JUDGE KATHLEEN CARDONE

FILED
2026 JUL -2 PM 5:05
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

SEALED

UNITED STATES OF AMERICA, **Plaintiff,** **v.** **THE SCOULAR COMPANY,** **Defendant.**	**Case No. EP-26-CR-_____-__** **INFORMATION** **[Violation: Ct. 1: Conspiracy, 18 U.S.C. § 371]** **Notice of Government's Demand for Forfeiture**

EP 26CR1685

THE UNITED STATES OF AMERICA CHARGES:

COUNT ONE
Conspiracy to Violate the Foreign Corrupt Practices Act
(18 U.S.C. § 371)

1. From in or around 2013 and continuing through at least in or around 2019, in the Western District of Texas, and elsewhere, the defendant,

THE SCOULAR COMPANY

did knowingly and willfully, that is, with the intent to further the objects of the conspiracy, conspire, combine, confederate and agree with others known and unknown to the Government, to commit an offense against the United States, that is:

a. being a domestic concern, to willfully and corruptly make use of the mails and a means and instrumentalities of interstate commerce in furtherance of an offer, payment, promise to pay, and authorization of the payment of 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 or her 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 an 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 acts and decisions of such government and agencies and instrumentalities, in order to assist The Scoular Company, and others in obtaining and retaining business for and with, and directing business to The Scoular Company, and others, in violation of Title 15, United States Code, Section 78dd-2.

Overt Acts

2. In furtherance of the conspiracy, and to accomplish the purpose and objects thereof, **THE SCOULAR COMPANY** and others committed and caused to be committed, in the Western District of Texas, and elsewhere, at least one of the following overt acts, among others:

a. On or about June 21, 2013, Carlos Leopoldo Alvelais emailed Scoular Employee 1 and Scoular Employee 2, describing a proposed "procedure" for The Scoular Company to pay a "fee" on every train to ensure that Scoular would "not have a single risk of adverse determinations from Mexican inspectors."

b. On or about August 12, 2015, an employee of Carlos Leopoldo Alvelais notified Scoular Employee 1 by email that "the train covered with invoice 489109 for [a Mexican customer] was received today. During the inspection of SAGARPA, soil was detected in the product. The train has been released and will not have delays. This account will include a charge of 2,000 usd by this issue."

c. On or about May 2, 2019, an employee of Carlos Leopoldo Alvelais, while in the Western District of Texas, sent by email an invoice to The Scoular Company, dated April 15, 2019, that itemized a "SAGARPA process" fee in the amount of $3,000, which The Scoular Company promptly paid.

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

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE
Conspiracy Violation and Forfeiture Statutes
[18 U.S.C. § 371 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C)]

As a result of the foregoing criminal violations set forth in Count One, the United States gives notice to Defendant of its intent to seek the forfeiture of any property upon conviction and pursuant to FED. R. CRIM. P. 32.2 and 18 U.S.C. § 981(a)(1)(C), which is made applicable to criminal forfeiture by 28 U.S.C. § 2461(c). Section 981 provides:

18 U.S.C. § 981. Civil Forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

* * *

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

JUSTIN R. SIMMONS
United States Attorney

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United States Department of Justice

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