

Representative Engagements

Compliance Services Team

Holland and Knight's Compliance Services Team regularly represents companies in all aspects of compliance and ethics programs and enforcement actions. We work closely with colleagues in legal specialty teams to provide comprehensive services and depth of knowledge of the particular issues affecting businesses in heavily regulated industries. Recent engagements include the following:

Government Contracts

- Retained by Audit Committee of professional services government contractor to conduct internal investigation and make voluntary disclosure to U.S. Attorney of massive embezzlement scheme led by company chief financial officer. This engagement also involved internal investigation and assessment of potential False Claims Act and unallowable cost issues, voluntary disclosures to Department of Justice and numerous state attorneys general offices, development of overpayment analysis and negotiation of settlements with state and federal agencies. In addition, we were retained to assist management in development of comprehensive compliance and ethics program, development and implementation of numerous government contracts specific policies and procedures, training of the board of directors and other related services.
- Retained by publicly-traded defense industry government contractor to respond to false claims and related criminal allegations involving a newly-acquired subsidiary. The circumstances under investigation involved activities which took place before the acquisition. We negotiated cost limitations on electronic discovery requirements in response to a grand jury subpoena and favorable determinations on successor liability with both the prosecutor and suspension/debarment officials.
- Retained by publicly-traded company in construction industry to conduct internal investigation into potential disadvantaged/minority business enterprise related fraud related to a government funded project and disclosure of results to appropriate government officials.
- Represented publicly-traded software provider to government agencies in conducting internal investigation of allegations of government mischarging. Engagement included factual investigation; analysis of billing issues; report to senior management and the Audit Committee; negotiation of resolution with whistleblower; and recommendations for enhancement of compliance and ethics program.
- Retained by publicly-traded defense industry contractor to respond to criminal fraud investigation by Department of Justice.

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- Retained by publicly-traded company providing services to companies selected as providers of Medicare Prescription Drug benefit plans in defense of parallel civil and criminal False Claims Act investigations and qui tam suit under civil False Claims Act. We conducted an internal investigation that determined that there was no basis for a fraud claim against our client and were able to persuade the government not to intervene in the underlying action and the relator to dismiss the case in its entirety.
- Retained by publicly-traded construction industry company to conduct internal investigation into potential fraud issues related to government contract.
- Retained by foreign company to represent it in negotiations re reinstatement following suspension from U.S. Defense Department contracting for regulatory violations. Engagement also involved advice re development of comprehensive compliance and ethics program and development and delivery of compliance training.
- Retained by publicly-traded government contractor to respond to parallel civil and criminal Department of Justice investigation of possible False Claims Act violations in response to qui tam suit.
- Retained by professional services government contractor to develop comprehensive compliance and ethics program, draft policies and procedures regarding OCI, conflicts of interest, gifts and gratuities and hiring of government employees, as well as other government contracts policies and procedures. This engagement also involved development and delivery of compliance training for both employees and board of trustees.
- Retained by professional services government contractor to develop comprehensive compliance and ethics program, develop and help implement policies and procedures regarding numerous government contracting issues; develop and deliver employee and management training on compliance program and numerous government contracting issues.
- Retained by a number of substantial professional services government contractors (members of the Professional Services Council and others) to deliver training on Organizational Conflicts of Interest (OCI) issues and to develop and assist in implementation of OCI policies and procedures.
- Retained by professional services government contractor to respond to OCI allegations, conduct internal investigation and negotiate resolution with GSA.
- Retained by professional services government contractor to respond to criminal investigation into allegations involving conflicts of interest, gifts and gratuities and bribery related to hiring of government employee.
- Retained by professional services government contractor to conduct internal investigation into allegations of conflict of interest, gifts and gratuities and potential OCI issues in a foreign country. This representation also involved making a voluntary disclosure to the Department of Justice and to the General Services Administration (GSA) and assisting the company in responding to a related government investigation.

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- Retained by professional services government contractor to conduct internal compliance investigation into allegations of violation of the company's gifts and gratuities policy.
- Retained by professional services government contractor to conduct internal investigation and respond to government inquiry into potential violation of government regulations regarding Sensitive But Unclassified ("SBU") documents. This engagement also involved development and delivery of training on SBU issues to employees and management.
- Retained by professional services government contractor to respond to GAO audit and Congressional inquiry into alleged billing and documentation irregularities on FBI contract.
- Retained by professional services government contractor to respond to multiple law suits under the qui tam provisions of the False Claims Act.
- Represented defense contractor in response to allegations of violation of Foreign Corrupt Practices Act and negotiation of settlement with Department of Justice.
- Retained by major defense contractor to investigate and address agency concerns regarding foreign military sales cost recovery in the context of a proposed suspension/debarment action.
- Retained by numerous international and publicly traded companies, including several in the government contracts business, to develop policies and procedures and deliver training on Foreign Corrupt Practices Act.

