



Sifting Through Electronic Trash— Public Records and Electronic Communications Searches to Gather Evidence and Roadmap Related Party Relationships

Featured Presenter

Tony Wayne

CVA, CPA, CIRA, CFF, FCPA

Friday, June 10, 2016

3:55p.m.—4:45p.m.



**NACVA and the CTI's
2016 Annual Consultants' Conference**
June 8–11, 2016 | San Diego, CA

Tony Wayne is President of IronHorse LLC, a K.C. based special situation business consulting firm with practice specialties in business valuation, forensic services, litigation support, turnaround consulting, due diligence & CFO services. He has led the investigation of a number of highly complex financial fraud investigations including pink sheet stock scams, private placement fraud, financial reporting fraud, and embezzlements. His findings have contributed to both criminal convictions as well as civil litigation prosecution.



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PRESENTATION OVERVIEW

- This session will introduce and explore how to effectively access and search various electronic public records sites including governmental, secretary of state, social media, court records, court dockets and private services.
- Techniques are valuable in compiling and analyzing background information:
 - ✓ Asset tracing activities
 - ✓ Identifying/documenting critical relationships
 - ✓ Building related party entity structures
 - ✓ Compilation of civil and criminal histories
 - ✓ Help identify potentially critical and credible witnesses in forensic investigations.



GOALS/PRESENTATION FOCUS

- Identify & access various public records search sites to facilitate evidence gathering activities.
- Utilize Outlook key word and other email search techniques to quickly sort through .pst files with thousands of records, and how to preserve the evidence as not to violate evidential handling protocol.
- Learn techniques for public record and electronics communications evidence compilation and summarization to efficiently drill down, up and across evidence as needed.
- Learn the use of various visual presentation summaries such as relationship mapping, entity summary tabling, and time-lines to produce powerful summary visuals within forensic reports.



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FORENSIC EXPERIENCE SUMMARY

- Troubled companies experience much higher frequency of irregularities.
- Otherwise decent people in desperate times take/rationalize desperate measures.
- Extensive private placement transactional expertise & experience.
- Bad deal, troubled company experts.
- Lots of litigation with deals gone south.



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CASE EXPERIENCE SUMMARY

- Embezzlement
- Unauthorized conversions/diversions of corporate assets for personal gain
- Private placement fraud claims
- Commercial bank borrowing base reporting fraud
- Financial reporting fraud



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FINDINGS & OBSERVATIONS-OUR DIRTY DOZEN +1

- In troubled company restructuring, forensic engagements best to assume at outset that fraud is likely present.
- As such, perform initial fundamental forensic techniques to flesh-out a comprehensive work program, and to rule out most obvious indicators of potential irregularities.
- Trended 48-60 month diagnostic template analysis highly-effective 1st step in an engagement. Ditto immediate securing of .pst back-up files of Outlook email activity/files/folders for key managers, support personnel.
- Assume others were involved in, helped cover-up, knew of or suspected irregularities. Fraud is rarely committed in a vacuum, nor does its awareness remain confined to only one office



FINDINGS & OBSERVATIONS-OUR DIRTY DOZEN +1

- Most cases will demonstrate highly complex multi-entity structures in stark contrast to the relative simplicity of the underlying operations. These structures must be very thoroughly documented and understood.
- Operationally, little to no reason for high-volume of related party transactions in most cases. Be wary of the timing, the amounts and the business purpose of these.
- Founders, insiders other related parties frequently have extensive documented track records of being associated with other entities-either currently or in the past.
- Perpetrators and those who enable them like to run together in packs-you may find critical relationships with the same individuals in various entities.



FINDINGS & OBSERVATIONS-OUR DIRTY DOZEN +1

- The perps and their pals are very busy people and tend to communicate electronically. Moreover, their calling activity creates trails as well.
- Founders frequently “prey on” unsophisticated, highly trusting investor partners who know not what question to ask. And, add to that a highly sociopathic conscious with an unlimited capacity to rationalize coupled with an over-powering desire to make money quickly and easily means that forensic work is 80% people, 20% analysis.
- Repeat offenders are common-fraud is not usually detected or uncovered and when it is, it is not often prosecuted criminally nor litigated in civil proceedings.



FINDINGS & OBSERVATIONS-OUR DIRTY DOZEN +1

- Strength of the findings and the case are directly tied to the quality of the summaries, the exhibits and the ability to very quickly drill down, up, and sideways through the compiled evidence.



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PUBLIC SITE SEARCHES-WHY PERFORM THEM?

- Co-mingling of business coupled with non-business purpose transactions often involves related party transactions.
- Non-business purpose, non-authorized expenditures can include payments to settle amounts owed by principals outside the business.
- Perps are quite often repeat offenders and their histories can and do reveal patterns of potential and apparent irregularities.
- Financial difficulties, previous failed business endeavors, litigation history may reveal names of entities & individuals who may be the recipients of embezzled funds.



PUBLIC SITE SEARCHES-WHY PERFORM THEM?

- Can provide valuable trails to identify possible recoverable assets, trace proceeds from diverted transactions.
- Promoters are gifted at creating a buzz, attracting capital to opportunity.
- Unfortunately, the funding proceeds can be used ponzi-like to settle the claims of others from previous failed new ventures, to “redeem” rather than dilute founding investors, to settle other business debts, or simply to fund a life-style.



COSTS TO PERFORM SEARCHES

- Varies depending on venue.
- Pacer (federal court system) quite reasonable. Accounts are free, quarterly billings at max \$.08 per page.
- State, county and municipal sites may charge membership/set-up fees, charge per document, and auto renew unless canceled. Searches can run \$ 5 to \$ 25 or so per document.
- Private, for profit sites may charge per search, may vary the fees based on type of search, or provide discounts on bulk searches for a fixed period of time. \$ 5 to \$ 25 per search is not uncommon.



USING FOR-PROFIT/PRIVATE SITES FOR INDIVIDUAL BACKGROUND SEARCHES

- May seem redundant, but perform searches using multiple sites.
- No site seems 100% current/accurate with filings, some appear not to link to all public sites.
- Need SS # and/or DOB for criminal searches.
- Reverse phone look-ups can be effective in establishing relationships, tracing communications to 3rd parties.
- Some sites quite flexible, robust at comprehensive searches including entity affixations, asset tracing, litigation and financing histories, tax lien searches.



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- [Notice of possible PACER and CM/ECF disruption on November 30](#) (11/25/2015)
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Bankruptcy Results

Party Name ▼	Court	Case	Ch	Date Filed	Date Closed	Disposition
1 Rabe, Kermit Eugene (dft)	ksbke	2:05-ap-06209		11/23/2005	05/03/2006	Transferred to Another Divisional Office in the Same District
2 Rabe, Kermit Eugene (dft)	ksbke	2:05-ap-06137		08/22/2005	03/24/2006	Transferred to Another Divisional Office in the Same District
3 Rabe, Kermit Eugene (db)	ksbke	2:05-bk-22496	7	05/27/2005	05/22/2014	Standard Discharge 08/18/2008

Civil Results

Party Name ▼	Court	Case	NOS	Date Filed	Date Closed
4 Rabe, Kermit (pla)	mowdce	4:2007-cv-00304	365	04/18/2007	01/07/2008

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Johnson County Kansas District Court Public Records

Case No

OR

Last Name or Business Name First Name

☐ Criminal/Juvenile/Traffic
☒ Civil
☐ Marriage License
☐ Probate

Used only on Name Search

Case No	Division	Last Name	First Name	Middle Name	ROLE	CAPTION
C0136068	M4	RABE	CHRISTINA	K	DEF	HIGHER EDUCATION ASSISTANCE FOUNDATION vs. RABE
93CV10608	M4	RABE	ERIC		PLT	RABE vs. COLLINS ET AL
04CV01139	1	RABE	K	E	DEF	US BANK NA ET AL vs. RABE ET AL
03CV07318	7	RABE	K	E	DEF	FORD MOTOR CREDIT COMPANY ET AL vs. OLATHE CHRYSLER JEEP INC ET AL
01CV06621	11	RABE	K	E	DEF	ZARICKY ET AL vs. OLATHE CHRYSLER REALTY LLC ET AL
88CV08884	11	RABE	K	E	DEF	CITY WIDE SHEET METAL INC vs. RABE ET AL
88CV00134	2	RABE	K	E	DEF	BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY vs. MARK TWAIN KANSAS CITY BANK ET AL
86CV03536	4	RABE	K	E	DEF	BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY vs. RABE ET AL



86CV03536	4	RABE	K	E	DEF	BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY vs. RABE ET AL
91CV08434	2	RABE	KENT		DEF	OAK PARK BANK vs. GLENWOOD BUSINESS DIST OWNERS ASSOC ET AL
86CV03536	4	RABE	KENT	E	DEF	BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY vs. RABE ET AL
04CV08685	2	RABE	KERMIT		DEF	STATE OF KANSAS EX REL ET AL vs. MIDWEST POWER EQUIPMENT COMPANY ET AL
04CV01894	8	RABE	KERMIT		DEF	HICKOK INVESTMENT CORPORATION vs. RABE' ET AL
04TW00087	M4	RABE	KERMIT		DEF	KANSAS DEPT OF REVENUE vs. RABE ET AL
03CV09085	8	RABE	KERMIT		DEF	KUBOTA TRACTOR CORPORATION ET AL vs. MIDWEST POWER EQUIPMENT COMPANY ET AL
03CV07083	5	RABE	KERMIT		PLT	RABE ET AL vs. ZARICKY ET AL
15CV06089	2	RABE	KERMIT	E	DEF	KAY vs. RABE ET AL
04CV01894	8	RABE	KERMIT	E	DEF	HICKOK INVESTMENT CORPORATION vs. RABE' ET AL
03CV07318	7	RABE	KERMIT	E	DEF	FORD MOTOR CREDIT COMPANY ET AL vs. OLATHE CHRYSLER JEEP INC ET AL
03TW02270	M4	RABE	KERMIT	E	DEF	KANSAS DEPT OF REVENUE vs. RABE
03TW02264	M4	RABE	KERMIT	E	DEF	KANSAS DEPT OF REVENUE vs. BRADY ET AL
03TW02263	M4	RABE	KERMIT	E	DEF	KANSAS DEPT OF REVENUE vs. BRADY ET AL
03CV04691	14	RABE	KERMIT	E	DEF	1ST FINANCIAL BANK vs. RABE ET AL
03TW01847	M4	RABE	KERMIT	E	DEF	KANSAS DEPT OF REVENUE vs. BRADY ET AL
03CV01664	11	RABE	KERMIT	E	DEF	ENTERPRISE BANKING N A vs. ROH PARTNERS LLC ET AL
03CV01210	7	RABE	KERMIT	E	DEF	ZARICKY ET AL vs. OLATHE CHRYSLER REALTY LLC ET AL
02CV04340	1	RABE	KERMIT	E	DEF	TEXTRON FINANCIAL CORPORATION vs. RABE ET AL
85CV03738	1	RABE	KERMIT	E	DEF	LANKMARK BANK OF KANSAS CITY vs. RABE ET AL
C0094333	1	RABE	KERMIT	E	PLT	RABE ET AL vs. RODRIGUEZ
09CV01015	9	RABE	KERMIT	EUGENE	PLT	RABE vs. RABE



