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FCPAmericas

THE U.S. FOREIGN CORRUPT PRACTICES ACT AND THE TECHNOLOGY SECTOR

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May 2013
Technology Law Conference
The University of Texas School of Law

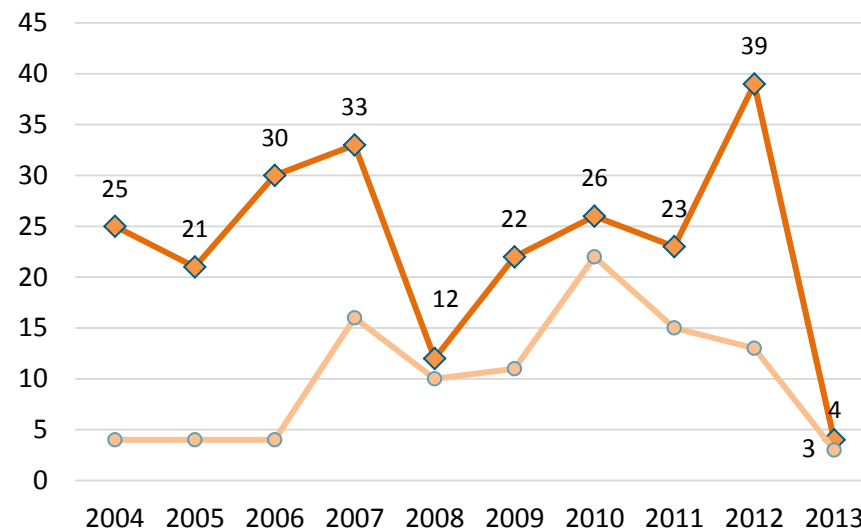


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KNOWN FCPA INVESTIGATIONS INITIATED FROM 2004 TO 2013 (1Q)

