

January 23, 2025

Nathan Ochsner, Clerk of Court

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**DIEGO BERGONZI,
Defendant.**

§
§
§
§
§
§

**CRIMINAL NO.
SEALED**

4:25-cr-0020

INFORMATION

THE UNITED STATES CHARGES:

COUNT ONE

(Conspiracy – 18 U.S.C. § 371)

Introduction

At times material to this Information:

1. Petróleos Mexicanos (“PEMEX”) was the state-owned oil company of Mexico. PEMEX and its wholly owned subsidiaries were wholly owned and controlled by the government of Mexico and performed functions that Mexico treated as its own. PEMEX, together with its subsidiaries and affiliates, was responsible for the exploration, production, refining, transportation, and trade in energy resources in Mexico. PEMEX Exploración y Producción (“PEP”) was PEMEX’s wholly owned exploration and production subsidiary. PEMEX and its wholly owned subsidiaries, including PEP, were “instrumentalities” of a foreign government, and officers and employees of PEMEX and its wholly owned subsidiaries, including PEP, were “foreign officials,” as those terms are used in the Foreign Corrupt Practices Act (“FCPA”), Title 15, United States Code, Section 78dd-2(h)(2)(A).

2. “Equipment Company,” an entity whose identity is known to the United States, was a company based in the Southern District of Texas. Equipment Company supplied equipment to

PEMEX, among other customers. In or around December 2021, PEMEX awarded Equipment Company a contract for over \$500 million to supply equipment to PEMEX (“December 2021 Contract”). Equipment Company was a “domestic concern,” as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(1).

3. Defendant **DIEGO BERGONZI** (“**BERGONZI**”) was a dual citizen of the United States and Italy since 2018 and a resident of the Southern District of Texas who was employed as Vice President of Sales at Equipment Company. **BERGONZI**’s responsibilities included, among other things, obtaining the December 2021 Contract for Equipment Company and then overseeing the sale and delivery of equipment to PEMEX pursuant to the December 2021 Contract. **BERGONZI** was a “domestic concern” and an “officer,” “employee,” and “agent” of a “domestic concern,” as those terms are used in the FCPA, Title 15, United States Code, Sections 78dd-2(a) and 78dd-2(h)(1).

4. “Foreign Official,” an individual whose identity is known to the United States, was a senior executive at PEP from at least in or around December 2018 until at least in or around February 2021. On behalf of PEMEX, Foreign Official was involved in overseeing the negotiation and awarding of the December 2021 Contract. Foreign Official was a “foreign official” as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(h)(2)(A).

5. “Co-Conspirator-1,” an individual whose identity is known to the United States, was a senior executive at Equipment Company. Co-Conspirator-1 was an “officer,” “employee,” and “agent” of a “domestic concern,” as those terms are used in the FCPA, Title 15, United States Code, Sections 78dd-2(a) and 78dd-2(h)(1).

6. “Co-Conspirator-2,” an individual whose identity is known to the United States, was a senior executive at Equipment Company from in or around 2018 to in or around late 2021.

Co-Conspirator-2 was an “officer,” “employee,” and “agent” of a “domestic concern,” as those terms are used in the FCPA, Title 15, United States Code, Sections 78dd-2(a) and 78dd-2(h)(1).

7. “Co-Conspirator-3,” an individual whose identity is known to the United States, was an employee of Equipment Company until in or around 2022, and an employee of Equipment Company’s affiliate in Mexico thereafter. Since on or about March 31, 2020, Equipment Company and its Mexican affiliate were both owned and controlled by a U.S.-based parent company. Co-Conspirator-3 was an “employee” and “agent” of a “domestic concern,” as those terms are used in the FCPA, Title 15, United States Code, Sections 78dd-2(a) and 78dd-2(h)(1).

8. “Co-Conspirator-4,” an individual whose identity is known to the United States, owned and controlled Intermediary Company-1. Co-Conspirator-4 was an “agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

9. “Intermediary Company-1,” an entity whose identity is known to the United States, was a company based in Mexico. Equipment Company hired and paid Intermediary Company-1 as a subcontractor for the December 2021 Contract. Intermediary Company-1 was an “agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

10. “Intermediary Company-2,” an entity whose identity is known to the United States, was a company based in Mexico. Equipment Company hired and paid Intermediary Company-2 commissions in connection with sales Equipment Company made to PEMEX, including under the December 2021 Contract. Intermediary Company-2 was an “agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

11. “Co-Conspirator-5,” an individual whose identity is known to the United States, owned and controlled, in whole or in part, Intermediary Company-2. Co-Conspirator-5 was an

“agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

12. “Co-Conspirator-6,” an individual whose identity is known to the United States, was a senior executive at Intermediary Company-2. Co-Conspirator-6 was an “agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

13. “Co-Conspirator-7,” an individual whose identity is known to the United States, was a resident of the Southern District of Texas. Co-Conspirator-7 was an advisor to Intermediary Company-2. Co-Conspirator-7 was an “agent” of Equipment Company, as that term is used in the FCPA, Title 15, United States Code, Section 78dd-2(a).

14. “Consulting Company,” an entity whose identity is known to the United States, was a limited liability corporation registered in the state of Texas in or around November 2022. **BERGONZI** was the beneficial owner of Consulting Company.

