

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

MARIA DE LOS ANGELES GONZALEZ
DE HERNANDEZ,

Defendant.

INFORMATION

13 Cr.

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COUNT ONE
(Conspiracy To Violate the Travel Act and
To Commit Money Laundering)

The United States Attorney charges:

Relevant Entities and Individuals

1. At all times relevant to this Information, Banco de Desarrollo Económico y Social de Venezuela ("BANDES") was a state-owned and state-controlled economic development bank of the Bolivarian Republic of Venezuela. It operated under the direction of the Venezuelan People's Ministry of Planning and Finance. BANDES acted as the financial agent of the Venezuelan government in order to promote economic and social development, serve as the trustee for agencies of the public sector, and support the expansion and diversification of Venezuela's infrastructure. BANDES was an "agency" and "instrumentality" of a foreign government, as those terms are used in the Foreign

Corrupt Practices Act (the "FCPA"), Title 15, United States Code, Section 78dd-2(h) (2).

2. At all times relevant to this Information, MARIA DE LOS ANGELES GONZALEZ DE HERNANDEZ (hereinafter, "MARIA GONZALEZ" or "GONZALEZ"), the defendant, served as either the Vice President of Finance or the Executive Manager of Finance and Funds Administration of BANDES. In these capacities, GONZALEZ oversaw BANDES's trading abroad. GONZALEZ was a "foreign official" as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h) (2) (A).

3. At all times relevant to this Information, an individual, hereinafter referred to as "BANDES Foreign Official-2," was an employee of BANDES, who, among other things, was responsible for assisting MARIA GONZALEZ, the defendant, in the execution of BANDES's trading abroad. BANDES Foreign Official-2 was a "foreign official" as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h) (2) (A).

4. At all times relevant to this Information, the "Broker-Dealer" was a brokerage firm registered with the U.S. Securities and Exchange Commission (the "SEC"), with its principal place of business in New York, New York. The Broker-Dealer maintained desks at the New York and American Stock Exchanges and had offices in New York, New York, as well as Miami, Florida. The Broker-Dealer was a "domestic concern" as

that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1)(B).

5. At all times relevant to this Information, Jose Alejandro Hurtado ("Alejandro Hurtado" or "Hurtado"), Tomas Alberto Clarke Bethancourt ("Tomas Clarke" or "Clarke"), and Ernesto Lujan ("Ernesto Lujan" or "Lujan"), co-conspirators not named as defendants herein, were associates, employees, agents, or managers of the Broker-Dealer and were based in Miami, Florida. Hurtado, Clarke, and Lujan were citizens, nationals, and residents of the United States and therefore were each a "domestic concern," and were each an employee and agent of a "domestic concern," as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1)(A) and (B).

6. At all times relevant to this Information, MARIA GONZALEZ, the defendant, oversaw BANDES's trading relationship with the Broker-Dealer. GONZALEZ was listed by the Broker-Dealer as an authorized trading contact for BANDES. BANDES Foreign Official-2 assisted GONZALEZ in executing the trades between BANDES and the Broker-Dealer that GONZALEZ approved.

The Bribery Scheme

7. From at least in or around early 2009 through in or around 2012, MARIA GONZALEZ, the defendant, and others known and unknown, including Hurtado, Clarke, and Lujan, participated in a bribery scheme in which employees and agents of the Broker-

Dealer made bribe payments to GONZALEZ in exchange for GONZALEZ steering BANDES business to the Broker-Dealer and authorizing BANDES to execute bond trades with the Broker-Dealer. During this time period, GONZALEZ directed substantial business to the Broker-Dealer on behalf of BANDES and carried out bond transactions that resulted in the Broker-Dealer generating tens of millions of dollars in revenue, of which millions -- representing a portion of the monies generated by the Broker-Dealer's bond trade activity -- were kicked back to GONZALEZ as bribe payments.

8. In order to carry out and conceal this scheme, MARIA GONZALEZ, the defendant, and other co-conspirators caused the Broker-Dealer to route funds from the United States to foreign bank accounts, including accounts held in Switzerland, some of which were controlled by GONZALEZ.

9. For her part in the scheme, MARIA GONZALEZ, the defendant, directed BANDES trading business to the Broker-Dealer in exchange for a share of commissions paid to the Broker-Dealer by BANDES. GONZALEZ also directed Hurtado and others to cause funds to be transported, transmitted, and transferred from a place in the United States to and through a place outside the United States, in part, through payments directed to a company she owned ("the Gonzalez Company") and through payments directed

to her associate ("Associate-1"), co-owner of the Gonzalez Company.

