

JMK:SSS
F#: 2016R02185

MATSUMOTO, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEVY, M.J.

----- X

UNITED STATES OF AMERICA

- against -

DONVILLE INNIS,

Defendant.

----- X

THE GRAND JURY CHARGES:

At all times relevant to this Indictment, unless otherwise stated:

I. The Defendant and Relevant Individuals and Entities

1. The defendant DONVILLE INNIS, a United States lawful permanent resident who resided in Tampa, Florida, and Barbados, was a member of the Parliament of Barbados and the Minister of Industry, International Business, Commerce, and Small Business Development of Barbados (collectively, "Minister of Industry"). INNIS was a public official in Barbados.

2. The "Barbados Company," a corporation the identity of which is known to the Grand Jury, was an insurance company headquartered in Barbados that offered various financial products, including individual life, health and casualty insurance.

3. Barbados Company Executive 1, an individual whose identity is known to the Grand Jury, was a citizen of Canada and a resident of Barbados. Barbados Company Executive 1 was the Chief Executive Officer ("CEO") of the Barbados Company.

INDICTMENT

CR 18 - 00134

Cr. No.

(T. 18, U.S.C., §§ 982(a)(1), 982(b)(1),
1956(a)(2)(A), 1956(h), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p))

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4. Barbados Company Executive 2, an individual whose identity is known to the Grand Jury, was a citizen of Barbados and a resident of Barbados. Barbados Company Executive 2 was a senior vice president of the Barbados Company.

5. Barbados Company Executive 3, an individual whose identity is known to the Grand Jury, was a citizen of Barbados and a resident of Barbados. Barbados Company Executive 3 was the Chief Financial Officer of the Barbados Company.

6. The "Bermuda Company," a corporation the identity of which is known to the Grand Jury, was an insurance company headquartered in Bermuda that offered various financial products, including life, property and casualty insurance. The Bermuda Company was the majority shareholder of the Barbados Company.

7. The "New York Dental Company," a corporation the identity of which is known to the Grand Jury, was a dental company that was incorporated in New York in 1992 and had an address in Elmont, New York.

8. Co-Conspirator 1 ("CC-1"), an individual whose identity is known to the Grand Jury, was a United States citizen and a resident of Tampa, Florida. CC-1 was the CEO of the New York Dental Company and owned and controlled the company.

9. The Barbados Investment and Development Corporation ("BIDC") was an agency of the government of Barbados. The defendant DONVILLE INNIS, as the Minister of Industry, exercised authority over the BIDC.

II. The Fraudulent Schemes

10. From in or about and between August 2015 and April 2016, the defendant DONVILLE INNIS leveraged his position as the Minister of Industry and engaged in a scheme to accept approximately \$36,000 in bribes from the Barbados Company, in violation of

Barbadian law, and to launder that money to and through the United States. Employees of the Barbados Company, including Barbados Company Executives 1 and 2, agreed to pay bribes to INNISS, who, in return, agreed to use his official position as the Minister of Industry to cause the B IDC to renew insurance contracts with the Barbados Company.

11. In furtherance of the scheme, Barbados Company Executives 1, 2 and 3 caused the Barbados Company's majority shareholder, the Bermuda Company, to make bribe payments to the defendant DONVILLE INNISS through a United States bank account in the name of the New York Dental Company, which had no actual business with the Barbados Company. The Barbados Company employees, including Barbados Company Executives 1, 2 and 3, did not disclose to the Bermuda Company that the payments were for the benefit of a Barbadian government official and instead falsely claimed that the payments were for "[c]onsulting services."

12. In furtherance of the scheme, in or about July 2015, the defendant DONVILLE INNISS, using his official position as Minister of Industry, caused the B IDC to renew an insurance contract with the Barbados Company (the "2015 Contract"). By its terms, the 2015 Contract required the B IDC to pay a premium of approximately \$944,956.12 to the Barbados Company and another insurance company.

13. In return, employees of the Barbados Company, including Barbados Company Executives 1 and 2, agreed to pay a bribe of approximately \$16,536.73 to the defendant DONVILLE INNISS, in consideration for having caused the B IDC to renew the 2015 Contract. The bribe payment of approximately \$16,536.73 was 1.75 percent of the premium that the B IDC owed to the Barbados Company and another insurance company under the 2015 Contract.

14. To conceal the bribe payments, the defendant DONVILLE INNISS arranged to launder the bribes through "Bank 1," a bank the identity of which is known to the Grand Jury, with an address in Elmont, New York, in the name of the New York Dental Company (the "New York Dental Company Bank Account"). The payment was routed through a branch of Bank 1 located in Brooklyn, New York. CC-1, a friend of INNISS, was the authorized representative of the New York Dental Company Bank Account.