Public and Other Large Corporations

- Retained by a global, publicly-traded electronics manufacturer to assist the company's chief compliance and ethics officer with the establishment of a comprehensive compliance and ethics program. In the course of this representation, we coordinated development of compliance guidance under U.S. law as well as the laws of 17 other countries in which the company has operations. After development of the compliance and ethics program, we have been working with the compliance and ethics officer to implement training and manage compliance operations around the globe.
- Engaged by a foreign owned retail company that is traded on the NYSE to assist in-house counsel in North America with the design and implementation of company-wide ethics and compliance program. The engagement included advice about the structure of the compliance function, both domestic and international. We also provided advice about compliance training issues.
- Retained to conduct a compliance program risk assessment for a national publicly-traded retail chain, to be followed by advice in the development and implementation of a comprehensive compliance and ethics program.
- Developed an anti-money laundering and prohibited parties compliance program for an international hotel chain. This engagement has included ongoing compliance advice in responding to reported issues.

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- A member of our compliance team has been appointed to serve as a "Special Master" on a federal corporate probation matter. Our responsibilities include the oversight of the implementation of the court-imposed compliance program. In addition, we are required to prepare ongoing reports for the court regarding the organization's progress and ongoing compliance activities.
- Developed a corporate compliance program for a Norwegian shipping company that focused on detection and avoidance of fraud and related criminal activity, including delivery of compliance manuals and training programs with a web-based component.
- Developed Gramm-Leach-Bliley compliance program for publicly-traded timeshare company, along with delivery of numerous training sessions for employees and management.

Health Care Organizations

- Represented managed care organization in due diligence review of potential fraud and abuse issues re an acquisition target and with subsequent disclosure to CMS. Further represented the same organization in responding to an OIG investigation of potential fraud by acquisition target.
- Retained by managed care organization to oversee internal investigation into potential errors in RAPS submissions. The internal investigation revealed that errors were the result of inadvertent error, and we assisted the company in reporting the errors to CMS and negotiating repayment of the overpayment.
- Represented national home health/DME provider in responding to state attorney general investigation of potential billing improprieties and in enhancement of compliance and ethics program.
- Represented pharmacy benefits company in responding to internal hot line reports of compliance violations.
- Represented medical device company in compliance and ethics program assessment and enhancements.
- Represented pharmacy company in compliance program assessment and recommended enhancements and in responding to government audits and proposed denial of licensure.
- Represented clinical laboratory company in internal investigation of potential Stark and anti-kickback violations and negotiated resolution of Stark issues with HHS-OIG. Further advised company in development and implementation of compliance program.
- Represented Medicare Part D subcontractor in parallel criminal and civil fraud investigation.
- Represented pharmacy benefits software company in internal investigation of alleged improper billing of government customer. Provided further advice regarding enhancements of compliance program and records management system.

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- Retained by health insurance company with numerous government contracts to conduct internal compliance investigation into possible violations of federal and state election campaign finance laws. Engagement also involved voluntary disclosure of violations, negotiation of settlement with Federal Election Commission and development and delivery of compliance training sessions on FEC regulations.
- Represented national, integrated health services organization with numerous provider agreements with federal and state health care programs in a broad variety of compliance program internal investigations, voluntary disclosure matters, responding to external government investigations, defense of numerous qui tam actions under the False Claims Act, compliance program assessments and recommendations for revision and delivery of compliance related training.
- Developed a comprehensive compliance and ethics program for publicly-traded pharmaceutical company. Engagement has included regulatory compliance training, internal compliance investigations and response to government investigation.
- Developed compliance policies for teaching hospital and delivered compliance training sessions regarding billing issues for teaching physicians and residents.
- Represented hospital in internal compliance investigation and response to grand jury subpoenas looking into research grants from pharmaceutical company.
- Developed comprehensive compliance program for multi-facility hospital and health system; served as out-sourced compliance officer for this system, and then assisted the health system in updating its compliance program following revisions to the U.S. Sentencing Commission's guidance on compliance programs.
- Represented multi-facility, international medical device company in development and implementation of comprehensive compliance and ethics program; on an ongoing basis have continued to advise the company on compliance and regulatory issues.
- Represented medical laboratory company in the development of a comprehensive compliance program.
- Developed a compliance program for a children's center – a highly-regulated provider of on-site counselors and mental health professionals in several dozen public schools.
- Developed web-based corporate compliance programs with online training for a national wound care company and an international shipping company.
- Developed a comprehensive compliance program for a nationally-known hospital system, including, as needed, internal and external compliance-related investigations.
- Retained to conduct international internal compliance investigation and make voluntary disclosure to Health and Human Services Office of Inspector General for health care subsidiary of publicly-traded industrial gas company. This engagement also included settlement negotiations with Department of Justice regarding potential False Claims Act allegations. The engagement has included

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follow-up advice regarding operations of the company's compliance and ethics program.