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C0108326	4	RABE	KERMIT	EUGENE	DEF	RABE vs. RABE
00LA06419	M4	RABE	KERT		DEF	SIGNATURE STAFFING INC vs. RABE ET AL
89ML00486	2	RABE	KERT		CON	CARPET FACTORY OUTLET OF K C INC vs. RABE
89ML00486	2	RABE	KERT		OWN	CARPET FACTORY OUTLET OF K C INC vs. RABE
89NI00531	2	RABE	KERT		DEF	CARPET FACTORY OUTLET OF K.C. INC vs. RABE
89CV06805	M4	RABE	KERT		DEF	HUMANA HOSPITAL OF OVERLAND PARK ET AL vs. RABE ET AL
89CV06136	7	RABE	KERT		DEF	SHAFFER, KLINE & WARREN PA vs. RABE ET AL
88CV08884	11	RABE	KERT		DEF	CITY WIDE SHEET METAL INC vs. RABE ET AL
88CV07751	M4	RABE	KERT		DEF	KANSAS CITY STAR COMPANY vs. KANSAS CITY SPORTS CARS INC ET AL
88CV02177	4	RABE	KERT		DEF	MORGAN-WIGHTMAN SUPPLY COMPANY vs. KERT RABE CONSTRUCTION COMPANY ET AL
87ML00893	2	RABE	KERT		OWN	POOL & PATIO CENTER INC vs. RABE ET AL
86CV06473	7	RABE	KERT		3	CLARK ET AL vs. MARTENS ET AL
86CV06473	7	RABE	KERT		DEF	CLARK ET AL vs. MARTENS ET AL
C0099435	2	RABE	KERT		DEF	COCA COLA BOTTLING COMPANY vs. PUTT PUTT OF OVERLAND PARK ET AL
04CV09133	1	RABE	KERT	E	DEF	TIERONE BANK vs. RABE ET AL
02CV04617	7	RABE	KERT	E	DEF	PEOPLES BANK vs. RABE ET AL
89ML00387	2	RABE	KERT	E	OWN	MID-STATES MILLWORK INC vs. KERT RABE CONSTRUCTION COMPANY ET AL
89SC00788	M2	RABE	KERT	E	DEF	BETTS ET AL vs. RABE
89ML00361	2	RABE	KERT	E	OWN	DI BENEDETTO vs. RABE ET AL
89NI00341	2	RABE	KERT	E	DEF	MID-STATES MILLWORK INC vs. RABE ET AL
88CV12331	1	RABE	KERT	E	DEF	SUBURBAN LAWN & GARDEN INC vs. KERT RABE CONSTRUCTION COMPANY INC ET AL



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88ML00350	2	RABE	KERT	E	CON	CITY WIDE HEATING & COOLING INC ET AL vs. RABE ET AL
88ML00350	2	RABE	KERT	E	OWN	CITY WIDE HEATING & COOLING INC ET AL vs. RABE ET AL
88ML00124	2	RABE	KERT	E	CON	CITY WIDE HEATING & COOLING INC vs. UNITED ENTERPRISES INC
88CV00134	2	RABE	KERT	E	DEF	BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY vs. MARK TWAIN KANSAS CITY BANK ET AL
87ML00802	2	RABE	KERT	E	CON	CITY WIDE HEATING & COOLING INC vs. UNITED ENTERPRISES INC
87ML00801	2	RABE	KERT	E	CON	CITY WIDE HEATING & COOLING INC vs. UNITED ENTERPRISES INC
87ML00800	2	RABE	KERT	E	CON	CITY WIDE HEATING & COOLING INC vs. UNITED ENTERPRISES INC
87ML00738	2	RABE	KERT	E	CON	FERGUSON DRYWALL CO INC vs. UNITED ENTERPRISES INC
87ML00737	2	RABE	KERT	E	OWN	FERGUSON DRYWALL CO INC vs. RABE ET AL
87CV05278	8	RABE	KERT	E	DEF	STANLEY WOOD PRODUCTS INC vs. KERT RABE CONSTRUCTION COMPANY INC ET AL
86CV01883	7	RABE	KERT	E	DEF	UHLMANN ET AL vs. RABE ET AL
05ML00641	2	RABE	KURT		OWN	MW LAWN & LANDSCAPE INC vs. RABE
04PT00196	M4	RABE	KURT		DEF	BOARD OF COUNTY COMMISSIONERS vs. RABE ET AL
88CV09753	M4	RABE	KURT		DEF	DON C PEETE AND ASSOCIATES INC vs. RABE
88CV06537	M4	RABE	KURT		DEF	RENSON HOUSE OF LIGHTS INC vs. RABE



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Kert Rabe 2nd

 Commercial Accounts Mgr

 Kansas City, Missouri Area | Automotive

 Current Ford Commercial Business Solutions

 Previous Miller Ranch Developers, Golden Harvest Products

 Education Washburn University

Connect Send Kert InMail

171 connections

<https://www.linkedin.com/in/kert-rabe-3a242471> Contact Info

Background

Summary

 Looking for one or several hundred vehicles..... please give me a call.



Experience

Commercial Account Manager

Ford Commercial Business Solutions
2013 – Present (3 years)

President

Miller Ranch Developers
June 1996 – May 2005 (9 years)

President

Golden Harvest Products
July 1988 – March 1996 (7 years 9 months)



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Bankruptcy claims allege funds misuse

Creditors say executive misappropriated \$3.5M

Creditors are circling a one-time Kansas City popcorn king who they claim misappropriated more than \$3.5 million.

Kert Rabe, a Leawood entrepreneur who once co-owned Golden Harvest Products Inc., faces a \$2.6 million claim from Ford Motor Credit Co. and a \$629,130 claim from U.S. Bank, according to filings in Rabe's Chapter 7 bankruptcy in the U.S. Bankruptcy Court of Kansas. Both filings say Rabe violated credit agreements and misappropriated money for personal use.

Another party accusing Rabe of misusing money is Chris Boyd, owner of now-defunct popcorn company Encore Products LLC. Boyd hired Rabe as Encore's president in January 2004 and said Rabe misused \$945,000 during an 18-month period, about two-thirds of it through the company's credit agreement with U.S. Bank.

Encore's lawyer, Allan Hallquist of Blackwell Sanders Peper Martin LLP, said Boyd hired financial consulting firm IronHorse LLC to conduct an audit, which the firm said revealed Rabe's alleged misappropriations.



To Make Payments Click Accounting Button

Case No 07CR00788 **Judge** THOMAS M SUTHERLAND **Division** 3 **Status** 0
Last Name RABE **First Name** KERMIT **Mid Name** E **Suf**
Race/Sex/DOB W/M 01/26/53 **Prob Ofcr** A. SHARP **Def Atty** TOTH **Pros** HURST, W

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	Original	Suspended	Final
Jail Time	3 years, 5 months		3 years, 5 months
Probation	3 years		

	Section	Date	Title	ACS	Drug	PL	Finding	TP	LVL	PN	Sent Date
Count 1	21-3701.5	01/20/04	THEFT >\$100000			G	GUILTY	F	5	N	06/11/2008



Airborne Media garners acclaim
Durango tech company attracts big audience
 by **Stew Mosberg**



Assembled is a Seasoned Executive Management Team with Successful Technology Company Exits



Cordell Brown
Chairman & CEO

- CEO **1st Contact Technologies**
- IWL Communications / Kenwood
- Wireless expert



Mike Oldham – President /
Chief Content & Network Officer

- CEO of **Omnibus Systems**
- **Miranda / Harris / Grass Valley**
- Broadcast & Advertising expert



Daries "Chip" Lile
Co-Founder & CTO

- **Loronix Info Systems**
- Software and mobile expert



John Howe
COO & Director

- Co-Founder & President **Eliot Management Group**
- Operations expert



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County: SALT LAKE

Names / Aliases: Alias

CORDELL RONALD BROWN

Bond Amount: Case # Amount

FORGERY (THREE COUNTS), third degree felony, POSSESSION OF FORGED WRITING OR DEVICE FOR WRITING (THREE COUNTS), third degree felony, ATTEMPTED ESCAPE, class A misdemeanor, INTERFERENCE WITH ARRESTING OFFICER, class B misdemeanor, FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER, GOVERNMENT AGENCIES OR SPECIFIED PROFESSIONALS, class B misdemeanor, THEFT BY DECEPTION, class B misdemeanor, ATTEMPTED THEFT BY DECEPTION, class C misdemeanor, has been committed, and that

FORM U6 (8105-06888) DISCLOSES: CORDELL RONALD BROWN AND C.R. BROWN & CO., INC., ARE ORDERED TO CEASE AND DESIST FROM FURTHER VIOLATION OF ANTIFRAUD PROVISIONS OF SECURITIES ACT OF MONTANA. BROWN IS ALLEGED TO HAVE CONVERTED CUSTOMER FUNDS TO HIS OWN USE. DOCKET/CASE NO. 12-87-36, DATED MARCH 4, 1988.

4. The concurrent sentences imposed under Counts 1 through 7 and the concurrent sentences imposed under Counts 8 through 14 shall be served consecutively so that the period of this sentence shall be fifteen (15) years at the Montana State Prison with ten (10) suspended.



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**DAVID P. RICE and
1ST CONTACT TECHNOLOGIES, INC.
a Delaware Corporation**

VS.

**CORDELL R. BROWN AND 1ST
CONTACT TECHNOLOGIES, INC.
A Texas Corporation**

§
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§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

281ST JUDICIAL DISTRICT

FILED
CHARLES BARRISSE
DISTRICT CLERK
HARRIS COUNTY, TEXAS

02 MAY 20 AM 10: 03

3. Plaintiffs' cause of action is based on the fact that Brown solicited funds from Rice for the purchase of shares of stock in 1st Contact. Brown represented to Rice that he would operate as the company's president performing and fulfilling all the duties thereof in a reasonable and business-like manner and representing the best interest of the shareholders. Despite his representations to the contrary, Brown disregarded his duties and used the company, its capital, its assets and its opportunities to further his own personal interests to the detriment of both 1st Contact and Rice. The representations made by Brown regarding his duties were knowingly, falsely made with the expectation that Rice would rely on them in deciding to invest in the company. As a result of the solicitations and representations by Brown, Rice invested \$125,000.00 into the company for the purchase of 240 shares of



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Stockbroker parlayed charm into thriving business, but it all came apart

(Gannett News Service)

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DES MOINES, Iowa - Charming, easy-going, devoted to his family -former clients agree you won't find a nicer fellow than stockbroker Nick Fegen.

"Nick's the type of guy you grew up playing football with in your back yard," said businessman Mark Rogers. "Nick's your buddy." Fegen, 35, of Waukee, Iowa, parlayed that good-guy personality into a thriving career, assembling a roster of clients that included prominent businessmen and pro football players.

