

Federal Procurement Fraud: Recent Developments and Practical Insights

May 14, 2019

*Presented to the ACC National Capital Region
Government Contractors Forum*

Types of Federal Procurement Fraud

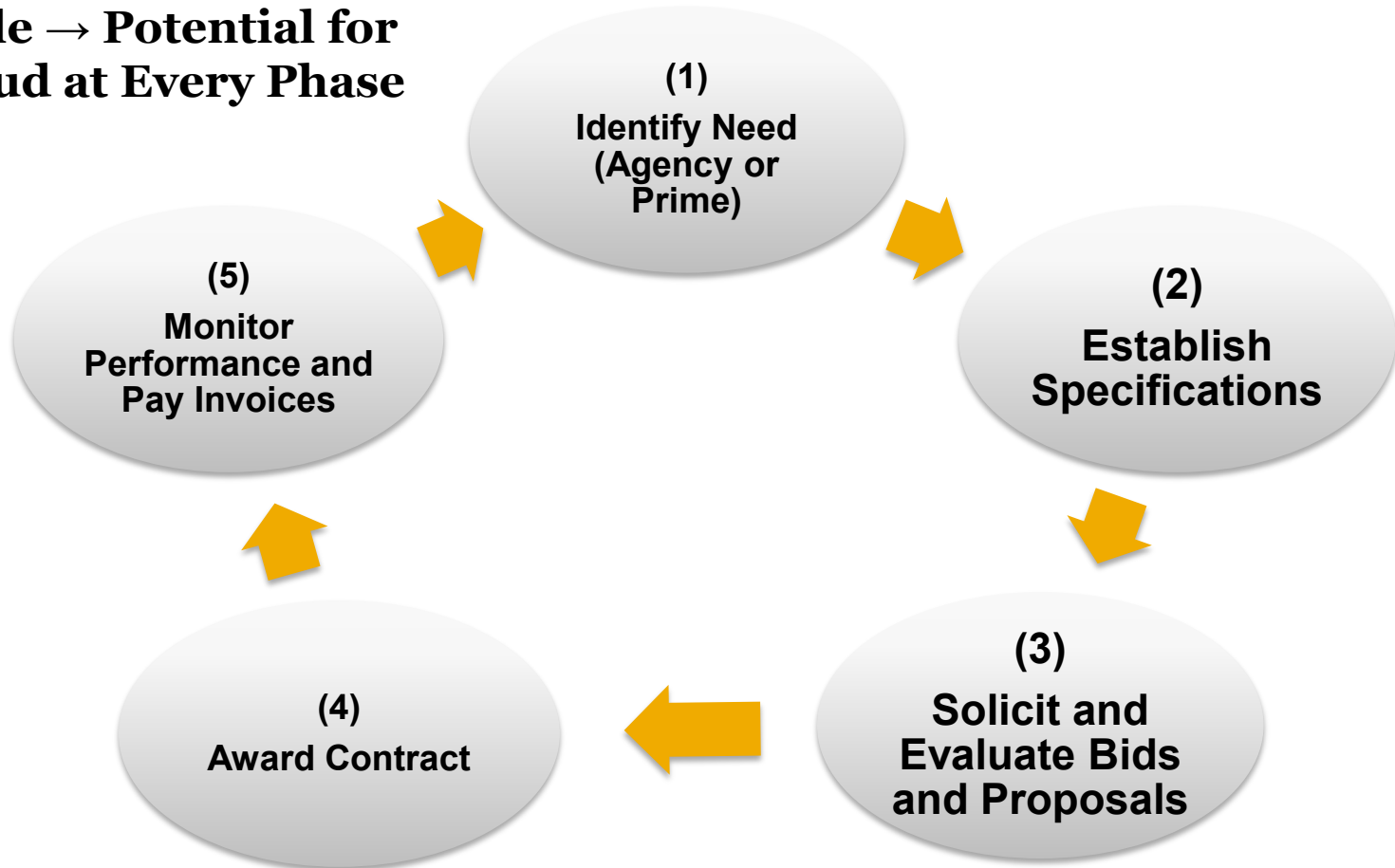
Investigating and Prosecuting Procurement Fraud

Key U.S. Statutes, Penalties and Other Consequences

Hypotheticals and Case Insights

Additional Considerations to Think About During (and Before) a Procurement Fraud Investigation

