

## JUSTICE NEWS

### Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, February 15, 2019

### **Former President and Former Chief Legal Officer of Publicly Traded Fortune 200 Technology Services Company Indicted in Connection with Alleged Multi-Million Dollar Foreign Bribery Scheme**

A federal grand jury returned an indictment yesterday against the former president and the former chief legal officer of Cognizant Technology Solutions Corporation, a publicly traded Fortune 200 technology services company based in Teaneck, New Jersey, in connection with an alleged foreign bribery scheme.

Assistant Attorney General Brian A. Benczkowski of the Justice Department's Criminal Division, U.S. Attorney Craig Carpenito of the District of New Jersey and Special Agent in Charge Gregory W. Ehrie of the FBI Newark Field Office made the announcement.

Gordon Coburn, 55, of Beaver Creek, Colorado, and Steven Schwartz, 51, of Greenwich, Connecticut, were charged in a 12-count indictment with one count of conspiracy to violate the Foreign Corrupt Practices Act (FCPA), three counts of violating the FCPA, seven counts of falsifying books and records, and one count of circumventing and failing to implement internal accounting controls. The charges stem from an alleged scheme to bribe one or more government officials in India to ensure the issuance of a construction permit necessary to complete the development of an office campus that would support thousands of employees and become one of Cognizant's largest facilities in India.

The case is assigned to U.S. District Judge Kevin McNulty of the District of New Jersey. The defendants are scheduled to appear this afternoon before U.S. Magistrate Judge Mark Falk in Newark federal court.

"The allegations in the indictment filed yesterday describe a sophisticated international bribery scheme authorized and concealed by C-suite executives of a publicly-traded multinational company," said Assistant Attorney General Benczkowski. "The indictment of Gordon Coburn and Steven Schwartz demonstrates the Department's commitment to relentlessly pursuing corporate fraud and corruption wherever it is found."

According to the indictment, in or about April 2014, Coburn and Schwartz allegedly authorized an unlawful payment of approximately \$2 million to one or more foreign government officials in India to secure and obtain a necessary permit to open a new office campus. To conceal Cognizant's involvement in the scheme, Coburn, Schwartz and others allegedly agreed that a third-party construction company would obtain the permit by making the illegal bribe payment and that Cognizant would reimburse the construction company through phony construction invoices at the end of the project. The indictment further alleges that in or about late June 2014, after the co-conspirators had agreed that the construction company would make the bribe payment on behalf of Cognizant, the construction company secured the necessary government order for Cognizant to obtain the permit, allowing Cognizant to complete the development of the office campus and avoid millions of dollars in costs. Months later, the co-conspirators are alleged to have knowingly caused Cognizant to funnel over \$2 million to the construction company disguised as payment for

cost overruns on the office campus when they knew that the actual purpose of the payment was to reimburse the construction company for the bribe payment. According to the indictment, as Coburn, Schwartz and others had previously agreed, they hid the bribe reimbursement payment within a series of line items in a construction change order request to be paid to the construction company, thereby concealing the true nature and purpose of the reimbursement, falsifying Cognizant's books and records, and circumventing and failing to implement its internal controls.

The charges in the indictment are merely allegations, and the defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

The Department of Justice and the U.S. Attorney's Office for the District of New Jersey also announced today that they have declined prosecution of Cognizant after considering the factors set forth in the Department of Justice's Principles of Prosecution of Business Organizations and the Corporate Enforcement Policy, including Cognizant's prompt voluntary self-disclosure, cooperation and remediation, as well as Cognizant's disgorgement to the Department and the U.S. Securities and Exchange Commission (SEC) of the cost savings that resulted from the bribery scheme.

In the related case with the SEC, Cognizant entered into a cease and desist order and agreed to pay the SEC a civil penalty, disgorgement and prejudgment interest totaling approximately \$25 million. The Company will pay \$16,394,351 in disgorgement of profits within the time limits prescribed by 28 U.S.C. § 2462 to the SEC, and the remaining \$2,976,210 to the U.S. Treasury.

The Department appreciates the significant cooperation provided by the SEC in this case.

The case is being investigated by the FBI's Newark Field Office. Assistant Chief David A. Last of the Criminal Division's Fraud Section and Assistant U.S. Attorneys Courtney A. Howard and Nicholas P. Grippo of the District of New Jersey are prosecuting the case.

The Fraud Section is responsible for investigating and prosecuting all FCPA matters. Additional information about the Justice Department's FCPA enforcement efforts can be found at [www.justice.gov/criminal/fraud/fcpa](http://www.justice.gov/criminal/fraud/fcpa).

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**Attachment(s):**

[Download Coburn and Schwartz Indictment](#)

**Topic(s):**

Foreign Corruption

**Component(s):**

[Criminal Division](#)

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