

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-cr-20169-Williams
18 U.S.C. § 1956(h)
18 U.S.C. § 982

UNITED STATES OF AMERICA

vs.

JOSE VICENTE GOMEZ AVILES,

Defendant.

FACTUAL PROFFER IN SUPPORT OF GUILTY PLEA

The United States Department of Justice, Criminal Division, Fraud Section (the “government”), and the Defendant, Jose Vicente Gomez Aviles (the “defendant”), stipulate and agree that the information stated herein is true and accurate and a sufficient basis for the defendant’s plea of guilty to the money laundering conspiracy in violation of Title 18, United States Code, Section 1956(h) charged in the instant case. Had this matter proceeded to trial, the defendant stipulates and agrees that the government would have proven the facts alleged below beyond a reasonable doubt and the forfeiture allegations set forth in the criminal Information by a preponderance of the evidence.

Seguros Sucre S.A. (“Seguros Sucre”) was the state-owned and state-controlled insurance company in Ecuador. Seguros Sucre performed government functions for and on behalf of Ecuador. The defendant was an Ecuadorian citizen and a U.S. lawful permanent resident who resided in the Southern District of Florida during the relevant time period, and was one of the owners of a Panama registered company that operated from Miami, Florida as a reinsurance introducer (“Introducer Company”). In that capacity, Introducer Company helped companies

obtain and retain contracts with Seguros Sucre in exchange for receiving a commission.

Overview

Between in or around 2013 and in or around 2017, the defendant and others knowingly and willfully used the mails and means and instrumentalities of interstate commerce, including U.S.-based companies and U.S. bank accounts, to corruptly promise to pay, to authorize payment of, and to pay, at least approximately \$3,157,000 in bribes to Ecuadorian government officials in order to influence those officials in their official capacity and to secure an improper advantage in order to assist the defendant in obtaining and retaining business for Introducer Company and its client, a reinsurance broker and risk adviser based in the United Kingdom (“Insurance Broker”), with Seguros Sucre (“the illegal bribery scheme”). The defendant knew that this conduct was unlawful.

Further, from in or around 2013 and continuing until at least 2017, the defendant knowingly and willfully conspired with others, including, but not limited to, Roberto Heinert, co-owner of Introducer Company, Felipe Moncaleano Botero (“Moncaleano”), an executive and shareholder of Insurance Broker’s Colombia-based subsidiaries, and Juan Ribas Domenech (“Ribas”), the chairman of Seguros Sucre and an advisor to the then-President of Ecuador who had authority over the awarding of Seguros Sucre business during the relevant time period, to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the illegal bribery scheme and the corruptly obtained contracts.

Specifically, between in or around 2014 and in or around 2017, the defendant and Heinert received approximately \$10.8 million in commission payments from Insurance Broker on Insurance Broker’s corruptly obtained business with Seguros Sucre. The defendant and his co-conspirators then laundered a portion of the commissions to Ecuadorian government officials, including to accounts held in Ribas’s name, the names of Ribas’s relatives, and the name of a

nominee account holder for Ribas's benefit. The defendant and his co-conspirators laundered at least approximately \$1,004,000 of the commissions through bank accounts in the United States for the benefit of Ribas and others and at least approximately \$200,000, including through bank accounts in the United States, for the benefit of another Seguros Sucre official. In furtherance of the conspiracy, and with the intent to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the illegal bribery scheme, the defendant and his co-conspirators, among other things, transferred the corrupt proceeds to and through multiple intermediary companies, including shell company bank accounts in Switzerland; disguised bribe payments through private securities purchases; and provided false justifications for transactions to banks, Insurance Broker compliance personnel, and others.

The Illegal Bribery Scheme

In or around June 2013, Insurance Broker obtained reinsurance business from Seguros Sucre to be the reinsurance broker for the Ecuadorian Ministry of Defense ("MOD") for the period 2013 through 2014. In or around late 2013, Seguros Sucre informed Insurance Broker that Seguros Sucre might not renew Insurance Broker's MOD reinsurance policy. In or around early 2014, Moncaleano spoke with the defendant and Heinert about helping Insurance Broker retain the Seguros Sucre MOD business. The defendant and Heinert arranged meetings between Insurance Broker and Seguros Sucre officials, including Ribas, following which Seguros Sucre agreed to retain Insurance Broker's MOD policy. The defendant and his co-conspirators agreed to pay bribes to Ribas and another Seguros Sucre official in exchange for the business from Seguros Sucre.

In or around May 2014, after Seguros Sucre agreed to maintain Insurance Broker's MOD policy, Insurance Broker approved Introducer Company as an introducer. Insurance Broker approved the payment of commissions to Introducer Company's Panama bank account given that

Introducer Company was a Panama-registered company. In or around September 2014, Insurance Broker and Introducer Company reached an agreement whereby Insurance Broker agreed to pay Introducer Company \$1.8 million commission for the MOD 2013 through 2014 contract and an 8% commission on the MOD 2014 through 2015 contract. The commission payments to Introducer Company, however, were not made to its approved Panama bank account. Rather, at the defendant and Heinert's request and with Moncaleano's approval, the \$10.8 million in commissions from Insurance Broker to Introducer Company were paid to accounts in the United States, Panama, and Switzerland that were not held in Introducer Company's name.

