



U.S. Department of JUSTICE

The Department of Justice is posting this court document as a courtesy to the public. An official copy of this court document can be obtained (irrespective of any markings that may indicate that the document was filed under seal or otherwise marked as not available for public dissemination) on the Public Access to Court Electronic Records website at <https://pacer.uscourts.gov>. In some cases, the Department may have edited the document to redact personally identifiable information (PII) such as addresses, phone numbers, bank account numbers, or similar information, and to make the document accessible under Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to make electronic information accessible to people with disabilities.

AO 91 (Rev. 11/11) Criminal Complaint

United States Courts
Southern District of Texas**Sealed**Public and unofficial staff access
to this instrument are
prohibited by court order**UNITED STATES DISTRICT COURT**

for the

Southern District of Texas

FILED

June 10, 2025

Nathan Ochsner, Clerk of Court

United States of America

v.

Juan Carlos CAIRO-Padron and
Thomas Michael FORTINBERRY

Case No.

4:25-mj-348**FILED UNDER SEAL**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 1, 2023, to June 9, 2025, in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*50 U.S.C. § 1705
(31 C.F.R. § 591)

Violating U.S. Sanctions Against the Government of Venezuela

18 U.S.C. § 554

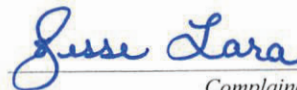
Smuggling Goods from the United States

18 U.S.C. § 1956

Promotional International Money Laundering

This criminal complaint is based on these facts:

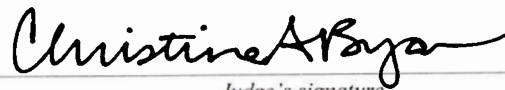
See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Jesse Lara, Special Agent, Homeland Security

Printed name and title

Attested to by the complainant in accordance with
the requirements of Fed. R. Crim. P. 4.1 by telephone.Date: 06/10/2025City and state: Houston, Texas

Judge's signature

Hon. Christina A. Bryan, U.S. Magistrate Judge

Printed name and title

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

4:25-mj-348**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jesse Lara, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief.

I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), and have been so employed since October 20, 2008. I am empowered by law to investigate and make arrests for offenses involving violations of U.S. economic sanctions and the unlawful export or provision of goods, services, and technology to destinations outside the United States. As a Special Agent with HSI, I am familiar with and have received training regarding federal laws relating to U.S. sanctions and the unlawful export and provision of goods, services, and technology from the United States, including the International Emergency Economic Powers Act (Title 50, United States Code, Sections 1701-1710). I am also familiar with the federal laws relating to money laundering and the unlawful export of arms and commodities from the United States. I have conducted and participated in investigations of violations of U.S. laws relating to money laundering and the unlawful export from the United States of goods and technology. I have personally participated in this investigation. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested Criminal Complaint. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

RELEVANT LEGAL BACKGROUND

The International Emergency Economic Powers Act and
the Venezuela Sanctions Regulations

1. The International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. §§ 1701-1710, authorizes the President of the United States (the “President”) to impose economic sanctions

on a foreign country in response to an unusual and extraordinary threat to the national security, foreign policy, or economy of the United States when the President declares a national emergency with respect to that threat. Pursuant to the authority under IEEPA, the President and the executive branch have issued executive orders and regulations governing and prohibiting certain transactions with the Government of Venezuela by U.S. persons or involving U.S.-origin goods.

2. On March 8, 2015, the President issued Executive Order (E.O.) 13692, finding that the situation in Venezuela, including certain actions and policies of the Government of Venezuela under Nicolás Maduro, constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and declared a national emergency to deal with that threat. The President has issued subsequent executive orders continuing and amplifying the original declaration of a national emergency.

3. Among those Executive Orders, on August 5, 2019, the President issued E.O. 13884, taking further steps with respect to the national emergency declared in E.O. 13692 “in light of the continued usurpation of power by Nicolás Maduro and persons affiliated with him, as well as human rights abuses, including arbitrary or unlawful arrest and detention of Venezuelan citizens, interference with freedom of expression, including for members of the media, and ongoing attempts to undermine Interim President Juan Guaido and the Venezuelan National Assembly’s exercise of legitimate authority in Venezuela.”

4. Section 1 of E.O. 13884 blocks all property and interests in property of the “Government of Venezuela” that are in the United States or in the possession or control of any U.S. person.

