

No. 82-04

Date: November 11, 1982

Review Procedure Releases

The Department of Justice has received a review request from Thompson & Green Machinery Company, Inc. ("T & G") pursuant to the Review Procedure Releases Procedure.

T & G intends to compensate a foreign businessman ("Mr. X") whom it hired and used as its agent in connection with a generator sale in a foreign country. The written consultant agreement, which obligates T & G to pay "Mr. X" a commission for his efforts in promoting the sale, notes that no part of Mr. X's commission will be used by Mr. X, either directly or indirectly, to pay any commission or finder's fee to a third party. Furthermore, the consultant agreement references the FCPA's prohibition of the payment or giving anything of value to an employee or official of a foreign government. After having been advised that Mr. X's brother ("Mr. Y") is an employee of the very foreign government with whom T & G concluded the generator sale, T & G obtained separate affidavits from both Mr. X and Mr. Y in which they pledge adherence to the antibribery provisions of the FCPA. T & G has represented that it will pay Mr. X his commission by check or bank transfer in the country where the services were rendered, and the company will require Mr. X to declare and exchange his commission in accordance with all applicable currency control laws in that foreign country.

Based on all the facts and circumstances as represented by the requestor, the Department does not presently intend to take an enforcement action with respect to the compensation of Mr. X by T & G.

The FCPA Review Letter and this Release have no application to any party which did not join in the request, and can be relied upon by the requesting party only to the extent that the disclosure of facts and circumstances in the request is accurate and complete and continues to accurately and completely reflect such facts and circumstances.