But now more than two dozen ex-clients are pursuing claims against Fegen and five brokerage firms to recover millions of dollars they say they lost while investing with Fegen. The claims, filed with the National Association of Securities Dealer and New York Stock Exchange's arbitration forums, say Fegen engaged in unauthorized and inappropriate trades.



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Firms, Individuals Punished For Violating NASD Rules, Laws

By

Ann Podd Staff Reporter of The Wall Street Journal

Updated Nov. 25, 1996 12:01 a.m. ET

The National Association of Securities Dealers disclosed disciplinary measures against a number of firms and individuals for violations of NASD rules and securities laws.

Unless otherwise noted, the companies or individuals involved had no comment or couldn't be reached.

IOWA: Nicholas Anthony Fegen, broker, of Waukee, was fined \$60,000 and barred without admitting or denying findings that he bought stocks for customer accounts without their knowledge or consent and that he made guarantees to customers as an inducement to purchase shares of a common stock.

Fegen (Registered Representative, Waukee, Iowa) submitted a Letter of Acceptance, Waiver and Consent pursuant to which he was barred from association with any NASD member in any capacity..



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**STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH**

**BEFORE THE
SECURITIES COMMISSIONER**

In the Matter of Fegen & Associates,)
Nicholas A. Fegen, Legend Mobile f/k/a)
PTN Media, Inc., Peter C. Klamka, and)
their Officers, Directors, Agents and)
Employees,)
Respondents.)

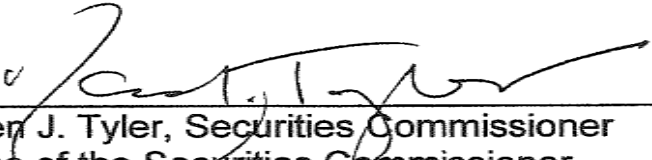
**CEASE AND DESIST ORDER,
NOTICE OF CIVIL PENALTY, AND
NOTICE OF RIGHT TO
REQUEST A HEARING**

.....

**THE SECURITIES COMMISSIONER OF THE STATE OF NORTH DAKOTA TO
FEGEN & ASSOCIATES, NICHOLAS A. FEGEN, LEGEND MOBILE, F/K/A PTN
MEDIA, INC., PETER C. KLAMKA, AND THEIR OFFICERS, DIRECTORS, AGENTS**

**IN TESTIMONY WHEREOF, witness my hand and seal this 15th day of
November, 2002.**





Karen J. Tyler, Securities Commissioner
Office of the Securities Commissioner
600 East Boulevard Ave.
State Capitol – Fifth Floor
Bismarck, ND 58505-0510
(701) 328-2910



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MedCom USA Retains National Financial Network to Lead Comprehensive Investor Awareness Campaign

Apr 17, 2001, 01:00 ET from MedCom USA, Inc.

IRVINE, Calif., April 17 /PRNewswire/ -- MedCom USA, Inc. (Nasdaq: EMED), a healthcare information technology solutions provider, today announced that it has retained National Financial Network, a division of National Financial Communications Corp., to direct its comprehensive shareholder and investor relations campaign.

MedCom will continue its relationship with Fegen & Associates, a financial communications company. National Financial Network and Fegen & Associates will work closely to present the Company to the financial community.

Contacts: National Financial Network, Geoffrey Eiten, 781-444-6100 or 800-640-2656, ext. 613; Fegen & Associates, Nick Fegen, 515-223-6296 or Kent Barghols, 515-331-2636.



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Party Name ▼	Court	Case	Date Filed	Date Closed
1 Fegen, Nicholas Anthony (dft)	iasdce	4:2007-cr-00080	03/26/2007	05/11/2009

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**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:07-cr-00080-JEG-CFB-1**

Case title: USA v. Fegen

Filed 03/28/07

1. From in or about October 18, 1999, and continuing until August 2003, the defendant, NICHOLAS ANTHONY FEGEN, knowingly and willfully devised and participated in, and intended to devise and participate in, a scheme and artifice to defraud, and to obtain money and property by means of material false and fraudulent pretenses, representations, promises and omissions of material fact.

12. It was a further part of the scheme and artifice alleged herein that defendant would make material misrepresentations to potential lenders/investors regarding the intended use of funds in order to induce victims to invest in and lend money to Legend Mobile including, but not limited to:



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**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:07-cr-00080-JEG-CFB-1**

Case title: USA v. Fegen

Filed 03/28/07

16. It was a further part of the scheme and artifice alleged herein that defendant would omit material facts to potential lenders/investors regarding prior administrative and/or legal actions commenced against defendant by regulatory officials including, but not limited to:

(a) Nicholas Anthony Fegen failed to disclose to lenders/investors that his securities license was revoked through an administrative procedure by the State of Iowa in 1996;

(b) Nicholas Anthony Fegen failed to disclose to lenders/investors that his securities license was revoked through an administrative procedure by the State of Illinois in 1996;

(c) Nicholas Anthony Fegen failed to disclose to lenders/investors that he was convicted of twelve counts of securities fraud in violation of state law in the State of Iowa in July 1997.



**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:07-cr-00080-JEG-CFB-1**

Case title: USA v. Fegen

17. It was a further part of the scheme and artifice alleged herein that defendant would omit material facts to potential lenders/investors regarding the defendant being investigated by the Iowa Securities Bureau which investigation became known to the defendant on or about September 5, 2002.

18. It was a further part of the scheme and artifice alleged herein that defendant would omit material facts to potential lenders/investors regarding the defendant being ordered on or about January 8, 2003, as amended on or about March 7, 2003, by the Iowa Securities Bureau to cease and desist from entering into loans/investments of the nature defendant was conducting.

19. It was a further part of the scheme and artifice alleged herein that defendant would make material misrepresentations to lenders/investors regarding the scope of the January 8, 2003, cease and desist order, as amended on or about March 7, 2003, by indicating it limited him from complying with agreements to repay lenders/investors.



**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:07-cr-00080-JEG-CFB-1**

Case title: USA v. Fegen

Filed 03/28/07

21. As a result of the scheme and artifice alleged herein, defendant defrauded, and obtained money and property by means of material false, fraudulent pretenses, representations and material omissions, in excess of 50 individuals, in the total amount of more than \$2,500,000.



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Omaha Division

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Waukee Man Sentenced on Fraud Charges

U.S. Attorney's Office

May 08, 2009

Southern District of Iowa

(515) 473-9300

DES MOINES—On May 8, 2009, Nicholas Anthony Fegen, 49, of Waukee, Iowa, was sentenced to thirty months' imprisonment for charges of Wire Fraud, announced United States Attorney Matthew G. Whitaker. Mr. Fegen devised and participated in a scheme to defraud investors of more than \$800,000 related to a stock promotion scheme concerning a company known as PTN Media, Inc. The conviction of Fegen was based on a "guaranteed buy-back" arrangement, despite knowing from prior experience with stock promotion that such an arrangement was illegal under state law.

United States District Court Judge James E. Gritzner also ordered Mr. Fegen to serve a three year term of supervised release following his incarceration, imposed \$100 assessment to the Crime Victim Fund in crime victims fund assessment and ordered \$400,000 to be paid in restitution.

On February 25, 2008, Nicholas Anthony Fegen entered a plea of guilty to Count 3 (Wire Fraud) of the indictment filed on March 28, 2007.



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September 01, 2007]

Omaha company Gabriel legal dispute on hold

(Omaha World-Herald (NE) (KRT) Via Thomson Dialog NewsEdge) Sep. 1--Some shareholders of Gabriel Technologies Corp., which makes high-security locks for shipping containers, have put their legal dispute with the Omaha company's management on hold.

A company official and one of the shareholders said a lawsuit would be dismissed because Gabriel's board of directors agreed to appoint an independent director to investigate the lawsuit's allegations of misconduct by the company's management.

During a court hearing last week, an attorney for the shareholders also said the company is negotiating with Qualcomm, a large wireless communications company, for a settlement that could make shareholders' stock more valuable than its current selling price.

Among the early investors was Louis Rotella III and other members of the family that has operated a well-known Omaha bakery since 1921.

Rotella said he increased his investment in Gabriel partly because Nebraska Attorney General Jon Bruning vouched for the company and for Feilmeier. Court documents indicate the Rotellas own several hundred thousand shares.



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Fegen Disclosures from 3/31/07 Qtrly Rept

NOTE 10 - COMMON STOCK AND WARRANTS

Common Stock

On November 23, 2005, the Company issued 1,500,000 shares of common stock valued at \$0.80 per share for a consulting services agreement with Nicholas A. Fegen dated October 8, 2005.

Since the consulting agreement was dated October 8, 2005 and stock issued on November 23, 2005, Fegen was fully vested, and there was no measurable performance criteria, the expense of the services is recognized in the period in the same manner as if the Company had paid cash for the services. Based on these considerations, the Company charged \$1,200,000 to operations for the year ended June 30, 2006.

The services to be provided by Fegen will not be in connection with the offer or sale of securities in a capital-raising transaction and will not directly or indirectly promote or maintain a market for the Company's securities.



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

GABRIEL TECHNOLOGIES CORPORATION,
a Delaware corporation, on its own behalf
and as assignee of certain claims, and
GABRIEL TECHNOLOGIES, L.L.C., a
Subsidiary limited liability company of
Gabriel Technologies Corporation,

Plaintiffs,

v.

KEITH FEILMEIER, Individually and as former
President, Chief Operating Officer and member
Of the Board of Directors of Gabriel Techno-
logies Corporation and Manager of Gabriel
Technologies, L.L.C.; JUDY FEILMEIER,
Individually; MARK CASTEEL, Individually;
DAWN WHITTLE and ELANNA WHITTLE-
DAGGERT, Co-Personal Representatives of
The Estate of Rick Whittle, Deceased;
JENNIFER INSERRA, Individually; RANDY
INSERRA, Individually; NICHOLAS FEGEN,
Individually; FRK, L.L.C., a Nebraska limited
Liability company; CBIZ TAX ADVISORY

DOC. 1092 NO. 798

COPY

AMENDED COMPLAINT



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9. Defendant Nicholas Fegen ("Fegen") is, upon information and belief, a resident of the state of Iowa, and was, at all material times herein, a personal and business acquaintance of Feilmeier.

49. Keith Feilmeier reduced the strike price on one million of the warrants to \$2.50 for Nick Fegen for an unsecured subscription receivable of \$2.5 million. Fegen obtained 750,000 shares when the market price was \$4.30 per share. Fegen paid GT Corp. slightly over \$1 million for the shares even though he liquidated these Free Trading Shares for nearly \$4 million. Feilmeier additionally issued Fegen 2.5 million Restricted Shares for no known consideration to the company. Fegen was separately compensated under a certain consulting agreement issued by GT Corp. Upon information and belief, Fegen, subsequent to issuance, and without authority from GT Corp., removed the restricted legend on one million of the Restricted Shares and sold them to investors located by Pali Capital, Inc. for \$1 million as Free Trading Shares. At that time, upon information and belief, Matt Gohd was serving as an employee and executive with Pali Capital and was involved in the placement of these shares. Pali Capital was paid \$100,000.00 in fees for this placement.



