

CHOHARIS | GLOBAL | SOLUTIONS

COMPLIANCE PROGRAMS:

ANTI-BRIBERY, ANTI-MONEY LAUNDERING, AND WHISTLEBLOWER

The U.S. Department of Justice and U.S. Securities and Exchange Commission have greatly increased investigations and prosecutions under the Foreign Corrupt Practices Act (FCPA). The United Kingdom's Bribery Act of 2010 is also far-reaching, while the Organisation for Economic Co-operation and Development (OECD) Convention has thirty-eight signatories. In addition, U.S. Anti-Money Laundering (AML) laws, the Third EU Money Laundering Directive, and laws in numerous Asian and Middle East and North Africa (MENA) countries are posing new challenges for international businesses. Companies must also be concerned about corporate whistleblowing under the Dodd-Frank Act and Sarbanes-Oxley Act.

Rare Expertise. Our anti-bribery, anti-money laundering and whistleblower professionals have experience in designing compliance programs and training personnel, especially for private equity funds and other overseas investors and their foreign holdings. Our FCPA practitioners also have experience with overseas investigations and prosecutions. We recently helped the largest private equity fund in the world specializing in African investments to establish anti-bribery, AML, and whistleblower compliance programs. This group of funds has investments in more than a dozen African countries in a wide variety of sectors, including banking, mining, telecommunications, insurance, petrochemicals, public utilities, construction, and consumer products. We developed tailored protocols as well as monitoring and reporting regimes for the funds and specific portfolio companies. This work required a sophisticated assessment of real-world risk; knowledge of diverse legal regimes and industry best practices in the United States, Europe, and Africa; as well as an appreciation of the special compliance challenges facing nascent African companies.

And while many firms have counseled U.S. companies on overseas investment activities, our professionals include a former Trial Attorney within the FCPA and International Fraud Unit of DOJ's Criminal Division. As a result, we have rare, first-hand knowledge of how the U.S. government interprets the FCPA, its investigation procedures, its prosecutorial strategies, and its decision-making process generally.

Our compliance programs, counseling, and training include:

- developed FCPA, U.K. Bribery Act, and OECD compliance program for fund investing overseas, and an additional anti-bribery program for its mining and construction holdings

- advised senior Cambodian government officials on anti-bribery laws
- established anti-money laundering regime for private equity funds and their overseas portfolio insurance, banking, and retail companies
- advised senior lawyers in Turkmenistan on anti-bribery legal regimes
- conducted company-wide AML and anti-bribery risk assessments of U.S. firm and its overseas control companies
- trained company senior management and key operating personnel on compliance programs
- established whistleblowing policy and procedures for investment funds and their overseas portfolio companies whose employees' native languages include French, Arabic, and English
- counseled company on application of FCPA's "books and records" and "internal accounting controls" provisions
- consulted with companies and non-governmental organizations (NGOs) on the extractive industries transparency initiative (EITI) and its application to specific governments

Investigations and Prosecutions. With our experience handling international criminal matters—including having no charges brought against a U.S. bank investigated for civil and criminal securities law violations in India—we assist companies and funds under scrutiny for possible FCPA or AML violations. Specifically, we

- conduct internal investigations of both parent companies and subsidiaries
- advise clients during DOJ and SEC investigations
- represent clients facing FCPA or AML-related criminal charges
- advise clients during overseas civil and criminal investigations

We invite you to learn more about us and how we can assist you by visiting:

www.choharisglobalsolutions.com