



world compliance

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Foreign Corrupt Practices Act, a compliance roadmap



FOREIGN CORRUPT PRACTICES ACT

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Foreign Corrupt Practices Act

Thirty years after its enactment in 1977, the Foreign Corrupt Practices Act (FCPA)¹ is experiencing the most aggressive enforcement level ever by the Department of Justice (DOJ) and the Securities Exchange Commission (SEC). A tremendous upswing in enforcement activities in the past several years has been marked by aggressive law enforcement techniques such as search warrants, undercover officers, confidential informants, wiretaps and other strategies typically reserved for investigations of violent gangs and drug trafficking organizations. The government's FCPA enforcement strategy has resulted in large corporate fines and criminal penalties for individuals. ***The Obama Administration has made it clear to the business community that FCPA enforcement will be a high priority*** and focused on new industries – pharmaceutical and financial institutions – while additional resources are being assigned to carry out this enhanced effort. As stated in the DOJ's Criminal Division Presidential budget request:

FCPA enforcement is consistent with the Obama Administration's goals of promoting transparency, democracy, sustainable development, and good governance. The global economic crisis presents a real threat to our progress in promoting integrity in international business.²

The anti-bribery provisions prohibit a domestic concern (a U.S. person or corporate entity) from making corrupt payments or promises to pay foreign officials for the purpose of obtaining or retaining business. Definitions of certain terms, including domestic concern and foreign official, are intentionally expansive to encompass as much business activity as possible. The FCPA's accounting controls provisions include record keeping and internal control mechanisms which apply to corporations whose securities are registered with the Securities Exchange Commission (SEC), or who must file regular reports with the SEC. These companies must maintain accurate records to account for certain expenditures, as well as regular accounting methods to verify access and use of assets.

1 Foreign Corrupt Practices Act of 1977, codified as amended at 15 U. S. C. §§ 78m, 78dd, and 78ff.

2 Department of Justice, Criminal Division Presidential Budget Request available at <http://www.justice.gov/jmd/2011justification/pdf/fy11-crm-justification.pdf>.

FCPA Enforcement Has Dramatically Increased Resulting In Corporate Mega Fines And Increased Scrutiny Of Individuals

The numbers tell the story — year after year, the number of enforcement actions are up. Recent enforcement actions and prosecutions have increased five fold since 2004:

In 2008, DOJ and the SEC assessed fines and penalties of approximately \$2.8 billion against thirty-six corporations and sixty-four individuals for FCPA violations. Of the thirty-six enforcement actions against companies, several have resulted in blockbuster corporate fines:

December 2008: Siemens, AG and three subsidiaries pled guilty to alleged FCPA violations and agreed to pay **\$1.6 billion in fines** to U.S. and foreign authorities.³

February 2009: Kellogg, Brown and Root pled guilty to a bribery scheme in Nigeria and agree to pay **\$402 million in criminal fines**, and **\$177 million in disgorged profits**.⁴

February 2010: BAE Systems plc ends a ten plus year bribery ring involving mid-East countries and agreed to pay **\$400 million in fines**.⁵

Additional evidence of this growing enforcement trend also exists in the prosecution rates of individuals over just the past two years. ***In 2009, forty-six individuals were prosecuted for FCPA violations, up from just sixteen in 2008.*** Lanny A. Breuer, Assistant Attorney General for DOJ's Criminal Division, recently stated:

Put simply, the prospect of significant prison sentences for individuals should make clear to every corporate executive, every board member, and every sales agent that we will seek to hold you personally accountable for FCPA violations. As we undertake these efforts, we hope to do so with enhanced resources. As I imagine most of you have heard, in 2007 the FBI created a squad with agents dedicated to investigating potential FCPA violations. The squad has been growing in size and in expertise over the past two years. In addition, we have begun discussions with the Internal