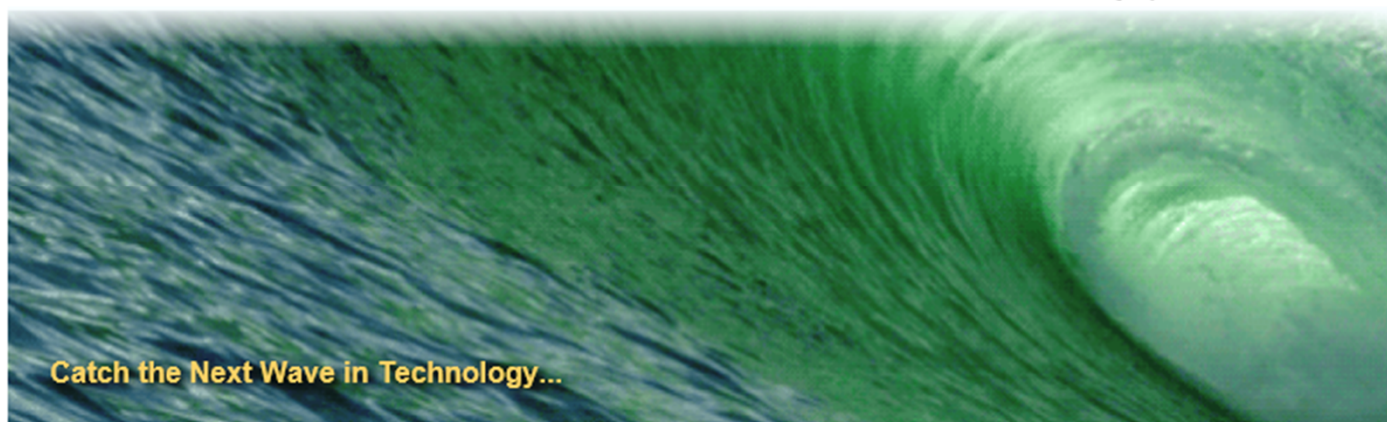
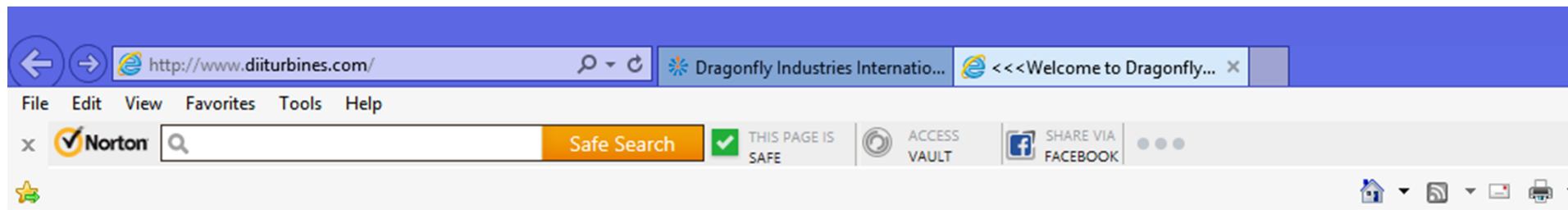
50. Although Fegen entered into a consulting agreement with GT Corp., Fegen took on the role of security sales agent in violation of a ban by the NASD prohibiting him from any investment in selling securities. Upon information and belief, GT Corp. paid Fegen hundreds of thousands of dollars and issued stock to sell securities. Some of these large sales commissions were then accounted for with entries against paid-in-capital and not as expenses which distorted the income

74. In raising funds during this period, the Board and Gillum utilized the services of Nick Fegen as a sales agent under the guise of a business "consulting" agreement, even though they had knowledge he had been convicted of securities fraud, lost his securities license to sell shares, and was currently under federal indictment for additional acts of securities fraud, for which he is currently serving prison time. Under the supervision of the Board, Fegen's commissions were continually disguised so as to make it appear he was not operating in that context.



78. Between March of 2006 through May of 2009, the Board issued .3% of an IP interest to Matthew Gohd, and a 1% IP interest to Kelly Fegen, wife of Nicholas Fegen, on terms much more favorable and lacking in adequate consideration for GT Corp. which was disproportionate to investors or lenders making loans or investments at or about the same time.





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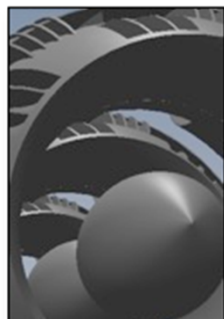
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Dragonfly Industries International LLC

Company Profile Information

2591 Dallas Parkway Suite 300
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Nick Fegen [Wrong Nick Fegen?](#)

Phone: (844) ***-**** HQ Phone

Email: n***@***.com

[Dragonfly Industries International LLC](#)

2591 Dallas Parkway Suite 300

Frisco, Texas 75034

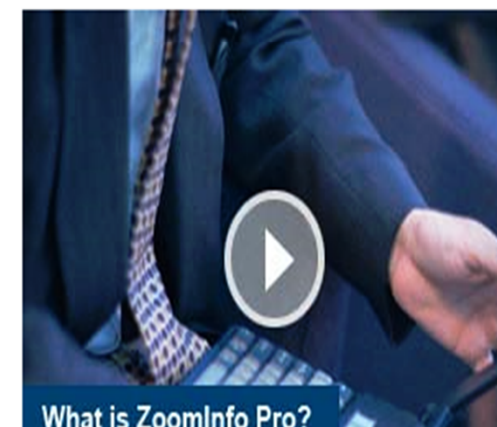
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QUESTIONS-WRAP UP PUB RECORDS SEARCHES

- Have you successfully used public records searches before in forensic engagements?
- Can you see how these efforts can enhance your case work? Ideas & examples?
- As you comb through the records, the court filings, the documents, where is your focus?
- Timing-wise, when might you perform the searches within your work program/scope? Opportunities to circle back later in the engagement?
- To the extent your practice includes advising on M and A transactions, be sure to offer up your due diligence assistance-including & especially pub records search/compilation help.



REMEMBER.....

➤ It's all about:

- Individual & entity name compilation
- Related party identification
- Constructing relationship structures & diagrams



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OVERVIEW OF OUTLOOK EMAIL INVESTIGATION

- MUST be sensitive to protocol and controls for securing and not tainting/tampering with original Outlook data files.
- Immediately in engagement, secure .pst file back-ups of all Outlook account files/folders for primary persons of interest.
- Keep in close contact with retained counsel to ensure proper evidence handling.
- Back-up the “back-up files” and work with these files to perform your analysis.



HOW TO ANALYZE & INVESTIGATE ELECTRONIC COMMUNICATIONS

➤ You must be:

- Extremely patient
- Persistent & diligent
- Focused
- Alert
- Extremely creative



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HOW TO ANALYZE & INVESTIGATE ELECTRONIC COMMUNICATIONS

➤ You must have:

- A very strong stomach
- A willingness to become consumed with the exercise
- Time. Lots and lots of time
- Rigid discipline in compiling & summarizing your findings



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HOW TO ANALYZE & INVESTIGATE ELECTRONIC COMMUNICATIONS

➤ Techniques:

- Key word searches using Outlook.
- Hold off on your email analysis until you have compiled other evidence.
- Initial pub records search results should have been compiled & summarized before starting the email review-need names.
- Initial other forensic activities should be a prerequisite, too. Will provide names, dates, transactions to search off of and around.



HOW TO ANALYZE & INVESTIGATE ELECTRONIC COMMUNICATIONS

➤ Be alert to:

- Attached documents-if of value must maintain trail of email & document.
- 99.5% plus of what you will see will be mundane, routine and of little to no value.
- But, there likely will be gold buried in their somewhere.
- Lots of folks are lazy/sloppy with subject headings-missing, unrelated to the topic being discussed, running/endless chains.



OUTLOOK SEARCH CONSIDERATIONS

- Remain disciplined, diligent in your compilation & summarization.
- Must keep an eye peeled to retained counsel's needs for very efficient trails from your report summaries and visuals, through the body of the report and into the evidence binders themselves.
- Findings must be compiled & summarized using large 3-ring binders-tabbed, cross-referenced, indexed and easy to navigate.
- Build/maintain a running log of email evidence findings; date(s), sender/recipients, subject discussed.



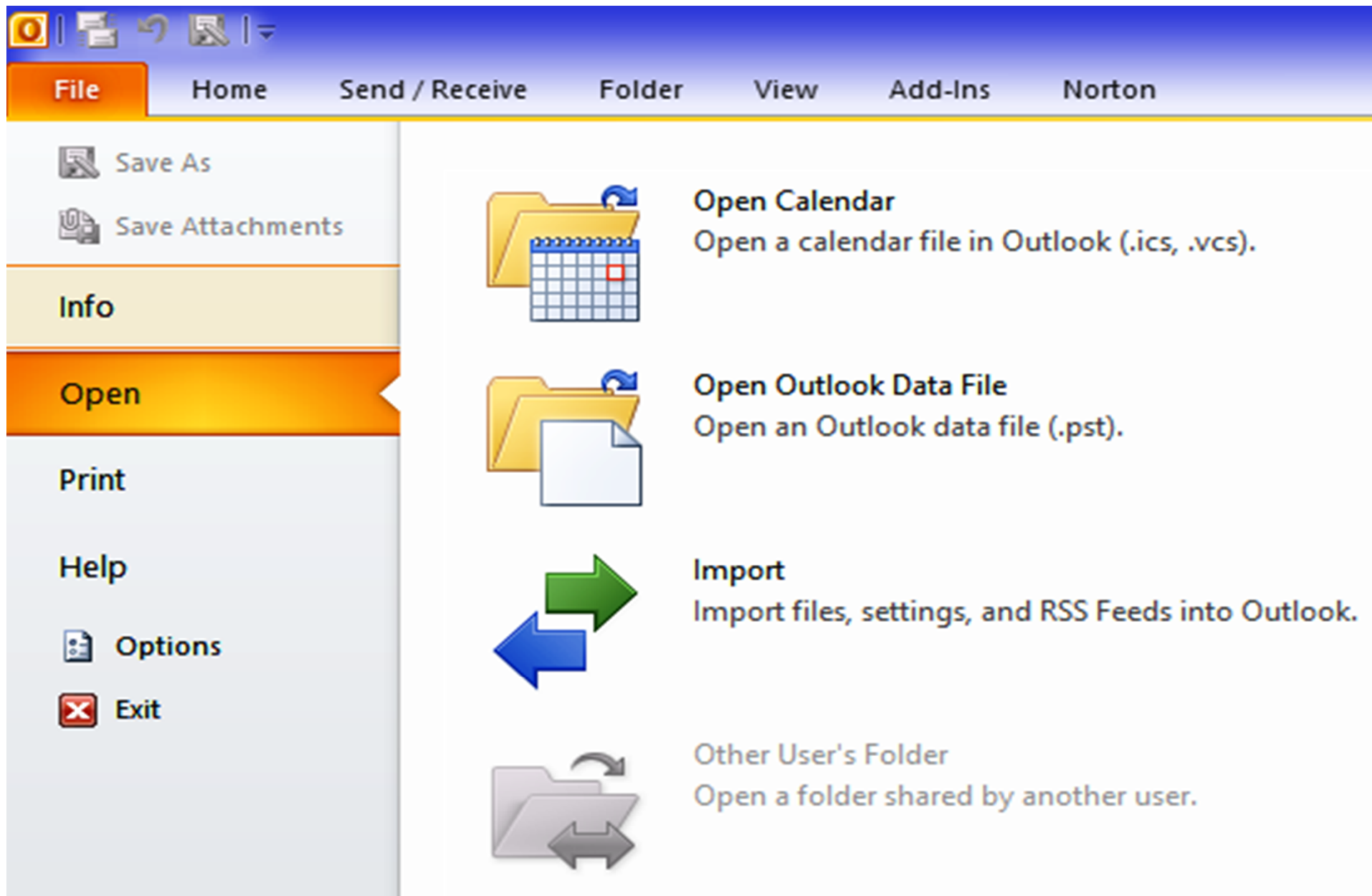
Microsoft Outlook interface showing the inbox for twayne@ihorsellc.com. The search bar contains "cti". The inbox is sorted by date, newest on top.

