

Pemex Bribery Charges Provide Glimpse Into FCPA Evolution

By **Ryne Duffy, Danielle Giffuni and Alexander Kramer** (September 22, 2025, 5:15 PM EDT)

On Aug. 11, the U.S. Department of Justice announced^[1] that it had unsealed an indictment against two Mexican businessmen for alleged violations of the Foreign Corrupt Practices Act.^[2]

The DOJ asserts that the defendants, both Mexican nationals living in Texas, paid bribes to officials in Mexico at Petróleos Mexicanos and its subsidiary, Pemex Exploración y Producción, to secure and maintain contracts worth an estimated \$2.5 million.

These charges come amid a period of uncertainty regarding FCPA enforcement following the Trump administration's temporary pause on FCPA enforcement in February, and the DOJ's subsequent lifting of that pause through its release of updated guidelines in June.^[3] The stated goal of the new FCPA guidelines was "to restore American competitiveness and security" by adjusting enforcement priorities.

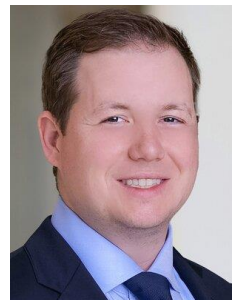
The new FCPA guidelines require federal prosecutors to prioritize cases with ties to cartels or transnational criminal organizations, or TCOs; economic or competitive harm to specific U.S. entities; national security interests; and serious misconduct — while deemphasizing routine business practices and low-dollar courtesies.

Following publication of the FCPA guidelines, much has been written — and many have speculated — as to how prosecutors would apply them. Would enforcement continue along the same lines as always, or would new cases focus on the identified priority areas? This indictment offers an initial glimpse into how the DOJ will apply the FCPA guidelines.

Recent Indictment: Facts and Alignment With FCPA Guidelines

In the indictment, the DOJ alleges that the defendants, Ramon Roviroso and Mario Avila, paid or offered at least \$150,000 in bribes — cash, luxury watches, handbags and other items — to Pemex and PEP officials in a scheme aimed primarily at obtaining and maintaining \$2.5 million in contracts.

In another instance, a Hublot watch valued at \$12,500 was allegedly provided to a Pemex employee to influence an audit outcome, reducing the liability of several unnamed companies by 775,000 Mexican pesos (approximately \$40,000).



Ryne Duffy



Danielle Giffuni



Alexander Kramer

Rovirosa and Avila were each charged with one count of FCPA conspiracy and three counts of substantive FCPA violations.

On its face, the indictment suggests the DOJ's continued attention on traditional FCPA bribery cases, particularly when serious misconduct, a direct quid pro quo and individual accountability are present. The DOJ did not directly address the deputy attorney general's new FCPA guidelines in its press release,[4] but a few aspects of the DOJ's language in the press release are notable.

First, the DOJ chose to repeatedly highlight the adverse effects of bribery on fair markets. Criminal Division acting Assistant Attorney General Matthew Galeotti commented that "the Criminal Division will not tolerate those who enrich corrupt officials for personal gain and to the detriment of the fair market." FBI Criminal Investigation Division Assistant Director Jose Perez added that "[b]ribery harms fair competition," and underscored a "commitment ... to fairness for communities in Texas and beyond."

These quotes appear to indicate a focus on the "Safeguarding Fair Opportunities for U.S. Companies" factor in the FCPA guidelines, although the release stopped short of identifying any specific businesses.

Second, the indictment may also be motivated in part by one of the defendant's alleged connections to cartel activity. In its Aug. 11 motion to impose certain conditions of release, the DOJ referenced evidence suggesting Rovirosa has ties to Mexican cartel members and that a close business associate is also connected to the cartels.

While the DOJ initially included mention of Rovirosa's potential cartel ties in a press release, this reference was removed in a later version,[5] possibly due to the limited evidence linking the charged conduct to cartel involvement. The indictment itself does not directly allege that the bribery scheme was connected to cartel activity.

