



KEN YORMARK
CPA, CFE, CFF, CAMS

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Ken Yormark most recently was a partner and practice leader of the Forensic and Litigation Advisory Services Practice for a top 25 Accounting Firm. Ken's experience spans more than 30 years as a subject matter expert in complex investigations and forensic and investigative services focusing on formulating and implementing innovative strategies regarding forensic accounting and financial investigations.

Ken conducts and manages large and small forensic accounting investigations involving fraud, corruption, accounting improprieties, FCPA, and sanction violations for clients in the public and private sectors. Ken is skilled at assessing the vulnerability of internal controls, compliance procedures, and accounting systems for clients in a broad range of industries, including, but not limited to sports & entertainment, manufacturing, digital assets, healthcare, and not-for-profits. Regarded and accepted as an expert witness, Ken works alongside law firms and internal legal teams to testify at trials involving corruption, accounting improprieties, and bribery.

Due to his expertise, Ken is frequently interviewed for various publications and documentaries discussing forensic accounting, Ponzi schemes, asset tracing, and fraud. Ken is recognized nationally for his thought leadership and is asked to speak regularly on forensic accounting, fraud, and anti-corruption.

Ken is an adjunct professor at Georgetown University Law Center, a faculty member of the Practicing Law Institute, and an adjunct faculty member at the Association of Certified Fraud Examiners. He earned his Bachelor of Science from Queens College, City University of New York, and completed his graduate studies in real estate development analysis from New York University. He is a member of the American Institute of Certified Public Accountants (AICPA), the New York State Society of Certified Public Accountants (NYSSCPA), the American Bar Association Section of Business Law, and a committee member of New York Lawyers for the Public Interest.

Testimony

- Large Real Estate Development with Multiple Investment Tiers**
Retained as an expert witness by counsel and the investment group of a large real estate development project. After conducting a thorough analysis of the accounting records, we provided our expert opinion on the state of the records and identified significant accounting and internal control deficiencies along with potentially questionable transactions. Our forensic accounting expertise allowed us to provide a clear understanding of the current state of the project helping the investment group make informed decisions moving forward.
- National Promotional Products Company**
Retained as an expert witness by counsel and a promotional products company to perform forensic accounting services and a damage calculation in order to analyze the findings of the opposing party expert's answer to the statement of claim and counter-statement of the claim. Through the formulation and analysis of data, Ken prepared two reports which refuted all claims made by the opposing parties. During the arbitration, the opposing witness rescinded their opinion during testimony on several issues admitting to the accuracy of Ken's findings. Ken's testimony established the foundation for all claims. The former Judge/Arbiter adopted all of our calculations and cited Ken's testimony in granting a substantial award.
- Roche Diagnostics Corporation and Roche Diabetes Care, Inc. v. Priority Healthcare Corporation D/B/A Priority Care, ET AL. Civil Action No. 2:18-cv-01479-KOB-HNJ**
Retained as an expert witness to perform forensic accounting services to establish an operational structure of the organization and the rationale or lack thereof behind the flow of funds. Created an extensive database of banking records to determine the magnitude, the transactional flow, and location of funds currently available. In analyzing the data Ken was able to establish the layering of transactions that showed criminal intent. Ken's courtroom testimony in the United States District Court for the Northern District of Alabama Southern Division demonstrated the possibility of immediate and irreparable injury to the plaintiff. It resulted in the request for an injunction being granted.
- Jet Midwest International Co., Ltd. v. Jet Midwest Group, LLC, et al. 18-CV-6019-FJG**
Retained as an expert witness to perform forensic accounting procedures to analyze a series of profit distributions made by an entity engaged in the sale of commercial aircraft and aircraft parts. Analyzed lending agreements and profit-sharing "side-letter" agreements and traced transactions through the company's general ledger transaction detail and bank statements. Identified and quantified total profits distributed to owners and suspected company insiders. Prepared several expert reports on our findings, was deposed by opposing counsels, and provided expert witness testimony at trial in The United States District Court for the Western District of Missouri. Ken's courtroom testimony established that the defendant intentionally enriched insiders at the direct expense of the plaintiff and a judgment was entered in favor of the plaintiff on all counts. The court ruled that Mr. Yormark demonstrated that various transactions were a sham mechanism to insulate assets from the judgment by moving them to the defendants. The court further ruled the defendants colluded with each other and in doing so committed the tort of civil conspiracy.
- Receivership of Agape World, Chapter 7 Case No. 09-70660 (DTE)**
During the investigation into a \$400 million Ponzi scheme in the Eastern District of New York, Ken led a team that analyzed all books and records and corresponding banking records to trace and determine the ultimate disposition of funds deposited within the company. The founder, Nicholas Cosmo was sentenced to 25 years imprisonment. The team assisted the receiver in identifying and pursuing all potential sources of recovery. In performing clawback calculations on behalf of the trustee to identify additional sources of recovery, Ken testified in Bankruptcy Court more than 35 times as a forensic accounting expert in support of the trustee's motion to consolidate related entities into a bankruptcy proceeding. [List of individual hearings available upon request.]

