

Corruption in 2015: Key Takeaways

January 27, 2016 | Client Update

2015 proved to be a year of continued focus on anti-corruption enforcement. We have distilled key aspects of the year's enforcement trends and resolutions to offer you succinct summaries, including:

Trends in Anti-Corruption Enforcement: Highlights of the 2015 U.S. and global anti-corruption enforcement activity, key developments and trends were discussed during an hour long webcast by Davis Polk partners. The trends are detailed in the following summary and access to the webcast is available through the link below.

[Read the Summary »](#)

[View the Webcast »](#)

2015 DOJ and SEC FCPA Resolution Tracker: A one-page chart detailing characteristics of 2015 corporate and individual FCPA resolutions is available through the links below.

[View the FCPA Tracker »](#)

[Request a Hard Copy »](#)

2015 DOJ and SEC FCPA Resolution Tracker

Davis Polk

TARGET	ENFORCEMENT	RESOLUTION	CLASSIFIED FCPA VIOLATION	INDUSTRY	GEOGRAPHY	ALLEGATIONS
CPA	Wells Fargo (Bank of America)	SEC	\$1.4M DPA, \$20M civil penalty, no deny, cease & desist order	Engineering/Construction	Guatemala	Facilitation (disputed as "agency fees") by an hotel and transport contracts
	Comcast (Time Warner)	SEC	\$10.2M civil penalty, no deny, cease & desist order	Subcontractor	Kenya, Angola	Facilitation (disputed as "agency fees")
	Novartis	DOJ	\$275K civil penalty, 3-year DPA entered in 2015	Pharmaceuticals/Healthcare	Argentina, Brazil, China, Mexico	Facilitation and bribery to secure the medical device sales
CPA	FLIR Systems	SEC	\$1.2M civil penalty, no deny, cease & desist order	Defense	South Africa	Gifts, meals, etc. to sell defense technology
	BP (Chevron)	SEC	\$20M civil penalty, no deny, cease & desist order	Natural Resources/Energy	Burkina Faso, Guinea, Philippines	Company hospitality program lacked sufficient anti-corruption controls
	RFI (Holdserv James Sims)	DOJ	\$750K civil penalty, 18-month probation	Defense	Russia	Facilitation (disputed as consulting fees) to sell defense contracts
	Deere (Caterpillar)	DOJ	Facilitative sentence (PS)	Natural Resources/Energy	U.S., Russia	Facilitation to sell transport contracts from Russian oilfield company
CPA	US West (Telecom Group James McCarty)	DOJ	\$175K DPA, Facilitative sentence (PS), Facilitative sentence (PS)	Engineering/Construction	India, Indonesia, Vietnam, Russia	Facilitation (disputed as "commission fees," "kickbacks per items," etc.) to sell construction contracts
	World E. Davis (GDF Suez)	DOJ/SEC	DOJ: Facilitative, 12-month probation; SEC: \$20K civil penalty & cease order	Technology	Peru	Sold artificially discounted software through intermediaries to facilitate for technology contracts
	Head Johnson (Johnson)	SEC	\$1.2M civil penalty, no deny, cease & desist order	Pharmaceuticals/Healthcare	China	Facilitation and bribery to secure the recruitment of new formula and provide customer information
	Andres Trujillo (Garcia Argentina)	DOJ	Facilitative sentence (PS)	Technology	Argentina	Facilitation to secure contract for national identity card system
	Winn-Dixie	SEC	\$14.2M civil penalty, no deny, cease & desist order	Financial Services	Uruguay, Middle East, Central America	Head received an offshore bank account; failed to sell wealth management business
CPA	Waste	SEC	\$750K civil penalty, no deny, cease & desist order	Engineering/Construction	South Africa	Facilitation (disputed as "kickbacks") for selling public utility for power station contracts
	Hyperbarics	SEC	\$750K civil penalty, no deny, cease & desist order	Natural Resources/Energy	Guinea	Bought services from employee controlled vendor without anti-corruption controls
	Grand Island (SmithKline)	SEC	\$10.7M civil penalty, no deny, cease & desist order	Pharmaceuticals/Healthcare	China	Gifts, meals, hotels, etc. to physicians for prescription drug sales

DPA = Deferred Prosecution Agreement

PS = Non-prosecution Agreement

= Bribery

= Bank/Finance

= Internal Controls

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Greg D. Andres

+1 212 450 4724
greg.andres@davispolk.com

John Banes

+1 212 450 4116
john.banes@davispolk.com

Martine M. Beamon

+1 212 450 4262
martine.beamon@davispolk.com

Angela T. Burgess

+1 212 450 4885
angela.burgess@davispolk.com

Neil H. MacBride

+1 202 962 7035
neil.macbride@davispolk.com

Denis J. McInerney

+1 212 450 4477
denis.mcinerney@davispolk.com

Neal Potischman

+1 650 752 2021
neal.potischman@davispolk.com

Martin Rogers

+852 2533 3307
martin.rogers@davispolk.com

Linda Chatman Thomsen

+1 202 962 7125
linda.thomsen@davispolk.com

This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.