The Procurement Life Cycle → Potential for Fraud at Every Phase



Types of Federal Procurement Fraud

- Procurement fraud: Unlawful manipulation of the procurement process to acquire contracts, goods or services or to obtain an unfair advantage during the process
- Common Procurement Fraud Schemes:
 - Conflicts of Interest
 - Bid rigging
 - Collusive bidding between bidders
 - Bribery/public corruption
 - Kickbacks/“pay-to-play” schemes
 - Split purchase orders/split orders
 - Personal Purchases
 - Falsifying qualifications or contractor status
 - Labor mischarging
 - Duplicate payments
 - Defective or counterfeit products
 - Product substitution
 - Unneeded or excess goods or services
 - False, inflated or duplicate invoices
 - Change order schemes
 - False statements and claims

Pre-Award Fraud: Collusion Between Bidders

- **The Scheme:** Competitors in the market collude to defeat competition or inflate prices. Competitors ensure that a specific contractor wins the bid, often at an inflated price. The winner may then award subcontracts to the “losers” or provide them with a kickback for their services.

- **Red Flags Indicating Possible Collusion Between Bidders:**



- **Limited competition** in a procurement
- The **same contractors** bid on contracts
- The winning bid is **higher** than expected
- Qualified contractors do **not** submit bids
- **Rotating** bid winners
- Winning contractors routinely subcontract work to **losing contractors**
- The **last party** to bid wins the contract
- Losing bids fail to **meet solicitation** requirements
- Bids have **similar** fonts, colors, mistakes, or use round numbers
- When a **new competitor** enters the market, bid prices fall drastically

Pre-Award Fraud: Collusion Between Contractors and Contracting Officers

- **The Scheme:** Contracting officers will work to award a contract to a specific contractor, often for a kickback, bribe or some other benefit to the contracting officer, such as the promise of future employment or benefit to family members.
- **Types of Collusion:**
 - **Need Recognition:** Contracting officer convinces the agency that it needs excessive or unnecessary products or services.
 - **Bid Tailoring:** Contracting officer drafts bid specifications in a way that gives unfair advantage to a certain contractor.
 - **Leaking bid information:** Contracting officer leaks information relating to the government's needs or confidential information from competing bidders.
 - **Bid Splitting:** Contracting officer breaks up large project into several smaller projects that fall below mandatory reporting levels.
 - **Unjustified Sole Source Award** or Other Noncompetitive Procurements.

Pre-Award Fraud: Collusion Between Contractors and Contracting Officers (Cont'd)

■ Red Flags Indicating Possible Collusion with Contracting Officers



- Multiple contracts awarded below the competitive threshold
- Contractor involved in **writing bid specifications**
- **Exact bids** to the government's independent cost estimates or specifications
- Accepting late bids, changing bid deadlines, or **negotiating with only one contractor** and not others
- **Overuse of sole source designations**
- Bidders with **suspect qualifications** or minority/disabled status
- **Incomplete** procurement files or **backdating** of documents
- Awards to **non-lowest bidder** or **repeated disqualifications** of otherwise qualified bidders for seemingly arbitrary, false or frivolous reasons

Post-Award Fraud:

- **The Scheme:** After receiving an award, the contractor submits fictitious or inaccurate invoices for work that is not performed or provides defective or substandard products or services in order to maximize profit. These schemes are often done with the aid of government employees, although not necessarily, and may involve false certifications that services were properly provided.
- **Types of Post-Award Fraud:**
 - **False Invoicing:** A contractor submits an invoice for work that never occurred or includes phony time entries, ghost employees or kickbacks to insiders.
 - **Product Substitution:** A contractor provides noncompliant, substandard products and certifies that they satisfy contract specifications.
 - **Progress Payment Fraud:** Contractors receive progress or milestone payments that are not actually tied to the completion of work.
 - **Repeated Change Orders:** Expanding contract scope to accommodate work not performed or simply to increase profits to contractor.