- Conducted regulatory compliance assessments for pharmaceutical wholesalers and helped with development of compliance programs, including preparation of policies and procedures and analysis of pedigree documentation.

HIPAA/Data Privacy and Security

- Retained by large chain pharmacies to develop HIPAA compliance documents.
- Assisted pharmacy with responding to a Department of Health and Human Services Office for Civil Rights (OCR) investigation of an alleged HIPAA violation.
- Advised a large medical clinic with developing a response to an OCR investigation relating to allegations of privacy violations.
- Assisted numerous companies with responding to and mitigating data breaches.
- Developed HIPAA compliance programs for several national companies with self-insured employee health plans.

Anti-Money Laundering/OFAC and Banned Parties

- Conducted comprehensive compliance and ethics program assessment for management and Audit Committee of publicly-traded national banking organization. Assessment included anti-money laundering program as well as other legal and regulatory risks, using criteria developed by United States Sentencing Commission for "effective" compliance and ethics programs.
- Developed and implemented (including training) an anti-money laundering compliance program, including an OFAC compliance program and software tool, for a large money services business in Florida.
- Developed a "banned parties" compliance program for a large automobile dealership.
- Assisted a major international financial institution with the development of an anti-money laundering and currency reporting compliance program that included the delivery of training to corporate managers and compliance officers.
- Developed a corporate compliance program with specific focus on cash transaction reporting for an international computer wholesaler, including delivery of compliance training to corporate employees.
- Assisted a distributor/wholesaler operating in Latin America and the Far East with the development of an anti-money laundering compliance program with specific focus on cash transaction reporting, including delivery of training to management and compliance staff.
- Developed a compliance program addressing privacy, anti-money laundering and Bank Secrecy Act issues for a major American financial institution, including delivery of a multi-site live and video-based training program.

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- Retained by securities broker dealer to provide ongoing advice regarding its anti-money laundering program. Representation has included conduct of independent audits of the program and advice regarding modifications of the program to meet changing standards.
- Provided anti-money laundering and OFAC compliance advice to international medical device company.
- Represented international electronics manufacturing company in development of Global Compliance Program, including ongoing anti-money laundering and OFAC advice.
- Provided OFAC compliance guidance and drafted language for loan, sale and lease documents for numerous real estate organizations, both public and privately held.
- Engaged by life insurance company to provide ongoing anti-money laundering and OFAC compliance advice and training.
- Appointed by American Bar Association to provide training on U.S. anti-money laundering laws and related issues to multi-national banking conference in the Philippines. Also lectured at Singapore Financial Crimes Conference.

Antitrust

- Assisted a Danish company, with significant business in the U.S. including the manufacture of products such as compressors and heating/cooling controls, with antitrust matters both domestic and abroad.
- Provided training and general advice to a European trade association whose members have significant business in the U.S.
- Drafted antitrust compliance programs and provided advice related to Noerr Pennington exemptions for regulated industry trade associations and their members.
- Assisted a semiconductor maker, a travel bureau, a writing instruments manufacturer, and a cruise line company with Robinson Patman Act, Sherman Act, California Cartwright Act, and California Unfair Trade Practices Act issues.
- Assisted a global manufacturer of electric generation equipment with both U.S. and international general antitrust compliance issues.
- Provided compliance training to a major military electronics manufacturer related to U.S. and international merger and monopolization issues.
- Assisted an international telecommunications equipment manufacturer with the monopolization and price discrimination components of their compliance program.
- Provided analysis and advice to a U.S. apparel manufacturer on resale price maintenance issues.
- Assisted an international pharmaceutical manufacturer with patent tying and monopolization issues.

International Trade

- Assisted a semiconductor manufacturer with U.S. and overseas operations in drafting a broad export compliance program covering both ITAR and "dual use" export procedures.
- Provided assistance to several electronics manufacturers in improving compliance procedures for "dual use" exports.
- Drafted an import compliance program for an electronics manufacturer/distributor.
- Drafted tailored anti-boycott procedures for a company conducting extensive sales in the Middle East.
- Assisted a communications equipment manufacturer in auditing ITAR exports and in voluntary disclosure to the State Department.
- Conducted an audit of an electronics distributor's procedures and provided recommendations regarding process improvements.
- Developed tailored checklists and flow charts to allow a photo-mask manufacturer to self-classify products and determine export licensing restrictions
- Currently serve as primary outside counsel for one of the nation's largest nursing home corporations, providing advice and counsel on numerous compliance issues, conduct of a wide array of internal compliance investigations, and representation as needed during government investigations, and developed a compliance training manual for one of the corporation's subsidiaries.
- Currently serve as primary compliance counsel to numerous companies in the defense and government contracts industry; services include design and implementation of compliance programs and procedures, development and delivery of training, conducting internal compliance audits and investigations, and representation in defense of government investigations.