

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

OCT 19 2017

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

ANTHONY MACE

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CRIMINAL NO.

17CR618

INFORMATION

THE UNITED STATES CHARGES:

Introduction

At all relevant times, unless otherwise specified:

1. The Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, Title 15, United States Code, Section 78dd-1, *et seq.*, was enacted by Congress for the purpose of, among other things, making it unlawful to act corruptly in furtherance of an offer, promise, authorization, or payment of money or anything of value, directly or indirectly, to a foreign official for the purpose of obtaining or retaining business for, or directing business to, any person.

2. “Oil Services Company” was a publicly-traded company in the Netherlands, with offices in Amsterdam, Monaco, Switzerland, and Houston, Texas, and subsidiaries in Houston, Texas. Oil Services Company specialized in designing, constructing, and providing offshore oil and gas drilling equipment, including Floating Production Storage and Offloading vessels (“FPSO”s).

3. Beginning in or about 1990 and continuing to the present, Oil Services Company maintained a number of wholly-owned, Houston-based subsidiaries including “U.S. Subsidiary 1,” and which was a “domestic concern” as that term is used in the FCPA, Title 15, United States

Code, Section 78dd-2(h)(1). U.S. Subsidiary 1 was responsible for certain engineering projects, but also supported Oil Services Company's worldwide operations.

4. Defendant **ANTHONY MACE** ("Defendant **MACE**") was a U.K. citizen. From in or around April 2008 until in or around December 2011, Defendant was CEO of "Oil Services Company," and based out of Oil Services Company's Monaco or Amsterdam offices. Defendant **MACE** was also an executive for U.S. Subsidiary 1 and/or member of the Board of Directors for U.S. Subsidiary 1 from at least in or around December 2000 until at least in or around December 2011, and thus, during that time, was a "director," "employee," and "agent" of a "domestic concern" as those terms are used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1).

5. "EXECUTIVE 1" was a high-level executive of Oil Services Company from in or around 2004 until in or around April 2008. EXECUTIVE 1 was also a member of the Board of Directors for U.S. Subsidiary 1 from in or around June 2000 until in or around April 2008, and thus, during that time, was a "director," "employee," and "agent" of a "domestic concern" as those terms are used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1).

6. "EXECUTIVE 3" was a high-level executive in Oil Services Company's Marketing and Sales Department from 2000 until 2008.

7. **Petróleo Brasileiro S.A. - Petrobras** ("Petrobras") was a Brazilian state-controlled oil company headquartered in Rio de Janeiro, Brazil, that operated to refine, produce and distribute oil, oil products, gas, biofuels and energy. At all relevant times, the Brazilian government directly owned more than 50% of Petrobras's common shares with voting rights. Petrobras was controlled by Brazil and performed government functions, and thus was an "instrumentality" of a foreign government, as those terms are used in the FCPA.

8. Petroléos de Guinea Ecuatorial (“GEPetrol”) was the national oil company of Equatorial Guinea, and was headquartered in Malabo, Equatorial Guinea. GEPetrol was controlled by the Republic of Equatorial Guinea’s Ministry of Mines, Industry and Energy and performed government functions for Equatorial Guinea, and thus was an “instrumentality” of the government as that term is used in the FCPA.

9. Sociedade Nacional de Combustíveis de Angola, E.P. (“Sonangol”) was an Angolan state-owned and state-controlled oil company. Sonangol was controlled by the Angolan government and performed government functions for Angola and thus was an “instrumentality” of the government as that term is used in the FCPA.

10. “INTERMEDIARY 1” was a Brazil-based oil and gas services intermediary that operated as Oil Services Company’s sales agent in Brazil from 1996 until 2012.

11. “INTERMEDIARY 2” was a British Virgin Islands-based oil and gas services intermediary. EXECUTIVE 3 established INTERMEDIARY 2 in 2008 after EXECUTIVE 3 retired from Oil Services Company.

Overview

12. Beginning by at least in or around 1996, before Defendant became CEO, and continuing through at least in or around 2012, Oil Services Company, U.S. Subsidiary, certain executives and employees of Oil Services Company, including Executive 1 and Executive 3, certain of Oil Services Company’s sales agents, including Intermediary 1’s owner, and others entered into an agreement to pay bribes to foreign officials, including officials at Petrobras, Sonangol, and GEPetrol, in order to obtain and retain business for Oil Services Company, in violation of the FCPA.

