

## **United States v. Joel Esquenazi, Carlos Rodriguez, Robert Antoine, Jean Rene Duperval, and Marguerite Grandison (S.D. Fla. 2009)**

## **United States v. Washington Vasconez Cruz, Cecilia Zurita, Amadeus Richers, Cinergy Telecommunications, Inc., Patrick Joseph, Jean Rene Duperval, and Marguerite Grandison (second superseding indictment, filed January 2012)**

## **United States v. Jean Fourcand (S.D. Fla. 2010)**

### **Nature of the Business.**

Three Miami-Dade County telecommunications companies executed a series of contracts with Telecommunications D'Haiti that allowed the companies' customers to place telephone calls to Haiti. U.S. citizens Joel Esquenazi and Carlos Rodriguez are executives of one of the unnamed Miami-Dade telecommunications companies. Cinergy Telecommunications, Inc. ("Cinergy") is one of the companies alleged to have paid bribes, with Washington Vasconez Cruz (Cinergy's President), his wife Cecilia Zurita (former Vice President of Cinergy), and Amadeus Richers (Cinergy's Director) authorizing the payments. Jean Rene Duperval, Robert Antoine and Patrick Joseph, Haitian citizens, are former Directors of International Relations of Telecommunications D' Haiti, Haiti's state-owned national telecommunications company. Marguerite Grandison, a permanent resident of the U.S. and sister of Duperval, is the President of Telecom Consulting Services Corp., one of the Miami-Dade County telecommunications companies.

### **Influence to be Obtained.**

Esquenazi, Rodriguez, Grandison, Cinergy, Vasconez, and Richers were charged with making illegal payments to Haitian officials Duperval and Antoine. In exchange, Duperval and Antoine are alleged to have conferred business advantages on the Miami-Dade County companies, including issuing preferred telecommunications rates, reducing the number of minutes for which payment was owed, and giving a variety of credits to owed sums. A shell company, owned by alleged co-conspirator Juan Diaz, and co-defendant Grandison's company were allegedly used to make the payments to Duperval and Antoine.

### **Enforcement.**

On December 4, 2009, the DOJ filed a 21-count indictment charging Esquenazi, Rodriguez, and Grandison with conspiring to violate and violating the anti-bribery provisions of the FCPA, money laundering, and other offenses. Duperval and Antoine, the alleged recipients of the bribes, are charged with money laundering, not FCPA violations. On July 13, 2011, a superseding indictment was filed against Washington Vasconez Cruz, Amadeus Richers, Cinergy Telecommunications, Inc., Patrick Joseph, Jean Rene Duperval and Marguerite Grandison.

A special unit of the Haitian National Police arrested Duperval in Haiti and expelled him to the U.S. to face charges. Antoine pleaded guilty to conspiracy to commit money laundering, and on June 1, 2010, he was sentenced to 48 months in prison. On May 29, 2012, Antoine's sentence was reduced to 18 months upon motion by the DOJ. In April 2009, alleged co-conspirators Diaz and Antonio Perez pleaded guilty to conspiring to violate the FCPA's anti-bribery provision and to commit money laundering.

On January 19, 2012, a second superseding indictment was filed against Vasconez, Richers, Cinergy, Joseph, Duperval, and Grandison, with the addition of Vasconez's wife, Cecilia Zurita (former Vice President of Cinergy).

On February 24, 2012, the court issued an order of dismissal as to Cinergy after the government learned that Cinergy was a non-operational entity that effectively exists only on paper. Cinergy then filed a petition for re-hearing on, or in the alternative, clarification of, the order of dismissal. The court denied the motion, and Cinergy filed, and subsequently voluntarily dismissed, an appeal to the Eleventh Circuit.

Duperval's trial began on March 1, 2012. He was found guilty on all counts, and he was sentenced to 108 months' imprisonment and three years of supervised release, along with a \$2,100 assessment.

On February 8, 2012, Joseph pleaded guilty to conspiracy to commit money laundering, and was sentenced to 12 months in prison on July 6, 2012.

In February 2012, Grandison entered into an 18-month pretrial diversion agreement with the DOJ. Upon successful completion of the diversion program in August 2013, the charges against Grandison were dismissed on September 24, 2013.

The court denied multiple motions to dismiss filed by Esquenazi, including one motion to dismiss challenging whether Duperval and Antoine are foreign officials within the meaning of the FCPA. On November 25, 2010, as a result of a redacted confession by Duperval, Judge Jose E. Martinez ordered the trial of Esquenazi and Rodriguez severed from the trial of Duperval and Grandison. The trial of Esquenazi and Rodriguez began on July 18, 2011, and both were convicted on all counts on August 5, 2011. On October 13, 2011, the court denied motions for judgment of acquittal and a new trial filed by Esquenazi and Rodriguez. On October 25, 2011, Esquenazi was sentenced to 15 years in prison, the longest sentence imposed to date in a case involving violations of the FCPA. Rodriguez was sentenced to 84 months. The defendants were also ordered to forfeit \$3.09 million. After appealing the decision, on May 16, 2014, the Eleventh Circuit affirmed the lower court's convictions and elected to broadly define the meaning of "foreign official" under the FCPA. The U.S. Supreme Court denied Esquenazi's petition for certiorari on October 6, 2014.

