

Mining and Metallurgical
Society of America

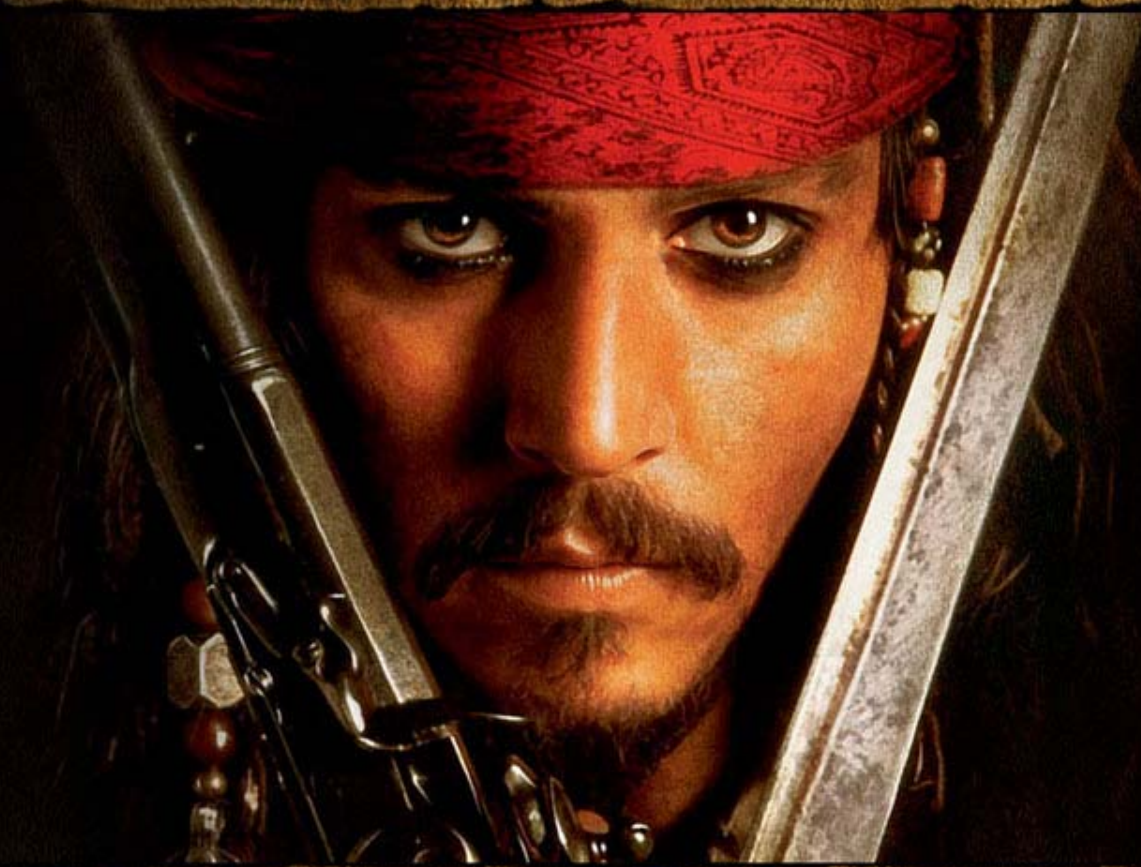
Ethics 2 - Bribery and Anti-Corruption

PRESENTED BY
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AUGUST 28, 2020

Keep to the Code.com

The Official Fan Site for Disney's
Pirates of The Caribbean Movies



1. Everyone shall obey orders.
2. Booty will be shared out as follows: 1 share to every ordinary seaman; 1 1/2 shares to the captain; 1 1/4 shares to the master carpenter, boatswain and gunner.
3. Anyone keeping secret of attempting to desert will be

executed. He may take only a flask of gunpowder, a bottle of water, a gun and some shot. 4. The punishment for hitting a man is 40 lashes on the bare back. 5. Anyone being lazy or failing to clean his weapons will lose his share of booty. 6. Everyone may vote on all important decisions. 7. Everyone may have a share of captured drink and fresh food. 8. No man aboard in disguise is death. 9. No one may leave the crew until each man has made 1,100 pounds. 10. The



And thirdly, the Code is more what you'd call 'guidelines' than actual rules.

David Abbott

**Geologist
and
International Consultant**

**MMSA QP Member
Geology and Ore Reserves**

Ethical Guidelines - MMSA

- 1. The responsibility of members for the welfare, health and safety of the community shall at all times come before their responsibility to the profession, to sectional or private interests, or to other members.**
- 2. Members shall act so as to uphold and enhance the honor integrity and dignity of the profession.**
- 3. Members shall perform work only in their areas of competence.**
- 4. Members shall build their professional reputation on merit and shall not compete unfairly.**



Ethical Guidelines - MMSA

5. Members shall apply their skill and knowledge in the interest of their employer or client for whom they shall act, in professional matters, as faithful agents or trustees.

6. Members shall only give evidence, express opinions or make statements in an objective and truthful manner and on the basis of adequate knowledge.

7. Members shall continue their professional developments throughout their careers and shall actively assist and encourage their fellows and those under their direction to advance their knowledge and experience.

8. Members shall comply with all laws and government regulations relating to the mineral industries.



MMSA Ethical Guidelines

Interpretation Clause 4(b): bribe or facilitating payment?

In many countries, payments of varying size are commonly paid to officials in order to obtain permits, clearance for equipment and supplies, and a variety of other purposes. Such payments are known as “grease,” “baksheesh,” “facilitating payments,” “bribes,” etc.

Is it ethical to make such payments? If so, when?

How should the making of such payments be disclosed?

