

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. [REDACTED]

UNITED STATES OF AMERICA

vs.

JOSE LUIS DE LA PAZ ROMAN,

Defendant.

FACTUAL PROFFER IN SUPPORT OF GUILTY PLEA

The United States Department of Justice, Criminal Division, Fraud Section and Money Laundering and Asset Recovery Section, and the United States Attorney's Office for the Southern District of Florida (collectively, the "Government"), and the Defendant, Jose Luis de la Paz Roman (the "defendant") stipulate and agree that the information stated herein is true and accurate and a sufficient basis for the defendant's plea of guilty to conspiracy to violate the Foreign Corrupt Practices Act ("FCPA") in violation of Title 18, United States Code, Section 371. Had this matter proceeded to trial, the defendant stipulates and agrees that the Government would have proven the facts alleged below beyond a reasonable doubt.

Empresa Pública de Hidrocarburos del Ecuador ("PetroEcuador") is the state-owned and state-controlled oil company in Ecuador. PetroEcuador performed government functions for and on behalf of Ecuador. The defendant, a ~~citizen~~ <sup>not a</sup> United States <sup>citizen</sup> and resident of Ecuador, was president and co-owner of an Ecuadorian company that provided services to PetroEcuador from 2012 to the present.

From in or around late 2012 through at least 2016, the defendant, together with others, knowingly and willfully agreed to use the mails and means and instrumentalities of interstate

commerce, including U.S.-based companies and U.S. bank accounts, to corruptly pay bribes totaling approximately \$8.25 million for the benefit of PetroEcuador officials in their official capacities in order to secure an improper advantage for themselves and the defendant's companies in connection with the award of contracts and disbursement of payments by PetroEcuador. The defendant knew that this conduct was unlawful.

Before the defendant's company won its first lucrative contract with PetroEcuador in or around December 2012, Marcelo Reyes Lopez ("Reyes"), a then-official of PetroEcuador, met with the defendant and one of the defendant's partners on several occasions to discuss how he could assist the defendant's company in obtaining a contract with PetroEcuador. Reyes referred the defendant to an intermediary to coordinate any agreements with PetroEcuador officials. Following the award of the contract to the defendant's company and the first disbursement of funds by PetroEcuador to the defendant's company, in or around February 2013, the same intermediary instructed the defendant to wire funds amounting to \$4.6 million to three different Miami-based companies. The defendant agreed to make the payments and funded them through his Ecuadorian company. However, in an effort to conceal the origin of the payments, the defendant caused them to be made from an affiliated U.S.-based company, over which the defendant exercised control. In particular:

- On or about February 13, 2013, the defendant caused the U.S.-based company over which the defendant had control to wire \$1,314,733 to the U.S. bank account of a company based in Miami, FL;
- On or about February 13, 2013, the defendant caused the U.S.-based company over which the defendant had control to wire \$1,314,733 to the U.S. bank account of a second company based in Miami, FL;

- On or about February 13, 2013, the defendant caused the U.S.-based company over which the defendant had control to wire \$2,000,000 to the U.S. bank account of a third company.

The defendant understood that the purpose of these payments was to pay bribes to Reyes and other officials of PetroEcuador who had influence over the defendant's company's business with PetroEcuador. The payments the defendant made to the U.S.-based bank accounts were used, in part, to purchase real property for Reyes in the Southern District of Florida.

In or around late 2015, with the help of a former PetroEcuador official, Arturo Escobar Dominguez ("Escobar"), the defendant approached a then-PetroEcuador official with authority over contracts ("PetroEcuador Official A") to seek release of substantial contractual payments PetroEcuador owed to the defendant's company. PetroEcuador Official A told the defendant that in return for PetroEcuador releasing the outstanding contractual funds and to award further business to the defendant's company, the defendant would have to make bribe payments as directed by PetroEcuador Official A. In response, the defendant, together with his co-conspirators, agreed to and did cause four wire payments in December 2015 and January 2016 amounting to \$3.65 million to offshore companies as instructed by PetroEcuador Official A. Like the 2013 payments, the defendant funded the payments from his Ecuadorian company, yet he used a separate U.S.-based company with a U.S. bank account to make the payments in an effort to conceal their source. In particular:

- On or about December 9, 2015, the defendant caused the U.S.-based company over which the defendant had control to wire \$900,000 to a real estate closing company in Miami, FL;
- On or about December 18, 2015, the defendant caused the U.S.-based company over which the defendant had control to wire \$1,500,000 to the same real estate closing company in Miami, FL;

- On or about January 8, 2016, the defendant caused the U.S.-based company over which the defendant had control to wire \$1,025,000 to a real estate IOTA trust account in Miami, FL;
- On or about January 14, 2016, the defendant caused the U.S.-based company over which the defendant had control to wire \$225,000 to a real estate IOTA trust account in Miami, FL.

The defendant understood that the purpose of these payments was to pay bribes to officials of PetroEcuador in an effort to obtain contractual payments and to retain future business. Part of the payments made by the defendant’s company to the designated U.S.-based bank accounts was used to purchase a condominium in the Southern District of Florida for the benefit of a then-senior PetroEcuador official.

ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

Date:

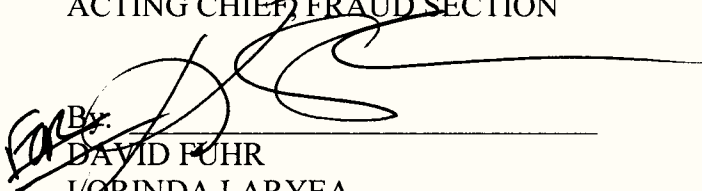
1/24/2019

By:   
KAREN ROCHLIN  
ASSISTANT UNITED STATES ATTORNEY

ROBERT A. ZINK  
ACTING CHIEF, FRAUD SECTION

Date:

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By:   
DAVID FUHR  
LORINDA LARYEA  
KATHERINE RAUT  
TRIAL ATTORNEYS

DEBORAH L. CONNOR  
CHIEF, MONEY LAUNDERING & ASSET  
RECOVERY SECTION

Date:

1/24/19

By:

*[Handwritten signature]*

RANDALL WARDEN  
MARY ANN MCCARTHY  
TRIAL ATTORNEYS

Date:

1/24/19

*[Handwritten signature]*  
MARCOS JIMENEZ, ESQ.  
ATTORNEY FOR DEFENDANT DE LA PAZ  
ROMAN

Date:

1/24/19

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JOSE LUIS DE LA PAZ ROMAN  
DEFENDANT

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