The DOJ's decision to highlight Rovirosa's potential cartel affiliations appears to be a nod toward the deputy attorney general's FCPA guidelines, and may reflect a broad interpretation of "ties to cartels or TCOs."

The defense has responded in a motion to dismiss by challenging the sufficiency and relevance of the government's evidence regarding cartel connections.[6]

Implications for Companies

Enforcement priorities are shifting, not disappearing.

The DOJ's latest indictment illustrates that FCPA enforcement is adapting, rather than completely retreating, in response to new administration priorities.

Despite the initial pause in FCPA enforcement under the Trump administration, it is important to remember that FCPA enforcement — and white collar enforcement generally — historically tends to slow during the first few months following any administration turnover.

Certainly, the pause here was greater, but with the DOJ's issuance of updated FCPA enforcement guidelines and indictments like these starting to emerge, companies should not interpret the recent enforcement pause or new guidelines as a signal to relax compliance efforts. Instead, they should expect the DOJ to continue pursuing cases that fit within its revised priorities.

There are other indications that the DOJ is actively pursuing FCPA investigations and enforcement actions, including run-of-the-mill bribery cases, even under its new guidelines. While this indictment is the first announced since the deputy attorney general published the new FCPA guidelines, corporate disclosures indicate that the DOJ continues to pursue a range of investigations.

For example, Luxembourg-based Millicom International Cellular SA publicly disclosed that it remains engaged in active discussions with the DOJ regarding an FCPA investigation into the business of a subsidiary, Tigo Guatemala, in Guatemala.[7] Similar disclosures by other companies indicate that the DOJ's enforcement portfolio is far from dormant.

By contrasting these active investigations with recent case closures, it is clear that the DOJ continues to pursue FCPA matters — particularly those that align with its current priorities.

Transactions in Central and South America may face heightened scrutiny.

Notably, the DOJ's recent activity may signal heightened scrutiny of transactions with state-owned enterprises in countries with significant cartel or TCO activity. The DOJ's focus mirrors efforts to confront cartels and TCOs from regulators across the federal government.

For example, the Financial Crimes Enforcement Network has taken steps to prompt financial institutions to adopt enhanced screening measures for certain Mexican companies or related individuals. FinCEN issued guidance identifying geographic areas or economic sectors with known ties to Mexican cartels or TCOs. FinCEN's targeting orders require enhanced transaction reporting for money services businesses,[8] and oil and gas companies,[9] that may have exposure to cartel activities in the southwestern U.S.

FinCEN also recently issued an administrative order prohibiting certain transactions with three Mexican banks — CIBanco SA, InterCam Banco SA and Vector Casa de Bolsa SA de CV — associated with cartel-related money laundering.[10]

The DOJ has also targeted Venezuelan companies and nationals during the Trump administration. In June, the DOJ secured a guilty plea from Hugo Armando Carvajal Barrios, a Venezuelan citizen and the former director of Venezuela's military intelligence agency, who was accused of leading the Venezuelan Cartel de Los Soles and facilitating tons of cocaine trafficking into the U.S.[11]

Though this was not an FCPA case, the DOJ's focus on cartel affiliates, and the broader administration's rhetoric toward Venezuela, suggests a continued effort to seek out prosecutions involving Venezuelan companies or companies with interests in Venezuela.

Companies operating in Mexico, Venezuela and similar jurisdictions should expect continued enforcement risk, even where cartel connections are peripheral or based on historical patterns of corruption.

The DOJ's recently revised corporate enforcement and voluntary self-disclosure policy offers rewards, but remains largely untested.

While this indictment demonstrates that FCPA enforcement remains a risk, the DOJ has also made it clear that declinations are available in certain circumstances. Companies should evaluate their activities

abroad for FCPA risk and consider the value of self-disclosing FCPA violations under the DOJ's revised corporate enforcement and voluntary self-disclosure policy, issued in May.[12]

The revised policy guarantees declinations for companies that voluntarily self-disclose misconduct, fully cooperate and implement remedial measures — if there are no aggravating circumstances. The push for self-disclosure has been a regular talking point in DOJ speeches regarding its approach to corporate crime.