The FCPA* has no minimum % payment

- A \$1 million premier bribe to protect \$100 million in product exports from a country is enough. The loss of the \$100 million in product may be significantly material financially even though \$1 million is not.
- Bribes or social licensing costs?
 - Disclosure of the sums involved is the big difference.

*Foreign Corrupt Practices Act (FCPA)

Corruption or custom?

I was in a Central American country and was stopped by a highway patrolman who claimed I was speeding. He wanted me to pay him the fine for a speeding ticket in Colorado in dollars.

Is this corruption or country custom?

Barney Guarnera

**Geologist
And International Consultant
Broadlands Advisory Ltd.**

**MMSA QP Member
Mineral Valuation, Finance**

Mark Jorgensen

Metallurgist
and
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MMSA QP Member
Metallurgy/Processing

FCPA

- **Foreign Corrupt Practices Act (FCPA)**

(You can't bribe anyone or take a bribe when you are out of the country because when you get back they will put you in jail)

- **Know the law;**
- **Educate the people that are asking for favors; and**
- **Time is never on your side. You have to be prepared.**

FCPA – True Story

- Indonesia
- Prior to providing security for a project the local police chief demanded
 - ▣ A specially equipped SUV for personal use
 - ▣ A home for his family
 - ▣ Patrol vehicles for his officers
- CEO calls you and tells you to “make it happen”
- What do you do?
- What is company policy?

FCPA – True Story

- Turkey
- You are in customs.
- You have a meeting in two hours with the country lead for your company
- The official wants \$40 to stamp your passport in order to expedite your entry.
- What do you do?
- What is company policy?

FCPA – True Story

- Africa
- Critical operational supplies are in customs.
- The official wants “a bag of money” to expedite and facilitate entry of goods from the port to your trucks
- What do you do?
- What is company policy?

Michael Nees

Metallurgist
and
International Consultant

MMSA QP Member
Metallurgy/Processing

Consulting Corruption Potential

- ❑ **Slow Collapse of the EPCM Engineering Model**
- ❑ **Dependence on Experienced Consultants the New Tech GiG Workers**
- ❑ **COVID 19 Effect on EPCM**
- ❑ **Issues with NDAs and IP Transfer**
- ❑ **Importance of Ethics in Engineering Work**

John Fognani

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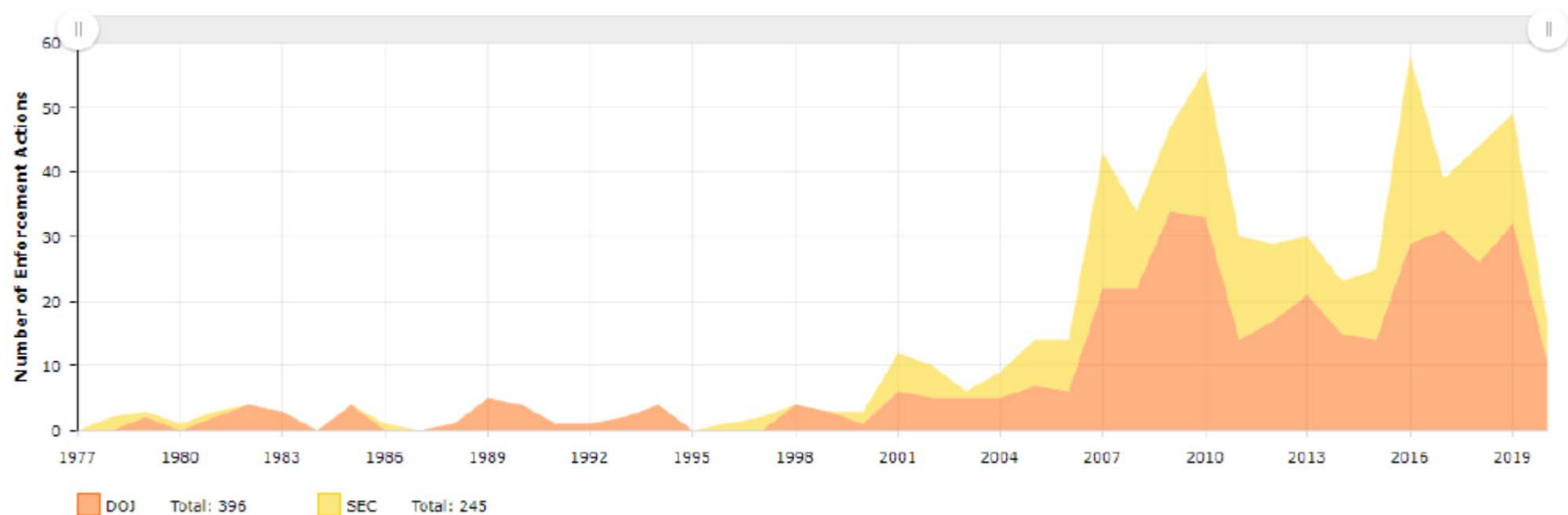
MMSA Member

Worked as General Counsel to Ivanhoe Mines and Ivanhoe Capital.

DOJ and SEC Enforcement Actions per Year

DOJ and SEC Enforcement Actions per Year

DOJ and SEC Enforcement Actions ▾



Description for DOJ and SEC Enforcement Actions per Year

This chart identifies the number of Enforcement Actions the SEC or DOJ initiated per year, for each year since the statute's enactment. By hovering over a year, users can see the number of Enforcement Actions filed by the SEC and the number of Enforcement Actions filed by the DOJ. If the SEC and DOJ jointly file an Enforcement Action, that action is counted once for the SEC and once for the DOJ. See [About Us - Datasets](#) for a definition of "Enforcement Action." There are many ways to define an FCPA enforcement action and to count the number of such actions filed per year. This graphic presents one possibility among several.

Questions & Answers

Thanks for Attending!

- Mining and Metallurgical Society of America
- www.mmsa.net