5. Section 6(d) of E.O. 13884 defines “Government of Venezuela” as “the state and Government of Venezuela, any political subdivision, agency, or instrumentality thereof, including

the Central Bank of Venezuela and Petroleos de Venezuela, S.A. ('PdVSA'), any person owned or controlled, directly or indirectly, by the foregoing, and any person who has acted or purported to act directly or indirectly for or on behalf of, any of the foregoing, including as a member of the Maduro regime.”

6. Sections 3 and 4 of E.O. 13884 prohibit (1) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to the order, including the Government of Venezuela as defined in § 6(d); (2) the receipt of any contribution or provision of funds, goods, or services from any such person; (3) any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in the order; and (4) any conspiracy formed to violate any of the prohibitions set forth in the order.

7. To implement E.O. 13692 and subsequent Executive Orders, the United States Department of the Treasury, through the Office of Foreign Assets Control (“OFAC”), issued the Venezuela Sanctions Regulations. *See* 31 C.F.R. Part 591. The Venezuela Sanctions Regulations incorporate by reference the prohibitions set forth in the Executive Orders. *See* 31 C.F.R. § 591.201.

8. Through the relevant period of this Complaint, the Executive Orders and the Venezuela Sanctions Regulations were in effect.

9. Title 50, United States Code, Section 1705 makes it “unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued” under IEEPA.

10. PdVSA is Venezuela’s state-owned oil and gas company and plays a significant role in Venezuela’s economy. During the relevant time period of this Complaint, PdVSA was subject to U.S. sanctions on the Government of Venezuela (“GoV”).

11. Complejo Siderurgico de Guayana C.A. (“COMSIGUA”) and CVG Briquetara del Orinoco (“Orinoco Iron”) are steel plants owned and/or controlled by the GoV. During the relevant time period of this Complaint, COMSIGUA and Orinoco Iron were subject to U.S. sanctions on the GoV.¹

Smuggling

12. Title 18, United States Code, Section 554 states, “Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States” shall be fined, imprisoned not more than 10 years, or both.

International Promotional Money Laundering

13. Title 18, United States Code, Section 1956 states, “[w]hoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States with the intent to promote the carrying on of specified unlawful activity” shall be fined, imprisoned not more than 20 years, or both. “Specified unlawful activity” includes smuggling and violations of IEEPA. *See* 18 U.S.C. § 1956(c)(7). “Any person who conspires to commit any offense” under Section 1956 “shall be subject to the same

¹ Between approximately October 2023 and April 2024, OFAC issued a general license that authorized certain transactions involving the oil and gas sector in Venezuela, but that license did not authorize transactions with COMSIGUA or Orinoco Iron.

penalties as those prescribed for the offense the commission of which was the object of the conspiracy.” 18 U.S.C. § 1956(h).

FACTS IN SUPPORT OF PROBABLE CAUSE

Background of Investigation

14. U.S. Company-1 is a Texas-based company that sells catalyst products used in petrochemical refining operations and steel mills around the world. The majority of U.S. Company-1’s business consists of the sale of catalysts, but it also provides consulting services regarding the use of catalysts in refining operations. Historically, U.S. Company-1 generally did not manufacture the catalysts that it sold to customers. Rather, it sourced most of these products from manufacturers in China. In some instances, the catalysts would be shipped directly from China to customers, and in other instances, the catalysts would be exported from China to the United States or to a European distribution warehouse, for onward delivery to customers.

15. Juan Carlos CAIRO-Padron is a Venezuelan national and a U.S. Lawful Permanent Resident. CAIRO is the owner and operator of the company DRI Reformers, based in Katy, Texas. “DRI” stands for direct reduction iron, which is an industrial process that converts iron ore into metallic iron. CAIRO also controls the company Reformer Technology LLC, based in Belize City, Belize. In an October 2019 email to a prospective customer in Venezuela, CAIRO portrayed himself as U.S. Company-1’s exclusive sales agent for Venezuela.

16. Thomas Michael FORTINBERRY is a U.S. citizen who works with CAIRO and his companies DRI Reformers and Reformer Technology. FORTINBERRY is the managing director of Reformer Technology in Belize. According to his online profile, FORTINBERRY also is a partner and director of business development for a German company (“German Company-1”)

that specializes in inspection services for industrial reformer tubes that are involved in the direct reduction of iron process. FORTINBERRY resides in Decatur, Alabama.

