

FILED by **KS** D.C.

Sep 7, 2021

ANGELA E. NOBLE
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
21-60255-CR-HUCK/STRAUSS
CASE NO. _____

18 U.S.C. § 371
18 U.S.C. § 981(a)(1)(C)
28 U.S.C. § 2461(e)

UNITED STATES OF AMERICA,

v.

BRYAN SAMUEL BERKMAN,

Defendant.

_____ /

INFORMATION

The United States charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

1. The Ministerio de Gobierno de Estado Plurinacional de Bolivia (the “Bolivian Ministry of Government”) was the Bolivian ministry responsible for public safety in Bolivia. The Bolivian Ministry of Government was a “department” of the Bolivian government as that term is used in the Foreign Corrupt Practices Act (“FCPA”), Title 15, United States Code, Section 78dd-2(h)(2)(A).

2. The Ministerio de Defensa de Estado Plurinacional de Bolivia (the “Bolivian Ministry of Defense”) was responsible for the defense of Bolivia and its armed forces. The Bolivian Ministry of Defense was a “department” of the Bolivian government as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A).

3. During the relevant time period, Arturo Carlos Murillo Prijic was the Bolivian Minister of Government and Sergio Rodrigo Mendez Mendizabal served as the Chief of Staff of

the Bolivian Ministry of Government. Murillo and Mendez were each a “foreign official” as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A).

4. Bolivian Official 1 was a citizen of Bolivia and a high-ranking official in the Bolivian Ministry of Defense. Bolivian Official 1 was a “foreign official” as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A).

5. Bolivian Official 2 was a citizen of Bolivia and a high-ranking official in the Bolivian Ministry of Defense. Bolivian 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).

6. Intermediary Company was a Florida company that sold tactical equipment, including to the Bolivian Ministry of Defense. Intermediary Company was a “domestic concern” as that term is defined in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1).

7. The defendant was a United States citizen who owned Intermediary Company and resided in the Southern District of Florida. The defendant was a “domestic concern,” an officer, director, employee, and agent of a “domestic concern,” and a stockholder acting on behalf of a “domestic concern,” as those terms are used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

8. Luis Berkman was a United States citizen who worked closely with Intermediary Company and resided in Georgia. Luis Berkman was a “domestic concern” and an agent of a “domestic concern” as those terms are used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

9. Philip Lichtenfeld was a United States citizen and associate of the defendant. Lichtenfeld was a “domestic concern” and an agent of a “domestic concern” as those terms are used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

10. On or about December 19, 2019, Intermediary Company executed an approximately \$5,649,137 contract with the Bolivian Ministry of Defense to supply tear gas and other non-lethal equipment (the "Tear Gas Contract").

CONSPIRACY TO COMMIT OFFENSE AGAINST THE UNITED STATES
(18 U.S.C. § 371)

11. From in or around October 2019 and continuing through in or around at least January 2021, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

BRYAN SAMUEL BERKMAN,

did knowingly and willfully, that is, with the intent to further the object of the conspiracy, combine, conspire, confederate, and agree with Luis Berkman, Philip Lichtenfeld, and others known and unknown to the United States, to commit an offense against the United States, that is, being a domestic concern, an employee of a domestic concern, an agent of a domestic concern, and a stockholder thereof working on behalf of a domestic concern, to willfully and corruptly make use of the mails and means and instrumentalities of interstate commerce 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 and part of such money and thing of value would be and had been offered, given, and promised, directly and indirectly, to a foreign official, for purposes of (i) influencing an act and decision of such foreign official in his or her official capacity; (ii) inducing such foreign official to do and omit to do an act in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his or her influence with a foreign government and agencies and instrumentalities thereof to affect and influence any act and decision of such government and agencies and instrumentalities, in order to assist defendant

BRYAN SAMUEL BERKMAN, Intermediary Company, and others in obtaining and retaining business for and with, and directing business to, defendant **BRYAN SAMUEL BERKMAN**, Intermediary Company, and others, in violation of Title 15, United States Code, Section 78dd-2(a).

PURPOSE OF THE CONSPIRACY

12. It was the purpose of the conspiracy for **BRYAN SAMUEL BERKMAN** and his co-conspirators to unlawfully enrich themselves by making corrupt payments to Bolivian government officials in order to obtain and retain the Tear Gas Contract from the Bolivian Ministry of Defense.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which **BRYAN SAMUEL BERKMAN** and his co-conspirators sought to accomplish the purpose of the conspiracy included, among other things, the following:

13. **BRYAN SAMUEL BERKMAN** and his co-conspirators discussed in person and through electronic communications: (a) the need to make bribe payments to Bolivian officials at the Bolivian Ministry of Government and the Bolivian Ministry of Defense, including, but not limited to, Arturo Carlos Murillo Prijic, Sergio Rodrigo Mendez Mendizabal, Bolivian Official 1, and Bolivian Official 2, in order to obtain and retain business from the Bolivian Ministry of Defense; and (b) the structure of bribe payments from and to bank accounts in the Southern District of Florida, and elsewhere, in order to conceal the source and destination of the funds.

14. **BRYAN SAMUEL BERKMAN**, together with co-conspirators, caused wire transfers to be made from and to U.S.-based bank accounts for the ultimate benefit of Bolivian officials in the Bolivian Ministry of Government and the Bolivian Ministry of Defense.