The Conspiracy

15. Beginning in or around January 2020 and continuing through at least in or around 2023, in the Southern District of Texas and elsewhere, the defendant

DIEGO BERGONZI,

together with Co-Conspirator-1, Co-Conspirator-2, Co-Conspirator-3, Co-Conspirator-4, Co-Conspirator-5, Co-Conspirator-6, Co-Conspirator-7, and others known and unknown, did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly conspire, confederate, and agree together and with each other to commit offenses against the United States, that is:

a. being a domestic concern and an officer, employee, and agent of a domestic concern, to 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 Equipment Company and **BERGONZI** in obtaining and retaining business for and with, and directing business to, Equipment Company, Intermediary Company-1, Intermediary Company-2, and others, in violation of the FCPA, Title 15, United States Code, Section 78dd-2; and

b. to knowingly and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, knowingly transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Purpose of the Conspiracy

16. The purpose of the conspiracy was for **BERGONZI** and his co-conspirators to enrich themselves by obtaining and retaining the December 2021 Contract with PEMEX for

Equipment Company through corrupt and fraudulent means, including by paying bribes to Foreign Official.

Manner and Means of the Conspiracy

17. The manner and means by which **BERGONZI** and his co-conspirators sought to accomplish and did accomplish the purposes of the conspiracy included, but were not limited to, the following, while in the Southern District of Texas and elsewhere:

18. In order to obtain and retain business for and on behalf of Equipment Company, **BERGONZI**, together with others, including Co-Conspirator-1, Co-Conspirator-2, Co-Conspirator-3, Co-Conspirator-4, Co-Conspirator-5, Co-Conspirator-6, and Co-Conspirator-7, would and did discuss:

- a. the need to provide things of value to Foreign Official to help secure, among other things, the December 2021 Contract;
- b. the particular things of value to provide to Foreign Official; and
- c. the manner and means by which things of value would be provided.

19. In or around January 2020, **BERGONZI**, together with others, including Co-Conspirator-1, Co-Conspirator-2, and Co-Conspirator-4, agreed that Equipment Company would pay millions of dollars in bribes to Foreign Official through an intermediary (later identified as Intermediary Company-1) in order to help Equipment Company obtain and retain business with PEMEX, including the December 2021 Contract. Thereafter, Foreign Official accepted the offer of bribes and, in return, agreed to help Equipment Company secure the December 2021 Contract.

20. Pursuant to their corrupt agreement, **BERGONZI**, together with others, including Co-Conspirator-1 and Co-Conspirator-4, caused Equipment Company to make wire transfers to

Intermediary Company-1 knowing that all or a portion of such money would be given to Foreign Official.

21. **BERGONZI**, together with others, including Co-Conspirator-5 and Co-Conspirator-6, agreed that **BERGONZI**, Co-Conspirator-5, and Co-Conspirator-6 would share the payments that Intermediary Company-2 received as commissions from Equipment Company under the December 2021 Contract. Under this arrangement, which **BERGONZI** did not disclose to Equipment Company, between in or around April 2023 and in or around July 2023, Intermediary Company-2 paid **BERGONZI** approximately \$1.6 million in kickbacks.

Overt Acts

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

a. On or about July 22, 2020, while **BERGONZI** was in the Southern District of Texas, **BERGONZI** sent the following WhatsApp text message to Co-Conspirator-5, Co-Conspirator-6, and Co-Conspirator-7 (translated into English): “I also think that bringing out [Foreign Official] with what he knows is not very healthy, I think we should tell him that we will go up a step, but without damaging his interest. I do believe [Foreign Official] must be kept inside . . . [Foreign Official] is not an enemy today, in fact I think he is still the best ally in this business.”

b. On or about February 24, 2022, **BERGONZI** sent the following WhatsApp text message to Co-Conspirator-1 (translated into English): “The friends’ [i.e., Foreign Official] share is 6 [million USD]” and “The important thing is that he [Co-Conspirator-4] covers the 6m [USD] for the friends [i.e., Foreign Official].”

c. On or about April 13, 2023, **BERGONZI** caused Consulting Company to email Co-Conspirator-5, among others at Intermediary Company-2, a fraudulent invoice for \$205,000 for purported “performance of consulting services for the month of April 2023.”

d. On or about April 14, 2023, Intermediary Company-2 transmitted a wire transfer of \$205,000 from its bank account in Mexico to Consulting Company’s bank account in the Southern District of Texas.

e. On or about June 26, 2024, Equipment Company wired approximately \$730,825 from a bank account located in Houston, Texas, to a bank account located in Mexico in the name of Intermediary Company-1.

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

NOTICE OF CRIMINAL FORFEITURE
(18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c))

23. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the United States gives notice to the defendant,

DIEGO BERGONZI,

that in the event of his conviction of Count One of this Information, the United States will seek forfeiture of all property, real or personal, which constitutes or is derived from proceeds traceable to the conspiracy.

24. The United States also gives notice that it will seek a money judgment against the defendant.

25. In the event that one or more conditions listed in Title 21, United States Code, Section 853(p) exist, the United States will seek to forfeit any other property of the defendant up to the amount of the money judgment.

Jennifer B. Lowery
United States Attorney
Southern District of Texas

Glenn S. Leon
Chief, Fraud Section
Criminal Division
United States Department of Justice

By: Brad Gray
Jessica Feinstein
Brad Gray
Assistant United States Attorneys
Southern District of Texas

Lindsey D. Carson
Lindsey D. Carson
Abdus Samad Pardesi
Paul G. Ream
Trial Attorneys
Criminal Division, Fraud Section

AO 455 (Rev. 1/09) Waiver of an Indictment

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order

UNITED STATES DISTRICT COURT

for the

United States Courts
Southern District of Texas

Southern

DISTRICT OF

Texas

FILED

January 23, 2025

Nathan Ochsner, Clerk of Court

United States of America

v.

DIEGO BERGONZI

)
)
)
)
)
)
)
)

Case No:

SEALED

4:25-cr-0020

WAIVER OF INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title