

# FCPA Update

A Global Anti-Corruption Newsletter



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## DOJ Issues First Declination Under Department-Wide Corporate Enforcement Policy

On March 19, 2026, the U.S. Department of Justice announced that it had declined to prosecute France-based medical device company Balt SAS (“Balt”) in connection with alleged violations of the U.S. Foreign Corrupt Practices Act. This marks the first corporate resolution under DOJ’s newly issued department-wide Corporate Enforcement and Voluntary Self-Disclosure Policy (the “CEP”).<sup>1</sup>

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1. U.S. Dep’t of Justice Press Release, “Justice Department Resolves Foreign Bribery Investigation with Balt SAS; Healthcare Executive and Sales Consultant Indicted in Alleged Years-Long Foreign Bribery Scheme” (Mar. 19, 2026), <https://www.justice.gov/opa/pr/justice-department-resolves-foreign-bribery-investigation-balt-sas-healthcare-executive-and> (“Press Release”); Andrew M. Levine et al., “DOJ Announces Department-Wide Corporate Enforcement Policy,” Debevoise Debrief (Mar. 12, 2026), available at <https://www.debevoise.com/insights/publications/2026/03/doj-announces-department-wide-corporate-enforce>.

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In parallel, a federal grand jury in the Central District of California indicted two individuals – an executive of Balt’s U.S. subsidiary and a third-party consultant – for their alleged roles in a years-long bribery scheme involving a physician at a French state-owned hospital.

**Factual Background and Allegations**

Between approximately 2017 and 2023, through employees and agents, Balt allegedly bribed a physician who held a senior role at a state-owned public hospital in France (the “Official”) to induce the hospital to buy medical devices from Balt.

The alleged scheme involved routing payments through a third-party consultant, who received purported consulting fees and bonuses, a portion of which was allegedly passed on to the Official. To conceal the payments, the participants allegedly used sham consulting agreements, false invoices, and off-channel communications, including personal email accounts.

DOJ determined that the scheme involved approximately \$602,000 in bribe payments and generated approximately \$1.68 million in revenue and approximately \$1.21 million in profits.<sup>2</sup>

**DOJ Resolution**

DOJ declined to prosecute Balt pursuant to Part I of the CEP, which provides for a declination when a company voluntarily self-discloses misconduct, fully cooperates, timely remediates, and presents no aggravating circumstances. As part of the resolution, Balt agreed to disgorge approximately \$1.21 million, representing profits derived from the misconduct.

In explaining its decision, DOJ noted the absence of aggravating circumstances and emphasized the following factors:

- **Timely voluntary self-disclosure:** Balt disclosed the misconduct while its internal investigation was ongoing;
- **Full and proactive cooperation:** Balt provided all known relevant facts and identified individuals involved in the misconduct; and
- **Timely and appropriate remediation:** Balt disciplined employees, terminated third-party relationships, enhanced compliance controls, and implemented targeted training.

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2. Letter from U.S. Dep’t of Justice, Fraud Section to Balt SAS (Mar. 17, 2026) (“Declination Letter”), <https://www.justice.gov/criminal/media/1431846/dl?inline>.

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DOJ coordinated its resolution with French authorities, which entered into a parallel resolution that includes compliance-related obligations. The U.S. declination letter further makes clear that the resolution does not extend to individuals and that DOJ may revisit its determination if new information emerges.<sup>3</sup>

### Individual Charges

In connection with the same conduct, DOJ charged two individuals – David Ferrera, an executive of Balt’s U.S. subsidiary, and Marc Tilman, a consultant – with FCPA and money laundering offenses. That indictment alleges that the individuals orchestrated the bribery scheme by directing payments through the consultant and disguising those payments through sham arrangements.

### Analysis and Takeaways

The Balt resolution is significant as the first publicly announced declination under DOJ’s newly-instituted department-wide CEP. At the same time, the resolution highlights many of the same factors emphasized by prior administrations.

