

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

STEVEN HUGH HUNTER

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CRIMINAL NO.

18CR415

UNDER SEAL

INFORMATION

THE UNITED STATES CHARGES:

United States Courts
Southern District of Texas
FILED

JUL 23 2018

David J. Bradley, Clerk of Court

Introduction

At all relevant times, unless otherwise specified:

1. The Foreign Corrupt Practices Act of 1977 ("FCPA"), as amended, Title 15, United States Code, Section 78dd-1, *et seq.*, was enacted by Congress for the purpose of, among other things, making it unlawful to act corruptly in furtherance of an offer, promise, authorization, or payment of money or anything of value, directly or indirectly, to a foreign official for the purpose of obtaining or retaining business for, or directing business to, any person.

2. Defendant **STEVEN HUGH HUNTER** ("Defendant **HUNTER**"), was a U.K. citizen, and a resident of Qatar, France, or the United Arab Emirates. Defendant **HUNTER** was an agent of an "issuer," an agent of a "domestic concern," a "person," and an agent of a "person" as those terms are used in the

FCPA, Title 15, United States Code, Sections 78dd-1(a); 78dd-2(a), (h)(1); and 78dd-3(a), (f)(1).

3. "Intermediary Company" was a Monaco-based group of affiliated companies that purported to provide, among other things, intermediary services for oil and gas companies throughout the world. Intermediary Company was a "person" as that term is used in the FCPA, Title 15, United States Code, Section 78dd-3(a), (f)(1). In providing intermediary services, Intermediary Company and its principals and employees acted as "agents" of Intermediary Company's oil and gas clients, including companies headquartered or doing business in the Southern District of Texas, that were "issuers," "domestic concerns," and/or "persons" as those terms are used in the FCPA, Title 15, United States Code, Sections 78dd-1(a); 78dd-2(a), (h)(1); and 78dd-3(a), (f)(1).

4. "Co-Conspirator 1" was one of the owners and senior executives of Intermediary Company.

5. "Co-Conspirator 2" was a partner of Intermediary Company.

6. "Company A" was a multinational engineering company headquartered in New Jersey that maintained an office in Houston, Texas, and whose shares were traded on the New York Stock Exchange. Company A was an "issuer" of publicly traded securities as that term is used in the FCPA, Title 15, United States Code, Section 78dd-1(a). During the relevant time period, Company

A was a client of Intermediary Company, which assisted Company A with securing government contracts in Algeria, among other places.

7. “Company B” was a Korean construction company that secured contracts from, among others, the government of Libya. Company B was a “person” as that term is used in the FCPA, Title 15, United States Code, Section 78dd-3(a), (f)(1). During the relevant time period, Company B was a client of Intermediary Company, which assisted Company B with securing government contracts in Libya.

8. “Company C” was an oil and gas company headquartered in Houston, Texas, whose shares were traded on the New York Stock Exchange. Company C was an “issuer” of publicly traded securities as that term is used in the FCPA, Title 15, United States Code, Section 78dd-1(a). During the relevant time period, Company C was a client of Intermediary Company, which assisted Company C with securing government contracts in Kazakhstan.

9. The National Oil Corporation (“NOC”) was the state-owned and state-controlled national oil company of Libya, and was a department, agency, or instrumentality of the government of Libya as those terms are used in the FCPA, Title 15, Sections 78dd-1(f)(1); 78dd-2(h)(2); and 78dd-3(f)(2).

10. “Libya Project A” was a gas refinery project in Libya.

11. “Libyan Official A” was an employee at NOC, and a “foreign official,” as that term is used in the FCPA, Title 15, United States Code, Sections 78dd-1(a), (f)(1)(A); 78dd-2(a), (h)(2)(A); and 78dd-3(a), (f)(2)(A).

Overview

12. From in or before 2003 through in or around 2009, Defendant **HUNTER** was an executive at Company A, where he received training on the FCPA. Defendant **HUNTER** knew that paying a bribe to a foreign official, in order to secure an improper advantage in obtaining or retaining business, was unlawful and could be a criminal violation of the FCPA.

