

Financial Crime Watch - May 2023

SFO secures first conviction for individual connected to Deferred Prosecution Agreement

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Deferred Prosecution Agreement reporting restrictions in place since 2021 were lifted on 2 March 2023, disclosing that UK companies, Bluu Solutions Limited and Tetris Projects Limited, had entered into Deferred Prosecution Agreement's in July 2021 with the condition that they pay a penalty of £2.62 million for bribery.

The publication of the Deferred Prosecution Agreement's follows a guilty plea from Bluu Solutions Limited project manager, Roger Dewhirst, who admitted to two counts of accepting or agreeing to receive bribes totalling almost £300,000. The other individuals involved were acquitted following trial.

The case

Bluu Solutions Limited and Tetris Projects Limited are UK-based office refurbishment subsidiaries of Jones Lang LaSalle (JLL). Both operate in multiple locations globally.

In 2017, the SFO opened a criminal investigation into suspected bribery at both companies and secured two Deferred Prosecution Agreements on 19 July 2021.

Between March 2014 and July 2016, Bluu Solutions Limited sought to influence the award of five refurbishment contracts worth approximately £11.5 million, successfully winning four. Two contracts were awarded to Bluu Solutions Limited and two awarded to Tetris Projects Limited. Payments totalling £466,858 were made by two senior directors of Bluu Solutions Limited, including payments directly and indirectly used as inducement or reward. Payments were often made from personal bank accounts and included a Range Rover vehicle.

In August 2015, Bluu Solutions Limited was acquired by JLL, where both directors took up new roles, continuing their improper conduct whilst in their new jobs. The offences were uncovered in August 2016, when the JLL internal audit team conducted a post-acquisition audit of Tetris Projects Limited. This was followed by an internal investigation resulting in JLL voluntarily self-reporting to the SFO and informing the US Department of Justice and Securities and Exchange Commission and the UK Competition and Markets Authority about its referral.

Under the Deferred Prosecution Agreement's, Bluu Solutions Limited admitted guilt to four offences of bribery and one offence of failure to prevent bribery during the tender process. Tetris Projects Limited admitted guilt to one offence of failure to prevent bribery. Both companies were required to pay a penalty of over £2.62 million, a disgorgement of profits of £604,407 and Tetris Projects Limited was

required to follow a 24-month Compliance Plan. The Deferred Prosecution Agreement's did not prevent the SFO from bringing prosecutions against any present or former directors, officers, consultants, agents or employees.

Key takeaways

This is the first conviction the SFO has secured against any individual connected to conduct subject to a Deferred Prosecution Agreement, having had a series of unsuccessful high-profile prosecutions. However, this particular case is unlikely to mark a turning point for the SFO. The Deferred Prosecution Agreement regime is increasingly under scrutiny by influential critics who highlight the unfairness of the seemingly endless stream of corporate Deferred Prosecution Agreements, followed by failed or non-existent prosecutions.

Enforcement

- The Bluu Solutions Limited and Tetris Projects Limited conviction closely followed the [SFO's high-profile decision to discontinue a trial against three former G4S executives](#) who had been accused of defrauding the Ministry of Justice (MoJ) over a prisoner-tagging contract.
- Each executive had been charged with seven counts of fraud over alleged false representations they had made to the MoJ between 2009 and 2012 and were due to face trial in 2024. All three were acquitted at the Old Bailey in March 2023 after the SFO halted the case having failed to offer evidence and stating that "it was no longer in the public interest" to pursue charges.
- In 2020, G4S and the SFO reached a £44 million settlement for three fraud offences committed against the MoJ between 2011 and 2012. G4S admitted guilt for misleading the government about its actual profits from a prisoner-tagging contract, but the now acquitted individuals described this as "G4S signing a false confession".

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