money laundering in March 2018 and was sentenced to four years in prison and two years of supervised release.

The charges against Kohut are still pending, although he was ordered to forfeit \$2.2 million.

- Kohut – Conspiracy to Commit Money Laundering.
- Prado – Conspiracy to Commit Money Laundering.
- Roman – Conspiracy to Commit an Offense Against the United States.
- Trujillo – Conspiracy to Commit Wire-Fraud; Conspiracy to Commit Money-Laundering.

Disposition. Guilty Plea (Barrera, Calderon, Escobar, Flores, Kohut, Prado, Roman, and Trujillo); Pending (Kohut)

Defendant Jurisdictional Basis. Territorial; Conspiracy.

Defendant's Citizenship. Ecuador (Barrera, Prado, and Trujillo); Argentina (Flores); Canada (Kohut); United States (Roman); Not Stated (Calderon & Escobar).

Total Sanction.

- Barrera – 23 months imprisonment; 3 years supervised release; forfeiture \$150,000.
- Calderon – 8 months imprisonment; 3 years of supervised release; \$43,000 forfeiture.
- Escobar – 4 years imprisonment; 2 years of supervised release.
- Flores – 6 months home detention; 4 years of probation; \$30,000 fine; \$2.14 million forfeiture.
- Prado – Pending; forfeiture \$32,508.
- Kohut – Pending; forfeiture \$2.2 million.
- Roman – 3 years imprisonment; 2 years supervised release; forfeiture \$2,145,000.
- Trujillo – Pending.

Related Enforcement Actions. *United States v. Frank Roberto Chatburn Ripalda and Jose Larrea*