13. In or around January 2009, Defendant **HUNTER** left his position at Company A and joined Intermediary Company. Defendant **HUNTER**’s initial position at Intermediary Company was Business Development Director, although he also simultaneously worked at certain oil and gas systems integration companies affiliated with Intermediary Company. In his position as Business Development Director, Defendant **HUNTER** represented companies seeking to win oil, gas, and construction projects in, among other places, Libya.

14. In or around 2009, Defendant **HUNTER** learned that certain principals and employees of Intermediary Company had conspired and agreed to pay bribes to government officials of certain state-owned and state-controlled oil and gas companies in numerous countries in order to secure an improper advantage

in obtaining or retaining business for Intermediary Company's client companies, including U.S. "issuers," "domestic concerns," and "persons" as those terms are defined under the FCPA. Defendant **HUNTER** understood that Intermediary Company's principals and employees who participated in the bribery scheme took acts while in the territory of the United States and/or used U.S. wire transmissions in furtherance of the corrupt scheme. In or around 2009, Defendant **HUNTER** knowingly joined the conspiracy, and took acts in furtherance of the conspiracy to bribe foreign officials in order to secure improper business advantages in obtaining or retaining business for Intermediary Company's client companies, including, among others, Company A, Company B, and Company C.

15. For example, on or before December 17, 2009, Co-Conspirator 1 instructed Defendant **HUNTER** to create a secret, personal email account to use when transmitting confidential bidding and other information that employees of Intermediary Company had obtained from state-owned and state-controlled oil and gas companies. Defendant **HUNTER** understood at the time that there was a high probability that Intermediary Company paid bribes in order to receive such confidential bidding and other information. On or about December 17, 2009, Defendant **HUNTER** created this email address as Co-Conspirator 1 directed.

16. On or about May 11, 2009, Defendant **HUNTER** met with certain "sub-agents" who offered services to assist Intermediary Company's clients to

obtain or retain business with Libyan state-owned and state-controlled oil and gas companies. Defendant **HUNTER** knew that Intermediary Company sometimes used sub-agents to make bribe payments. Intermediary Company had agreed to collaborate with these particular sub-agents in connection with projects in Libya and Tunisia, and had agreed to split with these sub-agents the commission fees that Intermediary Company received from clients in connection with projects in Libya and Tunisia. Thereafter, these sub-agents provided Defendant **HUNTER** and others with confidential bidding information from within Libyan state-owned and state-controlled oil companies. The sub-agents would hand-deliver this confidential information, which was saved on flash drives, to Intermediary Company's Libya offices.

17. Co-Conspirator 2, an Intermediary Company partner, served as the main point of contact between Intermediary Company and Company B. Co-Conspirator 2 knew that Intermediary Company made corrupt payments to obtain and retain business for Intermediary Company's client companies, and Co-Conspirator 2 openly discussed the need to pay people off in connection with deals in Libya. One of Intermediary Company's principals told Defendant **HUNTER** to exercise caution around Co-Conspirator 2, because Co-Conspirator 2 was reckless in his discussion of corrupt payments, among other things.

18. On or about April 30, 2010, Defendant **HUNTER** met with these sub-agents, to discuss their assisting Intermediary Company, which at that time was working as an agent of Company B to assist Company B in winning the contract award for Libya Project A. At this meeting, the sub-agents indicated that they were not interested in assisting Intermediary Company in pursuing Libya Project A, but would assist with other projects. Thereafter, on or about May 1, 2010, Defendant **HUNTER** emailed Co-Conspirator 1 and explained that Intermediary Company might have to “try to get the right guys on our side by ourselves” in order to win Libya Project A for Company B.

19. On or about and between May 2, 2010, and May 6, 2010, Defendant **HUNTER**, and other employees of Intermediary Company traveled to Houston, Texas, to the Offshore Technology Conference in order to solicit business for Intermediary Company in Libya and Iraq. While in Houston, Texas, Defendant **HUNTER** participated in the solicitation of business from at least ten companies, including SBM Offshore, N.V. and Company C.

20. On or about June 13, 2010, Defendant **HUNTER** agreed to bribe Libyan Official A in exchange for Libyan Official A providing confidential bidding information related to Libya Project A to Defendant **HUNTER**. On or about July 21, 2010, Defendant **HUNTER**, using his secret, personal email account, instructed two principals of Intermediary Company, including Co-

Conspirator 1, to wire \$4,000 as a bribe to a relative of Libyan Official A for the benefit of Libyan Official A.

