



Brian F. Saulnier

Partner

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OVERVIEW

Brian Saulnier is a partner in the firm's global investigations, enforcement, and white collar practice group, resident in K&L Gates' Pittsburgh and London offices.

Brian's practice focuses on internal corporate investigations touching on a variety of substantive areas, including the U.S. Foreign Corrupt Practices Act (FCPA), the False Claims Act, and the UK Bribery Act of 2010. In connection with his investigations work, Brian advises boards, audit committees, special committees, and management on investigation into and defense of matters involving alleged criminal and civil fraud, including with respect to voluntary disclosure. Brian has conducted internal investigations in the United States, South America, Europe, Africa, the Middle East, and Asia. He represents clients in these matters before the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), as well as before various authorities outside of the United States.

Brian counsels clients regarding anti-bribery and anti-corruption compliance and best practices, including on how to develop and implement an effective anti-bribery and anti-corruption compliance program, as well as with respect to how to address compliance problems when they arise.

Among his most notable successes, Brian led a team that conducted an internal investigation and secured a rare SEC non-prosecution agreement and DOJ declination to prosecute Nortek, Inc.

Brian is recognized in *Chambers USA* for Litigation: White Collar Crime & Government Investigations in Pennsylvania. He has also been named in *Who's Who Legal: Investigations* every year since 2017, as a leading practitioner in cross-border internal investigations and related advice and counseling.

ACHIEVEMENTS

- Recognised by *The Legal 500 United Kingdom* edition as a Recommended Lawyer for Fraud: white-collar crime (advice to individuals) and Regulatory investigations and corporate crime (advice to corporates) in London, 2024
- Recognized in *Chambers USA* for Litigation: White-Collar Crime & Government Investigations in Pennsylvania, 2020

- Named in Global Investigations Review (GIR) and Who's Who Legal for Investigations in 2017, 2018, 2019, and 2020, and recognized in "Thought Leaders 2020," as a leading practitioner in cross-border internal investigations and related advice and counseling.

PROFESSIONAL / CIVIC ACTIVITIES

- International Bar Association
 - Anti-Corruption Committee
 - Business Crime Committee
- American Bar Association
- Pennsylvania Bar Association

SPEAKING ENGAGEMENTS

- "Privilege in International Investigations," Commercial Fraud Lawyers Association, London, England, September 13, 2018.
- "Organisational Risk and Crisis Management; How prepared are you?," ACC Europe, Amsterdam, The Netherlands, March 15, 2018.
- "Organisational Risk and Crisis Management; How prepared are you?," ACC Europe, Milan, Italy, February 1, 2018.
- "Organisational Risk and Crisis Management; How prepared are you?," ACC Europe, Zurich, Switzerland, November 9, 2017.
- "Organisational Risk and Crisis Management; How prepared are you?," ACC Europe, Geneva, Switzerland, November 8, 2017.
- "Sapin II - Organisational Risk and Crisis Management," *K&L Gates LLP Webinar*, June 15, 2017.
- "Organisational Risk and Crisis Management; How prepared are you?," *ACC Europe*, Madrid, Spain, April 5, 2017.
- "Organisational Risk and Crisis Management; How prepared are you?," *ACC Europe*, Lugano, Switzerland, March 22, 2017.
- "Corporate Responses to Investigative Requests by the Federal Government", *ACC Lunch & Learn Series*, November 1, 2016.
- "Best Practices for Mergers & Acquisitions FCPA Due Diligence and the FCPA Pilot Program", *Association of Corporate Counsel*, May 19, 2016.
- C5 Global Anti-Corruption Regulatory & Enforcement Update for UAE, London, February 24, 2016.

- Case Studies on "Recent High Profile Investigations: How They Will Affect Business Dealings in the Middle East", *ACI 6th Middle East Summit on Anti-Corruption*, Dubai, UAE, February 25-26, 2015.
- "Middle East Update", *ACI Global Anti-Corruption Regulatory and Enforcement Update*, Washington, DC, November 20, 2014.
- "Increased Legislative Activity in the UAE and Saudi Arabia: How to be Proactive amid Evolving Regulatory Changes", *ACI Global Anti-Corruption Regulatory and Enforcement Update*, Washington, DC, July 14, 2014.
- "MENA Case Review: What High Profile Enforcement Investigations in the Region Reveal About What Your Anti-Corruption Compliance Program Needs to Accomplish", *ACI 5th Middle East Summit on Anti-Corruption*, Dubai, UAE, February 26-27, 2014.
- "Screening and Vetting Agents, Consultants and Other Intermediaries: What Your Due Diligence Needs to Accomplish to Minimize Your Risks", *ACI 4th Middle East Summit on Anti-Corruption*, Dubai, UAE, February 25-26, 2013.
- "Facilitating Payments, "Baksheesh," and Small Bribes: How to Distinguish and Manage Them", *ACI 1st Middle East Summit on Anti-Corruption*, Dubai, UAE, October 2009.

