

Foreign Corrupt Practices Act

Practical Tips on How to Minimise Your Risk of Violation



KordaMenthaNeo

One day conference – Thursday, 19 November 2009

9.00am - 5.00pm, Mandarin Oriental, Hong Kong

In a new survey by one of the Big 4, only 31 percent of respondents indicated that their company had in place a “comprehensive FCPA compliance program”. Only 32 percent of respondents said their company addresses FCPA risks “proactively”.

Heavy scrutiny of financial services firms to ensure compliance is now a reality. The net has widened with regards to the industries which have traditionally been in the spot light like telecommunications, oil and gas companies and medical supplies. U.S. enforcement agencies have increased their FCPA actions against companies irrespective of size or industry and also against individuals.

FCPA enforcement actions are no longer just about brown paper bags being given to government officials to secure government business. Recent enforcement actions have been based on making payments to secure foreign permits and/or providing excessive benefits to government officials.

Our conference will provide you with the practical knowledge about the FCPA and how it affects your business, plus tips on how to minimise your risk to FCPA violations and where violations have occurred, what steps you should take.

Workshop Programme

Seminar Moderator:

Abigail Cheadle, Partner, KordaMenthaNeo, Singapore

Demonstrations with providers of:

- Foreign Official Databases – World-Check

9.00am **Registration**

9.15am **Review of FCPA**

Meg Utterback, Managing Partner
Pillsbury Winthrop Shaw Pittman LLP,
Shanghai

10.00am **Recent cases examined**

Harvey Kelly, Managing Director
AlixPartners, New York

10.45am Morning Tea Break

11.15am **Latest FCPA and anti-bribery news, developments and trends from the US government**

Joseph E. Bauerschmidt
Of Counsel, Jones Day, Singapore

12.00pm **How the SEC and the US government investigate and prosecute a FCPA case**

Russell Boltwood, Of Counsel, Dillingham & Murphy LLP, San Francisco

12.45pm Lunch

2.00pm **How to manage FCPA compliance**

Panel discussion participants include:

- Sophia Yap, General Counsel, CB Richard Ellis, Hong Kong
- Siobhan Cool, General Counsel, Skywest Airlines, Singapore
- Alex Duperouzel, Managing Director, ComplianceAsia, Hong Kong

2.45pm **Using data analytics and foreign official databases to locate red flags of corruption**

André Menezes, Director KordaMentha, Sydney

3.30pm Afternoon Tea Break

4.00pm **Addressing corruption risks through strong financial controls**

Keith Williamson, Managing Director, AlixPartners, London

4.45pm **Questions and Answers Session**

5.00pm **End of Seminar**

20% Discount if you are a member of:

- Institute of Chartered Accountants
- Hong Kong Corporate Counsel Association
- Certified Fraud Examiners
- Hong Kong Institute of CPAs
- Australasian Compliance Institute

or a client of a speaker, panelist or supporter.

Supported by:



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Speakers, panelists and demonstrators are:

- General counsel
- Practicing lawyers
- Former law enforcement
- Forensic accountants
- IT experts
- Internal auditors
- Compliance practitioners

Target Audience

- Corporate Counsel
- Lawyers
- CEOs
- CFOs
- Internal Audit Heads
- Compliance Heads
- Sales and Business Development Heads
- Heads of Risk

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About the Speakers

Joseph E. Bauerschmidt

Joe has more than 15 years of capital markets experience, spanning more than 150 deals. Joe's principal focus has been on securities offerings in the public and private capital. Joe started at the Cravath firm on Wall Street, where he completed more than 40 SEC-registered offerings and many high-yield debt offerings and refinancings. Since coming to Asia in 1997, Joe has worked on nearly one dozen proposed and completed Nasdaq IPOs and more than 40 complex high-yield financings. He has advised issuers and underwriters in structuring and negotiating high-yield bonds throughout Asia and the Americas. Joe regularly advises oil and gas and oil field service companies on FCPA, OFAC and AML issues in addition to securities and corporate governance matters. Joe also graduated in chemical engineering.

