

# GLOBAL ANTI-BRIBERY AND CORRUPTION STATUTE SERVICES

## PROACTIVE SERVICES

### RISK ASSESSMENT AND INTERNAL CONTROLS

- Compliance program assessment
- Internal controls evaluation
- Business process and transactional testing
- Government mandated monitoring and reporting

### ANTI-BRIBERY AND CORRUPTION DUE DILIGENCE

- Integrity investigations of acquisition targets, agents, resellers and other third-parties, including politically-exposed-persons (PEPs)
- Examination of subsidiaries, joint ventures and controlled entities
- Review of existing anti-bribery compliance policies and controls
- Pre-transactional analysis of books and records for potential bribery or corruption irregularities
- Political risk and corruption index investigations

## REACTIVE SERVICES

### INVESTIGATIONS

- Perform fact-finding investigations to uncover vital evidence and identify participants in corrupt activity
- Perform forensic accounting review of books and records to determine scope of violations
- Conduct background investigations of third parties to support internal investigations
- Assist in responding to government subpoenas and requests for information
- Conduct witness interviews
- Electronic discovery, corrupt data and record reconstruction
- Prepare formal reports for regulators and law enforcement personnel
- Support counsel in plea negotiations and ability to pay defenses

## REMIEDIATION/MONITORING

- Evaluate compliance programs and make recommendations for enhancements
- Develop and participate in implementation of modified controls and corporate practices
- Monitor and test policies and procedures
- Act as Independent Monitor

As the global business advisory firm behind today's headline-making investigations, trials and regulatory matters, FTI Consulting helps organizations anticipate, illuminate and overcome complex challenges for the short- and long-term benefit of their business. Whether conducting or responding to a foreign bribery or corruption investigation, evaluating potential foreign business transactions or designing compliance programs, having the right information at the right time is critical. The multidisciplinary FTI Consulting Global Risk and Investigations Practice provides information and insight gleaned from decades of behind-the-headlines involvement in critical issues and complex business challenges around the world.

Safeguarding a company's hard-earned reputation is of paramount importance to today's global business organizations. As corporations seek out emerging markets to drive market share growth, source supplies and components, or form joint ventures with new business partners abroad, corporate officers and directors must remain vigilant to avoid potential violations of applicable global anti-bribery and corruption statutes. The U.S. Foreign Corrupt Practices Act (The "FCPA"), The U.K. Bribery Act, the Organization for Economic Co-operation and Development (OECD) convention on combating bribery of foreign public officials in international business transactions, and the anti-corruption cross-debarment pact reached between the World Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, the Asian Development Bank, and the African Development Bank Group, together form a robust global anti-bribery and corruption regulatory regime with long-arm jurisdiction and very significant penalties for violators. FTI Consulting is uniquely qualified to help our clients navigate anti-bribery and corruption risk **proactively** (assessing and mitigating risk); **reactively** (responding to allegations with multidisciplinary investigation, forensic accounting and information preservation experts); and in **monitoring and remediation** (designing and testing controls modifications, or pursuant to prosecutorial settlement agreements).

## GLOBAL CAPABILITY AND EXPERIENCE

Anti-bribery and corruption risk assessments and investigations require a global capability and expert level experience in conducting risk assessments; fact-gathering; electronic discovery and preservation; and, financial and forensic accounting investigations. With offices throughout North America, South America, Europe, the Middle East, Africa and Asia, including professionals with multi-lingual capabilities, FTI Consulting has the ability to offer comprehensive anti-bribery and corruption related services wherever needed.

Our clients benefit from the unparalleled depth of our intellectual capital and applied knowledge. As individuals and as a company, we draw from our collective experience with innumerable previous FCPA and anti-bribery engagements across a wide variety of industries. We provide cost-effective and phased solutions, ensuring that issues are resolved quickly and efficiently.

## PROFESSIONALS FROM DIVERSE BACKGROUNDS

We combine the skills of industry specialists with those of anti-bribery and corruption investigators, forensic accounting, electronic evidence and compliance professionals. FTI Consulting professionals are among the industry's top practitioners and include former law enforcement officials, former regulators and federal prosecutors, former audit firm partners, certified public accountants, certified fraud examiners, electronic evidence and computer forensic experts, and financial and enterprise data analytic specialists.

## DESIGN AND IMPLEMENTATION OF ETHICS AND COMPLIANCE PROGRAM

While many regulated industries require ethics and compliance programs, increasingly businesses are instituting these controls voluntarily to promote good business practices and to protect the reputation of the business. FTI Consulting's teams include former regulatory and law enforcement officials together with former business executives and consultants who develop risk profiles after examining existing practices and procedures. A system of checks and balances is designed and implemented to monitor compliance and provide early warning of any breaches. In this way, the business is able to investigate and remediate any problems early and demonstrate effective corporate governance.

## Our global experience includes:

- We assisted one of the world's largest medical device companies in constructing and implementing their global compliance program—drawing on our industry and anti-bribery and corruption experience to ensure the long-term sustainability and effectiveness of their international compliance program.
- We assisted a global government services provider in the wake of its disclosure to the U.S. government of possible bribe payments to foreign officials with the implementation of an anti-bribery compliance program. Our work included review and revision of existing procedures, review and remediation of accounting and other internal controls related to compliance, training of exposed employees, and conducting high risk audits.
- We have contributed to Transparency International (UK) guidance on what may constitute “adequate procedures” toward preventing bribery under the UK Bribery Act.