10. For his part in the scheme, BANDES Foreign Official-2 oversaw the daily trading activity between BANDES and the Broker-Dealer and executed trades between BANDES and the Broker-Dealer that were approved and directed by MARIA GONZALEZ, the defendant. In turn, GONZALEZ shared a portion of the bribe payments she received from employees and agents of the Broker-Dealer with BANDES Foreign Official-2. GONZALEZ transferred funds from accounts she controlled which were held by the Gonzalez Company in Switzerland to another account in Switzerland held in the name of a company controlled by BANDES Foreign Official-2.

Statutory Allegation

11. From at least in or around early 2009 through in or around 2012, in the Southern District of New York and elsewhere, MARIA GONZALEZ, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses against the United States, to wit, violations of the Travel Act, Title 18, United States Code, Section 1952(a)(3)(A), and violations of Title 18, United States Code, Section 1956, an anti-money laundering statute.

Objects of the Conspiracy

12. It was a part and an object of the conspiracy that MARIA GONZALEZ, the defendant, and others known and unknown, willfully and knowingly, would and did travel in interstate and foreign commerce and use the mail and facilities in interstate and foreign commerce, with intent to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, (a) commercial bribery, in violation of New York State Penal Law Section 180.00, and (b) commercial bribe receiving, in violation of New York State Penal Law Section 180.05; and thereafter would and did perform and attempt to perform acts to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of such unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3)(A).

13. It was a further part and an object of the conspiracy that MARIA GONZALEZ, the defendant, and others known and unknown, willfully and knowingly, would and did transport, transmit and transfer and attempt to transport, transmit and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States and to a place in the United States from and through a place outside the United States, with the intent to promote the

carrying on of specified unlawful activity, that is, (1) violations of the FCPA, Title 15, United States Code, Section 78dd-2, and (2) violations of the Travel Act, Title 18, United States Code, Section 1952(a)(3)(A), in violation of Title 18, United States Code, Section 1956(a)(2)(A).

Means and Methods of the Conspiracy

14. Among the means and methods by which MARIA GONZALEZ, the defendant, and others known and unknown, would and did carry out the conspiracy were the following:

a. GONZALEZ directed BANDES trading business to the Broker-Dealer in exchange for agents and employees of the Broker-Dealer, including Hurtado, Clarke, and Lujan, agreeing to pay bribes to GONZALEZ from the revenue generated by the Broker-Dealer's trading business with BANDES.

b. Hurtado, Clarke, Lujan, and others caused the Broker-Dealer to execute trades of various fixed income instruments for BANDES and generated substantial revenue for the Broker-Dealer by charging BANDES mark-ups and/or mark-downs on the market price for the instruments.

c. GONZALEZ received and accepted bribe payments from agents and employees of the Broker-Dealer, including Hurtado, Clarke, and Lujan, from the revenue generated by the Broker-Dealer's trading business with BANDES.

d. GONZALEZ, Hurtado, Clarke, Lujan, and others caused funds to be sent from the Broker-Dealer in the United States to and through bank accounts outside the United States, with bribe payments ultimately sent to accounts overseas controlled by GONZALEZ.

e. GONZALEZ transferred a portion of the bribe payments she received from accounts she controlled in Switzerland, through correspondent bank accounts in the United States, to an account in Switzerland controlled by BANDES Foreign Official-2, as payment to BANDES Foreign Official-2 for that official's role in the scheme.

Overt Acts

15. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 13, 2009, MARIA GONZALEZ, the defendant, sent instructions in an email to Hurtado directing him to wire certain funds through a correspondent account in New York, New York to an account in Switzerland held in the name of Associate-1.

b. On or about July 21, 2009, acting upon the instructions described above, HURTADO wired approximately \$509,250 from an account in the United States that had received

funds from the Broker-Dealer to a correspondent account in New York, New York, for further transfer to an account in Switzerland held in the name of Associate-1.

c. On or about February 14, 2011, GONZALEZ sent an email to Hurtado attaching signed wire instructions, dated February 9, 2011, for the transfer of \$500,000 from an account in Switzerland held in the name of the Gonzalez Company, through a correspondent account in the United States, for further transfer to an account in Switzerland controlled and beneficially owned by BANDES Foreign Official-2..

d. On or about February 16, 2011, pursuant to the executed wire instructions GONZALEZ previously sent to Hurtado, GONZALEZ caused \$500,000 to be wired from an account in Switzerland held in the name of the Gonzalez Company, through correspondent accounts in the United States, to an account in Switzerland controlled and beneficially owned by BANDES Foreign Official-2.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Violation of the Travel Act)

The United States Attorney further charges:

16. The allegations contained in paragraphs 1 through 10 and paragraphs 14 and 15 are repeated and realleged as if fully set forth herein.

