AGGRAVATING AND MITIGATING FACTORS (FAR 9.406-1 and NCR §180.860)

- The actual or potential harm or impact that results or may result from the wrongdoing;
- The frequency of incidents and/or duration of the wrongdoing;
- Whether there is a pattern or prior history of wrongdoing;
- Whether wrongdoing was pervasive in the organization;
- The kinds of positions held by individuals involved in the wrongdoing;
- Whether principals tolerated the wrongdoing;
- Whether there were effective standards of conduct and internal control systems in place at the time of the misconduct;
- The misconduct was brought to the attention of Commerce or another federal agency in a timely manner;
- The respondent investigated the circumstances surrounding misconduct and made the result of the investigation available to the SDO;
- Cooperation with the investigation;
- Paid or agreed to pay full restitution, as well as any investigative or administrative costs incurred;
- Took appropriate disciplinary action against the individuals responsible for the misconduct;
- Implemented or agreed to implement remedial measures;
- Instituted or agreed to institute new or revised review and control procedures and ethics training programs;
- Whether you are or have been excluded or disqualified by an agency of the Federal Government;
- Whether you have entered into an administrative agreement with a Federal agency or a State or local government;
- To what extent you planned, initiated, or carried out the wrongdoing;
- Has had adequate time to eliminate the circumstances within the respondent's organization that led to the misconduct; and
- Recognized and understood the seriousness of the misconduct and has implemented programs to prevent recurrence.