



Sean B. O'Connell

Shareholder

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Sean O'Connell represents corporate and individual clients in white collar and regulatory defense matters.

Sean O'Connell is a shareholder in Baker Donelson's Washington, D.C., office and a member of the Government Enforcement and Investigations Group. He represents corporate and individual clients in white collar and regulatory defense matters, including claims involving health care fraud, tax, the Foreign Corrupt Practices Act (FCPA), and the False Claims Act (FCA). Sean frequently represents his clients before the Department of Justice, the Securities and Exchange Commission, state attorneys general, and other regulatory agencies.

Having directed both criminal and civil Department of Justice (DOJ) investigations, Sean is uniquely situated to provide compliance counseling, conduct internal investigations, navigate and counter government investigations and – if need be – defend government allegations at every stage of litigation.

He also regularly advises companies about the effectiveness of their compliance programs and assists companies that are facing investigations by enforcement agencies outside of the United States.

Sean has represented several large health care clients in responding to investigations of potential violations of the FCA, the Anti-Kickback Statute, and related regulations.

Sean's experience includes more than 13 years serving as a trial attorney with the DOJ's Criminal Fraud Section and the Criminal Tax Division, as an Assistant United States Attorney with the U.S. Attorneys' Offices for the District of Maryland and the Western District of Texas, and as a Special Assistant United States Attorney with the U.S. Attorneys' Offices for the Eastern District of Virginia and the Eastern District of Pennsylvania. He joined the DOJ as a trial attorney through the Attorney General's Honors Program and led investigations and prosecutions into a wide variety of white collar crimes, including health care, tax, bank, wire, mail, and securities fraud; money laundering; public corruption; and the FCPA.



Representative Matters

Criminal and False Claims Act (FCA) Investigations into Health Care and Government Contracting Fraud

- Representing numerous health care providers and entities in state and federal civil and criminal investigations nationwide involving alleged violations of the False Claims Act (FCA), Anti-Kickback Statute, health care fraud, and the Stark Law.
- Representing a United States mortgage lender in an FCA lawsuit alleging violations of the Paycheck Protection Program (PPP).
- Represented multiple companies accused of criminal and FCA violations for allegedly abusing the Service-Disabled Veteran-Owned Small Business (SDVOSB) program.
- Obtained a non-intervention decision from the U.S. Attorney's Office and State Attorney General's Office regarding FCA allegations of health care fraud.
- Conducted an internal investigation of a Department of Defense (DOD) contractor concerning potential FCA violations and related regulatory issues.

- Represented a pharmacy wholesaler in a criminal investigation into alleged illegal distribution of opioids and other Schedule II narcotics.
- Represented multiple independent pharmacies in parallel civil and criminal DOJ investigations regarding sales practices.
- Represented a multistate health care organization responding to allegations by the Small Business Administration (SBA) that it improperly received millions of dollars in PPP funding due to violations of SBA affiliation rules.
- Represented a Virginia-based otolaryngologist and their practice in a civil fraud case alleging false billing of government health care programs for medically unnecessary procedures.
- Obtained a declination of prosecution from the Eastern District of Virginia in a criminal investigation involving a Virginia-based pharmacy client.
- Representing health care organizations in self-disclosures to Medicaid and other state regulatory bodies regarding overpayments and compliance issues.

Government Investigations, Regulatory Defense, and Public Corruption Matters

- Represented the City of Memphis and the Memphis Police Department in the U.S. Department of Justice Civil Rights Division's pattern-and-practice investigation.
- Obtained a declination of prosecution in a criminal tax fraud investigation of an individual investigated by the Internal Revenue Service (IRS) for alleged tax evasion.
- Represented a former CIA officer in a security clearance appeal before the appropriate federal agency.
- Represented a tax return preparer for professional athletes in a criminal tax investigation led by the Criminal Tax Division.
- Represented a tax return preparer accused of aiding and assisting the filing of false returns in an investigation by the United States Attorney's Office for the Eastern District of Pennsylvania.
- Conducted internal investigations into allegations of public corruption at a state university and in public school districts.
- Conducted an internal investigation for a North American chain of convenience stores regarding allegations of aiding and assisting the smuggling of tobacco products to avoid tax disparities.
- Represented a national immigration services company in an investigation by state insurance regulators.
- Advised an international traffic technology company on regulatory compliance issues in multiple state Department of Transportation investigations.

Foreign Corrupt Practices Act (FCPA) and International Compliance

- Obtained a denial of prosecution from the Department of Justice's Fraud Section for alleged FCPA violations involving a Latin American energy company.
- Conducted an internal investigation for an international energy company to address allegations of FCPA violations.
- Conducted an internal investigation for an international energy company in response to allegations of fraud and identity theft.
- Developed a compliance program for a multinational energy company.
- Counseled an African mining company on Office of Foreign Assets Control (OFAC) sanctions and risk exposure.
- Counseled a Canadian manufacturing company on OFAC sanctions compliance related to Cuban sanctions programs.
- Advised multiple United States financial institutions and individuals on OFAC sanctions risks associated with accepting payments from Specially Designated Nationals (SDNs).
- Represented individuals falsely accused of international sanctions violations in efforts to re-establish their good standing with financial institutions.

