

Broward Health Compliance & Ethics Committee Education

Brian W. Kozik
SVP & Chief Compliance & Privacy Officer
January 18, 2022



BROWARD HEALTH[®]

Corporate Compliance
& Ethics Department

CORPORATE COMPLIANCE AND INDIVIDUAL ACCOUNTABILITY

- September 9, 2015
 - Deputy Attorney General, Sally Yates, issued a memo on Individual Accountability for Corporate Wrongdoing (the “Yates Memo”).
 - Required corporations to disclose “relevant facts about the individuals involved in corporate misconduct” to receive credit from DOJ when resolving fraud cases.
- November 29, 2018
 - Deputy Attorney General, Rod Rosenstein, scales back the Yates Memo.
 - Prosecutors in criminal cases to focus on individuals with “substantial” involvement in the corporate fraud and have more discretion in criminal cases.



CORPORATE COMPLIANCE AND INDIVIDUAL ACCOUNTABILITY: CONTINUED

- October 28, 2021
 - Deputy Attorney General Lisa Monaco reinstates the Yates Memo
 - Corporations have to provide “all relevant facts relating to the individuals responsible for the misconduct to get cooperation credit.
 - “A company must identify all individuals involved in the misconduct, regardless of their position, status or seniority.”
 - The “record of misconduct speaks directly to a company’s overall commitment to compliance programs and the appropriate culture to disincentivize criminal activity.”
 - The DOJ instructed prosecutors to take a broader view of companies’ historical misconduct.

