

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

No: 18mj2135-Simonton

UNITED STATES OF AMERICA,

v.

EGBERT YVAN F. KOOLMAN

Defendant.

\_\_\_\_\_ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? \_\_\_ Yes X No

2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? \_\_\_ Yes X No

Respectfully submitted,

BENJAMIN G. GREENBERG  
UNITED STATES ATTORNEY

BY:

Lois Foster-Steers

LOIS FOSTER-STEERS  
ASSISTANT U.S. ATTORNEY

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AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF

UNITED STATES OF AMERICA
V.
EGBERT YVAN F. KOOLMAN,
Defendant.

CRIMINAL COMPLAINT

Case Number: 18mj 2135-Simon ton

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 11/2005-12/2014 in Miami-Dade County, in the Southern District of Florida, and elsewhere defendant(s) did,

(Track Statutory Language of Offense)

willfully and knowingly combine, conspire, confederate and agree to knowingly and with intent to defraud, devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and to knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce any writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice

in violation of Title 18 United States Code, Section(s) 1349, 1343

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: [X] Yes [ ] No

[Handwritten Signature]

Signature of Complainant

Heidi L. Ford

Printed Name of Complainant

Sworn to before me and signed in my presence,

1/31/18

Date

at

Miami

Florida

City

State

Andrea M. Simon ton

U. S. Magistrate

Name of Judge

Title of Judge

[Handwritten Signature]

Signature of Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18mj 2135-Simonton  
18 U.S.C. § 1343  
18 U.S.C. § 1349

UNITED STATES OF AMERICA

v.

FILED UNDER SEAL

EGBERT YVAN F. KOOLMAN,

Defendant.

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Heidi L. Ford, being duly sworn, depose and state as follows:

**Introduction**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), currently assigned to the Miami, Florida Field Division. I have been an FBI Special Agent since August 2016. I am currently responsible for conducting and assisting in investigations relating to public corruption, bribery, money laundering, wire fraud, and other federal crimes, including violations of the Foreign Corrupt Practices Act. I have received formal and on-the-job training in criminal investigation procedures and have participated in a number of investigations involving the aforementioned federal offenses.

2. The facts set forth in this affidavit are based on my personal knowledge; my review of documents and other evidence; witness interviews; my communications with other law enforcement personnel; and my training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions,

statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. The facts and circumstances set forth below in this affidavit demonstrate that there is probable cause to believe that, from in or around November 2005 and continuing through in or around December 2014, defendant **EGBERT YVAN FERDINAND KOOLMAN** conspired with others to commit wire fraud, in violation of 18 United States Code, Sections 1343 and 1349.

#### **Background**

4. **EGBERT YVAN FERDINAND KOOLMAN**, a citizen of Aruba, a constituent country of the Kingdom of the Netherlands, served as Product Manager for Servicio di Telecomunicacion di Aruba N.V. (“Setar”), a state-owned telecommunications provider in Aruba, from in or around 2003 to in or around July 2016.

5. As Product Manager for Setar, **EGBERT YVAN FERDINAND KOOLMAN** was responsible for interacting with vendors and purchasing mobile phones and accessories for Setar, and he had influence over the approval and awarding of contracts by Setar for the purchase of mobile phones and accessories.

6. Setar provides a range of services to customers in Aruba, including mobile phone, internet, and cable television services. At all times relevant to this affidavit, Setar purchased the majority of its mobile phones and accessories from resale suppliers, rather than directly from manufacturers.

7. According to corporate records, in or around July 2006, **EGBERT YVAN FERDINAND KOOLMAN** incorporated 3DK Consultant Corp. (“3DK”) in the British Virgin Islands, a British Overseas Territory. The shareholders of 3DK are **EGBERT YVAN FERDINAND KOOLMAN**, his former wife, and their two children. In or around August 2006,

**EGBERT YVAN FERDINAND KOOLMAN** established a bank account for 3DK at Credicorp Bank (“Credicorp”) in the Republic of Panama.

8. Co-Conspirator #1, a United States citizen, resides in Miami-Dade County, within the Southern District of Florida. Co-Conspirator #1 owned, in whole or in part, or otherwise controlled or participated in the operation of numerous mobile phone suppliers located in the Southern District of Florida, including: Phone Company #1, Phone Company #2, Phone Company #3, Phone Company #4, and Phone Company #5.

9. Co-Conspirator #2, a United States citizen, resides in Miami-Dade County and cofounded Phone Company #1 and Phone Company #2 with Co-Conspirator #1.