3 See <http://www.justice.gov/opa/pr/2008/December/08-crm-1105.html>.

4 See <http://www.justice.gov/opa/pr/2009/February/09-crm-112.html>.

5 See <http://www.justice.gov/opa/pr/2010/March/10-crm-209.html>.

Revenue Service's Criminal Investigation Division about partnering with us on FCPA cases around the country. Finally, we are now pursuing strategic partnerships with certain U.S. Attorney's Offices throughout the United States where there are a concentration of FCPA investigations. Our successful efforts thus far in FCPA enforcement have been due in large part to the amazing work of our talented career prosecutors in the Fraud Section and enforcement responsibility, of course, will remain with the Criminal Division's Fraud Section. But these partnerships, we hope, will greatly increase our resources and permit us to capitalize on the skill and expertise of AUSAs in some of the best U.S. Attorney's Offices in the country.⁶

The DOJ is practicing what Breuer preaches. ***In one recent sting operation conducted over a two year period, the DOJ aggressively employed more traditional law enforcement techniques including undercover agents, wiretaps and search warrants.*** In January 2010, the sting operation culminated in the arrest of twenty two arms and weapons dealers in Las Vegas, Nevada. An undercover informant posed as a broker for the Minister of Defense from an African nation.⁷ The undercover informant wore a body wire, recorded hundreds of conversations with the twenty two individual targets, and worked closely with an undercover FBI agent who posed as a "middle-man" needed to facilitate "commissions" payable to the Minister of Defense. According to the DOJ's press release on the day of the arrest:

In connection with these indictments, approximately 150 FBI agents executed 14 search warrants in locations across the country, including Bull Shoals, Ark.; San Francisco; Miami; Ponte Vedra Beach, Fla.; Sarasota, Fla.; St. Petersburg, Fla.; Sunrise, Fla.; University Park, Fla.; Decatur, Ga.; Stearns, Ky.; Upper Darby, Penn.; and Woodbridge, Va. Additionally, the United Kingdom's City of London Police executed seven search warrants in connection with their own investigations into companies involved in the foreign bribery conduct that formed the basis for the indictments.⁸

6 Comments by Lanny Breuer to the 22nd National Forum on Foreign Corrupt Practices Act, November 17, 2009. See <http://www.justice.gov/criminal/pr/speeches-testimony/documents/11-17-09aagbreuer-remarks-fcpa.pdf>.

7 See <http://www.mainjustice.com/2010/04/05/fcpa-sting-case-why-gabon/>; see also http://www.fbi.gov/page2/jan10/fcpa_012610.html.

8 See <http://www.justice.gov/opa/pr/2010/January/10-crm-048.html>.

All told, the arrest and indictments stemming from the Las Vegas raid represent the single most expansive investigation and enforcement action by the DOJ. And it is a foreshadowing of the enforcement to come.

The FCPA's Anti-Bribery Provisions

The Las Vegas raid provides a textbook study of the FCPA in action and enforcement of its anti-bribery provisions. The indicted individuals were part of an alleged conspiracy to pay “commissions” to the Minister of Defense in exchange for securing several arms deals. In FCPA lingo, (1) domestic concerns (the individuals); (2) corruptly paid something of value (cash commissions); (3) to a foreign official (Minister of Defense and his intermediary); (4) for the purpose of obtaining business (military contracts). What follows is a thorough explanation of the numbered elements.

Who is covered

The FCPA's anti-bribery provisions apply to three types of individuals and corporate entities:

- (1) Issuers. An “issuer” is any company whose security is registered with the SEC or who files regular reports with the SEC.⁹ This includes foreign companies whose securities are traded on domestic stock exchanges through the use of ADRs, and extends to subsidiaries of the issuer.
- (2) Domestic concerns. Domestic concerns are U.S. citizens, nationals, residents and any business or partnership whose principal place of business is in the United States.¹⁰
- (3) Any person other than an issuer or domestic concern include foreign nationals or businesses within the territory of the United States.¹¹

⁹ 15 U.S.C. § 78dd-1(a).

¹⁰ 15 U.S.C. § 78dd-2(h)(1).

