

Avoiding “Contextual Compliance” in the Year of COVID and Beyond

“Despite 2020 being an unprecedented and challenging year for business, the government has not slowed down its record-breaking enforcement actions,” discuss Tiffany N. Bracewell, Abigail A. Hazlett and Christen Tuttle in *Troutman Pepper’s Insights*.

“In late October, the U.S. Department of Justice (DOJ) and Securities and Exchange Commission (SEC) announced a \$3.3 billion settlement with banking giant Goldman Sachs for violations of the Foreign Corrupt Practices Act (FCPA) – shattering Airbus SE’s \$2.09 billion record breaker from only February. Goldman became the first American company to hold the top spot in more than a decade. Pursuant to a deferred prosecution agreement and a subsidiary’s guilty plea, Goldman admitted to using a third-party intermediary to bribe high-ranking government officials in Malaysia and the Emirate of Abu Dhabi, ultimately resulting in \$6.5 billion in underwriting business for the firm. Notably, that scheme was detected – and objected to – by Goldman’s compliance organization, to no avail.”

Read the article.