**“[The Balt resolution] underscores that eligibility for a declination under the CEP remains highly fact-dependent and that even robust cooperation and remediation may not suffice when aggravating factors are present.”**

*First*, the declination is based on the company’s voluntary self-disclosure that took place even before the company has completed its internal investigation. Prior administrations have emphasized this factor as critical to receiving a declination.<sup>4</sup>

*Second*, the declination, paired with criminal charges against individuals, has been a point of emphasis under this administration but individual accountability has also long been a focus and enforcement priority of prior administrations.

*Third*, consistent with prior practice, DOJ highlighted Balt’s cooperation in identifying responsible individuals and supplying evidence to support prosecution as a key factor supporting the declination.

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3. *Id.*; see also Press Release.

4. See Letter from U.S. Dep’t of Justice, Fraud Section, Re: Liberty Mutual Insurance Company (Aug. 7, 2025), <https://www.justice.gov/criminal/media/1410761/dl?inline>.

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*Fourth*, DOJ again placed substantial weight on remediation, including employee discipline, termination of problematic third-party relationships, and enhancements to compliance programs and internal controls, in declining to prosecute Balt. These factors align closely with prior declinations and reinforce expectations regarding post-disclosure conduct. Notably, the case also reflects DOJ's continued application of its longstanding theory that employees of certain foreign healthcare systems qualify as "foreign officials" under the FCPA, consistent with numerous prior corporate resolutions.

*Finally*, DOJ emphasized that the absence of aggravating circumstances was critical to the outcome. As with prior declinations, this underscores that eligibility for a declination under the CEP remains highly fact-dependent and that even robust cooperation and remediation may not suffice when aggravating factors are present.<sup>5</sup>

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5. Declination Letter at 2.

## DOJ Charges Individual with Bribing Employees of Mexican State-Owned Oil Company

On March 16, 2026, the U.S. Department of Justice announced charges against a Texas businessman for conspiring to bribe employees of state-owned Petróleos Mexicanos (“PEMEX”) and its subsidiary PEMEX Exploración y Producción (“PEP”). In a criminal information filed in the U.S. District Court for the Southern District of Texas, DOJ alleged that Alfonso Wilson, a dual U.S.-Mexican citizen, acted as an intermediary to help a Texas-based equipment company (the “Equipment Company”) secure business from PEMEX and PEP.<sup>1</sup> On March 31, Wilson pleaded guilty.

### Factual Allegations

According to the criminal information, Wilson began planning the bribery scheme with three co-conspirators in January 2020.<sup>2</sup> In a series of WhatsApp conversations, the co-conspirators discussed paying bribes to a senior PEP official on behalf of the Equipment Company. Eventually, the group decided to offer a PEP official “millions of dollars in bribes” in exchange for assistance in obtaining a \$540 million contract to supply PEMEX with drilling equipment.<sup>3</sup>

The conspiracy allegedly involved a multistep structure and used three intermediary companies to conceal the bribes. The Equipment Company hired a Mexico-based intermediary (“Intermediary Company 1”), which in turn hired a company owned and controlled by Wilson (“Intermediary Company 2”). The Equipment Company ostensibly paid the companies commissions on drilling equipment sales to PEMEX. Although Wilson was primarily responsible for communicating with the PEP executive about the drilling equipment contract, the bribes were ultimately paid through a third intermediary company (“Intermediary Company 3”), a Mexico-based subcontractor for the Equipment Company.

In December 2021, PEMEX awarded the Equipment Company the contract, and Wilson was paid \$415,800 in commissions. The criminal information alleges that the conspiracy continued through at least 2025, though it does not specify any additional contracts or benefits obtained through corrupt payments.<sup>4</sup>

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1. Criminal Information, *U.S. v. Wilson*, No. 4:26-cr-00135 (S.D. Tex. Mar. 16, 2026).

2. *Id.* at 4.

3. *Id.* at 5.

4. *Id.* at 4.