**Overview of the Scheme to Defraud**

10. As described in greater detail below, **EGBERT YVAN FERDINAND KOOLMAN** and others, including Co-Conspirator #1, and Co-Conspirator #2, knowingly and willfully agreed to devise a scheme, and did devise a scheme, to obtain money and property from Setar by means of false and fraudulent pretenses, representations, and promises, and transmitted and caused to be transmitted, by means of wire in interstate and foreign commerce, writings and sounds for the purpose of executing such scheme. Specifically, **EGBERT YVAN FERDINAND KOOLMAN** and others agreed to a scheme in which Co-Conspirator #1 and others agreed to pay, and did pay, kickbacks to **EGBERT YVAN FERDINAND KOOLMAN** from the money they obtained from Setar in exchange for **EGBERT YVAN FERDINAND KOOLMAN** assisting companies affiliated with Conspirator #1 and others, to obtain business with Setar in an uncompetitive manner, and **EGBERT YVAN FERDINAND KOOLMAN** providing to Co-Conspirator #1 and others confidential information that was Setar’s property. It was further part of the scheme to defraud that **EGBERT YVAN FERDINAND KOOLMAN** and others concealed

from Setar the fact that **EGBERT YVAN FERDINAND KOOLMAN** was directing business to companies affiliated with Co-Conspirator #1, and others, in exchange for kickbacks and was providing confidential information that was Setar's property.

11. From my review of emails, contracts, public source documents, and other documents, bank records, witness interviews, my communications with other law enforcement personnel, and from my participation in this investigation, I have learned, among other things, the following:

12. **EGBERT YVAN FERDINAND KOOLMAN** used his position and authority as Setar's Product Manager to solicit and obtain hundreds of thousands of dollars in kickbacks for his personal benefit from U.S. and foreign suppliers of mobile phones and accessories that were attempting to secure sales contracts with Setar. In exchange for kickbacks paid by these suppliers, **EGBERT YVAN FERDINAND KOOLMAN** assisted them in obtaining the contracts by giving the suppliers a competitive and unfair advantage over other companies attempting to secure the same contracts.

13. Among the suppliers receiving a competitive and unfair advantage from **EGBERT YVAN FERDINAND KOOLMAN** were companies Co-Conspirator #1 owned, in whole or in part, or otherwise controlled or participated in the operation of, including Phone Company #1, Phone Company #2, Phone Company #3, Phone Company #4, and Phone Company #5.

14. In order to disguise the kickback payments, **EGBERT YVAN FERDINAND KOOLMAN** received some of the kickbacks, from Co-Conspirator #1 and others, in 3DK's bank account at Credicorp in Panama. **EGBERT YVAN FERDINAND KOOLMAN** also received some of the kickback payments in cash provided to him by Co-Conspirator #1 and others.

**Beginning of the Scheme to Defraud: Phone Company #1 and Phone Company #2**

15. In or around 2005, **EGBERT YVAN FERDINAND KOOLMAN** approached Co-Conspirator #1, with whom he had an existing business relationship through Setar and Co-Conspirator #1's then-employer, and proposed a kickback arrangement for sales to Setar. Co-Conspirator #1 then approached Co-Conspirator #2, who joined the scheme.

16. Co-Conspirator #1 and Co-Conspirator #2 established Phone Company #1 and Phone Company #2 to conduct business with Setar and further the scheme to defraud. Between in or around 2005 and in or around 2011, Phone Company #1 and Phone Company #2 sold to Setar approximately \$17.3 million in mobile phones and accessories.

17. In furtherance of the scheme, **EGBERT YVAN FERDINAND KOOLMAN**, without the knowledge of or approval by his employer Setar, provided Co-Conspirator #1 and Co-Conspirator #2 with Setar's property, in the form of confidential information about Setar's mobile phone and accessory needs and pricing information provided by Phone Company #1's and Phone Company #2's competitors. **EGBERT YVAN FERDINAND KOOLMAN** used his position and authority as Setar's Product Manager to ensure that, as long as Phone Company #1 and Phone Company #2 offered a competitive price, Phone Company #1 and Phone Company #2 would win the contract from Setar. In exchange, a portion of each sale was paid to **EGBERT YVAN FERDINAND KOOLMAN** as a kickback.

18. **EGBERT YVAN FERDINAND KOOLMAN**, Co-Conspirator #1, and the other members of the scheme maintained a spreadsheet detailing the distribution of what members of the conspiracy termed "gross profit" from each sale by Phone Company #1 or Phone Company #2 to Setar. Most sales had a "gross profit" of between approximately 18 and approximately 22 percent of the sale value. The "gross profit" was split four ways: 25 percent went to **EGBERT**

**YVAN FERDINAND KOOLMAN**, 25 percent went to Co-Conspirator #1, 25 percent went to Co-Conspirator #2, and 25 percent was reserved for administrative expenses and taxes incurred by Phone Company #1 and Phone Company #2. The spreadsheet was created and maintained within the Southern District of Florida.

19. Based on the spreadsheet maintained by members of the conspiracy, **EGBERT YVAN FERDINAND KOOLMAN** received approximately \$504,000 in kickbacks from sales to Setar by Phone Company #1 and Phone Company #2 between in or around 2005 and in or around 2011. Of this total, approximately \$195,000 was wired to 3DK's bank account in Panama; additional payments were made to **EGBERT YVAN FERDINAND KOOLMAN** in cash. Also of this total, based on the spreadsheet, **EGBERT YVAN FERDINAND KOOLMAN's** former wife received as part of the scheme approximately \$35,000 between in or around 2007 and in or around 2010. Phone Company #1's and Phone Company #2's business with Setar ended in or around 2011.

