

FILED by **CF** D.C.
ELECTRONIC
FEB. 01, 2010
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
10-20062-CR-GOLD/MCALILEY
Case No. _____**

**18 U.S.C. § 1957
18 U.S.C. § 2
18 U.S.C. § 982(a)(1)**

UNITED STATES OF AMERICA

vs.

JEAN FOURCAND,

Defendant.

_____ /

INFORMATION

The United States Attorney for the Southern District of Florida charges that:

At all times relevant to this Information, unless otherwise specified:

Legal Background

1. The Foreign Corrupt Practices Act of 1977, as amended, 15 U.S.C. §§ 78dd-1, *et seq.* (“FCPA”), prohibited certain classes of persons and entities from corruptly making payments to foreign government officials to assist in obtaining or retaining business. Specifically, the FCPA prohibited certain corporations and individuals from willfully making use of any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of money or anything of value to any person, while knowing that all or a portion of such money or thing of value would be offered, given, or promised, directly or indirectly, to a foreign official to influence the foreign official in his or her official capacity, induce the foreign official to do or omit to do an act in violation of his or her lawful duty, or to secure any

improper advantage in order to assist in obtaining or retaining business for or with, or directing business to, any person.

2. The Republic of Haiti's Penal Code Article 140 prohibited persons from corrupting or attempting to corrupt by promises, offers, gifts, or presents, an official, agent, or officer holding a position in any administrative, judicial, or military public authority, in order to obtain a favorable opinion; records, statements, certificates or assessments contrary to the truth; or positions, employment, adjudications, undertakings or other benefits of any type; or any other action by the department of the official, agent or officer. The Republic of Haiti's Penal Code Article 137 prohibited any administrative, judicial, or military public official or any agent or officer of a public authority from accepting offers or promises or receiving gifts of promises to perform an action as a function of his position or his job, even one that is innocent but not subject to the payment of salary.

Entities and Individuals

3. Telecommunications D'Haiti ("Haiti Teleco") was the Republic of Haiti's state-owned national telecommunications company. Haiti Teleco was the only provider of non-cellular telephone service to and from Haiti. Various international telecommunications companies contracted with Haiti Teleco to allow those companies' customers to make calls to Haiti. These telecommunications companies would pay Haiti Teleco a set rate for each minute of telephone calls to Haiti.

4. Corporation X was a privately owned telecommunications company that was incorporated in Nevada on or about July 1, 1996, incorporated in Florida on or about February 2, 2002, and was headquartered in Miami, Florida. Corporation X executed a series of contracts with

Haiti Teleco that allowed Corporation X's customers to place calls to Haiti. Corporation X was a "domestic concern" as that term is defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

5. Corporation Y was a privately held telecommunications company that was incorporated in Florida and had its principal place of business in Miami, Florida. Corporation Y was the parent company of Corporation Z, which was also incorporated in Florida and had its principal place of business in Miami, Florida. Corporation Z operated out of the same offices and shared some of the same personnel as Corporation Y. Corporation Y and Corporation Z executed a series of contracts with Haiti Teleco that allowed their customers to call Haiti. Corporation Y and Corporation Z were each a "domestic concern" as that term is defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

6. From in or around May 2001, to in or around April 2003, Robert Antoine was the Director of International Relations of Haiti Teleco. In this position, it was Antoine's responsibility to negotiate contracts with international telecommunications companies, such as Corporations X, Y, and Z, on behalf of Haiti Teleco. Antoine was a "foreign official" as that term is defined in the FCPA, 15 U.S.C. § 78dd-2(h)(2).

7. Juan Diaz served as an intermediary between Corporations X, Y, and Z and Robert Antoine from in or around November 2001, until in or around at least October 2003. In or around November 2001, Diaz opened a business checking account at Kislak National Bank in Florida in the name of JD Locator Services, Inc., ("JD Locator"). On or about August 19, 2002, Diaz incorporated JD Locator in Florida listing its principal address as located in Miami, Florida. Diaz was a citizen of the United States. Diaz was a "domestic concern" and an agent of a domestic concern as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

8. **JEAN FOURCAND** was a citizen of the United States and the president and director of Fourcand Enterprises, Inc. (“Fourcand Enterprises”). Fourcand Enterprises was incorporated in Florida and had its principal place of business in Miami, Florida. On behalf of Fourcand Enterprises, **FOURCAND** opened a business checking account, ending in 4267 at First Union National Bank in Florida for which he was the only signatory. **FOURCAND** was a “domestic concern” and an officer, employee, and agent of a domestic concern as these terms are defined in the FCPA, 15 U.S.C. § 78dd-2(h)(1).