## INVESTIGATIONS

Our team is highly adept at conducting global investigations aimed at internal issues, supporting regulatory fact-finding, conducting counterparty due diligence, discovering and analyzing the most sophisticated circumvention of internal controls, unwinding complicated transactions, and reconstructing events from incomplete information or corrupt data. We investigate the facts and circumstances and discover how and when a suspicious event or transaction took place. We then assist in responding to allegations, preparing for an external audit, and designing controls that help prevent recurrences.

### Representative examples of our investigative work include, among other notable matters:

- Counsel for a US publicly traded manufacturing company hired FTI Consulting to assist in an investigation of alleged bribes made to government officials in China, Brazil and Peru pursuant to internal whistle-blower claims. FTI Consulting quantified the potentially ill-gotten gains, and assisted counsel to a satisfactory disgorgement resolution with the US Securities and Exchange Commission.
- FTI Consulting was retained by independent counsel to a biomedical products manufacturer to investigate potential violations of the FCPA pursuant to a request from the US Department of Justice. Investigation involved transactional testing and interviews of employees in six countries in Europe.

- We assisted the United Kingdom's Serious Fraud Office in investigating corruption and violations of UN sanctions stemming from Iraq's oil for food program. The investigation covered multiple international jurisdictions, and involved numerous payments of millions of US dollars.

## ELECTRONICALLY STORED INFORMATION (ESI) PRESERVATION, COMPUTER FORENSICS & DATA ANALYTICS

Our investigations and forensic accounting professionals work closely with our electronic evidence experts to preserve comprehensive data sets, dissect complicated transactions, and expose vital evidence. Computer forensic expertise is essential to the discovery process as more than half of business documents are stored in electronic form. Parties to complex investigations and disputes are required to retain, produce and make sense of large volumes of electronic data from multiple sources, including e-mail, voice mail, shared server files and databases. FTI Consulting provides access to internationally recognized technical, forensic and financial experts who use state-of-the-art forensic and data mining tools to efficiently recover, search, sort, sift, and analyze massive amounts of electronic data.

## INDEPENDENT MONITORSHIP AND COMPLIANCE

Whether mandated by government authorities or initiated by the company itself, FTI Consulting's multi-disciplinary approach to monitorship and compliance is unequalled. Our teams of former regulatory and law enforcement officials, prosecutors and forensic accountants begin the process with an analysis of the company's existing practices and procedures. Based on these findings, we design and implement a system of controls to ensure compliance with consent decrees, domestic and international agreements or other compliance obligations. In the event of a bribery or corruption event the safeguards provide early notification and enable the business to address and contain the problem before it escalates.

### Our monitorship experience:

- We have assisted multiple, court-appointed Monitors as they executed their duties pursuant to Deferred Prosecution Agreements resulting from the settlement of charges related to FCPA violations. Our role was to assist the Monitors in their evaluation of the effectiveness and sustainability of the companies' anti-bribery and corruption compliance programs, which involved the review and testing of the compliance policies, procedures, and internal controls and interviews of personnel worldwide to assess compliance and penetration.

## GLOBAL LOCATIONS

### United States

Annapolis  
Atlanta  
Baltimore  
Bethesda  
Boston  
Brentwood  
Charlotte  
Chicago  
Cleveland  
Dallas  
Denver  
Detroit

Houston  
Indianapolis  
King of Prussia  
Los Angeles  
Miami  
Morristown  
Nashville  
New York  
Oakland  
Philadelphia  
Phoenix  
Pittsburgh  
Rockville

Roseland  
Saddle Brook  
Salt Lake City  
San Francisco  
Santa Barbara  
Seattle  
Tucson  
Walnut Creek  
Washington, D.C.  
Wayne  
West Palm Beach

**Argentina**  
Buenos Aires  
**Australia**  
Melbourne  
Perth  
Sydney  
**Bahrain**  
Manama  
**Belgium**  
Brussels  
**Brazil**  
Rio de Janeiro  
São Paulo

**Canada**  
Toronto  
Vancouver  
**China**  
Beijing  
Guangzhou  
Hong Kong  
Shanghai  
**Colombia**  
Bogotá  
**France**  
Paris

**Germany**  
Berlin  
Frankfurt  
Munich  
**India**  
New Delhi  
**Indonesia**  
Jakarta  
**Ireland**  
Dublin  
**Japan**  
Tokyo

**Mexico**  
Mexico City  
**Panama**  
Panama City  
**Philippines**  
Manila  
**Russia**  
Moscow  
**Singapore**  
**South Africa**  
Cape Town  
Johannesburg

**Spain**  
Madrid  
**United Arab Emirates**  
Abu Dhabi  
Dubai  
**United Kingdom**  
Epsom  
London  
Manchester  
Northampton  
Stirling



Critical thinking at the critical time™

### About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,800 employees located in 24 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. The company generated \$1.4 billion in revenues during fiscal year 2010. More information can be found at [www.fticonsulting.com](http://www.fticonsulting.com).

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