


2015 DOJ and SEC FCPA Resolution Tracker

Davis Polk

	TARGET	ENFORCER	RESOLUTION	ALLEGED FCPA VIOLATION	INDUSTRY	GEOGRAPHY	ALLEGATIONS
Q1 2015	PBSJ Corp. Walid Hatoum	SEC	\$3.4M (DPA) \$50K (no-admit, no-deny, cease & desist order)	  	Engineering/ Construction	Qatar, Morocco	Paid bribes disguised as “agency fees” to win hotel and transport contracts
	Goodyear Tire	SEC	\$16.2M (no-admit, no-deny, cease & desist order)	 	Automobiles	Kenya, Angola	Sub paid bribes disguised as legitimate expenses
	Biomet	DOJ	(DPA) (1-year extension to 3-year DPA entered in 2012)	  	Pharmaceuticals/ Healthcare	Argentina, Brazil, China, Mexico	Paid bribes and kickbacks to doctors for medical device sales
Q2 2015	FLIR Systems	SEC	\$9.5M (no-admit, no-deny, cease & desist order)	  	Defense	Saudi Arabia	Gave gifts, travel, etc. to sell defense technology
	BHP Billiton	SEC	\$25M (no-admit, no-deny, cease & desist order)	 	Natural Resources/ Energy	Burundi, Congo, Guinea, Philippines	Olympics hospitality program lacked sufficient anti-corruption controls
	IAP Worldwide James Rama	DOJ	\$7.1M (NPA) Pled guilty, 4 months prison		Defense	Kuwait	Paid bribes disguised as consulting fees to win defense contracts
	Daren Condrey	DOJ	Pled guilty, sentence TBD		Natural Resources/ Energy	U.S., Russia	Paid bribes to win transport contracts from Russian uranium company
Q3 2015	LBI Int'l Richard Hirsch James McClung	DOJ	\$17.1M (DPA) Pled guilty, sentence TBD Pled guilty, sentence TBD		Engineering/ Construction	India, Indonesia, Vietnam, Kuwait	Paid bribes disguised as “commitment fees,” “counterpart per diems,” etc. to win construction contracts
	Vincent E. Garcia (SAP Int'l)	DOJ; SEC	DOJ: Pled guilty, 22 months prison SEC: \$92k (cease & desist order)	 	Technology	Panama	Sold artificially discounted software through intermediaries to fund bribes for technology contracts
	Mead Johnson Nutrition	SEC	\$12M (no-admit, no-deny, cease & desist order)	 	Pharmaceuticals/ Healthcare	China	Paid bribes and kickbacks to doctors to recommend infant formula and provide customer information
	Andres Truppel (Siemens Argentina)	DOJ	Pled guilty, sentence TBD	  	Technology	Argentina	Paid bribes to secure contract for national identity card system
	BNY Mellon	SEC	\$14.8M (no-admit, no-deny, cease & desist order)	 	Financial Services	Unnamed Middle East Country	Hired relatives of officials from sovereign fund to win wealth management business
Q4 2015	Hitachi	SEC	\$19M (no-admit, no-deny, permanent injunction)	 	Engineering/ Construction	South Africa	Paid “dividends” to front company for ruling political party for power station contracts
	Hyperdynamics	SEC	\$75K (no-admit, no-deny, cease & desist order)	 	Natural Resources/ Energy	Guinea	Bought services from employee-controlled vendor without anti-corruption controls
	Bristol-Meyers Squibb	SEC	\$14.7M (no-admit, no-deny, cease & desist order)		Pharmaceuticals/ Healthcare	China	Gave cash, meals, etc. to providers for prescription drug sales

DPA = Deferred Prosecution Agreement

NPA = Non-prosecution Agreement

 = Bribery

 = Books/Records

 = Internal Controls



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