9. **JEAN FOURCAND** received funds originating from U.S. international telecommunications companies for the benefit of Robert Antoine from in or around November 2001, until in or around August 2002. The funds **FOURCAND** received were bribery payments to Antoine, who, in exchange, would confer various business advantages to Corporations X, Y, and Z. For example, Corporations X, Y, and Z funneled bribery payments to Robert Antoine by sending money to Juan Diaz who would then, at Robert Antoine’s direction, disperse the funds by issuing J.D. Locator checks made payable to Fourcand Enterprises, including, on February 20, 2002, a check in the amount of \$18,500. These funds were later used by **FOURCAND** in a real estate transaction that benefited Antoine.

10. On or about February 20, 2002, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JEAN FOURCAND,

did knowingly engage and attempt to engage in a monetary transaction by, through and to a financial institution, in and affecting interstate and foreign commerce, in criminally derived property that was

of a value greater than \$10,000.00, that is, a check in the amount of \$18,500, drawn from a JD Locator Services, Inc. account at Kislak National Bank in Florida and made payable to "Fourcand Enterprises Inc.," and deposited into a "Fourcand Enterprises, Inc." account ending in 4267 at First Union National Bank in Florida, such property having been derived from a specified unlawful activity.


It is further alleged that the specified unlawful activity was a felony violation of the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2; a violation of the criminal bribery laws of Haiti, The Republic of Haiti's Penal Code Articles 137 and 140; and wire fraud, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1957 and 2.

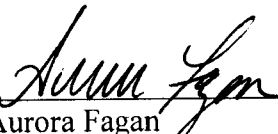
(Remainder of page intentionally left blank.)

FORFEITURE

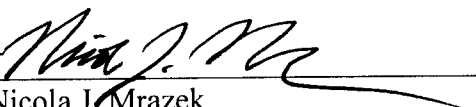
1. Pursuant to Title 18, United States Code, Section 982(a)(1), Title 21 United States Code Section 853, and in accordance with the procedures set forth in Fed. R. Crim. P. 32.2, upon conviction of **JEAN FOURCAND**, the defendant, for the offense charged in this Information, the defendant shall forfeit to the United States any property, real or personal, involved in such offense or any property traceable to such property. The property subject to forfeiture includes but is not limited to \$18,500 in United States currency, representing the amount of money involved in the offense.



JEFFREY H. SLOMAN
UNITED STATES ATTORNEY

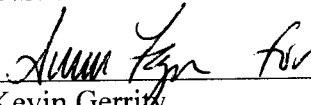


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U.S. DEPARTMENT OF JUSTICE



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U.S. DEPARTMENT OF JUSTICE



Kevin Gerrity
Trial Attorney

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

JEAN FOURCAND,

Defendant.

Superseding Case Information:

Court Division: (Select One)

x Miami Key West
 FTL WPB FTP

New Defendant(s) Yes No
Number of New Defendants
Total number of counts

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u>X</u>	Petty <u> </u>
II 6 to 10 days <u> </u>	Minor <u> </u>
III 11 to 20 days <u> </u>	Misdem. <u> </u>
IV 21 to 60 days <u> </u>	Felony <u>X</u>
V 61 days and over <u> </u>	

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: _____ Case No. _____

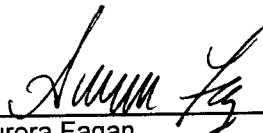
(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: 09-20346-JEM; 09-20347-JEM; 09-21010-JEM
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



Aurora Fagan
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 188591

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Jean Fourcand **Case No:** _____

Count 1

18 U. S. C. § 1957

Money Laundering

***Max Penalty:** 10 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: Jean Fourcand

\$200k psb
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: *Austin Ly*
AUSA:

Last Known Address: _____

What Facility: _____

Agent(s): IRS S. Clausen 954-888-1635
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)