17. U.S. Company-1's co-founder ("Cooperating Witness") is a U.S. citizen. Cooperating Witness co-founded U.S. Company-1 in 2000 and served in a variety of roles, including as chief executive officer ("CEO"), until 2020 when he sold the company to a group of investors. Cooperating Witness continued to work at U.S. Company-1 until 2021 when the company's new owners terminated him after discovering numerous sanctions and export control violations that Cooperating Witness committed during his tenure at U.S. Company-1. Cooperating Witness has been cooperating with law enforcement's investigation in the hopes of obtaining favorable consideration at sentencing.² Certain of the information provided by Cooperating Witness regarding CAIRO and FORTINBERRY has been corroborated by audio recordings and other means as described herein.

Transactions with Sanctioned Venezuelan State-Owned Company COMSIGUA

18. As described below, there is probable cause to believe that CAIRO, FORTINBERRY, and others have engaged in a multi-year conspiracy to supply catalysts and DRI reformer tubes to sanctioned state-owned companies in Venezuela, including COMSIGUA and PdVSA. I believe that CAIRO and FORTINBERRY understand that their actions violate U.S. law and have taken numerous steps to conceal their criminal activity from U.S. law enforcement.

² Cooperating Witness began cooperating in early 2024 shortly after he was arrested. On August 19, 2024, Cooperating Witness pleaded guilty to a Criminal Information charging him with conspiracy to violate IEEPA and conspiracy to commit international promotional and concealment money laundering based on his illegal conduct at U.S. Company-1. In a few instances early in his cooperation, Cooperating Witness minimized his own prior criminal conduct until confronted with direct evidence of his historical criminal activity.

19. According to Cooperating Witness, while he worked at U.S. Company-1, CAIRO periodically contacted Cooperating Witness to source quotes for catalysts for customers in Venezuela, including companies that were subject to U.S. sanctions like the state-owned steel company Orinoco Iron. This information has been corroborated by documents and emails separately obtained in the course of the investigation. Moreover, recorded statements that CAIRO has made to Cooperating Witness demonstrate that since Cooperating Witness left U.S. Company-1, CAIRO has continued to sell products and services to sanctioned entities in Venezuela. For example, on April 5, 2024, Cooperating Witness conducted a consensually monitored meeting with CAIRO at the direction of law enforcement. During the meeting, CAIRO made several statements indicating that he had sold products, including catalysts, to a steel plant in Venezuela as recently as 2024. CAIRO also told Cooperating Witness that in the fall of 2023 he had begun working on a “project” for Venezuela with U.S. Company-1, including U.S. Company-1’s employee who handled customers in Latin America and the Caribbean (“U.S. Company-1 Employee”), but that U.S. Company-1 inexplicably cancelled the project in February 2024. Following this initial meeting, Cooperating Witness engaged in additional recorded conversations, as well as electronic communications, with CAIRO and FORTINBERRY, as discussed herein. Electronic communications, documents, and financial records obtained via legal process corroborate CAIRO’s statements to Cooperating Witness that he sold catalysts to a sanctioned steel plant in Venezuela in 2024.

20. Based on my review of electronic communications obtained in the investigation, and recorded conversations between Cooperating Witness and CAIRO and/or FORTINBERRY, I believe that between 2023 and the present, CAIRO and FORTINBERRY have sought to sell catalysts, inspection services, and DRI reformer tubes to state-owned steel companies in Venezuela.

During this time period, CAIRO and FORTINBERRY submitted multiple proposals to sanctioned Venezuelan companies.

21. For example, in a June 21, 2023 email responding to a representative of sanctioned Venezuelan state-owned steel companies COMSIGUA, Venprecar, and Orinoco Iron, CAIRO proposed using his team in Venezuela to evaluate each steel plant and propose recommendations for how to improve production.³ The representative whom CAIRO emailed used an email address from another U.S. company (“U.S. Company-2”) and, as described further below, appeared to be acting as an agent or broker in the United States on behalf of the Venezuelan steel companies. A few weeks later, on July 3, 2023, CAIRO sent another email to the U.S. Company-2 agent attaching the inspection reports that CAIRO’s team completed for the steel plants. In the inspection reports for the steel plants, CAIRO noted that many of the steel companies, including COMSIGUA, had been nationalized and were in a state of disrepair due to lack of resources, spare parts, and investment. CAIRO concluded by stating that his team’s opinion was that the COMSIGUA facility had the greatest potential for a rapid return on investment, including the replacement of the facility’s DRI reformer tubes.