EDUCATION

- J.D., University of Pittsburgh School of Law, 1998 (*cum laude*; *Editor-in-Chief, University of Pittsburgh Journal of Law and Commerce*)
- B.A., University of Arizona, 1991

ADMISSIONS

- Bar of Pennsylvania
- Registered Foreign Lawyer with the Solicitors Regulation Authority in England and Wales
- United States Court of Appeals for the Third Circuit
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP POWERED BY HUB

- 14 May 2024, Handling Allegations of Non-Compliance: Internal Investigations and Self-Reporting
- 2 November 2021, DOJ Announces Major Changes to Corporate Criminal Enforcement Policies
- 10 June 2021, Biden Administration Identifies Global Corruption as a National Security Issue
- 25 August 2020, DOJ Releases Its First FCPA Advisory Opinion Since 2014—What You Need to Know About the FCPA Advisory Opinion Process

- 13 July 2020, DOJ and SEC Issue First Major Update to FCPA Resource Guide Since 2012: What You Need to Know
- 8 June 2020, DOJ Emphasizes Data-Driven Approach to Monitoring and Importance of Culture in Latest Adjustments to Corporate Compliance Program Guidance
- 22 May 2020, COVID-19: Senior Officials Comment on the Current State of Enforcement, Expectations, and Context Considerations During the COVID-19 Pandemic
- 18 May 2020, COVID-19: Aviation Bailout - An Overview of Aviation Industry Stimulus Programs Globally
- 4 May 2020, COVID-19: Planning for Wave of CARES Act Enforcement for Aviation Industry
- 16 May 2019, DOJ Revises Corporate Compliance Guidance Calling Attention to Three Areas Where Most Companies Fall Short: Risk Assessments, Compliance Culture, and Continuous Compliance Program Improvement
- 7 December 2017, Takeaways from the 34th International Conference on the Foreign Corrupt Practices Act
- 15 May 2017, The New Faces of FCPA Enforcement: The Transition to a Sessions-Clayton Enforcement Regime Is Unlikely to Result in Drastic Changes
- 23 January 2017, Sapin II - France's War on Corruption
- 6 January 2017, FCPA Enforcement Under Trump: Don't Call Off the Cavalry Just Yet
- 1 November 2016, Corporate Responses to Investigative Requests by the Federal Government
- 13 October 2016, Singapore Gets Serious About Money Laundering
- 5 July 2016, The First Ninety Days of the FCPA Unit's Pilot Program
- 5 July 2016, A New Sheriff In Town: The Monetary Authority of Singapore Creates New Anti-Money Laundering And Enforcement Departments
- 5 July 2016, Singapore's Banking Secrets - Not So Secret Anymore
- 10 February 2016, The SEC Is Actively Encouraging Whistleblowers: How Should You Respond?

OTHER PUBLICATIONS

- Co-Author, "Something's Gotta Give: Navigating Auditor Inquiries in Investigations," *Anti-Corruption Report* (2-part series), 21 December 2022 and 4 January 2023; reprinted in *Cybersecurity Law Report*, *Private Equity Law Report*, *Hedge Fund Law Report*
- "DOJ Announces Major Changes to Corporate Criminal Enforcement Policies," *Westlaw Today powered by Reuters*, 8 November 2021
- "*Madison Construction Co. v. Harleysville Mutual Insurance Co.*: The Pennsylvania Supreme Court Takes Its First Look at the Absolute Pollution Exclusion," *Journal of Insurance Coverage*, Winter 2000

NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 *Chambers USA* Guide
- 4 May 2021, K&L Gates Bolsters Investigations Practice with Hire of Former U.S. Attorney as Research Triangle Park Partner
- 10 March 2021, Important Takeaways on Extra-Territorial Enforcement, Individual Liability, and Cross-Agency Coordination
- 23 October 2020, *Global Investigations Review*: GIR 100 2020
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 *Chambers USA* Guide

AREAS OF FOCUS

- White Collar Defense and Investigations
- Anti-Bribery and Anti-Corruption
- Federal, State, and Local False Claims Act
- Internal Investigations
- International Trade: CFIUS, Sanctions, and Export Controls
- Oil and Gas
- Securities Enforcement / Financial Regulatory Enforcement

REPRESENTATIVE EXPERIENCE

- Led an internal investigation into alleged Foreign Corrupt Practices Act (FCPA) violations at a Chinese subsidiary of Nortek, Inc. (Nortek), a U.S. public company. The team guided Nortek through the process of self-reporting the matter to the Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) and then represented the company in the ensuing resolution. Nortek entered into a rare SEC Non-Prosecution Agreement (NPA) and the DOJ announced publicly its decision to decline to prosecute, the first settlement under the so-called DOJ “Pilot Program.”
- Conducting an internal investigation for a SE Asia-based, publicly-traded, global manufacturer of marine and offshore integrated solutions into allegations of corrupt payments to government officials and others in Brazil, in connection with “Operation Car Wash,” and representing that manufacturer before various governmental agencies.

- Conducted a multi-jurisdiction, cross-border internal investigation for a Fortune 200 company operating in the upstream oil and gas sector into allegations of corrupt payments by third parties to customs officials of a West African nation, in violation of the FCPA and UK Bribery Act.
- Conducted an internal investigation from 2018-2019 for a global supplier of paint, coatings, and specialty materials regarding allegations related to two of the client's former employees and three of the client's customers. The investigation stemmed from payment of an administrative penalty to a government agency for violation of PRC laws. The allegations suggested violations of the FCPA and applicable People's Republic of China (PRC) anti-corruption laws.
- Conducted a multi-jurisdiction, cross-border internal investigation on behalf of a special committee of independent directors of a privately-held, U.S.-based, global law enforcement equipment supply contractor into allegations of corrupt payments to U.N. officials and foreign officials in Europe, South America, and the Middle East by a senior employee and certain international sales agents. The investigation resulted in real-time, ongoing self-reporting to the DOJ and SEC, and ultimately resolved in settlement.