13. In or around April 2008, Defendant became CEO of Oil Services Company. As CEO, Defendant held oversight authority over the entire company, including its Marketing and

Sales Department. Further, Defendant was required to personally approve payments exceeding a certain dollar amount, including those made to outside sales agents.

COUNT ONE
(18 U.S.C. § 371 – Conspiracy)

14. The allegations set forth in paragraphs 1 through 14 of this Information are repeated and realleged as if fully set forth herein.

15. Beginning by at least in or around 2008 and continuing through at least in or around 2011, in the Southern District of Texas and elsewhere, the Defendant,

ANTHONY MACE,

did, knowingly and willfully, that is, with the intent to further the objects of the conspiracy, and knowingly conspire, confederate, and agree with others, including Oil Services Company, U.S. Subsidiary 1, EXECUTIVE 1, EXECUTIVE 3, INTERMEDIARY 1, INTERMEDIARY 1's owner, and others known and unknown, to commit offenses against the United States, that is:

- a. being a director and agent of a domestic concern, to willfully make use of the mails and means and instrumentalities of interstate commerce corruptly 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 or a portion of such money and thing of value would be and had been offered, given, and promised to a foreign official, for purposes of: (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and agencies and instrumentalities thereof to affect and influence acts and decisions of

such government and agencies and instrumentalities, in order to assist U.S. Subsidiary 1, and others known and unknown, in obtaining and retaining business for and with, and directing business to, Oil Services Company, U.S. Subsidiary 1, and others known and unknown, in violation of the FCPA, Title 15, United States Code, Section 78dd-2;

- b. while in the territory of the United States, to willfully make use of the mails and means and instrumentalities of interstate commerce corruptly 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 or a portion of such money and thing of value would be and had been offered, given, and promised to a foreign official, for purposes of: (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing any improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and agencies and instrumentalities thereof to affect and influence acts and decisions of such government and agencies and instrumentalities, in order to assist Defendant **MACE**, Oil Services Company, U.S. Subsidiary 1, and others known and unknown, in obtaining and retaining business for and with, and directing business to, Oil Services Company, U.S. Subsidiary 1, and others known and unknown, in violation of the FCPA, Title 15, United States Code, Section 78dd-3.

Purpose of the Conspiracy

16. The purpose of the conspiracy was for Defendant **MACE** and his co-conspirators to obtain and retain business by, among other things, making corrupt bribe payments to Petrobras

officials, Sonangol officials, GEPetrol officials, and other foreign officials, so that Oil Services Company and U.S. Subsidiary 1 would obtain and retain lucrative contracts with Petrobras, Sonangol, GEPetrol, and other state-owned instrumentalities.

Manner and Means of the Conspiracy

17. The manner and means by which Defendant **MACE** and his co-conspirators sought to accomplish the purpose of the conspiracy included, among other things, the following, while in the Southern District of Texas and elsewhere:

18. The conspirators discussed the need to make payments to shell accounts controlled by EXECUTIVE 3 or Intermediary 1's owner. Some conspirators knew that these payments were bribes to Brazilian, Angolan, Equatorial Guinean, and other officials in order to obtain and retain business for and on behalf of Oil Services Company and U.S. Subsidiary 1. Others, like the defendant, were aware of a high probability these payments were bribes and deliberately avoided learning the truth.

19. Defendant **MACE** authorized payments to shell accounts under the control of INTERMEDIARY 1's owner and EXECUTIVE 3 knowing there was a high probability that these payments were being sent to foreign officials as bribes, and deliberately avoiding awareness that such payments were bribes.

20. Defendant **MACE**, EXECUTIVE 1, EXECUTIVE 3, and others paid bribes, and caused bribes to be paid, to Brazilian, Angolan, Equatorial Guinean, and other officials to do and omit to do certain acts, including, but not limited to:

- a. assisting Oil Services Company and U.S. Subsidiary 1 in winning bids for offshore oil and gas drilling equipment and other projects with Petrobras, Sonangol, GEPetrol, and other state-owned instrumentalities; and

- b. omitting to undertake acts that would inhibit Oil Services Company and U.S.

Subsidiary 1 from securing offshore oil and gas drilling equipment projects with Petrobras, Sonangol, GEPetrol, or other state-owned instrumentalities.