Companies that cannot secure a declination under the revised voluntary self-disclosure policy are still eligible for expanded benefits related to self-disclosures. The revised policy recognizes the value of postinvestigation disclosures and offers companies the opportunity to avoid a corporate monitor; obtain a significantly reduced resolution, such as a nonprosecution agreement; or secure a significant reduction to a potential criminal fine. The revised policy also provides flexibility where aggravating factors exist, such as senior executive involvement or recidivism.

While the DOJ's revised voluntary self-disclosure policy offers guaranteed benefits for companies that cooperate, it is important to remember that self-disclosure can also open the door to further scrutiny, including potential civil or individual prosecutions. The decision to self-disclose should be made with careful consideration of the facts, possible exposure and potential presence of aggravating factors.

Conclusion

The DOJ's recent indictment and ongoing investigations demonstrate that FCPA enforcement is adapting to new priorities, but remains active and significant. And where the DOJ is leaving gaps, other countries have pledged to work together to fill the void in anti-corruption enforcement.

Companies should not assume that enforcement risk has disappeared; instead, they should continue to invest in compliance, monitor regulatory developments and be prepared for evolving scrutiny — particularly in regions and sectors identified as high-risk by the DOJ and other regulators in the U.S. and abroad.

Changes in administration may also lead to updates or shifts in FCPA guidance, underscoring the importance of robust internal compliance programs that can adapt and provide protection, both now and in the future.

Ryne Duffy is an associate at Crowell & Moring LLP.

Danielle Giffuni is counsel at the firm.

Alexander Kramer is a partner at the firm. He previously served as assistant chief in the DOJ Fraud Section's FCPA Unit.

Crowell & Moring partners Derek Hahn and Tom Hanusik contributed to this article.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of their employer, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] <https://www.justice.gov/opa/pr/two-mexican-nationals-charged-bribing-state-owned-energy-officials>.

[2] <https://files.lbr.cloud/public/2025-08/US%20v%20Martinez%20et%20al%20Indictment%206%20August%202025.pdf?VersionId=803pJbCh ejhFZvJyxyiLXWczgN5R.EWK>.

[3] <https://www.crowell.com/en/insights/client-alerts/the-fcpa-pause-is-over-trump-doj-issues-long-awaited-fcpa-investigations-and-enforcement-guidelines>.

[4] <https://www.justice.gov/opa/pr/two-mexican-nationals-charged-bribing-state-owned-energy-officials>.

[5] See <https://web.archive.org/web/20250811235934/https://www.justice.gov/opa/pr/two-mexican-nationals-charged-bribing-state-owned-energy-officials>.

[6] US v Martinez et al Motion to dismiss 8 September 2025.

[7] [https://files.lbr.cloud/public/2025-08/20250813%20-%20INTRM%20-%20TIGO%20-%20Interim%20reports%20interim%20financial%20-%202043%20pages%20\(1\).pdf?VersionId=EZHMCrznTiF8bsVfyVTnhbMtGVlIFrW](https://files.lbr.cloud/public/2025-08/20250813%20-%20INTRM%20-%20TIGO%20-%20Interim%20reports%20interim%20financial%20-%202043%20pages%20(1).pdf?VersionId=EZHMCrznTiF8bsVfyVTnhbMtGVlIFrW).

[8] <https://www.fincen.gov/news/news-releases/fincen-issues-southwest-border-geographic-targeting-order>.

[9] <https://www.fincen.gov/news/news-releases/fincen-issues-alert-oil-smuggling-schemes-us-southwest-border-associated-mexico>.

[10] <https://www.crowell.com/en/insights/client-alerts/focus-on-transnational-cartels-continues-fincen-targets-three-mexican-financial-institutions-with-special-measures-restricting-their-access-to-us-financial-system>.

[11] <https://www.justice.gov/usao-sdny/pr/former-venezuelan-general-pleads-guilty-narco-terrorism-weapons-and-drug-trafficking>.

[12] <https://www.crowell.com/en/insights/client-alerts/doj-reprioritizes-corporate-enforcement-with-key-policy-revisions>.