Types of Federal Procurement Fraud

- **Red Flags Indicating Possible Post-Award Fraud:**



- **Duplicate payments** without a new invoice or for the same invoice
- Invoices are paid that **lack** appropriate supporting documentation
- **Frequent** invoice/voucher errors or poor cost documentation
- **Missing/altered serial numbers**, model numbers or labels
- **Overcharging** for materials, labor, or charging for unallowable costs
- Unexpected field **failures** or premature part failures
- **Restricted access** to storage/production facilities or records
- Continued acceptance of **high cost or substandard goods**
- Progress payments or professional fees **without** adequate descriptions
- Numerous or costly change orders **without** adequate explanation

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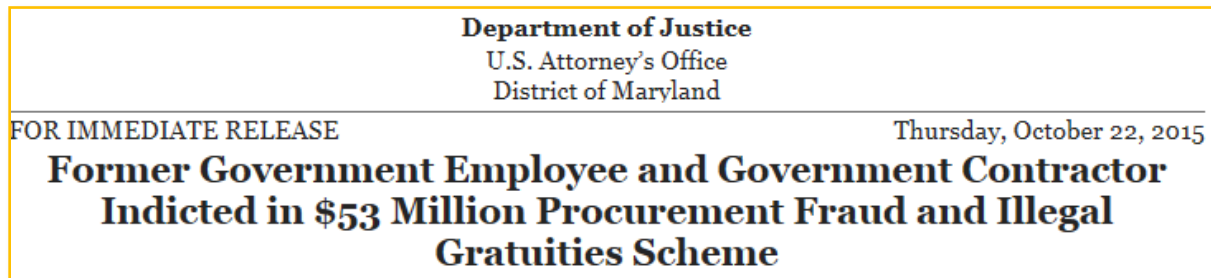
Additional Considerations to Think About During (and Before) a Procurement Fraud Investigation

Key Statistics from Department of Justice:

- **United States Attorneys' Annual Statistics Report, Fiscal Year 2017**
 - Criminal cases in United States District Court:
 - Official Corruption – Federal Procurement: 28 cases filed, 31 cases terminated, 36 guilty dispositions, 1 not guilty, 3 dismissed
 - White Collar Crime – Federal Procurement Fraud: 45 cases filed, 49 cases terminated, 54 guilty dispositions, 7 dismissed
- **Roughly Equal to Numbers from Prior 3 Years**
 - Official Corruption – Federal Procurement:
 - Average of 35 filed, 38 terminated, 42 guilty, 1 not guilty, 2 dismissed
 - White Collar Crime – Federal Procurement Fraud:
 - Average of 61 filed, 69 terminated, 97 guilty, 1 not guilty, 8 dismissed

Key U.S. Agencies

- **Department of Justice: Criminal Division, Criminal Fraud Section;** in conjunction with various U.S. Attorneys' Offices (DOJ)
 - The DOJ investigates and prosecutes procurement fraud throughout the United States and abroad, enforcing both U.S. criminal and civil statutes.
 - Works closely with other agencies to investigate and prosecute both companies and individuals, resulting in prison, penalties and fines.
 - **National Procurement Fraud Task Force:** Formed in 2006 (consisting of DOJ and USAOs, FBI, and agency OIGs) to detect, identify, prevent and prosecute procurement fraud.



Key U.S. Agencies (Cont'd)

- **Offices of the Inspector General for Individual Federal Agencies (OIG):** Many federal agencies have their own OIG, which are tasked with detecting and preventing fraud related to their specific federal agency.
 - OIGs investigate procurement fraud and work with the DOJ to initiate civil and criminal prosecutions.

Agency Spotlight: OIG DoD (Oct. 1, 2017 — Mar. 1, 2018)

“Our Defense Criminal Investigative Service (DCIS) opened 215 cases, closed 254 cases, and has 1,583 ongoing investigations...many of which are conducted jointly with other law enforcement organizations, resulted in \$178.3 million in civil judgments and settlements, \$293.1 million in criminal fines, penalties, and restitution ordered; and \$58.3 million in administrative recoveries.”

Mercer Transportation Company Agreed to Pay \$4.4 Million to Resolve Alleged Violations of the False Claims Act

Owner of Defense Contracting Firm Sentenced to 5 Years in Prison for Paying Bribes to Civilian Employee at Aberdeen Proving Ground



Key U.S. Agencies (Cont'd)

- **Military Criminal Investigative Organizations:** Defense Criminal Investigative Service (DCIS); Naval Criminal Investigative Service (NCIS); U.S. Army Procurement Fraud Division, Air Force Office of Special Investigations (AFOSI)
 - Protect military acquisition programs from corruption, financial fraud and illegal product substitution. Investigate contracting officers involved in fraud and work with other agencies to assist in civilian prosecutions and investigations by the DOJ.