Search Results:

From	Subject	Date
Today		
Tony Wayne	GTC	10:25 AM
Last Week		
Diana Ridgeway	RE: NACVA-CTI San Diego Conference 20...	Fri 4/8
Two Weeks Ago		
Tony Wayne	FW: NACVA and CTI San Diego Hotel Con...	3/28/2016
Older		
NACVA	Opportunities to Get Published	12/15/2015
NACVA	Your Expertise is Needed!	11/30/2015
NACVA	Live Twitter Q&A: Grow Your Practice	9/9/2015
AICPA FVS News	Three Approaches to Valuation in a Buy-...	6/17/2015
NACVA	Introducing Practice Support Headquarters	6/8/2015
John Deremigis	RE: New article	5/19/2015
Tony Wayne	RE: Any Flex In Your Hourly Rate Require...	3/18/2015



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Create an Outlook Data File (.pst) to save your information

When you run Microsoft Outlook for the first time, the necessary data files are created automatically. However, sometimes you'll create additional data files. For example, archived items can be saved in another Outlook Data File (.pst). You might also keep different projects in their own Outlook Data File (.pst).

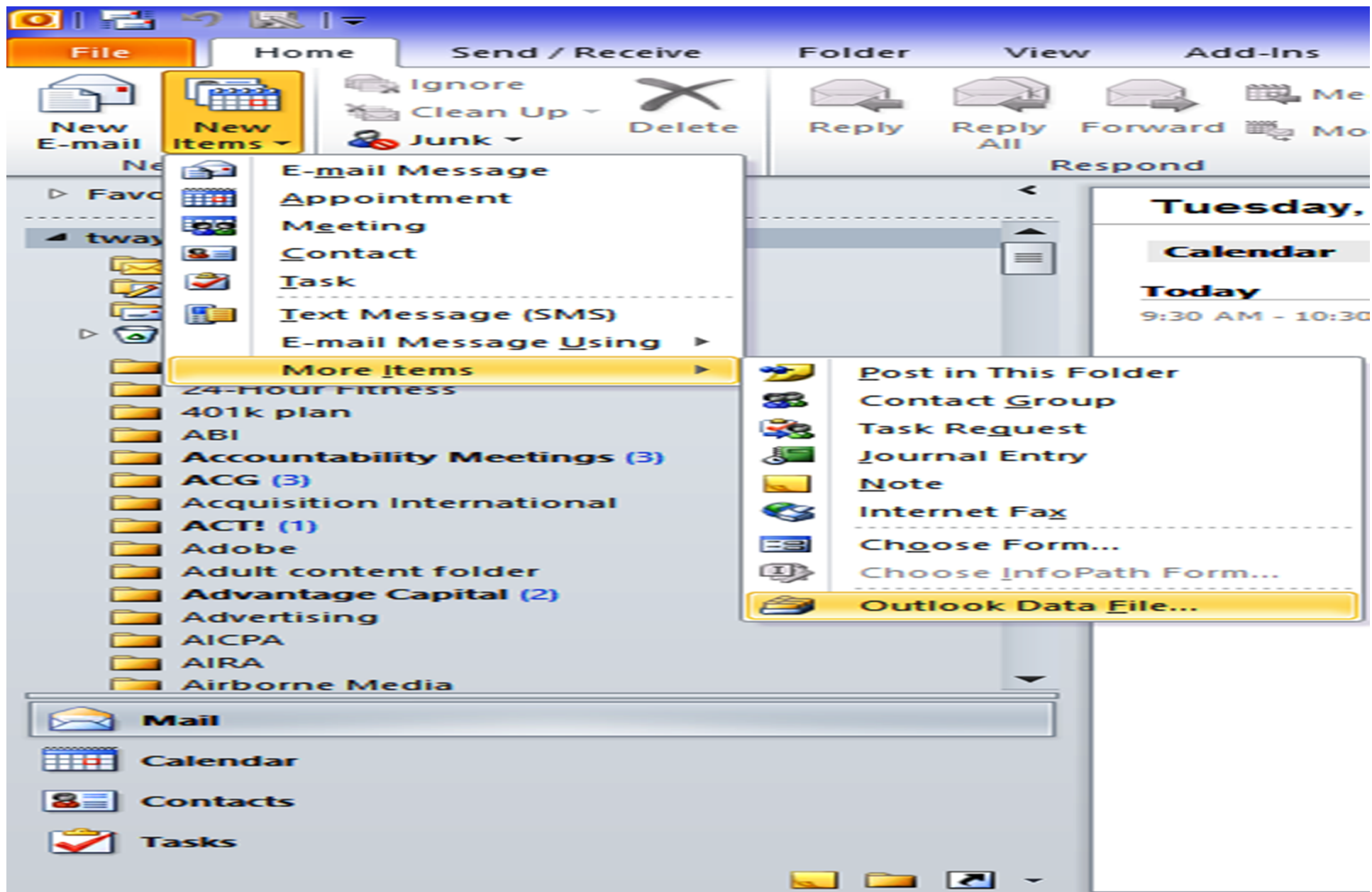
About Outlook Data Files (.pst and .ost)

Outlook Data Files (.pst and .ost) created by using Microsoft Outlook 2010 are saved on your computer in the **Documents\Outlook Files** folder. If you are running Windows XP, these files are created in the **My Documents\Outlook Files** folder.

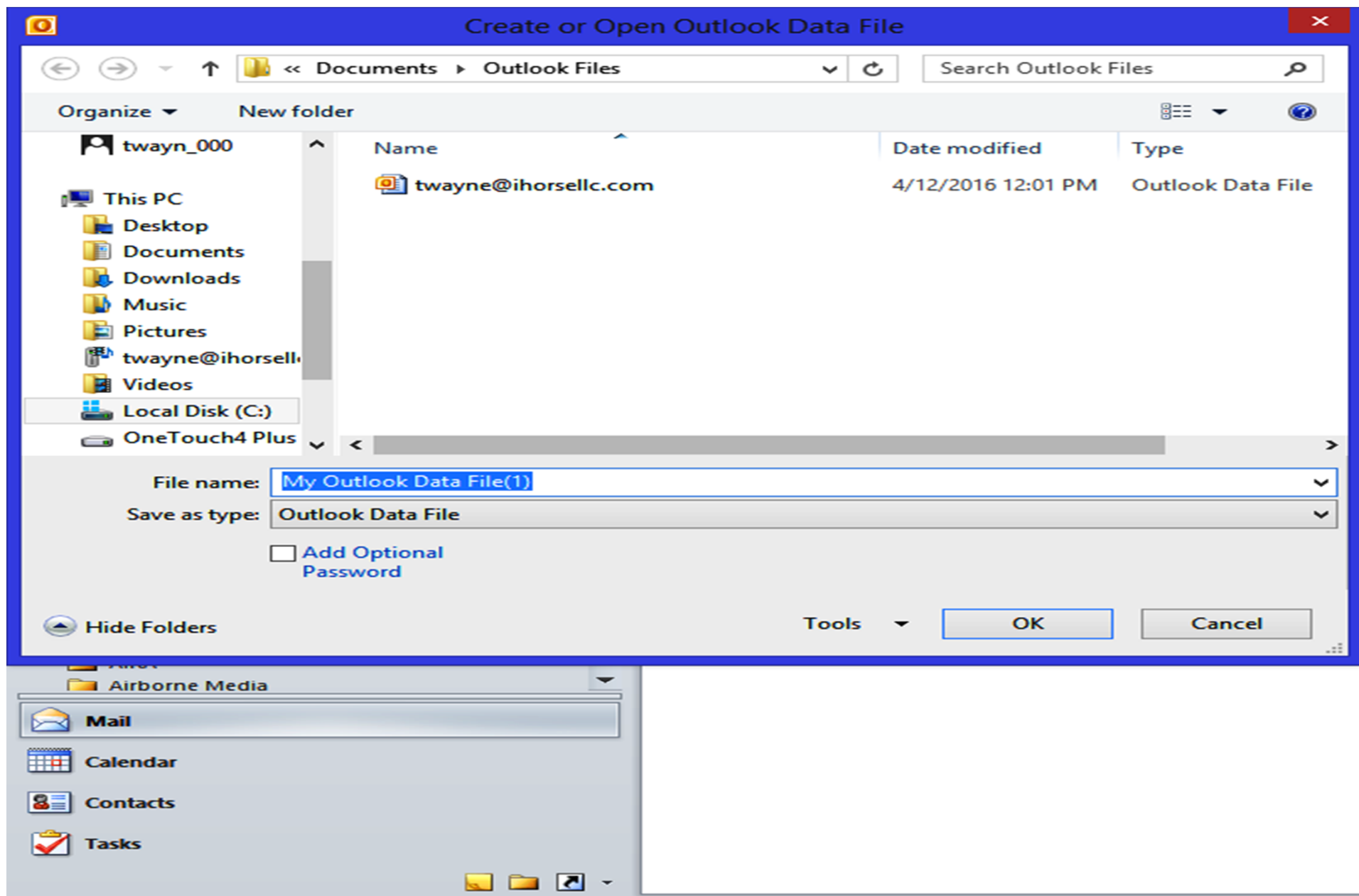
Create an Outlook Data File (.pst)

1. On the **Home** tab, in the **New** group, click **New Items**, point to **More Items**, and then click **Outlook Data File**.
2. In the **Create or Open Outlook Data File** dialog box, in the **File name** box, type the name as you want it to appear in the Outlook Navigation Pane, and then click **OK**.