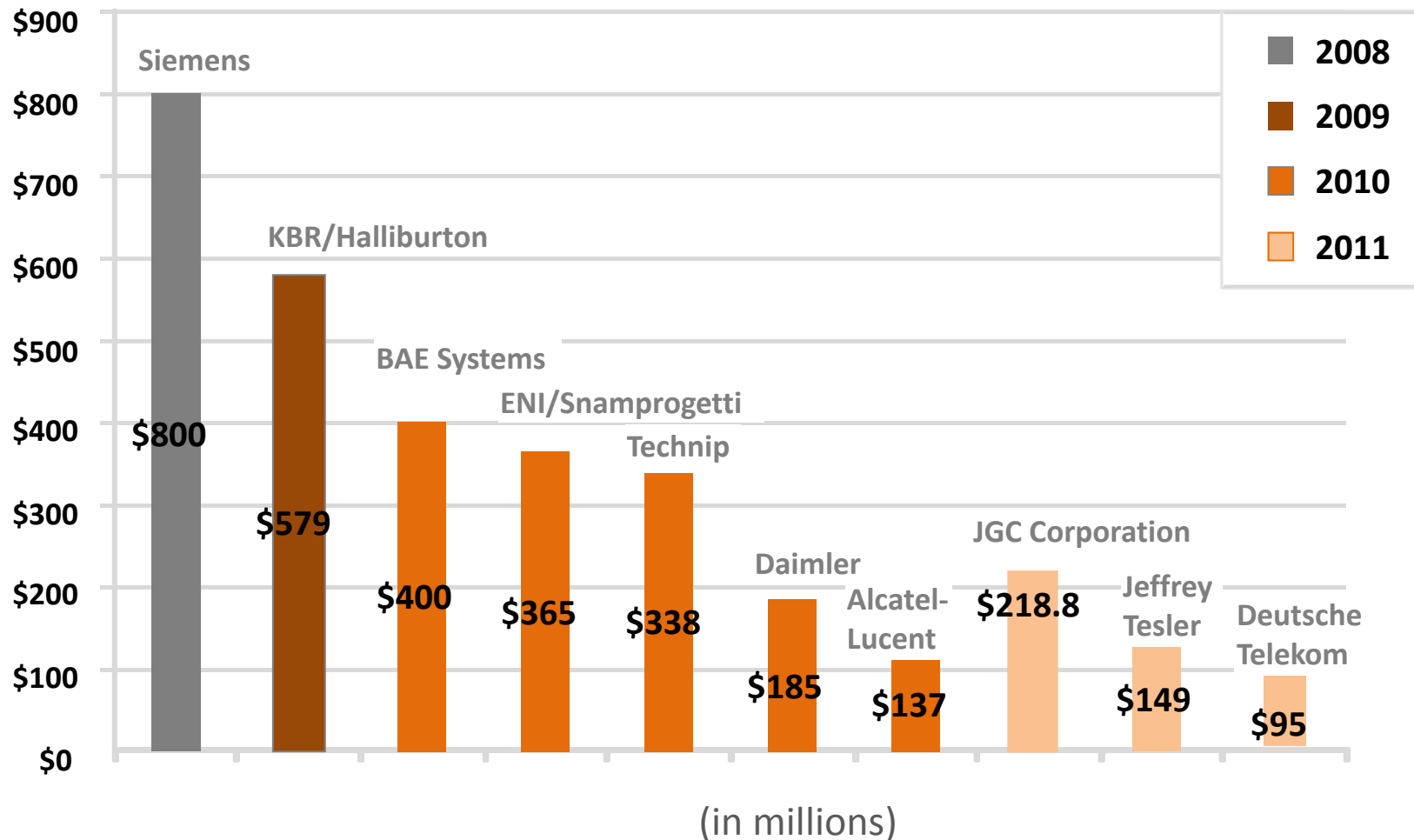


- ◆ Known Investigations Initiated (Resolved, Unresolved and Declined) (Affiliates Combined)
- Companies Entering Dispositions (Affiliates Combined)

Data from Miller & Chevalier Chartered



FCPA ENFORCEMENT AT A GLANCE: BLOCKBUSTERS





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FCPA ENFORCEMENT AT A GLANCE: PRISON SENTENCES

Jorge Granados, CEO
Latin Node

46 months

Robert Antoine, Director
Haiti Telco (2010)

48 months

Juan Diaz, Owner
Third party consultant
to Haiti Telco (2010)

57 months

Douglas Murphy, President
American Rice, Inc. (2002)

63 months

Carlos Rodriguez, VP
Terra Telecomm

84 months

Albert Jack Stanley, CEO
and Chairman, KBR (2009)

84 months

Charles Paul Edward Jumet,
President, Ports Engineering
Consultants Corporation (2009)

87 months

Joel Esquenazi, Pres.
Terra Telecomm (2009)

180 months (15 Years)

0 10 20 30 40 50 60 70 80 90 100



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THE FCPA: TWO KEY PROVISIONS

The Anti-Bribery Provisions

- U.S. citizens and companies, U.S.-listed foreign issuers, and individuals and companies acting in the United States or using U.S. mails or wires, as well as their employees and agents, must not give, offer, or promise anything of value, directly or indirectly, to a foreign (non-U.S.) official for the corrupt purpose of obtaining or retaining business.

The Accounting Provisions

- Books and Records: Public companies must keep books and records in reasonable detail that fairly and accurately reflect the transactions and circumstances of the company.
- Internal Controls: Public companies must devise and maintain a system of internal controls that provides reasonable assurances of accurate books and records and GAAP compliant financial statements.



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THE FCPA – ANTI-BRIBERY PROVISIONS

The statute prohibits:

- A payment or offer, promise, or authorization of a payment
- Directly or indirectly
- Of anything of value
- To a “foreign official”
- With the intent to corruptly influence an official act or decision
- To obtain or retain business or an improper advantage

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Title search: The U.S. Foreign Corrupt Practices Act and the Technology Sector

Also available as part of the eCourse

[Technology Risks and Enforcement: Foreign Corrupt Practices Act; Open Source Enforcement Update; and Antitrust Enforcement](#)

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26th Annual Technology Law Conference session

"The U.S. Foreign Corrupt Practices Act: Managing Risks in the Technology Sector"