21. On or about September 7, 2010, Libyan Official A emailed Defendant **HUNTER** confidential bidding information to Defendant **HUNTER**'s secret, personal email account related to Libya Project A. Defendant **HUNTER** then transmitted this confidential information to Co-Conspirator 1 with instructions to further pass the information to an agent of Company B.

22. In or around June and July of 2011, principals of Intermediary Company, including Co-Conspirator 1, learned that a foreign law enforcement agency had begun investigating one of Intermediary Company's partners in connection with a gas project in Kazakhstan. Intermediary Company's principals, including Co-Conspirator 1, instructed Defendant **HUNTER** and others to turn in their electronic hardware. Thereafter, Defendant **HUNTER** provided his computer equipment to the principals of Intermediary Company.

COUNT ONE
(18 U.S.C. § 371 – Conspiracy)

23. The allegations set forth in paragraphs 1 through 22 of this Information are repeated and realleged as if fully set forth herein.

24. Beginning by at least in or around 2009 and continuing through at least in or around 2015, in the Southern District of Texas and elsewhere, the Defendant,

STEVEN HUGH HUNTER,

did, knowingly and willfully, that is, with the intent to further the objects of the conspiracy, and knowingly conspire, confederate, and agree with others, including Intermediary Company, Company A, Company B, Company C, Co-Conspirator 1, Co-Conspirator 2, and others known and unknown, to commit offenses against the United States, that is:

- (a) being an agent of an issuer, to willfully make use of the mails and means and instrumentalities of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, and authorization of the payment of any money, offer, gift, promise to give, and authorization of the giving of anything of value to a foreign official and to a person, while knowing that all or a portion of such money and thing of value would be and had been offered, given, and promised to a foreign official, for purposes of: (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and

agencies and instrumentalities thereof to affect and influence acts and decisions of such government and agencies and instrumentalities, in order to assist Company A, Company C, and others known and unknown, in obtaining and retaining business for and with, and directing business to, Company A, Company C, and others known and unknown, in violation of the FCPA, Title 15, United States Code, Section 78dd-1;

- (b) being an agent of a domestic concern, to willfully make use of the mails and means and instrumentalities of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, and authorization of the payment of any money, offer, gift, promise to give, and authorization of the giving of anything of value to a foreign official and to a person, while knowing that all or a portion of such money and thing of value would be and had been offered, given, and promised to a foreign official, for purposes of:
- (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and agencies and instrumentalities thereof to affect and influence acts and decisions of such government and agencies and instrumentalities, in order to assist companies and persons, known and

unknown, in obtaining and retaining business for and with, and directing business to, companies and other persons known and unknown, in violation of the FCPA, Title 15, United States Code, Section 78dd-2;

- (c) while in the territory of the United States, to willfully make use of the mails and means and instrumentalities of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, and authorization of the payment of any money, offer, gift, promise to give, and authorization of the giving of anything of value to a foreign official and to a person, while knowing that all or a portion of such money and thing of value would be and had been offered, given, and promised to a foreign official, for purposes of:
- (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and agencies and instrumentalities thereof to affect and influence acts and decisions of such government and agencies and instrumentalities, in order to assist Company B and others known and unknown, in obtaining and retaining business for and with, and directing business to Company B and others known and unknown, in violation of the FCPA, Title 15, United States Code, Section 78dd-3.

Purpose of the Conspiracy

25. The purpose of the conspiracy was for Defendant **HUNTER** and his co-conspirators, including Intermediary Company, Company A, Company B, Company C, Co-Conspirator 1, Co-Conspirator 2, and others known and unknown, to enrich themselves by, among other things, making corrupt bribe payments to foreign officials, so that Intermediary Company and its client companies, including Company A, Company B, and Company C, would obtain and retain lucrative contracts with foreign government instrumentalities.