Agency Spotlight: NCIS

“[F]ive percent of the yearly budget of the Department of the Navy is lost each year to procurement fraud...**\$7.75 billion lost in FY17 alone**”

FOR IMMEDIATE RELEASE

Tuesday, May 8, 2018

Former Military Sealift Command Contractor Sentenced to 87 Months for Bribery and Fraud



Other Agencies and Persons Investigating Federal Procurement Fraud:

- **Defense Contract Audit Agency (DCAA):** DCAA audits government contractors and provides reports and recommendations to agencies, including with respect to noncompliance and fraud.
- **OIG Fraud Hotlines:** Most OIGs have fraud hotlines allowing private individuals to call in and report fraud. These tips have resulted in significant investigations, prosecutions and civil awards.
- **Private Individuals in *qui tam* actions:** Private individuals and whistleblowers may sue as relators under the False Claims Act to hold contractors responsible for their misconduct. Relators receive a portion of any monies awarded, which provides significant incentive to bring suit.
- **Other government contractors:** In cases involving bid rigging or fraudulent awards to one contractor over another, losing contractors may sue under state tort law, the Federal Trade Secrets Act or even civil RICO to recover lost profits.



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■ **Federal Criminal Statutes:**

- **Mail and Wire Fraud, 18 U.S.C. §§ 1341-43:** Prohibits any “scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses.”
 - Punishable by up to **30 years** in prison and **\$1 million fine**.
 - Incredibly powerful tool—almost any procurement fraud can be mail or wire fraud, as long as mails, wires, faxes, or e-mail used.
- **Conspiracy to Defraud the United States, 18 U.S.C. §§ 286, 371:** Prohibits conspiracies to defraud the United States or any of its agencies, including by helping to obtain payments for false or fraudulent claims.
 - Punishable by **up to five (§ 371) or ten (§ 286) years** in prison and fines.
- **Criminal False Claims, 18 U.S.C. § 287:** Prohibits claims made to the United States or any of its departments or agencies “knowing such claim to be false, fictitious, or fraudulent.”
 - Punishable by up to **five years** in prison and fines



- **Federal Criminal Statutes (Cont'd):**

- **Major Fraud against the United States, 18 U.S.C. § 1031:** Prohibits schemes to defraud the U.S. or to obtain money or property by means of fraudulent pretense in “any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance,” or “in any procurement of property or services” as a prime or subcontractor, if the value of the money or property is over \$1,000,000.
 - Punishable by up to **10 years** in prison and **\$10 million fine**.
- **False Statements and Obstruction of Justice, 18 U.S.C. §§ 1001, 1512:** Prohibit the making of material false statements, destroying evidence or tampering with witnesses in connection with a potential court proceeding.
 - Punishable by up to **5 years in prison** and fines
 - Used to prosecute lies to federal officials, the destruction of evidence or other wrongful acts to impede investigations: “The cover-up is worse than the crime...”

- **Federal Criminal Statutes (Cont'd)**

- **Procurement Integrity Act, 41 U.S.C. §§ 2101-07 (implemented at FAR Part 3.104):**
- Deters unfair competitive advantage in the procurement process by prohibiting improper disclosure of, or obtaining contractor bid information or government source selection information before, the award of a federal contract.
 - Also includes investigation and reporting requirements for agency officials receiving information of “possible violations,” and prohibits acceptance of compensation from contractor.
 - Punishable by up to **5 years in prison and fines**. Civil penalty of up to \$50,000 per violation plus twice the amount of compensation received and \$500,000 for an organization.
 - Administrative actions include: cancelling or rescinding contracts; suspension and debarment; and adverse personnel actions.

- **Civil Statutes and Remedies:**

- **Civil False Claims Act, 31 U.S.C. §§ 3729-33:** Prohibits knowingly making false or fraudulent statements in connection with a claim for payment to the Government or overpayments received.
 - Allows for penalties and **treble damages**.
 - Includes both factually false statements and implied false certifications of complying with relevant statutes.
 - Cases may be brought by either the Government or individual *qui tam* relators, who receive a portion of any awards.
- **Other tools used by contractors to recover damages for procurement fraud:**
 - **State tort laws**, such as tortious interference or breach of fiduciary duty (if contractor's own employees involved), or business conspiracy (in Virginia).
 - **Federal Trade Secrets Act**, 18 U.S.C. § 1836, if contractor's trade secrets are used in connection with the fraud.
 - **Civil RICO:** If the conduct is part of an extensive scheme, innocent contractors may sue for treble damages to recover profits lost as a result of the fraud.