22. Notably, in connection with this business transaction to improve the Venezuelan steel plants, the Venezuelan steel plants appeared to be using U.S. Company-2 to act as a sales agent or broker and function as an intermediary between the steel companies and CAIRO. As noted below, based on my training and experience, I believe that the sanctioned Venezuelan state-owned steel companies used U.S. Company-2 as a front company in the United States to evade U.S. sanctions and facilitate sanctions violations.

³ This email, and other referenced electronic communications in this Complaint, was originally written in Spanish and has been translated into English.

23. Subsequent emails and recorded conversations between CAIRO, FORTINBERRY, and Cooperating Witness show that the U.S. Company-2 representative took CAIRO's advice and focused on improving the production capacity at the COMSIGUA facility. For example, between August 2023 and February 2024, CAIRO, FORTINBERRY, and their team exchanged emails describing the needs of the COMSIGUA plant and seeking quotes for DRI reformer tubes and the catalysts that would be needed to operate those tubes. On October 12, 2023, DRI Reformers' country manager in Venezuela emailed CAIRO a draft proposal on DRI Reformers' letterhead for 100 DRI reformer tubes manufactured by a Chinese-French metal processing company and the catalyst needed to operate the tubes. The next day, CAIRO sent the proposal to U.S. Company-2 and listed U.S. Company-2's address as "Puerto Ordaz, Venezuela," thereby acknowledging that U.S. Company-2 was, in fact, acting as an agent of the sanctioned Venezuelan entities. The proposal included photographs of what appear to be DRI reformer tubes.

24. During the same time period, emails separately obtained in the investigation, financial records obtained via legal process, recorded conversations with Cooperating Witness, and Cooperating Witness's own statements to U.S. law enforcement show that CAIRO and FORTINBERRY also worked on purchasing catalysts for COMSIGUA. Initially, CAIRO tried to purchase the catalysts from U.S. Company-1, but U.S. Company-1 ultimately refused to sell the catalysts because COMSIGUA was subject to U.S. sanctions. U.S. Company-1 Employee was the primary contact with CAIRO and during their electronic exchanges, over email and an electronic messaging application, CAIRO and U.S. Company-1 Employee discussed the U.S. sanctions on Venezuela. In one exchange, on February 12, 2024, U.S. Company-1 Employee forwarded an email to CAIRO from U.S. Company-1's chief operating officer that stated that because of U.S. sanctions on COMSIGUA, U.S. Company-1 could not supply COMSIGUA with catalysts. In response,

CAIRO sent U.S. Company-1 Employee snapshots from OFAC's "Sanctions List Search" website and stated that the sanctions were specific to another Venezuelan entity and not COMSIGUA. In an earlier email exchange, U.S. Company-1 Employee forwarded a separate email to CAIRO and FORTINBERRY which stated, "Obviously, it's Venezuela and it's a high risk country with existing sanctions in place," so U.S. Company-1 "want[s] to do [its] due diligence to ensure these sanctions do not cover the end user or any interim users."⁴

25. On February 20, 2024, U.S. Company-1's CEO forwarded an email to CAIRO that U.S. Company-1 had received from outside counsel about whether COMSIGUA was subject to U.S. sanctions and stated that his company could not proceed with the transaction because "the government of Venezuela is on the denied party list and they are registered as the owners of the steel plant." U.S. Company-1's CEO also noted that he would ask his attorneys about obtaining a license from OFAC to proceed with the transaction. The attached email from outside counsel stated that COMSIGUA "is owned by the Government of Venezuela, which is on the denied parties list, so [U.S. Company-1] and [its foreign affiliate] are prohibited from selling to them, directly or indirectly." The email from outside counsel also noted that "there is now a general license (i.e., a license exception) for certain transactions involving oil and gas sector operations in Venezuela, but this request does not qualify for the general license because it comes from a steel refinery (not in the oil and gas sector)."