¹¹ 15 U.S.C. § 78dd-3(f).

“Corrupt payment” must be for purpose of obtaining or retaining business

The payment or promise of payment made by one of the above three subjects must be made “knowingly” the payment would influence a foreign official “in order to assist . . . in obtaining or retaining business”, i.e. the “conduct”.¹² For purposes of the statute, “knowing” is either actual knowledge or being aware the conduct is taking place. It is enough if the person has a “firm belief” the circumstances (i.e. a corrupt payment is being made for the purpose of obtaining or retaining business) exist or the result is “substantially certain to occur.”¹³ The “firm belief” standard has an expansive, catch-all scope.

“Willful blindness” is not sufficient to avoid FCPA liability. As set forth in the Conference Report:

In clarifying the existing foreign anti-bribery standard of liability under the Act as passed in 1977, the Conferees agreed that “simple negligence” or “mere foolishness” should not be the basis for liability. However, the Conferees also agreed that the so called “head-in-the-sand” problem – variously described in the pertinent authorities as “conscious disregard,” “willful blindness” or “deliberate ignorance” – should be covered so that management officials could not take refuge from the act’s prohibition by their unwarranted obliviousness to any action (or inaction), language or other “signaling device” that should reasonably alert them of the “high probability” of an FCPA violation.¹⁴

Conscious disregard or purposefully avoiding learning the truth will be sufficient knowledge. ***If a subject knows or has enough information available to believe circumstances exist for a violation to occur, they must act to stop the potential violation and cannot “look the other way”.***

12 15 U.S.C. § 78dd-3(f).

13 15 U. S. C. § 78 dd-1(a) and (f).

14 1977 Legislative History – House Report, available at <http://10.173.2.10/criminal/fraud/fcpa/history/1988/tradeact.html>.



Any payment or offer to pay must be made “corruptly.” One court has defined corruptly as:

[t]he offer, promise to pay, payment or authorization of payment, must be intended to induce the recipient to misuse his official position or to influence someone else to do so . . . an act is “corruptly” done if done voluntarily and intentionally, and with a bad purpose of accomplishing either an unlawful end or result or a lawful end or result by some unlawful method or means.¹⁵

The corrupt payment or offer to pay must be made for the purpose of “influencing,” “inducing” or securing an “improper advantage” in “obtaining or retaining business.”¹⁶ ***The FCPA applies to more than payments of a “suitcase full of cash”*** to foreign government leaders to secure a government contract. The term “anything of value” has been broadly construed to include not only cash or a cash equivalent, but also, among other things, discounts; gifts; use of materials, facilities or equipment; entertainment; drinks; meals; transportation; lodging; insurance benefits; and promise of future employment. There is no de minimis value associated with the “anything of value” element, and the perception of the recipient and the subjective valuation of the thing conveyed is often a key factor considered by the enforcement agencies in determining whether “anything of value” has been given to a foreign official.

For example, a vice-president of a military supplier was convicted of violating the FCPA when he paid for airline tickets for the cousin of a foreign official because, despite the cousin’s testimony that he considered the tickets to be a personal “gift,” the payment was made shortly before a contract was approved and the official had a close relationship with his cousin.¹⁷ Something which might be common practice or custom in a country such as bribes to custom officials, will also run afoul of the FCPA if the stated purpose of the bribe is to assist companies to obtain and retain business.¹⁸ Thus, in *United States v. Kay*, two executives of an

15 *United States v. Liebo*, 923 F.2d 1308, 1312 (8th Cir. 1991).

16 15 U. S. C. § 78dd-1(a).

17 *Liebo*, *supra* at 1312.

