

## Marika De Rosa

---

**From:** Brinley Salzmann  
**Sent:** 06 February 2018 10:09  
**Subject:** Business Ethics Network Bulletin - 06 February 2018

Dear All,

### **Forthcoming Webinar**

As a follow-up the discussions that took place at the 23<sup>rd</sup> November Main Meeting of the Business Ethics Network, one of the speakers at that event, Emily Coates, of PwC, has very kindly agreed to put on a special webinar for BEN Members, on “*Human Rights and the implications of the Modern Slavery Act for the Aerospace and Defence Sectors*”. This free webinar will be taking place at **12.00 - 12.45 (GMT) on Thursday 22<sup>nd</sup> February**. If any Members want to dial-in to this webinar, they should contact: [Brinley.Salzmann@adsgroup.org.uk](mailto:Brinley.Salzmann@adsgroup.org.uk).

### **BEN Main Meeting**

Please find attached the details of the Main Meeting, which is to be held on the afternoon of **Tuesday 20<sup>th</sup> March**, at ADS' offices in London. This is a **FREE-to-attend** event, which, based on the feedback from the Main Meeting on 23<sup>rd</sup> November, is intended to cover the vitally important topic of how to undertake an effective due diligence process, and give Members the opportunity to network amongst themselves and with the Members of the Steering Committee, and to discuss plans and priorities for 2018 and 2019. If anyone is interested in attending this meeting, please contact: [Brinley.Salzmann@adsgroup.org.uk](mailto:Brinley.Salzmann@adsgroup.org.uk).

### **FCPA-Related Event**

Baker & McKenzie LLP is organising the following free event that is due to take place at its offices in Washington DC at 12.00 – 14.00 on Wednesday 28<sup>th</sup> February:

## **Successfully Addressing FCPA Red Flags Involving Third Parties**

Join us on **Wednesday, February 28** for our monthly Aerospace & Defense (A&D) luncheon on “**Successfully Addressing FCPA Red Flags Involving Third Parties**” program will include a discussion of real-life scenarios involving FCPA red flags that A&D companies may encounter in conducting an existing relationship with a third party and what companies can do in such situations. We will discuss:

- how far due diligence should go to resolve FCPA red flags
- what remediation and monitoring measures are appropriate
- how in-house counsel can use outside counsel, forensic accountants and investigative firms most effectively to put the risk of liability under the FCPA and local anti-corruption laws

The panelists will include **Philippe Oudinot**, Senior Corporate Counsel, International Compliance & Anti-Corruption, Raytheon International, Northrop Grumman Corporation; and Baker partners **Rich Dean** and **Lina Braude**. The discussion will be moderated by **Sal Gonzalez**, who has worked previously with Lockheed Martin for almost 26 years.

If you are interested in attending this luncheon discussion, please contact Sal Gonzalez (Tel: 00 1 202 835 1661).

### **Former Military Sealift Command Contractor Pleads Guilty to Charges**

The US Department of Justice (DOJ) has announced that Scott B. Miserendino, Sr., 58, a former contractor at the Military Sealift Command, has pleaded guilty for accepting bribes totalling approximately US\$2.8 million in the course of a bribery and fraud scheme that lasted more than a decade. Miserendino pleaded guilty to an indictment charging him with one count of conspiracy, one count of bribery, and three counts of honest services mail fraud. Sentencing has been scheduled for May 8. According to the plea agreement, Miserendino and Joseph P. Allen, the owner of a

Government contracting company, conspired to use Miserendino's position at MSC to enrich themselves through bribery. Specifically, beginning in about 1999, Miserendino used his position and influence at MSC to help Allen obtain and expand commission arrangements with a telecommunications company from which MSC purchased maritime satellite communications services. Through these arrangements, Allen received a commission based on the amount of services that MSC purchased from the telecommunications company. For more than a decade, Miserendino then used his position and influence at MSC to perform official acts to benefit the telecommunications company, which through the commission agreement also benefitted Allen and his company. Unknown to MSC or the telecommunications company, throughout the scheme, Allen paid half of the commissions he received from the telecommunications company to Miserendino as bribes. In total, Miserendino received almost US\$3 million in bribes from Allen between 1999 and 2014. For his role in the scheme, Allen pleaded guilty to one count of conspiracy to commit bribery in April 2017, and was sentenced on 28<sup>th</sup> July 2017 to five years in prison.

### **US Real Estate Broker Pleads Guilty to Bribery**

The US Department of Justice (DOJ) has announced that Joo Hyun Bahn, aka Dennis Bahn, 39, of Tenafly, New Jersey, has pleaded guilty in federal court in Manhattan to one count of conspiracy to violate the Foreign Corrupt Practices Act (FCPA) and one count of violating the FCPA in connection with his role in a scheme to bribe a foreign official in the Middle East to secure a real estate deal for a South Korean construction company. Bahn was charged alongside his father, Ban Ki Sang (Ban), and Malcolm Harris in December 2016. Ban was a senior executive at Keangnam. Harris, an arts and fashion consultant and blogger, held himself out as an agent of a foreign official. According to admissions made in connection with Bahn's plea, from between February 2014 and May 2015, Bahn joined a scheme to pay bribes to a foreign official in a country in the Middle East to facilitate the sale by Keangnam of a commercial building known as Landmark 72 in Hanoi, Vietnam, to the Middle Eastern country's sovereign wealth fund. In particular, Bahn, Ban and others agreed to pay US\$500,000 up-front to the foreign official, who he believed made decisions about the acquisition of assets for the Middle Eastern country's sovereign wealth fund, to corruptly influence him to cause the sovereign wealth fund to purchase Landmark 72. In furtherance of the scheme, Bahn and Ban transferred US\$500,000 to Harris for him to pass on to the foreign official. In related proceedings, co-defendant Harris admitted that he double-crossed his co-defendants, and simply stole the US\$500,000 bribe. Harris pleaded guilty to his role in the scheme on June 21 2017, and was sentenced to 42 months in prison. Ban is still awaiting trial. Further details are to be found at: <http://fcpa.stanford.edu/enforcement-action.html?id=654>.

Regards,

Brinley



**Brinley Salzmann**

Director – Overseas & Exports

**DD:** +44 (0) 20 7091 7822 **M:** +44 (0) 7717 173670

ADS, 'ShowCentre', ETPS Road, Farnborough, Hampshire GU14 6FD



ADS Group Limited is the Premier Trade Organisation for any companies operating in the UK Aerospace, Defence, Security and Space sectors. Farnborough International Limited (FIL) which runs the Farnborough International Airshow, is a wholly-owned subsidiary. ADS Group Limited also encompasses the British Aviation Group (BAG).

This message has been virus scanned; however, ADS Group Limited assumes no responsibility for loss or damage arising from the use of this email or attachments.

The views or intentions of the sender and/or author may not necessarily constitute those of ADS Group Limited; therefore, this email shall not form any contract or obligation with ADS Group Limited.

Further terms and conditions applicable to this email can be found on <http://www.adsgroup.org.uk>

ADS Group Limited registered in England no. 7016635

