

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA	:	
	:	Case No.: 1:20-cr-00745
v.	:	
	:	
BEAM SUNTORY INC.,	:	
	:	
Defendant.	:	
	:	

GOVERNMENT’S UNOPPOSED MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the Information filed in the above-captioned case against defendant Beam Suntory Inc. (“Beam Suntory” or the “Company”) with prejudice. In support of this motion the Government states as follows:

1. On October 21, 2020, the Government filed a criminal one-count Information charging Beam Suntory with conspiracy to commit offenses against the United States in violation of 18 U.S.C. § 371. See Dkt. 1 (the “Information”). In Count One, Beam Suntory was charged with conspiracy to violate the antibribery and accounting provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. §§ 78dd-1(a),(g), 78dd-2(a),(i), 78m(b)(2)(A),(B), (b)(5), and 78ff(a).

2. On October 22, 2020, the Government entered into a deferred prosecution agreement (“DPA”) with Beam Suntory, in which the Government deferred prosecution of Beam Suntory for a period of three years. See Dkt. 8. Among other obligations, the DPA required Beam Suntory to cooperate with the Government’s investigation and to implement an enhanced

compliance program for a period of at least three years. Beam Suntory was also required to pay a criminal monetary penalty of \$19,572,885.

3. The DPA provided that the Government would not continue the criminal prosecution against Beam Suntory and would move to dismiss the Information within six months of the expiration of the DPA if Beam Suntory fully complied with all of its obligations under the DPA. See DPA ¶ 13.

4. On or about September 19, 2023, the Chief Executive Officer and Chief Financial Officer of Beam Suntory certified to the Government that Beam Suntory had met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. The DPA expired on or about October 21, 2023.

6. Based on the information known to the Government, Beam Suntory has fully met its disclosure obligations under the DPA, including full cooperation with the Government, implementation of an enhanced compliance program and procedures, and satisfaction of the terms of the provisions regarding self-reporting. In addition, on or about November 5, 2020, Beam Suntory made timely payment of the \$19,572,885.00 criminal monetary penalty.

7. Because Beam Suntory has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate.

See DPA ¶ 13.

For the foregoing reasons, the Government requests that this Motion to Dismiss the Information be granted.

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

GLENN LEON
Chief, Fraud Section
Criminal Division

MICHELLE PETERSEN
Assistant U.S. Attorney

/s/ Della Sentilles

DELLA SENTILLES
Trial Attorney

U.S. Attorney's Office for
the Northern District of Illinois
219 S. Dearborn, 5th Floor
Chicago, Illinois 60604
michelle.petersen@usdoj.gov
(312) 886-7655

Fraud Section
U.S. Department of Justice
1400 New York Avenue NW
Washington, D.C. 20005
Della.Sentilles@usdoj.gov
202-616-3393