

United States v. Luiz Eduardo Andrade (E.D.N.Y. 2017)
United States v. Roberto Finocchi (E.D.N.Y. 2017)
United States v. David Diaz (E.D.N.Y. 2018)
United States v. Jose Tomas Meneses (E.D.N.Y. 2018)
United States v. Daniel Sargeant (E.D.N.Y. 2019)
United States v. Hector Nunez Troyano (E.D.N.Y. 2019)
United States v. Bruno Luz (E.D.N.Y. 2020)
United States v. Jorge Luz (E.D.N.Y. 2020)
United States v. Daniel Comoretto Gomez (E.D.N.Y. 2021)

Nature of the Business.

Sargeant Marine Inc. is an asphalt company with its headquarters in Boca Raton, Florida.

Daniel Sargeant, a citizen of the US, was an executive and partially owned Sargeant Marine Inc. from 2006 through 2017.

Luiz Eduardo Andrade, a citizen of Brazil, worked as an agent for an affiliated asphalt company from 2009 to 2016. He served as an agent of a domestic concern, and his responsibilities extended, in part, to securing contracts with Petrobras.

David Diaz, a dual citizen of Venezuela and of the US as of 2014, worked several of the affiliated entities between 2002 and 2018. Diaz was a domestic concern of the agent of a domestic concern for the duration of this time period.

Roberto Finocchi, a citizen of the US, worked for multiple of the affiliated entities from 2006 to 2017. Throughout this period, he functioned as a domestic concern, an employee of a domestic concern, or as an agent of a domestic concern. Relevant to these charges, he secured contracts with Petrobras.

Jose Tomas Meneses, a citizen of Venezuela and US legal permanent resident as of 2017, traded for Sargeant Marine between 2012 and 2018. He served as either an employee or employee of a domestic concern during the relevant time period.

Jorge Luz, a Brazilian citizen, worked with his son Bruno Luz, also a Brazilian national, as bribe intermediaries in Rio de Janeiro to secure business with Petrobras officials and Brazilian politicians.

Hector Nunez Troyano, a citizen of Venezuela and Spain, worked at PdVSA between 2008 and 2015 and was involved in the sale of PdVSA asphalt.

Daniel Comoretto Gomez, a dual citizen of Venezuela and Italy, was a manager at PdVSA involved in trading asphalt.

Influence to be Obtained.

Daniel Sargeant, in his capacity as Sargeant Marine executive and partial owner, allegedly supported the use of bribe payments to government officials, including Comoretto and Troyano, in order to secure contracts for Sargeant Marine and its affiliated entities.

According to the DOJ, Meneses, Finocchi, Diaz, and Andrade facilitated bribes to several officials for the purpose of procuring asphalt, competitive advantages through non-public information, and the recovery of some demurrage fees.

The DOJ argues that through this bribery scheme Sargeant Marine and its affiliated entities were able to secure contracts worth \$38 million. The DOJ states that the bribery scheme made use of consultants and shell entities in

Key Facts

Citation. *United States v. Andrade*, No. 1:17-cr-00497 (E.D.N.Y. 2017); *United States v. Finocchi*, No. 1:17-cr-00600 (E.D.N.Y. 2017); *United States v. Diaz*, No. 1:18-cr-00140 (E.D.N.Y. 2018); *United States v. Meneses*, No. 1:18-cr-00358 (E.D.N.Y. 2018); *United States v. Troyano*, No. 1:19-cr-00135 (E.D.N.Y. 2019); *United States v. Sargeant*, No. 1:19-cr-00319 (E.D.N.Y. 2019); *United States v. Jorge Luz*, No. 1:20-cr-00559 (E.D.N.Y. 2020); *United States v. Bruno Luz*, No. 1:20-cr-00558 (E.D.N.Y. 2020); *United States v. Comoretto*, No. 1:21-cr-00014 (E.D.N.Y. 2021)

Date Filed. September 8, 2017 (Andrade); November 1, 2017 (Finocchi); March 19, 2018 (Diaz); July 17, 2018 (Meneses); March 15, 2019 (Troyano); July 11, 2019 (Sargeant); December 9, 2020 (Luz & Luz); January 27, 2021 (Comoretto)

Country. Brazil, Ecuador, Venezuela.

Date of Conduct. 2010-2018.

Amount of the Value. n/a.

Amount of Business Related to the Payment. \$38 million.

Intermediary. Various agents and subsidiaries.

Foreign Official. Government officials, namely Nuñez Troyano and Comoretto.

FCPA Statutory Provision. Conspiracy.

Other Statutory Provision. Conspiracy (Money Laundering).

Disposition.

- **Andrade.** Plea Agreement.
- **Finocchi.** Plea Agreement.
- **Diaz.** Plea Agreement.
- **Meneses.** Plea Agreement.
- **Sargeant.** Plea Agreement.

order to disguise bribes to foreign officials for the purpose of securing these asphalt contracts. Bruno and Jorge Luz acted as agents on behalf of Sargeant Marine to bribe Brazilian politicians and Petrobras to secure business for the company.

Charges against the defendants and associated guilty pleas were unsealed by the DOJ in September 2020, in conjunction with its announcement that it settled a related investigation with Sargeant Marine.

Enforcement.

On September 22, 2017, DOJ charged Andrade with one count of conspiracy to violate the FCPA. He pleaded guilty in September 2017.

On November 17, 2017, DOJ charged Finocchi with one count of conspiracy to violate the FCPA and he pleaded guilty.

On March 28, 2018, DOJ charged Diaz with two counts of conspiracy to violate the FCPA, to which he pleaded guilty.

On June 8, 2018, DOJ charged Meneses with one count of conspiracy to violate the FCPA, to which he pleaded guilty.

On December 18, 2019, DOJ charged Sargeant with one count of conspiracy to violate the FCPA and one count of conspiracy to commit money laundering, to which he pleaded guilty.

On December 9, 2020, DOJ charged father and son pair Jorge and Bruno Luz with one count each of conspiracy to violate the FCPA and each pleaded guilty.

Sentencing remains pending against each of the seven defendants.

Money laundering charges were filed against two co-defendants, Daniel Comoretto Gomez and Hector Nunez Troyano. Charges against both remain pending.

In a related matter, Sargeant Marine plead guilty in an agreement with the DOJ for allegedly participating a bribery scheme in violation of the FCPA. This settlement carried a penalty of \$16.6 million and a reporting period of three years.

- **B. Luz.** Plea Agreement
- **J. Luz.** Plea Agreement
- **Comoretto.** Pending.
- **Troyano.** Pending.

Defendant Jurisdictional Basis. Domestic Concern (Andrade, Finocchi, Diaz, Meneses, & Sargeant); conspiracy (Comoretto; Troyano).

Defendant's Citizenship. Brazil (Andrade, Luz & Luz); United States (Sargeant, Diaz, & Finocchi); Italy and Venezuela (Comoretto); Spain and Venezuela (Troyano)

Total Sanction. Pending.

Related Enforcement Actions. *United States v. Sargeant Marine Inc.*, No. 1:20-cr-00363 (E.D.N.Y. 2020).