26. In response, CAIRO wrote, "this situation really affect not only this order we already are involved with the investors for supply catalyst to FMO and VENPRECAR with good opportunity to install [U.S. Company-1's catalysts] in a full MIDREX reformer. For the moment

⁴ This February 2024 email exchange between CAIRO and U.S. Company-1 relates to the catalyst sale to COMSIGUA that CAIRO discussed with Cooperating Witness in April 2024 and that is described further above.

we need hold our actions.” Shortly after learning that U.S. Company-1 would not supply the catalysts to COMSIGUA, CAIRO and FORTINBERRY contacted a Chinese catalyst supplier to source the same type of catalysts for the COMSIGUA plant. Specifically, on March 4, 2024, CAIRO emailed FORTINBERRY and told him “we must quote the equivalent of [U.S. Company-1] catalyst.” This was not the first time that U.S. Company-1 had raised concerns with CAIRO about doing business with customers in Venezuela. Years earlier, on May 29, 2019, U.S. Company-1 Employee declined to submit a bid to one of CAIRO’s customers and told CAIRO that “[d]ue to US sanctions on Venezuela, [U.S. Company-1] is not able to do any business with Venezuela companies.”

27. Despite these warnings, between December 2023 and 2024, CAIRO and FORTINBERRY completed multiple transactions with COMSIGUA that were worth millions of dollars. The transactions primarily consisted of three types: 1) the sale of used or new catalysts or scrap metals used in the iron making process; 2) services related to the installation and maintenance of DRI reformer tubes; and 3) the sale of DRI reformer tubes.

28. For example, between on or about December 12, 2023, and December 14, 2023, CAIRO and FORTINBERRY caused over a million dollars’ worth of used nickel oxide catalyst and scrap steel to be exported from the United States to COMSIGUA in Venezuela. On Electronic Export Informations (“EEIs”) that were filed with the U.S. government in connection with the exports, a Venezuelan company that was not overtly connected to the GoV was falsely listed as the ultimate consignee.⁵ Another U.S. company was listed as the U.S. Principal Party in Interest on the

⁵ The Electronic Export Information (“EEI”) (formerly known as the Shipper’s Export Declaration (“SED”)) is the required documentation submitted to the U.S. government in connection with an export from the United States. Exporters or their authorized agents are required to file an accurate and truthful EEI for every export of goods from the United States

EEIs. According to a later recorded conversation between Cooperating Witness and FORTINBERRY, FORTINBERRY explained that he and CAIRO sold the materials to another U.S. company “on paper” so that the other company took the risk of shipping the material to Venezuela, even though CAIRO and FORTINBERRY transferred the material to the other company knowing that the ultimate end user was COMSIGUA in Venezuela. Further, emails from the time period show FORTINBERRY arranging for the delivery of a shipping container related to these exports, and financial records show that CAIRO and FORTINBERRY received significant sums of money during the relevant time period from the U.S. company listed on the EEIs. This export of used nickel oxide catalyst and steel scrap to COMSIGUA required an OFAC license which neither CAIRO nor FORTINBERRY had applied for nor obtained.

29. On another occasion, CAIRO and FORTINBERRY sold approximately 170 DRI reformer tubes to COMSIGUA by purchasing them from a manufacturer in China and then shipping them directly from China to Venezuela. Specifically, on December 7, 2023, DRI Reformers’ country manager in Venezuela emailed CAIRO a proposal for 100 DRI reformer tubes priced at approximately \$2,130,440. On the proposal, DRI Reformers’ country manager listed his title as “VP South America” for Reformer Technology, which is the Belize company owned by CAIRO. Based on this, I believe that CAIRO and FORTINBERRY use the companies DRI Reformers and Reformer Technology interchangeably to sell goods and services to Venezuela. The proposal was addressed to another U.S. company (“U.S. Company-3”), but the point of contact was the same point of contact on the business records related to U.S. Company-2. Based on this, as well as my training and

with a value of \$2,500 or more. An EEI also is required, regardless of the value of the goods, if the goods require an export license. 15 C.F.R. §§ 758.1 and 30.2.

experience, I believe that COMSIGUA used U.S. Company-2 and U.S. Company-3 to conceal the fact that the true counterparty to these transactions was COMSIGUA.