Relevant Government Experience

- Served as lead government counsel in dozens of criminal health care and tax fraud prosecutions.

- Served as lead government counsel in FCA investigations of medical practices and hospital systems accused of deceptive billing practices.
- Served as lead government counsel in FCA investigations of fraudulent billing by DOD contractors.
- Served as co-counsel in public corruption and financial fraud investigations of former Texas State Senator Carlos Uresti and Reeves County Judge Jimmy Galindo.
- Served as criminal tax counsel assigned to FCPA investigation of a European telecommunication corporation.
- Served as co-lead counsel in a 10-week jury trial of a homebuilder defendant who conspired to obstruct justice and defraud the United States and various lending institutions of more than \$25 million.
- Served as counsel in a five-week jury trial against a lawyer and others who conspired to evade assessment of \$24 million in income using nominee entities, including a fictitious Irish bank.
- Secured a legal victory in a one-week jury trial against two promoters of a \$28 million sham trust scheme.
- Served as defense counsel in dozens of claims brought pursuant to the Federal Tort Claims Act.
- Defended the constitutionality of government practices throughout the Western District of Texas, including civil and criminal forfeiture procedures during Department of Homeland Security searches and seizures.
- Referred a COVID-19 fraud matter on behalf of a large manufacturer of personal protective equipment (PPE) to the U.S. Attorney's Office for the Northern District of Georgia, resulting in the successful federal prosecution and sentencing of two individuals who defrauded businesses of over \$12 million through fraudulent PPE sales during the pandemic.



Professional Honors & Activities

- Recipient – Virginia Access to Justice Commission, Pro Bono Service Honor Roll (2023)
- Member – Federal Bar Association
 - Board of Directors – San Antonio Chapter (2015 – 2019)
- Chief's Investigative Excellence Award for Carlos Uresti, et al. Investigative Team – Internal Revenue Service (2019)
- Outstanding Attorney Award – U.S. Department of Justice Tax Division (2009 and 2010) Attorney General's Honors Program (2006)
- Law Clerk – United States District Court for the Eastern District of Pennsylvania, Hon. James McGirr Kelly (2004 – 2005), Hon. Timothy Rice (2005), and Hon. Robert F. Kelly (2005 – 2006)



Publications

- "DOJ Attempts to Define Illegal DEI: Warning Recipients of Federal Funds to Take Notice" (August 2025)
- "Update: DOJ Issues Guidelines for Protectionist FCPA Enforcement" (June 2025)
- "Trade Enforcement Risks Escalate with Increasing Tariffs: What Companies Should Do to Mitigate Risk," republished in *Corporate Counsel* (June 2025)
- "DOJ Expands DEI Crackdown with New Civil Rights Fraud Initiative Centered on False Claims Act Enforcement," republished in *Federal News Network* (May 2025)
- "Shifting Priorities: DOJ's New Approach to White Collar Enforcement," republished in *The Legal Intelligencer* (May 2025)
- "US Review of Overseas Bribery Law Is No Excuse to Ignore Risks," *Blomberg Law* (April 2025)
- "DOJ Dismisses FCPA Charges Against Former Cognizant Executives Following New Policy" (April 2025)
- "First Circuit Requires But-For Causation for FCA Liability Based on AKS Violations," republished on February 28, 2025, in *Law360* (February 2025)

- "Federal Crackdown on DEI Programs Intensifies – Government Enforcement and Investigations Risks" (February 2025)
- "D.C. Council Passes Emergency Legislation to Close "Gifting Shops" in the District" (January 2024)
- "Supreme Court Holds That FCA Requires Subjective Intent" (June 2023)
- "Companies Take Heed: DOJ Announces Key Updates and Corporate Compliance Guidance" (March 2023)
- Co-author – "Insurance Tips for Mitigating DOJ Cyber Initiative Risks," *Law360* (November 2021)
- Co-author – "Are You a Government Contractor Seeking PPP Loan Forgiveness? Be Careful What You Wish For!," *Pratt's Government Contracting Law Report* (August 2021)



Speaking Engagements

- Panelist – "7 Supply Chain Red Flags: When to Recognize, React, or Run!," Avetta webinar (January 2023)
- Speaker – "Negotiating and Mediating False Claims Act Cases," Healthcare Enforcement Compliance Conference (November 2021)
- Guest Lecturer – "Health Care Fraud," William & Mary Law School (September 2021)
- Guest Faculty – "Law and Literature," University of Houston (Fall 2020)



Education

- Temple University Beasley School of Law, J.D., 2004
– *Temple Law Review*
- University of Virginia, B.A., 1998



Admissions

- District of Columbia, 2021
- Virginia, 2020
- Pennsylvania, 2005
- Texas, 2017
- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, District of Maryland
- U.S. District Court, Western District of Texas