

No. 80-02

Date: October 29, 1980

Foreign Corrupt Practices Act

Review Procedure Release

The Department of Justice has received a review request from Castle & Cooke, Inc., and two subsidiaries, pursuant to the Foreign Corrupt Practices Act Review Procedure. An employee of a subsidiary in a foreign country has been asked by a political party in that foreign country to run for public office. The employee has worked for the subsidiary for ten years. He has requested permission to retain his private employment while being a candidate for the legislature and, if elected, while serving in public office. The employee's duties with the subsidiary do not include any type of advocacy work or any type of representation before the government on the corporation's behalf. The government post is essentially part-time, and it is common practice for legislators to hold outside employment. The employee will fully disclose his continuing relationship with the corporation to his political party, the electorate and to the government. He will refrain from participation in any legislative matters or other governmental action which would directly affect the corporation, and his salary will be based on the amount of time he actually works for the corporation. An opinion of local counsel states that, as structured, the proposed conduct does not violate local conflict of interest or other laws.

Based upon all of the facts and circumstances as represented by the requestors, the Department does not presently intend to take an enforcement action with respect to any of the prospective conduct described in this request.

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 parties 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.