For example, on or about June 4, 2014, with the help of a financial advisor who was also a co-conspirator in the illegal bribery scheme and money laundering scheme ("Financial Advisor"), the defendant opened a bank account in Switzerland ("Intermediary Company 1 brokerage account"), which he and Heinert used to receive Introducer Company's commissions from Insurance Broker. Specifically, from on or about October 2, 2014 to on or about October 28, 2016, a U.S. bank account held by Insurance Broker's Colombian-based subsidiary made at least eleven wire transfers totaling at least approximately \$6,510,735 to the Intermediary Company 1 brokerage account. These payments were Introducer Company's commissions from the reinsurance policies with Seguros Sucre to insure MOD and other state-owned entities of Ecuador. The defendant and his co-conspirators agreed to pass a portion of the commissions Introducer Company received to Ribas, who the defendant knew to be an Ecuadorian government official, in exchange for Ribas using his official position to secure an improper advantage in order to assist the defendant and Heinert in obtaining and retaining business for Introducer Company and Insurance Broker from Seguros Sucre.

In or around February 2015, the defendant and Moncaleano caused to be created a false,

backdated contract between Insurance Broker's Colombian-based subsidiary and Intermediary Company 1, signed by Moncaleano, even though Intermediary Company 1 did not provide services to Insurance Broker. The backdated contract was sent to Intermediary Company 1's Swiss bank to justify the payments sent by Insurance Broker to Intermediary Company 1.

The Money Laundering Scheme

Between in or around June 2014 and in or around June 2016, the defendant and his co-conspirators engaged in the following money laundering scheme. The defendant and Heinert, with the aid of Financial Advisor, caused the Intermediary Company 1 brokerage account, which was funded almost exclusively with Insurance Broker commission payments to Introducer Company, to transfer at least approximately \$682,000 in cash and \$1,975,000 worth of securities (\$2,657,000 total value) to a bank account in Switzerland held by a nominee for the benefit of Ribas ("Intermediary Company 2 brokerage account"). All but one of these transfers occurred through U.S.-based accounts held by a Cayman Islands company ("Intermediary Company 3").

Through its Swiss-based brokerage account, Intermediary Company 2 laundered a portion of the approximately \$2,657,000 it received through Intermediary Company 3 to U.S.-based accounts controlled by Ribas, including at least approximately \$450,000 into U.S.-based accounts held by Ribas and at least approximately \$254,000 into U.S.-based accounts held jointly by Ribas and Ribas's relatives.

Separately, on or about December 18, 2014, the defendant and his co-conspirators also laundered approximately \$300,000 of Insurance Broker commission payments received by the Intermediary Company 1 brokerage account through Intermediary Company 3 to a U.S.-based bank account held in Ribas's name.

Additionally, in or around May and June 2016, after receiving Insurance Broker

commission payments into the Intermediary Company 1 brokerage account, the defendant and Heinert, aided by Financial Advisor, laundered approximately \$200,000 via a third-party account to reimburse Moncaleano for bribes paid by Moncaleano to a second Seguros Sucre official.

The defendant had numerous meetings with Ribas, Moncaleano, Heinert and other co-conspirators in Miami, Florida and elsewhere to discuss the illegal bribery scheme and money laundering scheme. The defendant also communicated via email with his co-conspirators about the bribe funds and their distribution. For example, on or about December 9, 2014, while in the Southern District of Florida, the defendant sent an email to Financial Advisor, directing him to transfer \$282,000 to "el amigo," which was a coded reference to Ribas. Between approximately December 12, 2014 and January 15, 2015, Financial Advisor funneled approximately \$282,000 of Introducer Company's Insurance Broker commission payments from Intermediary Company 1 brokerage account into Intermediary Company 2 brokerage account for Ribas's benefit through a purported securities purchase and a subsequent wire transfer from an Intermediary 2 Company account.

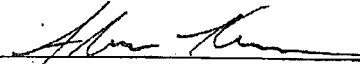
The defendant, knowing that his conduct was wrong and unlawful, conducted and attempted to conduct various financial transactions involving interstate and foreign commerce including using U.S. bank accounts, knowing that the property involved in the transactions represented the proceeds of the illegal bribery scheme, and acting with the intent to conceal and disguise the true nature, source, location, ownership, and control of the proceeds of the illegal bribery scheme.

The preceding statement is a summary, made for the purpose of providing the Court with a factual basis for the defendant's guilty plea to the charge against him. It does not include all the facts known to the defendant concerning criminal activity in which the defendant and others

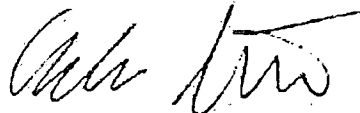
engaged. The defendant makes this statement knowingly and voluntarily and because he is in fact guilty of the crime charged.

ROBERT ZINK
CHIEF, FRAUD SECTION
DEPARTMENT OF JUSTICE

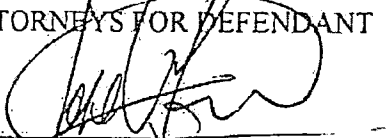
Date: 6/11/2020

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JOSE VICENTE GOMEZ AVILES
DEFENDANT