

Delta Pine & Land Company (Turk Deltapine)

Case ID:

ST-138

Case Cluster :

Delta Pine & Land Company

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Securities and Exchange Commission

Jurisdiction of Foreign Public Official(s) :

Turkey

Year of Settlement:

2007

Month/Day of Settlement (or Notes):

07/25

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Civil

Legal Form of Settlement:

Consent to Cease-and-Desist Order

Monetary Sanctions (Types):

Civil Penalty

Total Monetary Sanctions (US\$):

\$300,000.00

Civil Disgorgement of Profits (US\$) :

\$0

Civil Prejudgment Interest (US\$) :

\$0

Civil Fine / Penalty (US\$):

\$300,000

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

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2

Offenses - Alleged:

Bribery of Foreign Officials (Turk Deltapine); Internal controls violations (Delta & Pine);
Falsification of books and records (Delta & Pine)

Offenses - Settled:

No admission or denial of allegations

Public Procurement Contract / SOE Involved?:

No (Certification)

Summary:

According to the US Securities and Exchange Commission Litigation Release in the case, on July 25 and July 26, 2007, the Commission filed two settled enforcement proceedings charging Delta & Pine Land Company, engaged in the production and marketing of cottonseed, and its subsidiary, Turk Deltapine, inc., with FCPA violations. Delta Pine and Turk Deltapine consented to both actions without admitting or denying the allegations. In both the July 25 US District Court complaint and the July 26 SEC Administrative Order, the Commission had charged that from 2001 through 2006, Turk Deltapine made payments of approximately \$43,000 to officials of the Turkish Ministry of Agricultural and Rural Affairs in order to obtain governmental reports and certifications that were necessary for Turk Deltapine to obtain, retain, and operate its businesses in Turkey. In the federal lawsuit, Delta & Pine and Turk Deltapine agreed to the entry of a final judgment requiring them to pay jointly and severally a \$300,000 penalty. (Source: SEC Litigation Release No. 20214 (July 26, 2007), CORRECTED, SEC v. Delta & Pine Land Company and Turk Deltapine, inc., Case No. 1:07-cv-01352 (RWR) (D.D.C.), Complaint filed July 25, 2007).

Sources :

US Department of Justice Report to Congress, Appendix C "Summaries of Foreign Corrupt Practices Act Enforcement Actions by the United States, January 1, 1998 - September 30, 2010," Delta Pine & Land Company at 84-85, accessed at www.justice.gov/criminal/fraud/fcpa/docs/response3-appx-c.pdf; SEC v. Delta & Pine Land Company and Turk Deltapine, Inc., No. 1:07-cv-01352, (D.D.C. 2007): Administrative Proceeding No. 3-12712, Litigation Release No. 20214 (July 26, 2007); Final Judgment filed August 22, 2007 - all SEC enforcement action related documents accessed at www.fcpa.shearman.com, case entry SEC v. Delta & Pine Land Company and Turk Deltapine.