15. Between in or around October 2019 and in or around at least January 2021, **BRYAN SAMUEL BERKMAN** and co-conspirators, including, but not limited to, Luis Berkman and Philip Lichtenfeld, knowingly and willfully used the mails and means and instrumentalities of interstate commerce, including Intermediary Company, U.S. bank accounts, and U.S.-based email and text message communications, to corruptly offer, promise to pay, authorize payment of, and to pay approximately \$1,075,000 in bribes to Bolivian government officials, including, but not limited to, Arturo Carlos Murillo Prijic, Sergio Rodrigo Mendez Mendizabal, Bolivian Official 1, and Bolivian Official 2, in order to influence those officials in their official capacities and to secure an improper advantage to obtain the Tear Gas Contract.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish the purpose thereof, **BRYAN SAMUEL BERKMAN** and his co-conspirators committed and caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

1. On or about March 27, 2020, **BRYAN SAMUEL BERKMAN** caused Intermediary Company to wire transfer approximately \$50,000 from its bank account in the Southern District of Florida to co-conspirator Luis Berkman's U.S. bank account.

2. On or about April 14, 2020, **BRYAN SAMUEL BERKMAN** and other co-conspirators caused Intermediary Company to wire approximately \$300,000 from its bank account in the Southern District of Florida to the Singapore bank account of a Singapore-based shell company, ultimately for the benefit of co-conspirator Luis Berkman.

3. On or about April 14, 2020, **BRYAN SAMUEL BERKMAN** and other co-conspirators caused Intermediary Company to wire approximately \$500,000 from its bank account

in the Southern District of Florida to a bank account in Bolivia controlled by co-conspirator Philip Lichtenfeld.

4. On or about April 14, 2020, and April 15, 2020, **BRYAN SAMUEL BERKMAN** and other co-conspirators caused Intermediary Company to wire approximately \$700,000 from its bank account in the Southern District of Florida to a bank account in the Southern District of Florida controlled by an individual who funded cash bribes in Bolivia for the benefit of Arturo Carlos Murillo Prijic and Sergio Rodrigo Mendez Mendizabal, two government officials from the Bolivian Ministry of Government.

5. In or around June 2020, **BRYAN SAMUEL BERKMAN** received approximately \$140,000 in U.S. currency in the Southern District of Florida. The delivery was funded by corrupt proceeds from the Tear Gas Contract and made in order to pay cash bribes in the Southern District of Florida to one or more Bolivian government officials.

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

FORFEITURE ALLEGATIONS
(18 U.S.C. § 981(a)(1)(C))

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **BRYAN SAMUEL BERKMAN**, has an interest.

2. Upon conviction of a conspiracy to commit a violation of the FCPA, Title 15, United States Code, Section 78dd-2, as alleged in this Information, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. The property subject to forfeiture as a result of the alleged offense includes, but is not limited to, the following: a sum of at least \$121,751.58, which represents the amount of

proceeds obtained by defendant from the alleged offense and may be sought as a forfeiture money judgment.

4. If any of the property subject to forfeiture, 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 party;
- 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 divided without difficulty,

the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

Joseph Beemsterboer

 JOSEPH S. BEEMSTERBOER
 ACTING CHIEF, FRAUD SECTION
 CRIMINAL DIVISION
 U.S. DEPARTMENT OF JUSTICE

Juan Antonio Gonzalez

 JUAN ANTONIO GONZALEZ
 ACTING UNITED STATES ATTORNEY

BY: *Jill Simon*

 JILL SIMON
 TRIAL ATTORNEY
 GERALD M. MOODY, JR.
 ASSISTANT CHIEF

BY: *Eli S. Rubin*

 ELI S. RUBIN
 ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v.

BRYAN SAMUEL BERKMAN,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Defendant/

Court Division: (Select One)

- Miami Key West FTL
- WPB FTP

New defendant(s) Yes No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) **No** _____

List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

- | | |
|---|--|
| (Check only one) | (Check only one) |
| I 0 to 5 days <input checked="" type="checkbox"/> | Petty <input type="checkbox"/> |
| II 6 to 10 days <input type="checkbox"/> | Minor <input type="checkbox"/> |
| III 11 to 20 days <input type="checkbox"/> | Misdemeanor <input type="checkbox"/> |
| IV 21 to 60 days <input type="checkbox"/> | Felony <input checked="" type="checkbox"/> |
| V 61 days and over <input type="checkbox"/> | |

6. Has this case previously been filed in this District Court? (Yes or No) **No** _____

If yes: Judge _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) **Yes** _____

If yes: Magistrate Case No. 21-06320-MJ-AOV

Related miscellaneous numbers: N/A

Defendant(s) in federal custody as of MAY 21, 2021

Defendant(s) in state custody as of N/A

Rule 20 from the District of N/A

Is this a potential death penalty case? (Yes or No) **No** _____

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No** _____
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) **No** _____
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No** _____

Eli S. Rubin
Assistant United States Attorney
Court ID No. A5502535

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BRYAN SAMUEL BERKMAN

Case No: _____

Count #: 1

Conspiracy to Commit Offense Against the United States

18 U.S.C. § 371

*Max. Penalty: 5 Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**