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File

Home

Send / Receive

Current Folder

All Subfolders

All Outlook Items

Scope

From Su

Favorites

twayne@ihorsellc.com

Inbox (61)

Drafts

Sent Items

Deleted Items (296)

1717 Marketplace (3)

24-Hour Fitness

401k plan

ABI

Accountability Meetings (3)

ACG (3)

Acquisition International

ACT! (1)

Adobe

Adult content folder

Advantage Capital (2)

Advertising

AICPA

AIRA

Airborne Media

Mail

Calendar

Contacts

Tasks

Items: 814

Unread: 61

Outlook Options

General

Mail

Calendar

Contacts

Tasks

Notes and Journal

Search

Mobile

Language

Advanced

Customize Ribbon

Quick Access Toolbar

Add-Ins

Trust Center

Change how items are searched with Instant Search.

Sources

Change the Outlook stores indexed by Windows Search

Indexing Options...

Results

Include results only from:

Current folder

All folders

☐ Include messages from the Deleted items folder in each data file when searching in All Items

☒ When possible, display results as the query is typed

☒ Improve search speed by limiting the number of results shown

☒ Highlight search terms in the results

Highlight color:

☒ Notify me when results might be limited because search indexing is not complete

OK

Cancel



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File Home Send / Receive

Current Folder

All Mail Items All Subfolders All Outlook Items Scope

From Su

General Mail Calendar Contacts

Change how items are search

Sources

Indexing Options

403,148 items indexed

Indexing complete.

Index these locations:

Included Locations	Exclude
Internet Explorer History	
Microsoft Office Outlook	
Start Menu	
Users	AppData; AppData

Modify Advanced Pause

[How does indexing affect searches?](#)

[Troubleshoot search and indexing](#)

Close



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Search Tools Inbox - twayne@ihc

Advanced Find

Look for: Messages In: Inbox Browse...

Messages More Choices Advanced

Categories... [v]

☐ Only items that are: unread [v]

☐ Only items with: one or more attachments [v]

☐ Whose importance is: normal [v]

☐ Only items which: are flagged by me [v]

☐ Match case

Size (kilobytes)
 doesn't matter [v] 0 and 0

Find Now Stop New Search

Acquisition International

ACT! (1)

Adobe

Adult content folder

Advantage Capital (2)

Advertising

AICPA

AIRA

Airborne Media

Mail

Calendar

Contacts

Tasks

Items: 814 Unread: 61

Yesterday

Kelly Kitt Mon 6:23 PM [v] [f]

RE: Phone Call

Krissy Gamble Mon 4:59 PM [v] [f]

RE: AP Report

SOSDirect@sos.texas.gov Mon 12:06 PM [v] [f]

SOSDirect Account Information

Turnaround, Restructuring & Distressed ... [v] [f]

Business Cycles: Navigating in All Kinds o...

Kansas.gov Help Center Mon 10:25 AM [v] [f]

Kansas.gov KanPay Order Receipt

store2366@theupsstore.com Mon 9:48 AM [v] [f]

Package Received

Sunday

accounts@bizjournals.com Sun 3:09 PM [v] [f]

Reset Password

Tony V

Conne

colleag

+ Ad



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Moe Shanley

From: John Hall [jh11@sbcglobal.net]
Sent: Thursday, January 28, 2010 8:52 AM
To: Moe Shanley
Subject: RE: Fw: CEO Letter to Shareholders

Dear Mo,

I understand your disappointment and understand why you feel this way. However, the new board inherited this mess. They did not create it.

The Fielmeier's, Fegen's, and others who misappropriated corporate assets will be held accountable. On that you can be assured.

Gabriel is not allowed by law to give you an interest in the outcome of the lawsuit. Your attorney's will confirm this, but the door is open for a consulting agreement. Due to the scope of your corporate knowledge it would seem to be one of substance requiring much of your time.

I have great respect for you Mo, not because we have met briefly, but out of admiration for your conduct while working with Gabriel when others were concerned only about them selves.

Sincerely, JH



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Re: Whittle Stock Sale - Yahoo! Mail

Page 1 of 1



Re: Whittle Stock Sale

Tuesday, December 1, 2009 8:24 AM

From: "Maurice Shanley" <moeshanley@yahoo.com>

To: "John Hall" <jh11@sbcglobal.net>

John, The stock sale that you are talking about with Whittle I think is related to the transaction where Fielmeier gave Whittle shares to hold for him. Those shares were sold thru a transaction arranged by Mark Casteel and a broker in Florida. The Florida broker kept 1/3, Casteel got a 1/3 and Fielmeier got 1/3, oar \$131,000. The Florida broker was under surveilliance of the Feds. The Feds came to Whittle and asked him how he got the stock. Whittle came to me and told me about the deal, and said that he played dumb with the Feds, that Fielmeier was behind the deal and used Whittle as a conduit. This is the money that Fielmeier then loaned to Gilstrap. Gilstrap defaulted on the loan. Fielmeier then took \$131,000 out of Gabriels bank account and wired it to a bank to buy a house in Steam Boat Springs, Co. He then converted his personal loan with Gilstrap to a loan between Gabriel and Gilstrap. More money was loaned to Gilstrap, on which he defaulted. Gilstrap also had 100K GWLK Shares. I made a personal visit to collect the money from Gilstrap, he claimed this loan had been settled with Feilmier and had been written off. Gilstrap then called Fielmeier behind my back, Gilstrap and I nearly came to blows. Feilmier then called me and told me to leave the deal alone. I think Fielmeier may have gotten the 110K shares from Gilstrap, and a reproduction Cobra Kit car and trailer. I saw the car, and some paper work assigning the car from Gilstrap to Fielmeier.

Moe



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From: John Hall [mailto:jh11@sbcglobal.net]
Sent: Tuesday, January 05, 2010 10:32 AM
To: Maurice Shanley
Subject: Re: GWLK Proposal

Moe,

Thanks you sharing your thoughts.

It has been a difficult time for all who ever were involved with Gabriel. For someone like yourself a lot more difficult and a lot longer than myself who has only been disappointed at every turn since May. Communication to the shareholders must be accurate. With all things Gabriel nothing and I repeat nothing

appears the way it seems. So it's taken time and money to sort out the truth.

Financially here's the present state of the company. It's broke and on life support. Why? Well try this on for size about the past management up till June this year;

- 1) They issued all 40m shares allowed under the corp by-laws
- 2) They issued all 20m warrants allowed under the corp by-laws
- 3) They issued an unknown number of SEU's (stock equivalency units) which carry the same value as common stock. Since there is no transfer agent or register we have no idea how many of these are there.
- 4) In the Spring of 2008 they completed raising \$5.7m from short term debt due Dec. 31 2010. The debt is repayable at double the funding. So the company is liable for \$11.4m in 360 days.
- 5) The past management then distributed 30% of the gross company's proceeds of the Qualcomm case in the form of IP (intellectual property) interest.
- 6) Of all the capital that was raised approxiamtely \$400k only todate was spent on the law suit and \$1.2m on corporate legal fees.

When the new board took over in June the company owed over \$1m of which \$700k went to Munck Carter.

Munck Carter never produced the materials the board requested so Gabriel could obtain third party financing for the lawsuit from major investment banking companies. These companies talked to Munck Carter requesting material but to no avail. Unexplainable!! and outrageous.

Munck Carter told us that they could only proceed unless the board dropped the State Court action because they would be conflicted out. Impossible to do with what the new board knew went on in the company, least we become accessories to the acts of the past board. I could go on and on.

In summary, we are looking for financing, a new law firm, but with what. The cuboard is bare. The case as never been developed beyond filling a complaint over something that happened 10 years ago. There is no package with the 20 most important documents and the narative that supports the case. It doesn't exist. So we are undertaking this huge task with no money, limited resources, and no time due to Munck's withdrawal.

We have been turned down everywhere we go. Why would anyone invest a dime. Not even Guido will give us money and why would he. The case will cost \$10m all in, with half that to be spent the first year.

There are only a few full contingency firms that can afford to take on a case of this size and complexity. They won't touch this case because we have no case. Just a lot of talk.





JOHN S. Kyle
858-550-6000
JKyle@cooley.com

1801 Century Park East, Suite 1201
Los Angeles, CA 90067
t/ 310.553.1222 f/ 310.553.0222
www.novianlaw.com

Cooley, Goodward, Kronish

May 11, 2010

File No.
4182-1

VIA ELECTRONIC MAIL

Maurice Shanley
moeshanley@yahoo.com

Re: Email Correspondence dated April 26, 2010

Dear Mr. Shanley:

As you know, this Firm represents Gabriel Technologies Corporation ("Gabriel") in various corporate matters. We are in receipt of your email to John Hall dated April 26, 2010.

First, I have instructed all Gabriel Management and Directors to not have any contact with you in any manner, and if they receive any further contact from you, they are to not open your emails and forward them to me. If you telephone Gabriel Management and/or Directors, they have been instructed by me to advise you they cannot have further contact with you and will hang-up the phone. As of the date hereof, all further communications from you or your representatives are to be directed only to me.



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The New York Times

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February 14, 1997

Two Accused Of Looting Towers Assets

The Securities and Exchange Commission filed suit yesterday against two former executives of Qualis Care L.P., accusing them of looting the bankrupt Towers Financial Corporation, the company whose creditors they were supposed to help.

The civil lawsuit, filed in Federal District Court in Manhattan, accused John Hall of Malibu, Calif., who was chairman and general partner of Qualis Care, and an associate, Joel Ciniero, with running a complex scheme to obtain and loot the assets of Towers during its bankruptcy proceedings.

The lawsuit filed yesterday also accused a third defendant, Mark Keckeisen, of aiding in the fraud. The S.E.C. said Mr. Keckeisen had agreed to settle the civil suit without admitting or denying the allegations and had agreed to a permanent injunction against future securities law violations.

Mr. Hall has already pleaded guilty to five criminal counts associated with the case, including conspiracy, money laundering, fraud and covering up the embezzlement of funds. Mr. Ciniero and Mr. Keckeisen have also pleaded guilty to criminal charges, and all three men are awaiting sentencing.

The lawsuit seeks repayment of illegal profits plus interest and unspecified penalties.

Towers filed for Chapter 11 bankruptcy protection from creditors in 1993 after it was found that the company's former owner, Steven Hoffenberg, had used it to operate what prosecutors say was the largest Ponzi scheme in history.

In March 1994, Mr. Hall formed Qualis as a joint venture to take over the failed Towers health care financing and bill collection business.

Mr. Hall's plan to take over the assets of Towers was approved by a bankruptcy trustee in 1994, two years after Mr. Hall reached a settlement with securities regulators who had accused him of looting a small money market fund.

In 1987, he settled accusations by bank regulators that he had abused his position at a failed California bank and in 1978 he was convicted of lying to obtain a government loan.

Under the plan, Mr. Hall agreed to contribute \$5 million in cash to the partnership while Towers would contribute \$35 million.