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**Analysis and Takeaways**

This case appears to present a typical FCPA fact pattern, with U.S. businesspeople allegedly paying foreign officials to secure unfair business advantages. The payment of commissions to intermediary companies is also a common step to conceal corrupt payments. Of note, the information does not allege that the bribery scheme involved drug cartels or transnational criminal organizations (key enforcement targets for the Trump Administration).

The Wilson prosecution also reflects DOJ's emphasis under the Trump Administration of holding individuals accountable for corporate criminal conduct. A May 2025 memo from the Head of the Criminal Division noted that "[t]he Department's first priority is to prosecute individual criminals" and "[i]t is individuals—whether executives, officers, or employees of companies—who commit . . . crimes."<sup>5</sup>

This matter comes amid continued scrutiny of corruption involving Mexico's state-owned oil sector, including proceedings involving former PEMEX officials, though such enforcement activity in Mexico has been relatively limited.<sup>6</sup> Notably, this is the second PEMEX-related bribery action brought by DOJ since it released the revised FCPA enforcement guidelines.

In August 2025, DOJ charged two Mexican businessmen, Ramon Alexandro Rovirosa Martinez and Mario Alberto Avila Lizarraga, for conspiring to pay approximately \$150,000 in bribes to employees of PEMEX and PEP.<sup>7</sup> In exchange, the officials promised to award \$2.5 million in contracts to Rovirosa's energy companies, resolve audits into Rovirosa's business with PEP, and approve technical compliance reports for energy projects. In December 2025, a federal jury convicted Rovirosa of two counts of violating the FCPA.<sup>8</sup> As of the date of this publication, Avila remains at large.

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5. U.S. Dep't of Justice, Memorandum from Matthew R. Galeotti, Head of the Criminal Division, *Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime* (May 12, 2025), <https://www.justice.gov/criminal/media/1400046/dl?inline>.
  6. See Andrew J. Ceresney et al., "The Year 2025 in Review: An FCPA Enforcement Reset and Other Global Anti-Corruption Developments," *FCPA Update*, Vol. 17, No. 6 (Jan. 2026), <https://www.debevoise.com/insights/publications/2026/01/fcpa-update-january-2026>.
  7. See Andrew M. Levine, Douglas S. Zolkind, Andreas A. Glimenakis, and Scott J. Woods, "DOJ Charges Mexican Nationals with Bribing PEMEX Employees in First FCPA Case Since Resuming Enforcement," *FCPA Update*, Vol. 17, No. 1 (Aug. 2025), <https://www.debevoise.com/insights/publications/2025/08/fcpa-update-august-2025>.
  8. U.S. Dep't of Justice Press Release No. 25-1146, *Texas Businessman Convicted for Scheme to Bribe Mexican Government Officials* (Dec. 5, 2025), <https://www.justice.gov/opa/pr/texas-businessman-convicted-scheme-bribe-mexican-government-officials>.

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DOJ began this action with a criminal information rather than a complaint or grand jury indictment. Wilson waived the requirement to be indicted by a grand jury, which typically happens where the defendant pleads guilty and cooperates with DOJ. Consistent with that posture, on March 31, 2026, Wilson pleaded guilty to the charged conspiracy offense and agreed to forfeit approximately \$384,000 in proceeds from the scheme. According to prosecutors, the total amount of corrupt payments actually made ranged between approximately \$1.5 million and \$3.5 million.<sup>9</sup>

Wilson's guilty plea after waiving indictment by a grand jury, and the fact that the criminal information identifies five co-conspirators and alleges that the conspiracy continued through 2025, suggest that we may see charges against other individuals in this case. Wilson's sentencing is currently scheduled for June 26, 2026, although that is likely to be adjourned if he is cooperating with DOJ.

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9. Sentence Data Sheet, *U.S. v. Wilson*, No. 4:26-cr-00135 (S.D. Tex. Mar. 31, 2026).

# FCPA Update

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