

Invest in Compliance, Prevent Bribery & Corruption



HALLMARKS OF AN EFFECTIVE COMPLIANCE PROGRAM:

- ✓ Commitment from Senior Management and Clear Policies
- ✓ Code of Conduct and Compliance Policies and Procedures
- ✓ Oversight, Autonomy, and Resources
- ✓ Risk Assessment
- ✓ Training and Continuing Advice
- ✓ Incentives and Disciplinary Measures
- ✓ Third-Party Due Diligence and Payments
- ✓ Confidential Reporting and Internal Investigation
- ✓ Continuous Improvement: Periodic Testing and Review
- ✓ Investigation, Analysis, and Remediation of Misconduct

TECHNOLOGY MAKES COMPLIANCE PROGRAMS MORE EFFECTIVE

Oversight's FCPA and OFAC analytics take a risk-based approach to identify anomalies that may suggest regulatory compliance concerns in travel & entertainment (T&E) and payables (AP) transactions. Using Oversight, you can:

Identify

- Patterns of suspicious activity
- Missing vendor information
- Conflicts of interest
- Sanctioned vendors
- Fraud

Demonstrate

- Continuous monitoring
- Reinforcement of policy compliance
- Communication with employees
- Audit trails / actions taken



The Department of Justice continues to emphasize the importance of effective corporate compliance programs. In March 2022, Assistant Attorney General Kenneth Polite stated, "Support your compliance team now or pay later," and announced a new DOJ program requiring CEOs and Chief Compliance Officers to certify that their compliance efforts are "reasonably designed and implemented to detect and prevent violations of the law."



POTENTIAL FINES & PENALTIES

For **individuals** convicted of FCPA violations, penalties can include:

- Up to five years in imprisonment
- Up to \$100,000 in criminal penalties
- Up to \$10,000 in civil penalties

For **entities** convicted of FCPA violation, penalties can include:

- Up to \$2,000,000 in criminal penalties
- Up to \$10,000 in civil penalties

Entities considered “domestic concerns” can be fined up to **\$2,000,000**.

Also, if the penalties are considered “willful violations,” i.e., the violation includes false or misleading statements in FCPA-related reporting requirements, there are additional possible penalties: Individuals can be fined up to **\$5,000,000** and a prison sentence of up to **20 years**, while entities can be fined up to **\$25,000,000**.

A company may also be required to disgorge any profits that it received as a result of the bribery (plus interest), and the company may be barred from contracts or other dealing with the U.S. government.

OFAC violators face up to 30 years in prison, with civil and criminal penalties that can exceed several million dollars.

According to the DOJ and SEC, “... those who violate FCPA regulations can face both criminal and civil penalties. The consequences can be substantial for individual contributors and the associated entities.”

In 2021, a deputy attorney general for the DOJ warned that a corporate culture that “**fails to invest in compliance... leads to bad results.**”

Compliance is not just a one-time cost, but a continuous commitment. There will always be bad actors who attempt to circumvent controls.

When you invest in Oversight’s continuous monitoring solution, you can be sure you have the best defense in place to identify potential FCPA violations in travel, entertainment, and payables.

Oversight leverages multiple resources to identify high-risk transactions based on employee, attendees, merchants, vendors, and the country where the transaction occurred.

1. Transparency International’s Corruption Perception Index
2. CIA or Dow Jones Politically Exposed Persons (PEP) databases
3. FCPA-specific keywords
4. OFAC Treasury Sanctions / Blocked Persons - SDN

Oversight will help you avoid substantial penalties and embarrassing headlines. Invest in your compliance program today!

Visit www.oversight.com/contact-us now to learn more.

**Oversight’s FCPA & OFAC analytics are an add-on component of our T&E and Payables solutions that may require one-time implementation fees.*