Federal authorities in the criminal case said Mr. Hall had no intention of transferring the \$5 million and that he and the other defendants created the false appearance the contribution had been made.

Mr. Hall and the others borrowed the \$5 million from an investor for one day, the authorities maintained. The transfer of the \$5 million allowed Mr. Hall to take control of Qualis, which in turn received the \$35 million from the Towers estate.

Within hours of receiving the \$35 million, Mr. Hall embezzled \$10 million from Qualis to repay the investor, who doubled his money, the authorities said.



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U.S. SECURITIES AND EXCHANGE COMMISSION

Litigation Release No. 15255 / February 13, 1997

SECURITIES AND EXCHANGE COMMISSION v. JOHN T. HALL, JOEL CINIERO
AND MARK KECKEISEN, 97 Civ. 0985 (WK) S.D.N.Y.

The former head of a joint venture once heralded as a source of recovery for the victims of the Towers Financial Corporation was charged today with defrauding the same victims. John T. Hall was the chairman and general partner of Qualis Care, L.P., a joint venture in the healthcare receivables business to which Towers contributed over \$37 million in cash and other assets. According to the Commission, Hall and an associate, Joel Ciniero, engaged in a complex scheme to obtain Towers assets, by assuming control of and looting Qualis, while transferring to Qualis securities at an inflated price and documenting phony investments. The Commission's complaint alleges that Hall's fraud was aided and abetted by the third defendant, Mark Keckeisen. All three defendants have pleaded guilty to criminal charges arising from the Qualis fraud, and are awaiting sentencing.



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One victim, the giant Continental Bank in Chicago, which had its own auditor examine the Penn Square loans, was virtually nationalized by the government in a rescue that required the pledging of billions of dollars of government funds. That bank was where Andrew Fastow had his start in business. Ernst & Whinney, the auditor of the Continental Bank, was found not liable in a jury trial brought by shareholders who claimed that the auditor failed to warn of the bank's problems. A class action suit was also dismissed.

The accounting failures arising before the debacles of the 1990s are too numerous to catalog, but included the failure of Crazy Eddie, an electronics store, after discovery of a \$45 million inventory shortage of its electronic goods. Its founder, Eddie Antar, was jailed after he was extradited from Israel, where he had fled to escape prosecution. Towers Financial Corp., a debt collection agency, turned out to be the then largest Ponzi scheme ever, with losses to investors of \$460 million. It was controlled by Steven Hoffenberg, a former publisher of the *New York Post*. He was sentenced to twenty years in prison. The company was reorganized under the new name of Qualis Care by John Hall, who then proceeded to loot the company's remaining assets. Hall had previously been convicted of making false statements to the Small Business Administration; he paid a \$100,000 fine to the FDIC to settle charges that he misused funds of the First City Bank in California; and he settled a claim by the SEC that he had stolen \$2.1 million from a money market fund. Polly Peck International PLC was another audit failure. The company's chief executive officer, Asil Nadir, was accused in London of stealing \$47 million from the company. He posted bail of \$5.5 million but fled to Cyprus to avoid prosecution. Creditors received only three cents on the dollar in its bankruptcy proceeding.





[Court Information](#) | [Statistics](#) | [My Account](#) | [Logout](#)

[Browse Aloud](#)

Criminal Party Search
 Tue Apr 12 13:24:23 2016
 3 records found

User: ir2543

[Filter Results](#)

[Download](#)

[New Search](#)

Client:

Search: Criminal Party Search Name hall, john New York Page: 1

Party Name ▼	Court	Case	Date Filed	Date Closed
1 Hall, John T. (dft)	nysdce	1:1996-cr-00385	05/23/1996	09/17/1997
2 Hall, John A. (dft)	nyedce	1:1994-cr-00937	09/08/1994	06/02/1999
3 Hall, John Wesley, JR., (aty)	nysdce	1:2009-cr-00551	06/01/2009	11/24/2009

PACER Service Center

Receipt 04/12/2016 13:24:24 47645940

User ir2543

Client

Description Criminal Party Search

Name hall, john New York Page: 1

Pages 1 (\$0.10)

For information or comments, please contact: [PACER Service Center](#)
[Browse Aloud](#)



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Qualis's Ex-Chair Is Expected To Plead Guilty in Fraud Case

a Wall Street Journal Staff Reporter
Updated July 12, 1996 12:12 a.m. ET

NEW YORK -- The former chairman of Qualis Care, a successor to the bankrupt Towers Financial Corp., will plead guilty Friday to at least one charge from a federal criminal complaint filed against him in May, his attorney said.

John T. Hall, the former chairman, previously pleaded not guilty to the five-count complaint, which accuses him of fraudulently obtaining Towers' assets to form Qualis Care in 1994. The complaint also alleges that Mr. Hall embezzled at least \$14 million to \$16 million from Qualis Care, and that he defrauded a small mutual fund he managed out of another \$2.1 million.



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**U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:96-cr-00385-LMM-1**

Case title: USA v. Hall

09/17/1997	13	Filed JUDGMENT in a Criminal Case. The deft. pres. w/atty Robert Wolf, Esq. The deft. John T. Hall (1) pleaded guilty to count(s) 1, 2 , 3 , 4 , 5. The defendant is sentenced as provided in pages 2 through 5 of this judgment. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 78 months. The court makes the following recommendations to the Bureau of Prisons: That the defendant be permitted to serve sentence in the Los Angeles area and in a camp facility. Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.. The defendant shall make restitution to the following payees in the amounts listed below. Qualis Care L.P. - \$750,000.00. Judgment and Commitment issued to U.S. Marshal (Signed by Judge Lawrence M. McKenna) (ba) (Entered: 09/23/1997)
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SUMMARY EMAIL SEARCHES

- Anyone experienced using email evidence compilation/summarization in forensic work?
- Issues, challenges in doing so?
- How to secure .pst files discretely, confidentially?
- Once again, critical to have counsel on board with the efforts from minute one.
- Every single email, document, article, filing, court docket listing so far in this presentation is in fact, public record.



Time to Put A Wrap On This



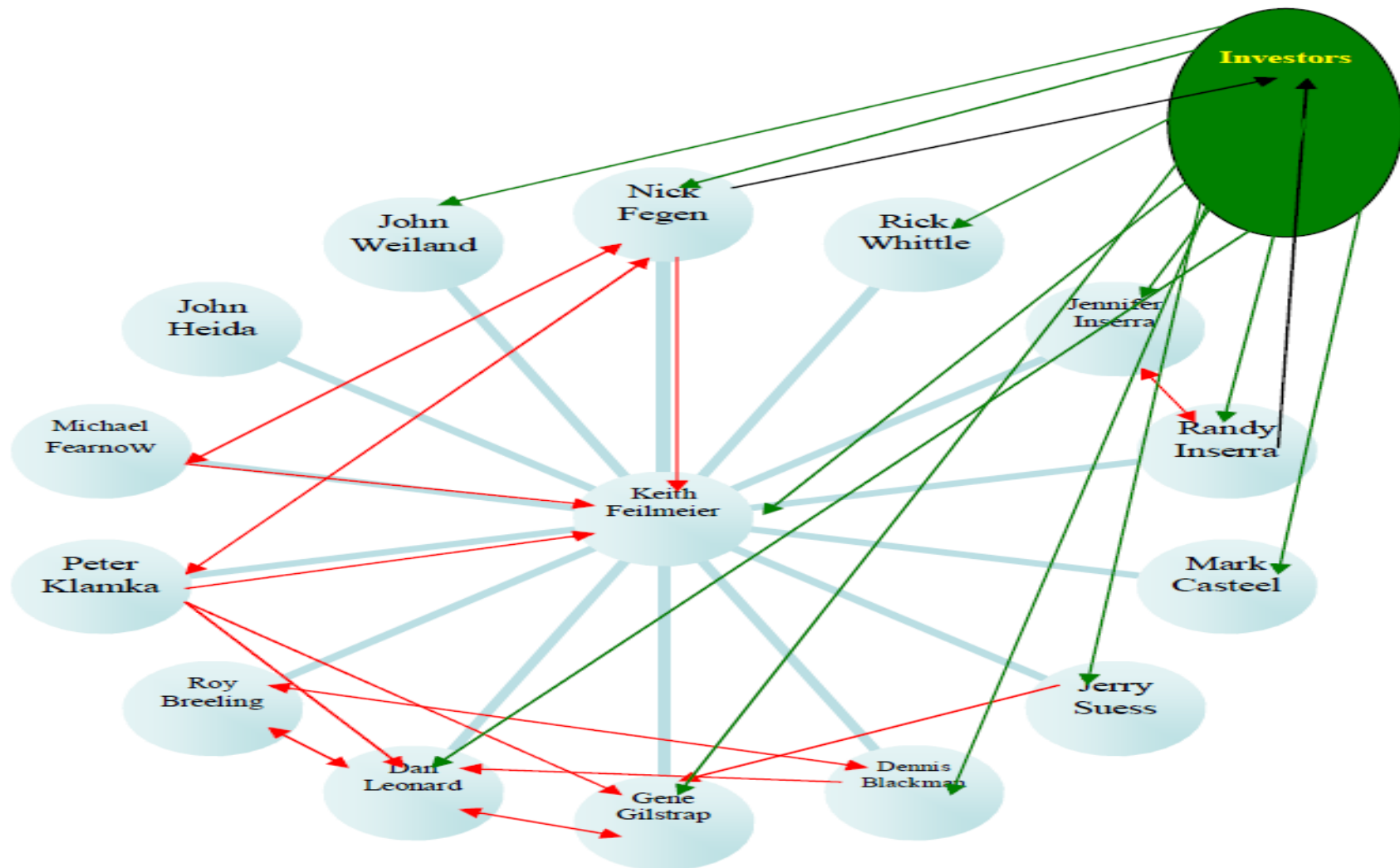
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Time to Put A Wrap On This

- The trails from source documents in the evidence binders through the body of the report and up to summary conclusions, opinions must be:
 - Clear and not cluttered
 - Extremely easy to navigate up, down and sideways through the other evidence.
 - Readily marked via document number, section heading/tab.
 - Extensively cross-referenced throughout the binders.
 - Cross-referenced within the body of the report itself.
- Be highly selective and strategic with reproducing document evidence within the body of the report itself.
- Better to use cross-referenced exhibit references within the report body, if not your most compelling, powerful support.



A picture's worth a thousand words.....