17. Between on or about July 13, 2009, and on or about July 21, 2009, in the Southern District of New York and elsewhere, MARIA GONZALEZ, the defendant, willfully and knowingly, traveled in interstate and foreign commerce and used the mail and facilities in interstate and foreign commerce, with intent to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, (a) commercial bribery, in violation of New York State Penal Law Section 180.00, and (b) commercial bribe receiving, in violation of New York State Penal Law Section 180.05; and thereafter performed and attempted to perform acts to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of such unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3)(A), to wit, GONZALEZ caused certain funds from the Broker-Dealer in New York, New York, to be sent by Hurtado in the United States to herself in Switzerland in exchange for trading business she directed on behalf of BANDES, a Venezuelan state-owned and state-controlled economic development bank, to the Broker-Dealer.

(Title 18, United States Code, Sections 1952 and 2.)

COUNT THREE
(Money Laundering)

The United States Attorney further charges:

18. The allegations contained in paragraphs 1 through 10 and paragraphs 14 and 15 are repeated and realleged as if fully set forth herein.

19. Between on or about July 13, 2009, and on or about July 21, 2009, in the Southern District of New York and elsewhere, MARIA GONZALEZ, the defendant, willfully and knowingly transported, transmitted, and transferred, and attempted to transport, transmit, and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States and to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, (1) violations of the FCPA, Title 15, United States Code, Section 78dd-2, and (2) violations of the Travel Act, Title 18, United States Code, Section 1952(a)(3)(A); to wit, to carry out the bribery scheme, GONZALEZ caused certain funds from the Broker-Dealer in New York, New York, to be sent by Hurtado in the United States to an account in Switzerland that she controlled.

(Title 18, United States Code, Sections 1956(a)(2)(A) and 2.)

COUNT FOUR
(Violation of the Travel Act)

The United States Attorney further charges:

20. The allegations contained in paragraphs 1 through 10 and paragraphs 14 and 15 are repeated and realleged as if fully set forth herein.

21. Between on or about February 9, 2011, and on or about February 16, 2011, in the Southern District of New York and elsewhere, MARIA GONZALEZ, the defendant, willfully and knowingly, traveled in interstate and foreign commerce and used the mail and facilities in interstate and foreign commerce, with intent to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, (a) commercial bribery, in violation of New York State Penal Law Section 180.00, and (b) commercial bribe receiving, in violation of New York State Penal Law Section 180.05; and thereafter performed and attempted to perform acts to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of such unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3)(A), to wit, GONZALEZ conveyed, through correspondent accounts in the United States, a share of the bribe payments she received from agents and employees of the Broker-Dealer to an

account in Switzerland controlled and beneficially owned by BANDES Foreign Official-2 for that official's role in the scheme to direct trading business on behalf of BANDES, a Venezuelan state-owned and state-controlled economic development bank, to the Broker-Dealer, in exchange for receiving bribe payments from employees and agents of the Broker-Dealer.

(Title 18, United States Code, Sections 1952 and 2.)

COUNT FIVE
(Money Laundering)

The United States Attorney further charges:

22. The allegations contained in paragraphs 1 through 10 and paragraphs 14 and 15 are repeated and realleged as if fully set forth herein.

23. Between on or about February 9, 2011, and on or about February 16, 2011, in the Southern District of New York and elsewhere, MARIA GONZALEZ, the defendant, willfully and knowingly transported, transmitted, and transferred, and attempted to transport, transmit, and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States and to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, (1) violations of the FCPA, Title 15, United States Code, Section 78dd-2, and (2) violations of

the Travel Act, Title 18, United States Code, Section 1952(a)(3)(A); to wit, to carry out the bribery scheme, GONZALEZ caused certain funds, representing a portion of bribe payments she received from employees and agents of the Broker-Dealer, to be sent from an account in Switzerland she controlled, through correspondent accounts in the United States, to an account in Switzerland controlled and beneficially owned by BANDES Foreign Official-2.

(Title 18, United States Code, Sections 1956(a)(2)(A) and 2.)

**FORFEITURE ALLEGATION WITH RESPECT
TO COUNTS ONE, TWO, AND FOUR**

24. As the result of committing one or more of the offenses charged in Counts One, Two, and Four of this Information, MARIA GONZALEZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of those offenses, and all property traceable to such property.

**FORFEITURE ALLEGATION WITH RESPECT
TO COUNTS ONE, THREE, AND FIVE**

25. As the result of committing one or more of the offenses charged in Counts One, Three, and Five of this Information, MARIA GONZALEZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section

982(a) (1), all property, real and personal, involved in such offenses, and all property traceable to such property.

Substitute Asset Provision

26. If any of the above-described forfeitable property in Paragraphs 24 and 25, as a result of any act or omission of the defendant,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1); Title 21, United States Code, Section 853(p); and Title 28, United States Code, Section 2461.)



PREET BHARARA 
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Justice

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v.

MARIA DE LOS ANGELES GONZALEZ DE HERNANDEZ,

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INFORMATION

13 Cr. _____ (PAE)

(Title 18, United States Code, Sections 2, 371,
1952, and 1956.)

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