- **Administrative Remedies:**

- **Debarment: Excluding a contractor from government contracting**

- For conviction or civil judgment under many statutes, including those previously mentioned.
- Based on preponderance of the evidence for willful failure to perform contracts, history of failure to perform, unsatisfactory performance, or other serious or compelling causes.
- Generally, no longer than three years – agencies have different regulations.

- **Suspension: Temporary disqualification of contractor**

- Upon “adequate evidence” of commission of fraud or other statutory violations, including any offense indicating a lack of business integrity or honesty.
 - “Adequate evidence” means information sufficient to support the reasonable belief that a particular act or omission has occurred – includes indictments and allegations in a civil complaint filed by a federal agency.
- May not exceed 18 months unless legal proceedings are initiated.



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Hypothetical 1→

- You learn that an employee has been taking an Army contracting officer to Washington Wizards games and out for dinners, drinks and golf.
 - You later learn that the same Army contracting officer is responsible for an Army contract on which your company has bid.
- What do you do? What is your company's exposure?
 - What if you learned that the Army contracting officer changed the statement of work to better fit your company's qualifications?
 - Or if he provided your employee with another contractor's prior winning proposal to help your employee write the company's bid?
 - What if your company wins the bid?



***United States v. Wadhawan*, 1:17cr00250 (D. Md. Oct. 2017).**

- Bhupesh Wadhawan was the founder and CEO of Link Solutions, Inc. (LSI), an information technology company based in McLean, Virginia.
 - Wadhawan gave a civilian Army contracting officer meals and drinks, golf outings, and tickets to Washington Wizards basketball games Redskins and Saints football games. Total ≈ \$33,000 in gifts.
 - The contracting officer steered a \$50 million Army contract to LSI by
 - (a) changing the contract quals (8(a) only) to better suit LSI, and
 - (b) providing LSI with the previous winning proposals (which included proprietary information) to help it write its bid.
 - LSI invoiced and received over \$37 million as a result.
- **Wadhawan was sentenced to 5 years in prison and ordered to pay \$2.2M in restitution; Army contracting officer got 2 years + 1 at home.**
- **Takeaway: FAR 3.101-2. Beware of agency gift and gratuity rules when you have business before the agency; monitor compliance.**

Hypothetical 2→

- Your company, a large defense contractor, acquires a 51% stake in a small contractor that has been self-certifying for Small Business Innovation and Research (SBIR) contracts since its inception.
 - After your company acquires its majority stake, the decision is made to allow the acquired company's successful management and procurement teams to stay on and handle day-to-day operations.
 - Following the acquisition, the acquired company continues to self-certify its eligibility for SBIR funding and wins further SBIR contracts.
- Is there a problem with this arrangement? If so, what is your company's exposure?
 - What if, instead, the acquired company had become wholly-owned through a stock purchase agreement and placed under the direct management of your company's management team?

Settlement of TrellisWare Technologies, Inc., a ViaSat Subsidiary (3/18)

- TrellisWare Technologies, Inc., won 38 SBIR contracts worth over \$15 million from 2008 - 2015.
 - TrellisWare had self-certified that it was SBIR eligible and could receive SBIR contracts.
 - However, TrellisWare was **majority-owned** by ViaSat, a publicly-held, global broadband technology company.
- TrellisWare entered into a civil settlement with the DOJ and agreed to pay **over \$12 million** to resolve alleged False Claims Act violations.
 - Parent ViaSat was required to disclose the result in its Form 10-K.
 - The parent accrued an \$11.8 million total loss contingency and disclosed a 2017 loss to stockholders of \$4 million.
- **Takeaway: Exercise due care and oversight of the procurement activities of your portfolio companies. Small and disadvantaged businesses have faced increased scrutiny over false certifications.**

Teaming to Share the Contract Pie

Hypothetical 3→

- Your company learns about a potentially lucrative set of RFPs to repair and build a number of public buildings, hospitals and schools.
 - A few of your managers realize that the scope of work is more than your company can handle on its own, so they reach out to competitors to divide up the work.
 - They agree which contractor will submit the “winning” bid for each piece of work, and the other contractors agree to purposefully submit higher or noncompliant bids knowing they won’t be selected.
- Is there any problem with sharing the contract pie in this way?
 - What if your managers certified that they had submitted all accurate information?
 - What if a government contracting officer agreed to help them get their bids approved?