**Continuation of the Scheme to Defraud**

20. As Setar's business with Phone Company #1 and Phone Company #2 wound down, Co-Conspirator #1 established and helped to establish other companies in order to continue the scheme to defraud with **EGBERT YVAN FERDINAND KOOLMAN**, including Phone Company #3, Phone Company #4, and Phone Company #5.

21. Phone Company #3 sold to Setar approximately \$2.7 million in mobile phones and accessories between in or around 2010 and in or around 2013. Phone Company #4 sold to Setar approximately \$1.6 million in mobile phones and accessories between in or around 2012 and in or around 2014. Phone Company #5 sold to Setar approximately \$2.2 million in mobile phones and accessories between in or around 2011 and in or around 2013.



22. **EBERT YVAN FERDINAND KOOLMAN** provided to Co-Conspirator #1 Setar's property, in the form of confidential, non-public information about other Setar suppliers and Setar's bidding process, without the knowledge of or approval by Setar. For example, on or about September 27, 2012, **EBERT YVAN FERDINAND KOOLMAN** forwarded via email, from his Aruba-based Setar email account, to Co-Conspirator #1's U.S.-based email account, confidential, non-public information regarding a competing supplier's bid to provide mobile phones to Setar. After Co-Conspirator #1 received this information, Co-Conspirator #1's company Phone Company #3 sold the same make and a similar model of mobile phone to Setar, submitting an invoice on or about October 25, 2012 to **EBERT YVAN FERDINAND KOOLMAN** for approximately \$33,000.

23. Similarly, on or about April 24, 2013, **EBERT YVAN FERDINAND KOOLMAN** forwarded via email, from his Aruba-based Setar email account, to Co-Conspirator #1 confidential, non-public information regarding a competing supplier's bid to provide mobile phones to Setar. After Co-Conspirator #1 received this information, Co-Conspirator #1's company Phone Company #3 sold the same make and model of mobile phone to Setar, submitting an invoice on or about July 30, 2013 to **EBERT YVAN FERDINAND KOOLMAN** for approximately \$56,000.

24. Co-Conspirator #1 and the suppliers associated with him, including Phone Company #1, Phone Company #2, Phone Company #3, Phone Company #4, and Phone Company #5, paid kickbacks to **EBERT YVAN FERDINAND KOOLMAN** via wire transfers from bank accounts located in the Southern District of Florida to the 3DK bank account at Credicorp in Panama and via cash payments.

25. Between on or about September 6, 2006 and on or about January 19, 2012, **EGBERT YVAN FERDINAND KOOLMAN** received, in the 3DK account at Credicorp, approximately \$288,970 in wire transfers from bank accounts located in the Southern District of Florida and associated with Phone Company #1, Phone Company #2, Phone Company #3, and Phone Company #5. Each of these suppliers was owned or controlled by Co-Conspirator #1. 3DK did not perform any services in exchange for these payments. Instead, the wire transfers were kickbacks paid to **EGBERT YVAN FERDINAND KOOLMAN**, who had the ability to influence Setar's contract approval process.

26. In addition, there is evidence that **EGBERT YVAN FERDINAND KOOLMAN** also received kickbacks in cash. Between on or about November 19, 2013 and on or about July 31, 2014, Co-Conspirator #1 and others caused five checks totaling approximately \$68,008 to be written from bank accounts owned by Phone Company #4 and located in the Southern District of Florida. The checks were made payable to Co-Conspirator #1 and others. The words written on the memo line of each of the checks suggest that the money was ultimately intended to be provided to **EGBERT YVAN FERDINAND KOOLMAN**. For example, a check dated July 10, 2014 and made payable to Co-Conspirator #1 in the amount of \$5,200 included the following notation in the memo line: "Yvan commission Setar." Based on my training and experience, individuals will often make kickback payments in cash in order to conceal the transaction.

27. **EGBERT YVAN FERDINAND KOOLMAN** also received cash from Co-Conspirator #1 through use of debit card associated with a United States bank account. In or around December 2013, Co-Conspirator #1 provided the debit card to **EGBERT YVAN FERDINAND KOOLMAN**, during a meeting in the Southern District of Florida. **EGBERT YVAN FERDINAND KOOLMAN** returned to Aruba with the debit card and used it to withdraw

cash derived from the kickback scheme. Between approximately December 2013 and October 2014, **EGBERT YVAN FERDINAND KOOLMAN** received approximately \$20,000 in this manner.

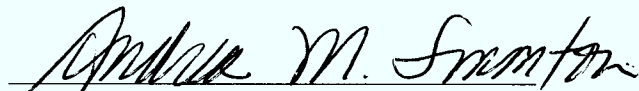
**Conclusion**

28. Based upon the above information, I submit that there is probable cause to believe that, from in or about November 2005 and continuing through in or about December 2014, in the Southern District of Florida and elsewhere, **EGBERT YVAN FERDINAND KOOLMAN**, together with others known and unknown, knowingly and willfully combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1349.



HEIDI L. FORD  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me this 31<sup>st</sup> day of January, 2018.



The Honorable Andrea M. Simonton  
United States Magistrate Judge