18 See *United States v. Kay*, 513 F.3d 461, 464-466 (5th Cir. 2007), *aff’d* 359 F.3d 738 (5th Cir. 2004).

American rice exporter were convicted under the FCPA for payments to Haitian custom officials that the Court acknowledged were “the standard practice” and “business as usual” in Haiti.¹⁹

Foreign Officials

The recipient of a payment or promise to pay must be a “foreign official.” **Foreign officials is broadly defined to include every possible level of government official** such as a member of a foreign political party or official; candidate for foreign political office; officer or employee of the foreign government and any of its departments; agencies; instrumentalities; or public international organization.²⁰ Examples of foreign officials include officials of government owned banks, directors of regional health care funds, physicians and other employees from government owned or controlled hospitals, and officials of government owned financial management services.

Instrumentalities, although not clearly delineated in the statute, may include quasi-governmental agencies or business joint ventures between the government and the private sector. Public international organizations are an organization designated as such by Executive Order.²¹

Due to the expansive definitions, the General Manager of a foreign corporation that is owned in-part by a government owned entity is a “foreign official.”²² Accordingly, even companies seeking to enter into investment opportunities or joint ventures with such persons must consider taking precautions to ensure compliance with the FCPA.²³

19 *United States v. Kay*, 513 F.3d 432, 439 (5th Cir. 2007).

20 15 U.S.C. § 78dd-1(f)(1)(A).

21 15 U.S.C. § 78dd-1(f)(1)(B)(i)-(ii).

22 FCPA Op. Proc. Rev. 08-01.

23 *See id.*

Third Party Payments

The FCPA also contains broad third-party payments provisions under which the actions of foreign subsidiaries and other third parties such as agents, consultants, distributors, and joint venture partners can result in FCPA liability to a parent company or the entity engaging the third-party. In other words, **companies are not immune from FCPA liability by doing business abroad** through others because the FCPA prohibits improper payments to “any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to a foreign official.”

Exceptions and Affirmative Defenses

There are very limited and narrow exceptions and affirmative defenses to the statutory violations. Business customs or practices in a foreign country are not enough to escape liability.²⁴ Recognizing that some business customs or practices might influence everyday business decisions, the statute allows, as an exception, payments made to a foreign official for the purpose of facilitating or expediting routine governmental action.²⁵ Examples include payments to obtain permits or licenses or to receive mail, telephone, water, electrical, or cargo handling services.²⁶ Presumably, such payments are not for the purpose of obtaining or retaining a business advantage because they are made for a legitimate purpose. Regardless of the reason, any such payments should be properly accounted for, and booked to reflect their legitimacy and purpose.

Two affirmative defenses allow consideration for payments or offers which are legally justified or part of a legitimate business activity. First, a payment or offer to pay pursuant to a written law or regulation of the foreign country might be appropriate.²⁷ One example of such a payment would be one made to cover expenses of an administrator appointed by a foreign court in order to proceed with the disposition of an estate.²⁸ A written law, however, does not always protect from FCPA liability.

²⁴ See, e.g., *Kay*, 513 F.3d at 439.

²⁵ 15 U.S.C. § 78dd-2(b).

²⁶ 15 U.S.C. § 78dd-1(f)(3)(A); 78dd-2(h)(4)(A); 78dd-3(f)(4)(A).

²⁷ 15 U.S.C. § 78dd-2(c)(1).

²⁸ FCPA Op. Proc. Rel. 07-03.

Thus, the DOJ indicated that it would conduct a criminal investigation if a company subject to an otherwise lawful \$50,000 environmental damage fine by the Nigerian government proceeded to make payment of the fine through a “recommended” contractor.²⁹

Second, a *bona fide* payment or gift which is a legitimate business expenditure and directly relates to the promotion, demonstration or explanation of a product or service, or to the performance of a contract with a foreign government or agency.³⁰ Proper payments under this category may include travel expenses to attend an educational and promotional tour of a company’s U.S. operation sites³¹ or the provision of product samples for the purpose of testing and evaluation by the appropriate foreign government agency.³² The DOJ has also indicated that it would not investigate a stipend paid to local journalists employed by media outlets wholly owned by the People’s Republic of China to cover local transportation costs, a meal, and incidental expenses that enabled the journalists to attend a company’s promotional conference in Shanghai.³³ **The DOJ did, however, prosecute a company that provided two-expense paid trips to various tourist destinations** in the U.S. for the chairman (and his wife and children) of an Egyptian instrumentality that awarded the company contracts for the maintenance of wastewater treatment facilities.³⁴

Each of the examples of permissible payments above carries the caveat that the companies at issue undertook several precautions and controls to assure FCPA compliance. Thus, in each instance that the DOJ approved a particular payment or practice, it further stated that its decision was not binding on any other party nor would it bind the DOJ if the facts as represented were not accurate or complete.