Teaming to Share the Contract Pie

***U.S. v. Devoe*, 3:19-cr-00086-KAD (D. Conn. Apr. 8, 2019)**

- Insulation contractor pled guilty to conspiracy to commit wire fraud and to criminal antitrust violations, which carries penalties of up to 20 years in prison and millions in fines and restitution.
- Contractors “cooked up collusive bids, shared bid numbers with their competitors, and communicated with co-conspirators via encrypted messaging apps,” which caused hospitals, universities and businesses to pay corruptly inflated bids on over \$45 million of insulation jobs.

***U.S. v. Holland*, 0:19-cr-00065-MJD (D. Minn. Apr. 10, 2019)**

- Pled guilty to conspiring to rig bids at online public auctions of surplus government equipment conducted by the GSA. The co-conspirators agreed which co-conspirators would submit bids for particular lots offered for sale by GSA Auctions and arranged for who would win the bid.
- Employee faces 10 years in prison and millions in fines and restitution.
- **Takeaway: In addition to penalties for fraud, colluding with other contractors has serious criminal and civil antitrust implications.**

Hypothetical 4→

- Your company loses a major follow-on subcontract for highly specialized work that you believe you should have won based upon lowest bid / technically qualified criteria.
 - Digging deeper after the award, you learn the following facts:
 1. The winning subcontractor is new, has no history of past performance, and was formed by former employees of your company who had access to your proprietary business and trade secret information.
 2. The prime contractor's contracting officer is a friend of the winning subcontractor's principal, and you suspect that the winning subcontractor may have received inside information or opportunities from the prime to formulate the winning subcontractor's bid—which you also learn was bid to the government's independent cost estimate.
 3. Having little to no history of past performance, you suspect that the winning subcontractor misrepresented its qualifications to the prime contractor, which then misrepresented those qualifications to the government customer.
- Notwithstanding any non-compete or non-solicitation agreements you may have had with the former employees, what are your options?

What to Do When You're the Victim of Procurement Fraud

- Our client, a large defense subcontractor, lost a major line of highly specialized work from a prime contractor due to the prime contractor's multi-year collusion with a group of our client's employees who started their own competing business and usurped the subcontract work.
 - **Types of fraud and related misconduct:**
 - Bid rigging by prime contractor to favor the new subcontractor
 - Misappropriation of trade secrets by former employees
 - Prime's unlawful sharing of confidential bid proposal data with new subcontractor
 - Falsification of the new subcontractor's qualifications
 - Improper advance payments to finance the new sub's competing business
 - Misuse of security clearances to establish the new sub's qualifications
 - Backdating and falsifying contract documents
 - Pre-textual disqualification of our client's lowest, technically compliant bid
 - Collusion between the prime and new sub to inflate government funding levels
 - Submission of overstated/unnecessary invoices to government customer
 - Complicit government contracting officer overseeing the process

What to Do When You're the Victim of Procurement Fraud

- **Lawsuit #1 → Recovery against former employees and their new business in U.S. District Court where disloyal employees located:**
 - **Asserted state law tort claims**, including: (1) Breach of contract; (2) breach of fiduciary duty; (3) tortious interference; and (4) misappropriation of trade secrets.
 - **Deep forensic investigation into former employees' new company** → obtained hard drives, analyzed new company's bid materials, followed the money → proved misappropriation of proprietary information and collusion with the prime.
- **Lawsuit #2 → Recovery against the prime contractor in U.S. District Court where prime is headquartered:**
 - **Asserted state law tort claims**, including: (1) tortious interference; (2) business conspiracy (Va.); and (3) state equivalent civil RICO. Client required to prove it would have received the contract *but for* the prime's misconduct.
 - **Proof that the contractor would have received the contract:** (1) past performance on similar contracts; (2) expertise to perform highly specialized subcontract work; (3) lowest price, technically qualified bids in comparison with competing bids; and (4) contracting officer's testimony.
 - **The Hook** → **"Wrongful means"** → Allows the client to bring in criminal violations, FAR violations and procurement issues in a private civil suit.