30. Two weeks later, on December 21, 2023, FORTINBERRY emailed CAIRO an invoice on German Company-1's letterhead for "reformer tube assembly" for 100 DRI reformer tubes for COMSIGUA. Then, on January 3, 2024, CAIRO emailed the COMSIGUA representative at U.S. Company-2 an update on the project for COMSIGUA in which he stated that "the Nickel already arrived at the plant" and that the next payment in the "Comsigua DRI Tube Project" was due. CAIRO then instructed the U.S. Company-2 representative that the payment should be made to "our account in [German Company-1] USA" and attached bank account information for a U.S. bank account that appeared to belong to German Company-1's U.S. affiliate and listed FORTINBERRY's contact information. Also attached to CAIRO's email was a letter from FORTINBERRY on DRI Reformers' letterhead addressed to a Spanish company ("Spanish Company-1") that stated, "the nickel has been purchased and is ready for the transfer of ownership to you so we can start the casting process." I believe that the "nickel" FORTINBERRY referred to in this letter was likely the used nickel oxide catalyst that he exported from the United States to Venezuela in December 2023.

31. Six days later, on January 9, 2024, a Spanish bank account associated with Spanish Company-1 wired \$649,024.50 into FORTINBERRY's German Company-1 U.S. bank account. Three days later, on January 12, 2024, Spanish Company-1 wired \$882,000 into FORTINBERRY's German Company-1 bank account. And on February 22, 2024, Spanish Company-1 wired \$1,090,024.50 into FORTINBERRY's German Company-1 U.S. bank account. During the same time period, FORTINBERRY wired millions of dollars from German Company-1's U.S. bank account to the Chinese bank account of the Chinese-French metal processing company that

manufactures DRI reformer tubes. Specifically, between December 28, 2023 and February 22, 2024, FORTINBERRY wired approximately \$2,094,700 from German Company-1's U.S. bank account to the Chinese-French metal processing company's Chinese bank account. Based on these financial transactions, as well as the overall context of the deals and my understanding of how smugglers typically evade sanctions, I believe that Spanish Company-1, similar to U.S. Company-2 and U.S. Company-3, is used by COMSIGUA to evade U.S. sanctions and conceal the fact that COMSIGUA is conducting business with U.S. parties.

32. Moreover, financial records show that after February 2024, Spanish Company-1 continued to wire funds from its Spanish bank account to German Company-1's U.S. bank account controlled by FORTINBERRY, which FORTINBERRY then often wired onto Chinese bank accounts. Based on the context and timing of these wires, I believe that the money was used to purchase the DRI reformer tubes and catalysts from China for onward shipment to COMSIGUA in Venezuela and that COMSIGUA used U.S. Company-2, U.S. Company-3, and Spanish Company-1 to facilitate these illegal transactions and conceal COMSIGUA's involvement. Often, CAIRO's invoices for COMSIGUA listed Spanish Company-1 and individuals associated with U.S. Company-2 and U.S. Company-3 as the payors or addressees. This is further evidence that Spanish Company-1, U.S. Company-2, and U.S. Company-3 are used as front companies for COMSIGUA.

33. The flow of funds between Venezuelan controlled entities and CAIRO and FORTINBERRY also shows that the transactions were completed and were not merely quotes or bids. For example, on April 24, 2024, FORTINBERRY emailed CAIRO an invoice for the 100 DRI reformer tube project with COMSIGUA that requested the "final payment." FORTINBERRY also attached photographs of what appear to be DRI reformer tubes being loaded into shipping containers in a warehouse. CAIRO forwarded the invoice and photographs to the U.S. Company-2

representative and stated that the 100 tubes would be ready for shipment on April 29, 2024. For the next few weeks, CAIRO, FORTINBERRY, and the U.S. Company-2 representative exchanged emails discussing the shipping logistics to transport the 100 tubes from China to Venezuela. On May 2, 2024, Spanish Company-1 wired another approximately \$214,000 from its Spanish bank account into German Company-1's U.S. bank account. CAIRO and FORTINBERRY's sale and brokering of the 100 DRI reformer tubes to COMSIGUA required an OFAC license, which neither CAIRO nor FORTINBERRY had.