15. On or about August 17, 2015, the Bermuda Company transferred approximately \$16,536.73 to the New York Dental Company Bank Account based on a false invoice provided by Barbados Company Executives 1, 2 and 3 for consulting services. On or about August 19, 2015, the New York Dental Company transferred approximately \$16,000 to a Bank 1 account in the United States in the name of the defendant DONVILLE INNISS (the "INNISS Bank Account") via a check transaction. The New York Dental Company check for approximately \$16,000 was made payable to INNISS.

16. In or about March 2016, the defendant DONVILLE INNISS, using his position as Minister of Industry, caused the BIDC to renew another insurance contract with the Barbados Company (the "2016 Contract").

17. In return, employees of the Barbados Company, including Barbados Company Executives 1 and 2, agreed to pay an additional bribe of approximately \$20,000 to the defendant DONVILLE INNISS, in consideration for having caused the BIDC to renew the 2016 Contract.

18. On or about April 18, 2016, the Bermuda Company transferred approximately \$20,000 to the New York Dental Company Bank Account based on a false invoice provided by Barbados Company Executives 1, 2 and 3 for consulting services. On or

about April 25, 2016, the New York Dental Company made transfers of approximately \$9,000 and \$8,000 to the INNISS Bank Account via check transactions. The New York Dental Company checks for approximately \$9,000 and \$8,000 were made payable to the defendant DONVILLE INNISS. On or about April 27, 2016, the New York Dental Company transferred approximately \$2,750 to the INNISS Bank Account via a check transaction. The New York Dental Company check for \$2,750 was made payable to INNISS.

III. Barbados Prevention of Corruption Act

19. The Prevention of Corruption Act of Barbados (the “Barbados Prevention of Corruption Act”) provided in Section 3(1) that “[a]ny person who, by himself or by or in conjunction with any person, corruptly solicits or receives or agrees to receive, for himself or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for or otherwise on account of any member, officer or servant of the Crown or of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the Crown or such public body is concerned, shall be guilty of a misdemeanour.”

20. The Barbados Prevention of Corruption Act provided in Section 6 that “[a] person convicted on indictment of a misdemeanour under this Act, where the matter or transaction in relation to which the offence was committed was a contract, or a proposal for a contract, with the Crown or any Government Department or any public body, or a sub-contract to execute any work comprised in such a contract, shall be liable to imprisonment for any term not exceeding seven nor less than three years.”

21. The Barbados Prevention of Corruption Act provided in Section 7 that “[w]here, in any proceedings against a person for an offence under this Act, it is proved that any

money, gift or other consideration has been paid or given to or received by a person in the employment of the Crown or any Government Department or a public body by or from a person or agent of a person holding or seeking to obtain a contract from the Crown or any Government Department or public body, the money, gift or consideration shall, for the purposes of this Act, be deemed to have been paid or given and received corruptly as inducement or reward, unless the contrary is proved.”

COUNT ONE
(Conspiracy to Launder Money)

22. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

23. In or about and between August 2015 and April 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DONVILLE INNIS, together with others, did knowingly and intentionally conspire to transport, transmit, and transfer monetary instruments and funds to one or more places in the United States from one or more places outside the United States, with the intent to promote the carrying on of specified unlawful activity, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Barbados Prevention of Corruption Act provisions outlined in paragraphs 19 through 21 of this Indictment, contrary to Title 18, United States Code, Section 1956(a)(2)(A).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

COUNTS TWO AND THREE
(Money Laundering)

24. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

25. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant DONVILLE INNIS, together with others, did knowingly and intentionally transport, transmit, and transfer monetary instruments and funds to one or more places in the United States from one or more places outside the United States, with the intent to promote the carrying on of specified unlawful activity, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Barbados Prevention of Corruption Act provisions outlined in paragraphs 19 through 21 of this Indictment, as set forth below:

Count	Approx. Date	Transaction
TWO	8/17/2015	A wire transfer in the amount of approximately \$16,536.73 from a Bermuda Company account in Bermuda to a bank account at Bank 1 in Elmont, New York, in the name of the New York Dental Company, through a branch location of Bank 1 in Brooklyn, New York
THREE	4/18/2016	A wire transfer in the amount of approximately \$20,000 from a Bermuda Company account in Bermuda to a bank account at Bank 1 in Elmont, New York, in the name of the New York Dental Company, through a branch location of Bank 1 in Brooklyn, New York

(Title 18, United States Code, Sections 1956(a)(2)(A), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH THREE

26. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One through Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property.

27. If any of the above-described forfeitable property, 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture or any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

SANDRA L. MOSER
ACTING CHIEF
U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION, FRAUD SECTION

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

DONVILLE INNIS,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(1), 982(b)(1), 1956(a)(2)(A), 1956(h), 2 and
3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Sylvia Shweder, Assistant U.S. Attorney (718) 254-6092