

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 20-CR-20163-SCOLA

UNITED STATES OF AMERICA

vs.

REDACTED

CARLOS ENRIQUE URBANO FERMIN,

Defendant.

FACTUAL PROFFER

The United States and Carlos Enrique Urbano Fermin (the “defendant”) stipulate and agree that the information herein is true and accurate, and a sufficient basis for the defendant’s plea of guilty, and if this case had proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt, which prove that the defendant is guilty of Count 1 of the Information, Conspiracy to Commit an Offense against the United States, in violation of Title 18, United States Code, Section 371.

The defendant controlled several companies, with others, including CEUF Corporation Limited S.A. and Constructora Urbano Fermin C.A. (together, the “Urbano Fermin Companies”). The Urbano Fermin Companies maintained corporate bank accounts in Panama and in South Florida.

From at least as early as 2012, and continuing through at least 2016 (the “relevant period”), the Urbano Fermin Companies obtained numerous large contracts with joint venture subsidiaries of Petróleos de Venezuela S.A. (“PDVSA”) in the oil-rich Orinoco region. Specifically, the Urbano Fermin Companies obtained contracts with the following PDVSA subsidiaries: (a) Petrolera Sinovensa, S.A., a joint venture with a Chinese oil company; (b) PetroMiranda, S.A.,

a joint venture with a Russian oil company; and (c) Petrocedeño, S.A. (“Petrocedeño”), a joint venture with two European oil companies (together, the “PDVSA Subsidiaries”). PDVSA and the PDVSA Subsidiaries were controlled by the Venezuelan government and performed government functions for and on behalf of Venezuela.

[CONFIDENTIAL PARAGRAPH 1]

[CONFIDENTIAL PARAGRAPH 2]

The Venezuelan prosecutor’s office had an investigation into corruption in the awarding and paying of contracts with the PDVSA joint ventures in the Orinoco belt beginning in at least early 2017. At the time, Venezuelan Official 1 was a high-ranking prosecutor in Venezuela. In or around early 2017, the defendant met with Intermediary 1, a lawyer in Venezuela with a very close relationship to Venezuelan Official 1. Intermediary 1 advised the defendant that he had the ability to prevent criminal charges against the Urbano Fermin Companies. Intermediary 1 described himself as the “insurance” policy for the Urbano Fermin Companies against such charges. The defendant understood that Intermediary 1 had an improper and corrupt arrangement with Venezuelan Official 1 that would provide protection for the Urbano Fermin Companies from prosecution. Based on that understanding, the defendant caused approximately \$1 million in wire transfers from the United States to pay bribes for the benefit of Venezuelan Official 1 through Intermediary 1, including on or about April 13, 2017, a transfer of approximately \$100,000 from an account of the defendant in the United States to an account for the benefit of Intermediary 1 at a bank in Coral Gables, Florida. During the time Venezuelan Official 1 served as a high-ranking prosecutor in Venezuela, the Venezuelan government did not bring criminal charges against the Urbano Fermin Companies.

During the relevant period, the defendant understood that the corrupt transactions in which he engaged, including the above transactions, were designed to conceal and disguise the nature, source, ownership, and control of proceeds of violations of foreign bribery law, and that the defendant intended each transfer to promote violations of Venezuelan bribery law. If the matter had proceeded to trial, the defendant agrees that the United States would have been able to prove that the defendant knowingly and willfully joined the charged conspiracy and that his conduct was unlawful.

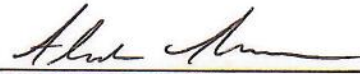
ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

Date: 4/13/2021

By: 
MICHAEL N. BERGER
ASSISTANT UNITED STATES ATTORNEY

DANIEL S. KAHN
ACTING CHIEF, FRAUD SECTION
CRIMINAL DIVISION

Date: 4/14/2021

By: 
ALEXANDER KRAMER
TRIAL ATTORNEY, FRAUD SECTION

Date: 4/13/2021

By: 
NORMAN A. MOSCOWITZ
COUNSEL FOR DEFENDANT

Date: 15-04-2021

By: 
CARLOS ENRIQUE URBANO FERMIN
DEFENDANT