34. In addition to handling the flow of funds between the various parties to the COMSIGUA transactions, FORTINBERRY also appears to have managed the relationship with the Chinese catalyst suppliers. In numerous emails, FORTINBERRY requested pricing from a Chinese catalyst supplier for catalysts that were to be shipped to COMSIGUA in Venezuela. For example, one of the first quotes that FORTINBERRY requested from the Chinese supplier was for the same type of catalyst that U.S. Company-1 had refused to sell to CAIRO and FORTINBERRY in February 2024 because of U.S. sanctions on COMSIGUA. In the discussions with the Chinese supplier, FORTINBERRY noted that the requested catalyst was "very similar to the [U.S. Company-1 catalyst] they are currently using" and that the catalyst would be "used in DRI steel processing." FORTINBERRY also sent the Chinese supplier the technical specification sheets for the U.S. Company-1 catalysts that he sought. The Chinese supplier ultimately emailed FORTINBERRY the purchase order and invoice for the catalysts and FORTINBERRY and CAIRO worked with the U.S. Company-2 representative (i.e., the COMSIGUA agent) to ship the catalysts from China to Venezuela. Between April and July of 2024, FORTINBERRY wired hundreds of thousands of dollars from German Company-1's U.S. bank account to the Chinese supplier's Chinese bank account for the catalyst shipments to COMSIGUA in Venezuela. Often, shortly before

FORTINBERRY's German Company-1 U.S. bank account wired the funds to the Chinese supplier's foreign bank account, funds from Spanish Company-1's foreign bank account were deposited into FORTINBERRY's German Company-1's U.S. bank account. Based on my training and experience, I believe that FORTINBERRY and CAIRO were using German Company-1's U.S. bank account to launder the funds and further obfuscate COMSIGUA's connection to the transactions.

35. After many of the transactions with COMSIGUA were completed, CAIRO and FORTINBERRY's country representative in Venezuela sent his own invoices to CAIRO for his expenses and commissions. For example, on July 3, 2024, CAIRO and FORTINBERRY's Venezuela country representative emailed CAIRO multiple invoices for, among other things, his apartment and payroll expenses, consultant fees, a \$25,000 commission for the DRI reformer tube sale to COMSIGUA, and a \$100,000 commission for the catalyst sales to COMSIGUA. The Venezuela country representative instructed CAIRO to send the funds to multiple financial accounts, including a relative's Irish bank account. This is further evidence that CAIRO and FORTINBERRY have completed multiple illegal transactions with COMSIGUA and have used international wires to promote their sanctions evasion activities.

36. Based on my investigation to date, I believe that between 2023 and the present, CAIRO and FORTINBERRY facilitated between three to five million dollars' worth of transactions involving the sanctioned state-owned steel company COMSIGUA. As described above, I believe that the transactions were intended to evade U.S. sanctions and provide COMSIGUA with the materials and equipment necessary to ramp up its iron production and generate revenue for its owner, the GoV.

Cooperating Witness's Cooperation

37. The documentary evidence of CAIRO's and FORTINBERRY's completed sanctions violations corroborates statements the two defendants have made to Cooperating Witness in consensually recorded meetings and calls, and demonstrate that CAIRO and FORTINBERRY understand that their dealings with sanctioned companies in Venezuela are illegal and are actively trying to conceal their activities from U.S. law enforcement. Additionally, the defendants' statements to Cooperating Witness indicate that they are actively bidding on new business for sanctioned state-owned companies in Venezuela.

38. For example, in recorded conversations in 2024 and 2025, CAIRO and FORTINBERRY repeatedly told Cooperating Witness that they had sold catalysts and DRI reformer tubes to COMSIGUA in the past. In many of these conversations, CAIRO and/or FORTINBERRY explained to Cooperating Witness how they used intermediary companies in the U.S. and abroad to conceal the fact that COMSIGUA was the true customer. In one conversation with Cooperating Witness and CAIRO, for example, FORTINBERRY said that he and CAIRO established Reformer Technologies in Belize to make it more difficult to "trace" the transactions back to CAIRO and FORTINBERRY in the United States. FORTINBERRY and CAIRO also explained their past transactions with COMSIGUA in which they purchased catalysts from the Chinese supplier mentioned above and then had the catalysts shipped to COMSIGUA in Venezuela. In another recorded conversation in April 2025, FORTINBERRY told Cooperating Witness that he was setting up front companies and associated bank accounts in the United Arab Emirates, Hong Kong, and Panama to facilitate their sanctions evasion activity. Based on my training and experience, I believe that CAIRO and FORTINBERRY use intermediaries and front companies because they understand that their conduct violates U.S. law and that they are trying to conceal their criminal activity.