Manner and Means of the Conspiracy

26. The manner and means by which Defendant **HUNTER** and his co-conspirators, including Intermediary Company, Company A, Company B, Company C, Co-Conspirator 1, Co-Conspirator 2, and others known and unknown, sought to accomplish the purpose of the conspiracy included, among other things, the following, while in the Southern District of Texas and elsewhere:

27. The conspirators, including Defendant **HUNTER**, paid bribes and caused bribes to be paid on behalf of Intermediary Company's client companies to foreign officials in exchange for those officials' assistance in helping Intermediary Company's client companies win lucrative contracts from foreign government oil and gas instrumentalities.

28. The conspirators, including Defendant **HUNTER**, obtained confidential bidding and other information from within foreign government oil and gas instrumentalities, and used, disseminated, and discussed the contents of that information in order to win oil and gas projects or otherwise obtain improper advantages.

29. The conspirators, including Defendant **HUNTER**, solicited oil and gas company clients to use Intermediary Company's intermediary services by describing their "proximity" to foreign officials, and their ability to obtain inside confidential bidding information.

30. The conspirators, including Defendant **HUNTER**, solicited oil and gas company clients to use Intermediary Company's intermediary services by touting their record of ethical corporate compliance, even though the conspirators knew that Intermediary Company paid bribes in violation of the FCPA.

31. The conspirators, including Defendant **HUNTER**, took acts to conceal the bribery conspiracy by, among other things:

- a. using secret email accounts;
- b. using coded language to discuss aspects of the conspiracy;
- c. retaining and paying so-called "sub-agents" to interface with foreign officials at state-owned and state-controlled oil and gas companies,

knowing there was a high likelihood those sub-agents were paying bribes to those foreign officials; and

- d. causing incriminatory emails and electronic data to be removed from Intermediary Company's computers and electronic hardware.

Overt Acts

32. In furtherance of the conspiracy and to achieve the objects thereof, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Texas and elsewhere, at least one of the following overt acts, among others:

33. On or before December 17, 2009, Co-Conspirator 1 instructed Defendant **HUNTER** to create a secret, personal email account.

34. On or about December 17, 2009, Defendant **HUNTER** created a secret, personal email account.

35. On or about May 11, 2009, Defendant **HUNTER** met with certain "sub-agents" and discussed using their services in assisting Intermediary Company's clients in obtaining or retaining business with Libyan state-owned and state-controlled oil and gas companies.

36. On or about May 1, 2010, Defendant **HUNTER** emailed Co-Conspirator 1 and explained that Intermediary Company might not be able to use

the sub-agents to assist in winning Libya Project A, and would have to “try to get the right guys on our side by ourselves.”

37. On or about and between May 2, 2010, and May 6, 2010, Defendant **HUNTER** and other employees of Intermediary Company traveled to Houston, Texas, to the Offshore Technology Conference in order to solicit business from potential client companies for Intermediary Company in Libya and Iraq, when Defendant **HUNTER** knew that it was highly likely that Intermediary Company would pay bribes to foreign officials in Libya and Iraq in order to secure improper advantages in obtaining or retaining business for Intermediary Company and its client companies.

38. On or about June 13, 2010, Defendant **HUNTER** agreed to pay Libyan Official A in exchange for the official providing confidential bidding information related to Libya Project A.

39. On or about July 21, 2010, Defendant **HUNTER**, using his secret, personal email account, instructed two principals of Intermediary Company, including Co-Conspirator 1, to wire \$4,000 as a bribe to a relative of Libyan Official A.


40. On or about September 7, 2010, Libyan Official A emailed Defendant **HUNTER** confidential bidding information to Defendant **HUNTER**’s secret, personal email account related to Libya Project A.

41. On or about September 8, 2010, Defendant **HUNTER** emailed confidential information to Co-Conspirator 1 with instructions to further pass the information to an agent of Company B.

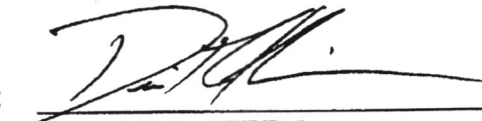
42. In or around June and July of 2011, Defendant **HUNTER** provided his computer equipment to the principals of Intermediary Company knowing that one of the principals of Intermediary Company was under investigation by law enforcement.

All in violation of Title 18, United States Code, Section 371.

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