Russell Boltwood

Russell is an attorney for the law firm of Dillingham Russell is an attorney for the law firm of Dillingham & Murphy, LLP, and advises large, mid-sized and emerging companies on corporate, governance, compliance, venture capital, transactional, intellectual property and business development matters, with an emphasis on emerging economies. Russell holds a B.A. in Economics from the University of California, Berkeley, a J.D. from Golden Gate University in San Francisco, and is a graduate of the Executive Program at Stanford University's Graduate School of Business in Palo Alto, California. Prior to joining Dillingham and Murphy, Russell was General Counsel for UTStarcom, Inc.

Abigail Cheadle

Abigail has over 18 years experience including having worked in Asia for over 14 years. She is now the forensic practice leader for KordaMenthaNeo. Previously, Abigail was the Lead Director of the Deloitte Forensic Practice in Singapore; and the Head of Forensic Accounting for Asia Pacific at Ernst & Young. Abigail has directed/ project managed numerous FCPA investigations/ reviews in Singapore, Indonesia, Vietnam, India, and Thailand. Abigail also has extensive experience in financial misstatement reviews, reconstructing accounts, fraud investigations, fraud risk reviews, dispute resolutions, tracing and recovering assets globally, and providing hotline consultancy.

Siobhan Cool

Siobhan is General Counsel and Group Company Secretary to both Skywest Airlines Ltd and Avation plc, a procurement and leasing business in the aviation and broadcasting industries. One of the

subsidiaries in the Avation group is a Delaware company which sells broadcast equipment in Nigeria and Libya. She has a long career as a lawyer in private practice, working in both criminal defence and commercial jurisdictions in Australia, U.K. and Ireland and is also a former Assistant Secretary to the Queensland Bar Association. Her responsibilities for the last five years have covered legal and compliance issues in respect of international transactions and projects in Australasia, Europe and Africa.

Alex Duperouzel

Alex is the Managing Director of ComplianceAsia and runs the Hong Kong office. ComplianceAsia assists a number of global and regional financial institutions with ongoing regulatory compliance support and advice. Alex is a Chartered Accountant and prior to joining ComplianceAsia he was a financial investigator with Kroll and prior to that worked on company investigations for accounting firms. He has been a contributor to World Bank, UN and ADB anti corruption efforts.

Harvey Kelly

Harvey is a managing director and global head of AlixPartners' Corporate Investigations practice. He has over 25 years specializing in corporate investigations, financial accounting and reporting, litigation consulting, and auditing. Harvey has led independent board investigations into some of the most prolific and complex financial reporting fraud cases ever. In connection with such matters, he has consulted with clients on SEC reporting implications, restatement of previously issued financial information, loss recovery efforts and recommended improvements in internal controls. He has led investigations into potential violations of the FCPA in over 30 countries, including several investigations in China and other Asian countries.

André Menezes

André is a data analytics specialist with experience across a wide range of industries, including financial services, aviation, transport, telecommunications and retail. With over 15 years experience in data analytics, assurance and advisory services in both consulting and corporate roles, André's data analytics skill set extends across areas such as litigation support, investigation lead generation, suspicious activity analysis, data exploration, data assurance and process improvement. Prior to joining KordaMentha, André worked at Qantas Airways Ltd in the Risk & Assurance Segment responsible for data analytics in support of audits and investigations.

Meg Utterback

Meg is managing partner of the Shanghai office of Pillsbury Winthrop Shaw Pittman LLP. She represents clients on issues related to white collar crime and has conducted numerous internal investigations relating to insider trading, self-dealing, embezzlement, FCPA, and PRC law violations. These matters frequently involve labor issues, and in this context, she often renders labor advice regarding terminations and disciplinary actions. She provides internal controls and risk management advice to multinational companies operating in China and Chinese listed companies that are subject to Sarbanes-Oxley requirements. Lastly, she unwinds troubled business ventures in China and assists her clients when those business entanglements lead to international arbitration/ litigation.