- **Mandatory reporting for fraud and related violations of federal law**
 - Mandatory Disclosure Rule (FAR 52.203-13)
 - Failure to report is cause for suspension or debarment
 - Disclose to agency OIG and responsible contracting officer
- **Other strategies/potential claims:**
 1. Bid Protest – If the misconduct is caught quickly enough
 2. False Claims Act – If the former employees were making misrepresentations in certifications in government bids
 3. Federal Trade Secrets Act
- **Takeaway: If you suspect you lost a contract due to some form of procurement fraud, you may have multiple options. Consult with outside legal counsel and act quickly.**

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Relevant Hypotheticals and Case Insights

**Additional Considerations to Think About During
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■ How Does a Company Cooperate?

➤ Yates Memo (9/2015)

- For companies to be eligible for any cooperation credit, they must disclose all relevant facts about individual misconduct
- Civil standard the same under AAG Baer (9/2016)

➤ Rosenstein Policy (11/2018)

- No longer “all relevant facts” for “every person involved”
- Instead, cooperation credit available when company seeks “in good faith” to identify those who were “substantially involved in or responsible for wrongdoing”
- In civil cases, company must provide “meaningful assistance to the government’s investigation,” which may include:
 - voluntary disclosure of misconduct
 - identification of a problem without the expenditure of otherwise necessary investigative resources

■ **How Does a Company Cooperate?**

- **Rosenstein Policy (11/2018) [continued]**
 - Assistance that enables prosecutors to pursue unredressed misconduct
 - Civil prosecutors are now permitted, with supervisory approval, to negotiate civil releases for individuals who do not warrant additional investigation in corporate civil settlement agreements
 - Criminal enforcement authority should not be used against companies for purposes unrelated to investigation and prosecution of a possible crime
 - Department attorneys must coordinate with federal and state agencies (no “piling on”)
 - Department components must coordinate to achieve an equitable result
 - Factors for whether multiple penalties are warranted: (1) egregiousness of wrongdoing; (2) statutory mandates; (3) risk of delay; (4) adequacy and timeliness of company disclosures and cooperation

- **Justice Manual Section 9-28.300: Factors to be Considered When Conducting Corporate Investigations**
 - “the adequacy and effectiveness of the corporation’s compliance program at the time of the offense, as well as at the time of a charging decision”

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

April 30, 2019

Criminal Division Announces Publication of Guidance on Evaluating Corporate Compliance Programs

The Criminal Division announced today the release of a guidance document for white-collar prosecutors on the evaluation of corporate compliance programs. The document, entitled “*The Evaluation of Corporate Compliance Programs*,” updates a prior version issued by the Division’s Fraud Section in February 2017. It seeks to better harmonize the guidance with other Department guidance and standards while providing additional context to the multifactor analysis of a company’s compliance program.

- “[T]hree overarching questions that prosecutors ask in evaluating compliance programs: First, is the program well-designed? Second, is the program effectively implemented? And, third, does the compliance program actually work in practice?”

- **Deputy Attorney General Rod J. Rosenstein (March 7, 2019)**
 - “We should encourage and support the development of self-policing mechanisms for corporate crime. **Law enforcement agencies should give the greatest consideration to companies that establish effective compliance programs in advance**, because it frees our agents and prosecutors to focus on people who commit more serious financial crimes or pose other threats to America. The fact that some misconduct occurs shows that a program was not foolproof, but that does not necessarily mean that it was worthless. We can make objective assessments about whether programs were implemented in good faith.

In all cases, compliance mitigates risk, making companies more valuable and less likely to encounter unanticipated costs from protracted investigations and penalties. **When a company establishes a culture of integrity, it creates value. Compliance is an investment.** Ethical, law-abiding companies attract better investors, employees, and customers. People want to do business with companies that are honest and reliable.”

- If you learn of or suspect a procurement fraud violation or false claim made by your company:
 - Retain outside legal counsel immediately who is familiar with the agency involved
 - Conduct a preliminary internal investigation
 - If a violation is believed to have occurred, mitigate a potential penalty through voluntary self-reporting
 - Investigate
 - Cooperate
 - Remediate
 - Negotiate
 - And, if all else fails, litigate

QUESTIONS?