21. EXECUTIVE 1, EXECUTIVE 3, and others structured the bribe payments to foreign officials to avoid detection of their true purpose by those outside the conspiracy. This practice was instituted before Defendant **MACE** became CEO. For example:

- a. For certain payments to Brazilian officials, EXECUTIVE 1, INTERMEDIARY 1's owner, Defendant **MACE** and others caused Oil Services Company to split payments to INTERMEDIARY 1, that is, to wire a portion of INTERMEDIARY 1's total "commission" to INTERMEDIARY 1's accounts in Brazil, and another portion of INTERMEDIARY 1's total "commission" to INTERMEDIARY 1's accounts in Switzerland, which were held in the names of shell companies but actually controlled by INTERMEDIARY 1's owner, knowing that INTERMEDIARY 1's owner would then wire a portion of the "commission" payments transferred to INTERMEDIARY 1's Switzerland accounts as bribes to Petrobras officials.
- b. For certain payments to Angolan and Equatorial Guinean officials, EXECUTIVE 1, EXECUTIVE 3, Defendant **MACE** and others caused payments to be wired from Oil Services Company's accounts to INTERMEDIARY 2's account in Switzerland, which was actually controlled by EXECUTIVE 3, knowing that EXECUTIVE 3 would then wire a portion of these payments as bribes to Sonangol and GEPetrol officials.

Overt Acts

22. In furtherance of the conspiracy and to achieve the objects thereof, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Texas and elsewhere, at least one of the following overt acts, among others:

23. In or before 1996, EXECUTIVE 1, INTERMEDIARY 1's owner, and others, agreed that INTERMEDIARY 1's owner would pay bribes to Petrobras Officials.

24. On or about May 22, 2008, Defendant **MACE** signed an agreement with INTERMEDIARY 2, appointing INTERMEDIARY 2 as Oil Services Company's agent for production activities in the "South Atlantic Ocean, Indian Ocean and Caspian Sea areas."

25. In or about the fall of 2008, EXECUTIVE 3 created a spreadsheet related to the FPSO project in Equatorial Guinea, reflecting over \$16 million in payments to five individuals to be paid through INTERMEDIARY 2, and provided this spreadsheet to Defendant **MACE**.

26. On or about December 10, 2008, Defendant **MACE** signed an addendum to the May 22, 2008 agreement, appointing INTERMEDIARY 2 as Oil Services Company's agent for a project to build an FPSO in the Benita Field in Equatorial Guinea. Defendant **MACE**, on behalf of Oil Services Company, agreed to pay INTERMEDIARY 2 a commission of 3.52% if GEPetrol awarded the FPSO to Oil Services Company on a sole source basis, or a 2.42% commission if GEPetrol awarded the FPSO after a competitive bid.

27. On or about May 1, 2010, Defendant **MACE** and INTERMEDIARY 1's owner signed an amendment to the July 2, 1999 agreement, previously executed by EXECUTIVE 1, in which a wholly-owned Switzerland-based subsidiary of Oil Services Company agreed to pay INTERMEDIARY 1 a 3.5% commission on any projects Petrobras awarded relating to the Espadarte oil field in Brazil.

28. On or about the dates listed in the chart below, Defendant **MACE** authorized Oil Services Company to make the following payments to INTERMEDIARY 1's accounts in Brazil and INTERMEDIARY 1's shell company accounts in Switzerland:

Overt Act	Date Paid	Amount to Intermediary 1 (Brazil)	Amount to Shell Company (Switzerland)
28.a.	November 24, 2008	\$1,756,650	\$3,513,300
28.b.	May 12, 2009	\$597,500	\$1,195,000
28.c.	August 4, 2010	\$0	\$1,656,391
28.d.	December 15, 2011	\$33,022.72	\$66,045.45
28.e.	December 27, 2011	\$0	\$859,875.65


29. On or about the dates reflected in the chart below, Defendant **MACE** authorized Oil Services Company to make payments in the amounts reflected in the chart below to INTERMEDIARY 2:

Overt Act	Date Paid	Amount
29.a.	October 29, 2009	\$3,637,150
29.b.	April 29, 2010	\$645,150
29.c.	September 21, 2010	\$645,150
29.d.	March 30, 2011	\$645,150
29.e.	December 2, 2011	\$12,489,400


30. On or about the dates reflected in the chart above, Defendant **MACE** updated the spreadsheet EXECUTIVE 3 created to reflect that the payments were made.

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

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