Keith Williamson

Keith is an experienced forensic accountant with 14 years of investigation, litigation support, expert witness and auditing experience working with companies, lawyers and regulators all around the world. Keith joined AlixPartners from Deloitte where he worked in the Forensic & Dispute Services practice, specialising in investigating fraud, corruption and regulatory breaches in Europe and Africa having also spent three years in Hong Kong. In recent years, Keith has predominantly been involved in large scale global investigations, asset tracing exercises and reviews on behalf of US, European and Asian owned corporations facing fraud, corruption and regulatory issues across a broad spectrum of industries, including financial institutions, energy, media and advertising and healthcare.

Sophia Yap

Sophia is Asia Pacific General Counsel and Asia Pacific Chief Compliance Officer for CB Richard Ellis. She oversees all regional responsibilities and management of all legal, regulatory, risk management, compliance and corporate governance related matters in Asia Pacific. She also serves on the Asia Pacific Strategic Group (APSG) to provide legal advice on the implementation of strategic tactical business plans and objectives as well as best practices and process improvements for the company. Prior to joining CB Richard Ellis, she was General Counsel and business role as Senior Vice-President of LNS Partners, a private equity firm; Senior Counsel, Compliance - Asia Pacific, Asia Pacific Counsel (GE Medical Systems Information Technologies) and Asia Pacific Technology Counsel at GE Healthcare; and Commercial and Intellectual Property Counsel with Baker & McKenzie.

Registration Form

Price

Workshop fee: USD\$375
Eligible for membership discount: USD\$300
Closing date of registration: 18 November 2009

Delegate Details

Delegate 1: Name (Mr/Ms/Mrs/Dr)

Company Name _____
Position _____ Department _____
Email _____ Phone _____
Address _____
Discount Eligibility Criteria _____
Accommodation at Mandarin Oriental required Yes No

Delegate 2: Name (Mr/Ms/Mrs/Dr)

Company Name _____
Position _____ Department _____
Email _____ Phone _____
Address _____
Discount Eligibility Criteria _____
Accommodation at Mandarin Oriental required Yes No

Delegate 3: Name (Mr/Ms/Mrs/Dr)

Company Name _____
Position _____ Department _____
Email _____ Phone _____
Address _____
Discount Eligibility Criteria _____
Accommodation at Mandarin Oriental required Yes No

Payment Options

Telegraphic Transfer USD \$ _____

Beneficiary bank name: ANZ Bank Melbourne
Account number: 01251843USD00001
Bank account name: KordaMentha Pty Ltd USD Account
Swift code: ANZBAU3M

Pay by Cheque USD \$ _____

Please post a crossed USD cheque payable to KordaMentha Pty Ltd to the address below

How to Register

Please send your completed registration form details to:

Fax: +65 65939399 Phone: +65 65939369

Email: Rachel Ong (rong@kordamentha.com)

Address: 30 Robinson Road, #12-01 Robinson Towers, Singapore 048546

Please include a contact phone number so we may confirm your booking details.

BOOKING CONDITIONS

- Registration will be confirmed and a seat reserved for you upon receipt of your Registration Form.
- If you are unable to attend the conference, a substitute delegate is welcome at no extra charge
- For cancellations received in writing more than one (1) week prior to the conference, a full refund less USD\$100 administrative charge will be given. If payment of conference fee has not been made, an invoice for USD\$100 will be issued for your settlement.
- For cancellations received in writing less than one (1) week prior to the conference, no refund will be given. If payment of conference fee has not been made, an invoice for the full amount will be issued for your settlement.
- KordaMenthaNeo reserves the right to substitute speakers and cancel or alter the content and timing of the programme for reasons beyond its control.