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MEMBERSHIPS AND ACTIVITIES

- Admitted to practice in the State of New York
- Member, American Bar Association – Health Law Section
- Member, Armenian Bar Association
- Member, New York State Bar Association
- Member, National Association of Former United States Attorneys

EXPERIENCE

- **United States Attorney for the Northern District of New York**
- Significant experience dealing with allegations of white collar crime, healthcare, financial services, defense procurement fraud, and environmental violations against individuals and corporations
- Served as a member, Vice Chair and Chair of the Attorney General's Advisory Committee (AGAC)

FOCUS AREAS

- Corporate Investigations and White Collar Defense
- Healthcare and Financial Services Litigation/Enforcement
- Criminal and Civil Disputes
- Cybercrime, Trade Secret and Customer Data Theft
- Tribal Affairs and Gaming Matters
- State Attorneys General Practice



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MEMBERSHIPS AND ACTIVITIES

- Admitted to practice in the Commonwealth of Virginia, the District of Columbia and the State of Connecticut
- Former U.S. Navy Judge Advocate

EXPERIENCE

- Represents federal government contractors, financial institutions, institution-affiliated parties, money services businesses and tribal-owned businesses in civil litigation across the country and in administrative enforcement actions involving: U.S. sanctions enforcement (OFAC); Bank Secrecy Act/Anti-Money Laundering; state money transmitter licensing; CFPB; CFIUS investigations and proceedings; DoD IG investigations; and related federal and state regulatory matters

FOCUS AREAS

- Corporate Investigations and White Collar Defense
- Financial Services Litigation and Enforcement
- Complex Commercial Litigation
- Global Payments
- Native American Tribal Affairs, Commercial
- Unmanned Aircraft
- General Aviation



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MEMBERSHIPS AND ACTIVITIES

- Admitted to practice in the District of Columbia, Maryland and Virginia
- Federal court admissions: U.S. Supreme Court; U.S. Court of Appeals for the First, Fourth and District of Columbia Circuits; U.S. District Court for the District of Colorado, District of Columbia, District of Maryland, Eastern District of Michigan, and Eastern and Western Districts of Virginia

EXPERIENCE

- Represents a large national defense contractor in multiple cases, prosecuting and defending various fraud, business tort, trade secret, patent infringement and employment-related claims
- Successfully defended a national clothing retailer against multiple FMLA, Title VII and retaliation claims, and various EEOC charges

FOCUS AREAS

- Expert and active E.D.Va and Virginia Circuit Court practice
- Employment Litigation and Counseling
- Trade Secret and Competition Litigation
- Intellectual Property Litigation
- Complex Commercial Litigation



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MEMBERSHIPS AND ACTIVITIES

- Admitted to practice in the District of Columbia, the Commonwealth of Virginia and various federal courts
- Law clerk to the Hon. Henry C. Morgan, Jr., U.S. District Court for the Eastern District of Virginia

EXPERIENCE

- Represented government contractors in a wide range of litigation, including misappropriation of trade secrets, bid rigging and collusion, tortious interference, civil RICO, conspiracy, and breach of fiduciary duty, and in multiple areas, including national defense, software and IT, and staffing for various agencies
- Represented companies and individuals in various government investigations involving the False Claims Act, Foreign Corrupt Practices Act, and Anti-Kickback statutes, and in OIG investigations involving misappropriation of government funds and potential debarment

FOCUS AREAS

- Corporate Investigations and White Collar Defense
- Financial Services Litigation and Enforcement
- Cybercrime, Trade Secret, and Customer Data Theft
- Complex Commercial Civil Litigation



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EXPERIENCE

- Catherine’s experience is focused on government contracts; government investigations and enforcement; and intersecting transactional, regulatory, and compliance matters across a number of industries, with a specific emphasis on defense, technology, and aerospace companies.
- Before her current role with ASRC Federal, Catherine was an associate at an AmLaw 100 firm where she was a member of the government contracts practice and the defense and government contracting industry team.
- Catherine also served as counsel, corporate secretary, and empowered official for a major government services contractor where she led the export compliance program and provided full life-cycle government contracts advice and counseling.

EDUCATION

- University of Maryland Francis King Carey School of Law, JD, 2014
- The George Washington University College, BA, International Affairs & Economics, 2009

MEMBERSHIPS

- Admitted to practice in Maryland