

Data Systems and Solutions, LLC

Case ID:

ST-134

Case Cluster :

Data Systems and Solutions, LLC

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

Lithuania

Year of Settlement:

2012

Month/Day of Settlement (or Notes):

06/18

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Deferred Prosecution Agreement

Monetary Sanctions (Types):

Criminal Fine

Total Monetary Sanctions (US\$):

\$8,820,000.00

Criminal Fine/Penalty (US\$) :

\$8,820,000

Monetary Sanctions Returned / Ordered Returned (US\$):

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.23

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 7

Offenses - Alleged:

Bribery of foreign officials, Conspiracy to bribe foreign officials

Offenses - Settled:

Bribery of foreign officials, Conspiracy to bribe foreign officials

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the US Department of Justice Press Release, "Data Systems & Solutions LLC

(DS&S), a company based in Reston, Va., that provides design, installation, maintenance and other services at nuclear and fossil fuel power plants, has agreed to pay an \$8.82 million criminal penalty to resolve violations of the Foreign Corrupt Practices Act (FCPA) [] The department filed a two-count criminal information today in the Eastern District of Virginia charging DS&S with conspiring to violate, and violating, the FCPA's anti-bribery provisions. According to court documents, DS&S paid bribes to officials employed by the Ignalina Nuclear Power Plant, a state-owned nuclear power plant in Lithuania, to secure contracts to perform services for the plant. To disguise the scheme, the bribes were funneled through several subcontractors located in the United States and abroad. The subcontractors, in turn, made repeated payments to high-level officials at Ignalina via check or wire transfer. The department also filed today a deferred prosecution agreement with DS&S. Under the terms of the agreement, the department will defer prosecution of DS&S for two years." (Source: US Department of Justice Press Release, "Data Systems & Solutions LLC Resolves Foreign Corrupt Practices Act Violations and Agrees to Pay \$8.82 Million Criminal Penalty," June 18, 2012.) According to the Information filed in the case, "Subcontractor C" was a shell company was a shell company incorporated in the US and was used to funnel bribe payments (para 12), including to the officials' bank accounts in the U.S. (para 16b) (Source: US v. Data Systems & Solutions LLC, Case No. 1:12-cr-262 (E.D.Va.), Information filed June 18, 2012.)

Sources :

US Department of Justice Press Release, "Data Systems & Solutions LLC Resolves Foreign Corrupt Practices Act Violations and Agrees to Pay \$8.82 Million Criminal Penalty," June 18, 2012, accessed at <http://www.justice.gov/opa/pr/2012/June/12-crm-768.html>; US v. Data Systems & Solutions LLC, Case No. 1:12-cr-00262 (E.D. Va.), Information filed June 18, 2012 and Deferred Prosecution Agreement filed June 18, 2012, both accessed via PACER.