29 FCPA Op. Proc. Rel. 98-01.

30 15 U.S.C. § 78dd-2(c)(2).

31 FCPA Op. Proc. Rel. 07-01.

32 FCPA Op. Proc. Rel. 09-01.

33 FCPA Op. Proc. Rel. 08-03.

34 *United States v. Metcalf & Eddy, Inc.*, No. 1:99CV12566 (D. Mass. filed Dec. 14, 1999).

Penalties

Wide ranging civil and criminal penalties for violations add to the potency of the FCPA. On the civil side, the DOJ can avail itself of injunctive relief if it believes an individual or domestic concern is engaged in illegal conduct.³⁵ Although corporations and their executives and employees can be subject to civil fines of up to \$2 million and up to \$100,000, respectively, civil penalties in either case cannot exceed \$10,000.³⁶ ***On the criminal side, executives and employees may be fined and imprisoned up to five years.***³⁷

Accounting Provisions - Record Keeping and Internal Controls Intended To Improve Compliance

The rationale behind the record keeping and internal controls provisions is simple: require companies to keep accurate records of their business activity and institute internal controls that will identify and preclude the proscribed activity. Former federal judge Stanley Sporkin, who is often considered to be the father of the FCPA, explains the origin of the accounting provisions as follows:

Most of all, I was amazed that there was no requirement that publicly traded corporations maintain honest books and records. My research of the various laws did reveal that such a “books and records” requirement was included in the laws governing this nation’s financial institutions. It occurred to me that if such a requirement was good enough for this nation’s brokerage and banking institutions, why not for its industrial concerns?

I became convinced that what was necessary was a simple law that would require corporations to keep accurate books and records. In my view, a corporation would think twice before it recorded a bribe for what it was. Since bribery is generally considered a crime, it would be virtually untenable for someone to admit in writing that the corporation is engaging

35 See 15 U.S.C. § 78dd-2(d).

36 See 15 U.S.C. § 78dd-2(g).

37 *Id.*

in such activities on an ongoing basis. Bribery needs secrecy in order to flourish. Thus, I theorized that requiring the disclosure of all bribes paid would, in effect, foreclose that activity.³⁸

Together the record keeping and internal controls provisions operate as one of the most effective means for enforcement by governmental agencies. In all practical respects, the accounting provisions are extensions of requirements under the 1934 Securities Act, as amended, requiring companies whose stocks are registered with the SEC or who must file regular reports with the SEC to implement appropriate record keeping and internal accounting controls.

The record keeping provisions require that books, records and accounts depicting (fairly) transactions and use of assets in “reasonable detail.” Reasonable detail means a “level of detail and degree of assurance as would satisfy prudent officials in the conduct of their own affairs.”³⁹ The record keeping provision extends to majority owned (i.e. 50% or more) foreign subsidiaries.⁴⁰ However, an issuer that owns 50% or less of a firm and “demonstrates good faith efforts to use such influence shall be conclusively presumed to have complied with the requirements of paragraph (2).”⁴¹ The FCPA’s internal control provisions closely adhere to and parallel common accounting practices. They require implementation of accounting procedures and controls to “provide reasonable assurance” that company procedure is followed, transactions are recorded, and access to and accountability of assets is controlled and regularly monitored.⁴² Accordingly, **a company that improperly records payments to foreign officials as, for example, “incidental fees” will be subject to liability for violation of the FCPA’s record keeping provisions.**⁴³

38 Stanley Sporkin, *The Worldwide Banning of Schmiergeld, A Look at the Foreign Corrupt Practices Act on Its Twentieth Birthday*, 18 Nw. J. Int’l Bus. 269, 274 (1998) (citations omitted).