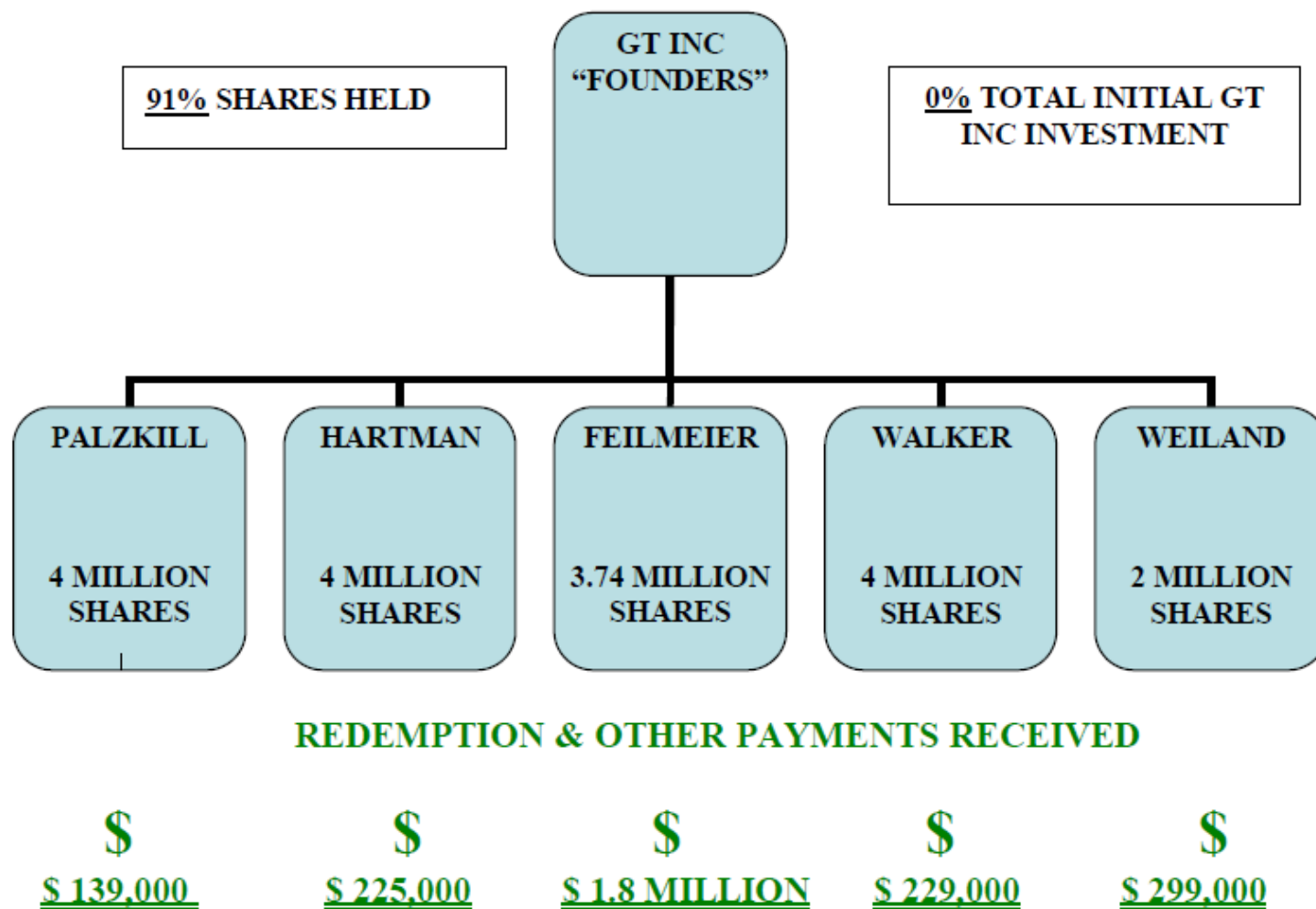
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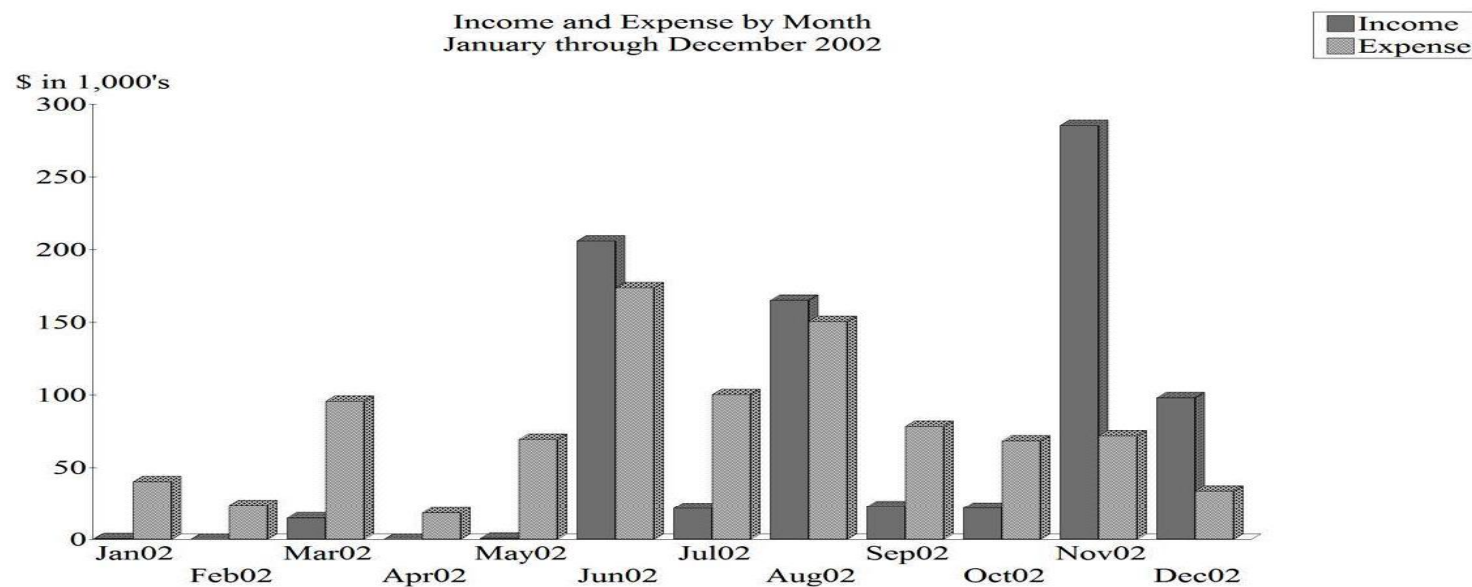
HOLDER	SHS ISSUED	TOT MKT VALUE DISPOSED	AVG PER SH
EQUITIES FIRST	2,200,000	\$4,100,000	\$1.86
FEGEN	2,000,000	\$4,685,000	\$2.34
WHITTLE (FRIEND & PERS CREDITOR)	223,000	\$960,000	\$4.30
RANDY INSERRA-SON IN LAW	251,000	\$450,000	\$1.79
JEN INSERRA-DAUGHTER	340,000	\$995,000	\$2.93
GILSTRAP (FRIEND & PERS DEBTOR)	100,000	\$335,000	\$3.35
CASTEEL (FRIEND & CAPITAL SOURCE)	490,000	\$1,565,000	\$3.19
	5,604,000	\$13,090,000	\$2.34
AVG MARKET-8/31/2004			\$4.50
AVG MARKET-10/25/2005			\$1.00
MARKET CAP-GT LLC OWNERS 8/31/2004 (EXCL. FEILMEIR)			\$33,970,500
MARKET CAP-GT LLC OWNERS 10/25/2005 (EXCL. FEILMEIR)			\$7,549,000
LOSS IN MKT CAP-LLC OWNERS			(\$26,421,500)



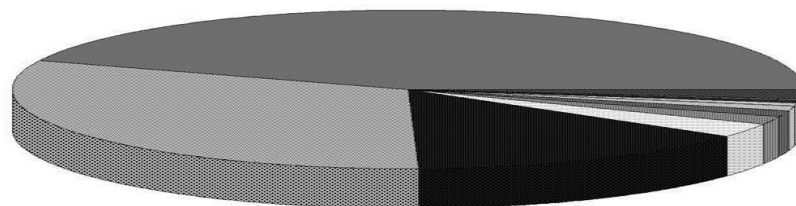
A picture's worth a thousand words.....



A picture's worth a thousand words.....



Expense Summary
January through December 2002



Purchases - COGS	%44.14
Salaries	31.44
Professional Fees	14.50
Postage and Delivery	2.94
Automobile Expense	1.61
Rent	1.36
Amortization	1.03
Travel	0.70
Advertising	0.59
Telephone	0.39
Other	1.31
Total	\$926,254.16



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A picture's worth a thousand words.....

RATIO & OTHER ANALYTICS	AS REPORTED	ADJUSTED
REVENUES	\$848,034.29	\$502,696.79
SALARIES	\$291,192.83	\$516,882.68
INSIDER PMTS		
SAL	\$291,192.83	\$516,882.68
MISC		\$90,000.00
PREF STOCK DISTR		\$8,000.00
TREASURY STOCK		\$172,500.00
BEG NEG RE		\$127,297.66
UNRECORDED-EST.		\$100,000.00
TOTAL INSIDER	\$291,192.83	\$1,014,680.34
NET LOSS	(\$87,650.16)	(\$583,661.49)
% REVENUES	-10.3%	-116.1%
CURRENT RATIO	3.19	0.94
QUICK(ACID-TEST) RATIO	2.09	0.36
INVENTORY TURNOVER	2.47	1.79
DAYS SALES O/S-ACCTS REC	94.2	4.2
TOT ASSET TURNOVER	1.33	1.83
LEVERAGE RATIO	0.31	(32.28)
TOTAL EQUITY	\$487,252.18	(\$8,759.15)
4-VARIABLE Z-FACTOR BANKRUPTCY PREDICTOR	4.770	(23.179)
SAFE LEVEL-ABOVE	2.600	2.600
BANKRUPT BELOW	1.100	1.100
MEAN NON-BANKRUPT	7.700	7.700
MEAN BANKRUPT	-4.060	-4.060
BEGINNING CASH-11.13.2000	\$947,500	\$947,500
ENDING CASH-12.31.2002	\$95,938	\$95,938



And, one final public email.....

Olsen, Wendy (USANYS)

From: Patty Brown [pattyann27@mac.com]
Sent: Wednesday, June 10, 2009 2:51 PM
To: USANYS-MADOFF
Subject: Madoff Sentencing

Dear Judge Chin:

I am writing in hopes that my voice will be heard even though I am unable to attend Mr. Madoff's sentencing.

My family (which includes my mother, brother and me) have lost our life savings with Mr. Madoff. I was widowed at the age of 39 and left with 2 children to raise. I took by husband's life insurance money and invested with Madoff Investment Securites. Now, I find that the investments I thought I owned and would carry me through my retirement years were non-existent. I am 61 years old and not yet collecting Social Security so I am presently trying to find employment. The company I previously worked for closed and moved out of town. I have not worked for a few years as I was helping my mom and dad, who was in a nursing home, until he died. Besides this, I have had to move my mother in with me as she lost all her money with Mr. Madoff, too. I have had to pay for home renovations to accommodate her needs and am trying to make ends meet.

Mr Madoff has wreaked havoc on our family. We have never lived beyond our means and had hoped that we were secure with our investments. Now, we have been cheated by Mr Madoff and we hope that you will sentence him accordingly for his crimes.

Sincerely,
Patricia Brown



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