

## **FCPA & Anti-Corruption**

Sullivan & Cromwell is a leader in advising clients around the world on issues arising under the U.S. Foreign Corrupt Practice Act (FCPA) and related international laws. S&C's team includes former Assistant United States Attorneys and other lawyers with extensive experience in FCPA and related matters.

Given the Firm's geographic reach and the breadth of its practice, S&C is uniquely positioned to address the geographic and industry-specific challenges inherent in anti-corruption matters. S&C lawyers synthesize data from a variety of jurisdictions to assist clients in implementing robust compliance programs and responding to alleged compliance breaches. The Firm's integrated network of 13 offices located in financial capitals around the world, along with its diverse language capabilities, allows its team of lawyers to collaborate efficiently with clients and regulators across borders and practices.

The Firm's history and experience with FCPA matters has involved some of the most significant investigations, including obtaining the first deferred prosecution agreement ever offered by the U.S. Securities and Exchange Commission. The Firm has also resolved multijurisdictional investigations and secured numerous declinations on behalf of a number of major, international clients.

S&C's team routinely assists clients in all aspects of FCPA and anti-corruption matters, including:

### *Investigations*

- Conducting robust internal investigations into possible FCPA violations around the world
- Representing companies and individuals—based both within and outside the United States—in investigations by the Department of Justice and the Securities and Exchange Commission

### *Transactions*

- Advising principals, financial advisers and underwriters on FCPA and anti-corruption issues and compliance enhancements in connection with mergers and acquisitions and corporate finance transactions
- Leading due diligence efforts and vetting relating to FCPA and anti-corruption issues for M&A or other transactions
- Advising companies in the midst of FCPA investigations on potential corporate transactions, including divestitures or acquisitions
- Drafting anti-bribery contractual provisions for, among others, M&A, shareholder, supplier and other third-party agreements

### *Compliance & Training*

- Conducting reviews of companies' worldwide anti-bribery compliance
- Designing and advising on the implementation of compliance policies and programs

### **Foreign Corrupt Practices Act Clearinghouse**

S&C and Stanford Law School have launched the Foreign Corrupt Practices Act Clearinghouse, a public database that aggregates and

---

### PRACTICES & CAPABILITIES

---

**Litigation**

**Antitrust**

**Arbitration**

**Bankruptcy Litigation**

**Commodities, Futures & Derivatives**

**Congressional Investigations**

**Criminal Defense & Investigations**

**European Competition**

**FCPA & Anti-Corruption**

**Financial Services Investigations & Litigation**

**Intellectual Property & Technology Litigation**

**Labor & Employment**

**M&A Litigation**

**Products Liability & Mass Torts**

**Securities & Commodities Investigations & Enforcement Practice**

**Securities Litigation**

**Supreme Court and Appellate**

**Whistleblower Litigation and Workplace Investigations**

**Latin America Dispute Resolution**

---

### PRACTICE CONTACTS

---

**Nicolas Bourtin**

New York

T. +1-212-558-3920

---

curates source documents and provides analytic tools relating to enforcement.

[Download Annual 2020 Report](#)

## SELECTED REPRESENTATIONS

S&C has represented clients in major FCPA-related investigations and advised on FCPA compliance programs across a broad range of industries.

### Energy

- **ENI S.p.A.** in two high-profile FCPA investigations related to its oil and gas businesses in Africa, both of which the DOJ closed without taking any enforcement action, and in resolving related SEC investigations.
- **The former CEO of SBM Offshore** in criminal investigations in the United States, Brazil and the Netherlands related to alleged corruption in Brazil, Angola, Equatorial Guinea and other countries.
- **Statoil ASA** (now Equinor) in investigations by the SEC, DOJ and U.S. Attorney's Office for the Southern District of New York of the agencies' charges that payments made by Statoil violated the FCPA.
- **Current and former employees of Rolls-Royce** in DOJ and Serious Fraud Office investigations of corruption in the use of intermediaries in Rolls-Royce's energy business.
- **Tenaris** in negotiating the first deferred prosecution agreement offered by the SEC and a non-prosecution agreement with the DOJ, resolving a two-year investigation of an alleged bribery scheme involving contracts to provide steel pipe to companies in Uzbekistan's state-owned oil and gas industry.

### Automotive and Aviation

- **Dallas Airmotive Inc.**, an aviation services company, in resolving an FCPA investigation and negotiating a substantially discounted monetary penalty.
- **A multinational automotive company** in securing declinations in SEC and DOJ investigations.

### Mining

- **Kinross Gold Corp.**, a Toronto-based gold mining company, in its favorable settlement with the SEC stemming from an FCPA investigation arising from the company's activities in West Africa, and in a parallel investigation by the DOJ, which closed its investigation and declined to pursue charges.
- **An Australian mining company** in a DOJ investigation related to a joint venture.
- **A global mining company** regarding the design of an FCPA compliance program.

### Financial Institutions and Insurance

- **Goldman Sachs** as lead counsel in reaching coordinated resolutions in multiple criminal and regulatory investigations in jurisdictions around the world relating to an alleged multi-billion dollar money laundering and corruption scheme involving the Malaysia sovereign development company, 1MDB, and senior public officials in Malaysia and the United Arab Emirates, including a deferred prosecution agreement with the DOJ and resolutions with the government of Malaysia, the SEC, Federal Reserve, New York DFS, and regulators in the UK, Hong Kong and Singapore.
- **A major non-U.S. financial institution** in U.S. authorities' long-running investigation into hiring practices in Asia.

F. +1-212-558-3588  
bourtinn@sullcrom.com

### Theodore Edelman

New York  
T. +1-212-558-4000  
F. +1-212-558-3588  
London  
T. +44-20-7959-8900  
F. +44-20-7959-8950  
edelmant@sullcrom.com

### Laura Kabler Oswell

Palo Alto  
T. +1-650-461-5600  
F. +1-650-461-5700  
oswell@sullcrom.com

### Aisling O'Shea

Washington, D.C.  
T. +1-202-956-7500  
F. +1-202-293-6330  
osheaa@sullcrom.com

- **A U.S.-headquartered insurance company** in conducting an investigation of a potential FCPA violation by the company's Mexican subsidiary.
- **A major U.S. insurance company** in connection with a violation of the FCPA by an employee.

### **Industrial and Manufacturing**

- **A global engineering and contracting company** concerning a corruption investigation in the Middle East.
- **The former CEO of the Brazilian subsidiary of an international offshore construction company** in connection with criminal investigations in the United States, Brazil and Singapore related to the Brazilian authorities' "Operation Car Wash."
- **A lawyer formerly employed in the legal department of a U.S. manufacturing company** in an FCPA investigation.

### **Technology and Electronics**

- **A major engineering and electronics conglomerate** in entering into a settlement with the SEC to resolve FCPA charges relating to conduct by a former employee.
- **A technology company** in conducting an internal investigation and finding that no reporting was required.

### **Healthcare**

- **A pharmaceutical company** in securing a declination from the DOJ in an investigation relating to activities involving an Asian subsidiary.
- **Philips** in an investigation of allegations that employees made improper payments to officials at government-run healthcare facilities in Poland.