Vasconez, Zurita, and Richers are fugitives.

The DOJ acknowledged the substantial assistance of Haitian authorities in the investigation.

#### *Related Case.*

On February 19, 2010, Jean Fourcand, a U.S. citizen, pleaded guilty to money laundering. Fourcand received funds in 2001 and 2002 from U.S. telecommunications companies for the benefit of Robert Antoine. The funds Fourcand received were bribery payments, and Antoine conferred advantages on the three Miami-Dade County telecommunications companies in return. Juan Diaz served as intermediary for the funds Fourcand received. Fourcand agreed to forfeit \$18,500. On May 5, 2010, Fourcand was sentenced to six months in prison.

## Key Facts

**Citation.** *United States v. Esquenazi, et al.*, 1:09-cr-21010 (S.D. Fla. 2009); *United States v. Fourcand*, 1:10-cr-20062 (S.D. Fla. 2010).

**Date Filed.** December 4, 2009 (Esquenazi; Rodriguez; Antoine; Duperval; Grandison); February 1, 2010 (Fourcand); July 13, 2011 (Vasconez; Zurita; Richers; Cinergy; Joseph).

**Country.** Haiti.

**Date of Conduct.** 2001 – 2006.

**Amount of the Value.** \$888,818 in illegal money transfers in furtherance of the conspiracy and another \$75,000 in bribes.

**Amount of Business Related to the Payment.** Not Stated.

**Intermediary.** Shell company and co-defendant Grandison's company.

**Foreign Official.** Duperval, Antoine, and Joseph, Directors of International Relations of Telecommunications D'Haiti.

#### **FCPA Statutory Provision.**

- **Joel Esquenazi.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.
- **Carlos Rodriguez.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.
- **Marguerite Grandison.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.
- **Washington Vasconez Cruz.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.
- **Cecila Zurita.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.

#### **Disposition.**

- **Joel Esquenazi.** Convicted.
- **Carlos Rodriguez.** Convicted.
- **Robert Antoine.** Plea Agreement.
- **Jean Rene Duperval.** Convicted.
- **Marguerite Grandison.** Charges Dismissed.
- **Washington Vasconez Cruz.** Fugitive.
- **Cecila Zurita.** Fugitive.
- **Amadeus Richers.** Fugitive.
- **Cinergy Telecommunications, Inc.** Charges Dismissed.
- **Patrick Joseph.** Plea Agreement.
- **Jean Fourcand.** Plea Agreement.

**Defendant Jurisdictional Basis.** Domestic Concern; Conspiracy (Esquenazi; Rodriguez; Grandison; Vasconez; Zurita; Richers; Cinergy).

**Defendant's Citizenship.** United States (Esquenazi; Rodriguez; Grandison; Vasconez; Cinergy; Zurita); Haiti (Antoine; Duperval; Joseph) German/Brazil (Richers)

#### **Total Sanction.**

- **Joel Esquenazi.** 180-Months Imprisonment; \$3,095,919 Criminal Forfeiture.
- **Carlos Rodriguez.** 84-Months Imprisonment;

- **Amadeus Richers.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.
- **Cinergy Telecommunications, Inc.** Conspiracy (Anti-Bribery and Wire Fraud); Anti-Bribery.

**Other Statutory Provision.**

- **Joel Esquenazi.** Conspiracy (Money Laundering); Money Laundering.
- **Carlos Rodriguez.** Conspiracy (Money Laundering); Money Laundering.
- **Robert Antoine.** Conspiracy (Money Laundering).
- **Jean Rene Duperval.** Conspiracy (Money Laundering); Money Laundering.
- **Marguerite Grandison.** Conspiracy (Money Laundering); Money Laundering.
- **Washington Vasconez Cruz.** Conspiracy (Money Laundering); Money Laundering.
- **Cecila Zurita.** Conspiracy (Money Laundering); Money Laundering.
- **Amadeus Richers.** Conspiracy (Money Laundering); Money Laundering.
- **Cinergy Telecommunications, Inc.** Conspiracy (Money Laundering); Money Laundering.
- **Patrick Joseph.** Conspiracy (Money Laundering); Money Laundering.
- **Jean Fourcand.** Money Laundering

\$3,095,919 Criminal Forfeiture.

- **Robert Antoine.** 18-Months; \$3,433,081 Criminal Forfeiture.
- **Jean Rene Duperval.** 108-Months; \$499,341 Criminal Forfeiture.
- **Marguerite Grandison.** None.
- **Washington Vasconez Cruz.** Pending.
- **Cecila Zurita.** Pending.
- **Amadeus Richers.** Pending.
- **Cinergy Telecommunications, Inc.** None.
- **Patrick Joseph.** 12-Months Imprisonment; \$955,697 Criminal Forfeiture.
- **Jean Fourcand.** 6-Months; \$18,500 Criminal Forfeiture.

**Related Enforcement Actions.** None.