39 15 U. S. C. § 78m(b)(7).

40 See *SEC v. Int’l Business Machs. Corp.*, SEC Litig. Release No. 16, 839 (12/21/00).

41 15 U. S. C. § 78m(b)(6).

42 See 15 U. S. C. § 78m(b)(2).

43 *United States v. O’Hara*, 960 F.2d 11 (2d Cir. 1992); see also Liebo, 923 F.2d at 1312 (indicating that the defendant’s classification of airline tickets purchased for a foreign official’s cousin as a “commission payment” was evidence of a violation of the FCPA).

Global Industries Are At The Greatest Risk

The most likely targets of FCPA enforcement actions are multi-national corporations who seek entry into foreign markets where the reward of globalization also poses the greatest risk. Growth of a business on an international level poses inherent compliance challenges because acquisitions, engagement of third-party agents, and intrusive foreign government oversight and regulations may not be thoroughly known or due diligence incomplete. Businesses are strictly liable for crimes committed by their employees under the legal doctrine of *respondeat superior*.

Certain industries are naturally at greater risk because their businesses are naturally drawn to less developed regions of the world where potential growth is unlimited. But it is these same less developed regions where bribery of government officials is the norm. Between 2002 through 2008, telecommunications, energy, industrial/technology companies, health care and financial services accounted for the vast majority of settlement and penalties.⁴⁴ Certain industries, such as energy, telecommunications and medical devices, are a regular target because these businesses often must work hand in hand with government regulatory divisions. ***The financial services industry is another at-risk business segment because it commonly interacts with foreign governments*** on a variety of levels ranging from providing financial services to setting up new businesses. The area of global expansion and acquisition of new businesses which poses the greatest amount of risk for multi-national corporations.

Red Flags

For businesses engaged in global expansion and acquisition of foreign companies, an ounce of prevention is the best medicine. Implementation and execution of pre-acquisition anti-corruption due diligence is a must before entering strategic alliances, joint ventures or partnerships with new businesses. Any such due diligence should necessarily include review of business practices, contracts, payment procedures, and accounting procedures. Any number of red flags can arise which can expose possible FCPA violations:

⁴⁴ Pricewaterhouse Coopers, *Corruption Crackdown*, July 2009 at 15.

- Persistent and repeated failure to comply with local law.
- Refusal of agents or third-party representatives to sign FCPA compliance policy.
- Third-party agent or sales representative is a former government official.
- Third-party comes “highly recommended” by government officials.
- Unusual payment methods such as wire transfers or lax accounting or invoicing practices.

In combination or on their own, any one of these red flags should be enough to raise serious concerns about FCPA compliance.

As stated in a recent conference, by Denis McInerney of the Department of Justice, ***due diligence is not a onetime event and a process that is marked by a “burst of energy” at the beginning of a new relationship, instead the due diligence process should be thought of as a continuous process.*** Due diligence, as it relates to FCPA, is performed at the beginning of the process versus the following data sets:

- A database of persons or companies already linked to corruption convictions or a current investigation by the Department of Justice or the Securities and Exchange Commission
- A proven database consisting of Foreign Officials, which should include not only the officials and their family members and known business associates, but also executives of State Owned Enterprises

In addition to performing this due diligence at the onset of a relationship, called initial due diligence, organizations need to set up an ongoing due diligence process, periodically, to find links between current 3rd Party relationships, such as agents, and illicit behavior or new ties to foreign governments.

