

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CASE NO. 1:17-cr-00013-TSC

UNITED STATES

v.

**SOCIEDAD QUÍMICA Y MINERA
DE CHILE (“SQM”),**

Defendant.

GOVERNMENT’S MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the Information filed in the above-captioned case against defendant Sociedad Química y Minera de Chile (“SQM”). In support of this motion, the Government states as follows:

1. On January 13, 2017, the Government filed an Information charging SQM with violating the accounting provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), 15 U.S.C. § 78m(b)(2)(A) 78m(b)(2)(B), and 78m(b)(5). Dkt. No. 1.

2. On January 13, 2017, the Government also filed a deferred prosecution agreement (“DPA”) in this case, in which the Government recommended that the prosecution of SQM be deferred for a period of three years. Dkt. No. 2. Among other obligations, the DPA required SQM to cooperate with the Government’s investigation, to implement an enhanced compliance program, and to engage an independent compliance monitor for a period of two years, followed by one year of self-reporting. SQM was also required to pay a criminal monetary penalty of \$15,487,500 to the United States Treasury.

3. The DPA provided that the Government would not continue the criminal prosecution against SQM and would move to dismiss the Information within six months of the expiration of the DPA, if SQM fully complied with all of its obligations. Dkt. No. 2, DPA ¶ 16. The DPA expired on or about May 1, 2020.

4. On or about April 19, 2019, the independent compliance monitor certified, pursuant to paragraph 19 of Attachment D to the DPA, that SQM's compliance program, including its policies and procedures, is reasonably designed and implemented to prevent and detect violations of the anti-corruption laws.

5. On or about June 1, 2020, SQM's Chief Executive Officer and Chief Financial Officer certified to the Government that SQM has met its disclosure obligations pursuant to paragraph 6 of the DPA.

6. Based on the information known to the Government, SQM has fully met its obligations under the DPA, including full cooperation with the Government, implementation of an enhanced compliance program and procedures, and satisfaction of the terms of the provisions regarding the independent compliance monitorship. In addition, SQM has made timely payment of the \$15,487,500 criminal monetary penalty.

7. Because SQM has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate. See Dkt. No. 2, DPA ¶ 16. The Government has conferred with counsel for SQM, who concurs that dismissal is appropriate at this time.

For the foregoing reasons, the Government requests that this Motion to Dismiss Information be granted.

DANIEL S. KAHN
Acting Chief, Fraud Section

By: /s/ Jonathan P. Robell

Lorinda Laryea
Assistant Chief
Jonathan P. Robell
Trial Attorney
United States Department of Justice
Criminal Division, Fraud Section
1400 New York Avenue NW
Washington, DC 20005
Tel: (202) 616-5136
Email: Lorinda.Laryea@usdoj.gov
Jonathan.Robell@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss Information was filed and served electronically using the Court's CM/ECF system, effecting service on all counsel of record.

/s/ Jonathan P. Robell

Trial Attorney
Criminal Division, Fraud Section
U.S. Department of Justice

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CASE NO. 1:17-cr-00013-TSC

UNITED STATES

v.

**SOCIEDAD QUÍMICA Y MINERA
DE CHILE (“SQM”),**

Defendant.

ORDER

This cause came before the Court on the United States’ unopposed Motion to Dismiss Information (ECF No. 3). Having considered the Motion and being fully advised, it is hereby

ORDERED AND ADJUDGED that the Motion is **GRANTED**. The Information in this case (ECF No. 1) is hereby dismissed with prejudice.

SO ORDERED.

Date: January ____, 2021

TANYA S. CHUTKAN
United States District Judge

cc: All counsel of record