

Helmerich & Payne, Inc.

Case ID:

ST-201

Case Cluster :

Helmerich & Payne, Inc.

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Securities and Exchange Commission

Jurisdiction of Foreign Public Official(s) :

Argentina, Venezuela

Year of Settlement:

2009

Month/Day of Settlement (or Notes):

07/30

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):

Disgorgement of Profits, Pre-judgment Interest

Total Monetary Sanctions (US\$):

\$375,681.22

Civil Disgorgement of Profits (US\$) :

\$320,604

Civil Prejudgment Interest (US\$) :

\$55,077.22

Civil Fine / Penalty (US\$):

\$0

Monetary Sanctions Returned / Ordered Returned (Explanation):

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 8

Offenses - Alleged:

Internal controls violations, Falsification of books and records

Offenses - Settled:

No admission or denial of alleged offenses

Public Procurement Contract / SOE Involved?:

No (Customs)

Summary:

According to the June 2011 Report to the OECD, "On July 30, 2009 Helmerich & Payne (H&P) entered into a non-prosecution agreement with the Department of Justice and the SEC initiated a settled administrative proceeding against H&P. These enforcement actions stemmed from a series of improper payments by H&P to government officials in Argentina and Venezuela in violation of the FCPA. [] The improper payments were made to officials of the Argentine and Venezuelan customs services, both government agencies, made in order to import and export goods that were not within regulations, to import goods that could not lawfully be imported, and to evade higher duties and taxes on the goods. From 2004 through 2008, H&P Argentina paid Argentine customs officials approximately \$166,000, which allowed it to avoid more than an estimated \$186,000 in expenses it would have otherwise incurred if it had properly imported and exported the equipment and materials. In addition, from 2003 through 2008, H&P Venezuela made corrupt payments to Venezuelan customs officials totaling approximately \$19,673, which allowed it to avoid more than an estimated \$134,000 in expenses it would have otherwise incurred if it had properly imported and exported the equipment and materials. H&P and its subsidiaries then falsely, or at least misleadingly, described these improper payments in H&P's books and records." (Source: US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Information as of May 31, 2011, Helmerich & Payne, Inc. Case Summary at 62-63.)

Sources :

US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Information as of May 31, 2011, Helmerich & Payne, Inc. Case Summary at 62-63, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>; US Securities and Exchange Commission, In the Matter of Helmerich & Payne, Inc., Administrative Proceedings File No. 3-13565, Order Instituting Cease-and-Desist Proceedings, accessed at <http://www.sec.gov/litigation/admin/2009/34-60400.pdf>