Corporate Self-Assessment

Corporations have begun to institute a proactive approach to compliance. Annually corporations assess their corporate governance and compliance programs. A multi-national corporation will take a variety of steps to implement a sustainable anti-corruption program, including training and communication programs, transaction testing, and disciplinary mechanisms that are embedded within their business model to help mitigate areas of risk:

- Develop consistent employee recruitment background due diligence and screening procedures.
- Develop third-party acceptance and retention policies and procedures, including compliance contract clauses and maintaining contracts in a central location.
- Implement a robust monitoring, detection, and auditing process for high risk locations, business partners, and activities, including the transactions associated with such relationships.
- Enhance compliance and accounting policies and procedures surrounding government-related activities, implement controls surrounding cash transactions, and delegate appropriate levels of approval requiring pre-approval of high-risk transactions.
- Institute corporate level and company-wide ethics and business conduct policies and procedures.
- Provide additional compliance resources within high risk locations and training to key employees and third parties.
- Implement a disciplinary mechanism and response plan for instances where potential violations are noted.

Preventing corruption is a sound long-term business strategy, helping to establish that corporations act in a responsible and ethical manner while enhancing shareholder value. Every corporation should become engaged and embrace a proactive compliance strategy, so that it can better manage the risks of operating globally and to demonstrate its strong commitment to stakeholders, business partners, and regulatory agencies.

Conclusion

The DOJ and SEC have announced and are pursuing an increased and aggressive level of enforcement activity under the FCPA. Businesses must act now to identify potential compliance and internal control weaknesses, as well as potential violations. Corporations should also develop and execute stand alone anti-corruption compliance audit modules, and monitor their compliance culture within joint venture operations and subsidiaries.

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Michael Volkov Profile

Mr. Volkov is a litigation partner who focuses on trial practice, white collar defense and complex internal investigations.

He was a federal prosecutor for 17 years; a Chief Counsel on the Senate Judiciary Committee and the House Judiciary Committee; a Deputy Assistant Attorney General in the Department of Justice; and a trial attorney in the Antitrust Division. He has practiced in the District of Columbia for nearly 30 years. Mr. Volkov has extensive criminal trial practice — over 75 criminal jury trials.

Given his broad range of experience and expertise, Mr. Volkov handles a variety of matters for clients — Foreign Corrupt Practices Act, Fraud, Corruption, Export-Import, Office of Foreign Asset Control, Asset Forfeiture and Money Laundering, False Claims Act, Antitrust violations, Food and Drug Administration enforcement matters, professional disciplinary proceedings, and securities enforcement.

With his extensive contacts in Washington, D.C., Mr. Volkov brings a unique problem solving approach to clients — solutions to complex problems may involve a coordinated approach, including the design and implementation of an internal investigation, contacts with key policymakers on Capitol Hill, or negotiation of solutions in the Department of Justice or a specific US Attorney's Office.

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Dickinson Wright Profile

Dickinson Wright was founded in Detroit in 1878 and has since grown to be one of the most respected law firms in its region. With more than 240 attorneys and offices in Detroit, Bloomfield Hills, Lansing, Grand Rapids, Ann Arbor, and Washington, D.C., the firm provides comprehensive legal services to a broad range of clients, from very large corporations to small businesses, new ventures, individuals and governmental units.

Dickinson Wright has established a corporate internal investigations and monitor ship team, chaired by Michael Volkov, a former federal prosecutor, Justice Department official and Capitol Hill General Counsel.

The Team Consists of Senior Attorneys with Skills Needed:

- To ensure compliance with a vast array of federal, state, and local statutes and regulations.
- To conduct comprehensive internal audits and investigations to identify and resolve potential violations so that appropriate compliance strategies can be implemented.
- To prepare comprehensive reports and findings needed by corporate executives, audit committees, and other managers on compliance issues.
- To represent companies in all aspects of dealings with regulators, prosecutors, law enforcement agencies, and other government agencies at the federal, state and local level.
- To address legal issues, such as health care fraud, anti-kickback statutes, antitrust, intellectual property, Foreign Corrupt Practices Act, money laundering, tax violations, environmental regulation, real estate, qui tam actions, whistleblower protections, Inspector General investigations, grand jury investigations, and federal law enforcement investigations.

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