39. In another recorded conversation in September 2024, CAIRO told Cooperating Witness that he began working with FORTINBERRY because he needed a “gringo” to work with him on the projects for Venezuela. Cooperating Witness later told law enforcement that he understood CAIRO to mean that CAIRO, a Venezuelan national, partnered with FORTINBERRY because CAIRO believed that FORTINBERRY’s status as a U.S. citizen would limit scrutiny into their illicit business activities.

40. On multiple occasions, CAIRO and FORTINBERRY also discussed the legal jeopardy they face by doing business with sanctioned customers in Venezuela. They have acknowledged that what they are doing in Venezuela could lead to them ending up in jail, and that many, but not all, of the Venezuelan customers they are submitting bids to or doing business with are sanctioned by the U.S. government. During one conversation on November 13, 2024, FORTINBERRY told Cooperating Witness that the sanctions risk is the “first thing on [his] mind every time [he and CAIRO do] some of these things” and that they cannot tell all of their business partners that the true customers are sanctioned companies in Venezuela.⁶

41. FORTINBERRY and CAIRO also understand that nearly all steel mills in Venezuela are owned by the Venezuelan government and therefore subject to U.S. sanctions. For example, in multiple conversations with Cooperating Witness, they have told Cooperating Witness that the delay in hearing responses to their bids to Venezuelan steel companies is due to the politics

⁶ In another conversation on November 12, 2024, CAIRO told Cooperating Witness that he did not want to do “anything outside of the law” with regards to doing business with Venezuela. This statement is not consistent with acts taken by CAIRO, including his bids on work for sanctioned entities in Venezuela and structuring of his business transactions in ways that demonstrate a deliberate attempt to evade U.S. sanctions. It also is inconsistent with CAIRO’s prior transactions with COMSIGUA which U.S. Company-1 told him in February 2024 were prohibited by U.S. law.

in Venezuela and the steel company operators' inability to make final purchasing decisions without government approval.

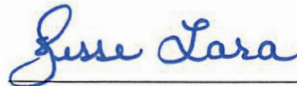
42. Cooperating Witness has continued to have recorded conversations with CAIRO and FORTINBERRY and to submit catalyst bids to CAIRO and FORTINBERRY for sanctioned entities in Venezuela including COMSIGUA and PdVSA. As of May 31, 2025, Cooperating Witness had four or five pending catalyst bids with CAIRO and FORTINBERRY for entities in Venezuela associated with PdVSA and therefore subject to U.S. sanctions. One of those pending bids is for a shipment of platinum catalyst from the United States to a plant associated with PdVSA in Venezuela. At the direction of law enforcement, Cooperating Witness told CAIRO and FORTINBERRY that in order to secure the platinum catalyst for a few more months, CAIRO and FORTINBERRY needed to make a small down payment to convince the supplier to hold onto the platinum catalyst for CAIRO and FORTINBERRY until PdVSA finalizes the transaction. On December 3, 2024, CAIRO and FORTINBERRY made a down payment of \$8,704 from German Company-1's U.S. bank account to a law enforcement-controlled bank account to secure the catalyst. As of May 31, 2025, the ultimate buyer of the platinum catalyst is uncertain, but the \$8,704 down payment, as well as other recent actions like setting up front companies and bank accounts in third-party countries, shows that CAIRO and FORTINBERRY plan to continue selling products and services to sanctioned entities in Venezuela.

CONCLUSION

43. Based on my training and experience, and further supported by the facts in this affidavit, I submit that there is probable cause that CAIRO and FORTINBERRY are violating U.S. sanctions against the Government of Venezuela, unlawfully exporting and smuggling goods from the United States, engaging in promotional international money laundering, and conspiring to do the

same, in violation of Title 50, United States Code, Section 1705; Title 31, Code of Federal Regulations, Section 591; Title 18, United States Code, Section 554; and Title 18, United States Code, Section 1956.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jesse Lara".

Jesse Lara
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me telephonically pursuant to Fed.R. Crim. P. 4.1 and 41 (d)(3) on this 10th day of June, 2025, and I find probable cause.

A handwritten signature in black ink that reads "Christina A. Bryan".

CHRISTINA A. BRYAN
United States Magistrate Judge