- **United States v. Hoffecker, 06-3190 (3d Cir. 2008)**

As part of the investigation into an international commodities fraud scheme and “boiler room” operation in which as many as 1,000 U.S. investors from 49 different states lost at least \$13 million, Ken led a team that analyzed the detailed books and records and accounted for all the losses incurred by the investors. He also testified before the jury at trial. The two conspirators were each convicted of one count of conspiracy to commit mail and wire fraud and three counts each of mail fraud.

Monitorships

- **Attorneys General of New York and 17 Other States’ Approval of Monitorship**

Defendant violated the FTC Act, the Truth in Lending Act, the Electronic Fund Transfer Act, the Military Lending Act, the Holder Rule; and state laws in connection with jewelry sales and financing to members of the military. The Federal Trade Commission and a group of 18 states sued the national jewelry retailer to stop the company from cheating military families with illegal financing and sales practices. According to the complaint, the jewelry company deceptively claimed that financing jewelry purchases through their company would raise service members’ credit scores, misrepresented that its protection plans were not optional or were required, and added the plans to purchases without consumers’ consent.

Under an order with the FTC and multi-state group, the company was instructed to stop the collection of millions of dollars in debt, provide approximately \$10.9 million in refunds for purchased protection plans, provide refunds for overpayments, and assist with the deletion of any negative credit entries pertaining to debt in consumers’ credit reporting file.

As required by the consent order Ken was hired by the defendant and approved by the Attorneys General of New York and 17 other states to monitor the distribution of funds to the more than 46,000 members of the military.

- **State of Tennessee Monitorship of Restitution Program**

Defendant was found to have violated the Credit Services Business Act of Tennessee and The Tennessee Consumer Protection Act by operating an unlawful credit services business, making untrue, misleading, or deceptive representations related to credit services; failing to register a statutorily mandated bond; failing to provide proper disclosures and information statements to consumers; and engaging in the commission of deceptive, unfair, and illegal acts and practices in Tennessee.

Defendants were required to pay restitution to all consumers who had purchased any goods from their retail location in Clarksville, Tennessee during a three year period. The Defendants were responsible for administering the required restitution program. To ensure compliance with the Judgment, Defendants, in consultation with the State's counsel, Ken was selected as independent monitor to audit this restitution program.

Recent Matters

- Retained by a large healthcare facility that had questions about the activities of its former Director and several members of senior management. Understanding the potential litigation issues we recommended, interviewed, and aided in hiring attorneys to assist with the investigation. Our team performed extensive company interviews and analyzed bank and accounting records to establish the depth and breadth of the improprieties. We reported our findings to the Executive Director and the Board resulting in the termination of the CFO and Controller. We generated a proof of loss which was delivered to the insurance company and a detailed report for the US Attorney General's office. We provided operational guidance to restructure the agency's accounting functions and built additional internal controls. A multinational technology company had FCPA concerns relating to one of its Middle

East affiliates. Ken was asked to perform a review of the affiliate's activities and determine if it had any exposure to the FCPA/UK Bribery Act regulations that might require self-disclosure. The onsite investigation included interviews with key personnel and the review and analysis of accounting records. While no evidence of fraudulent activity was found, the team provided numerous remediation suggestions to tighten the affiliate's controls and enhance its reporting procedures.

- Engaged by the University board and outside counsel after whistleblower allegations were received by the Board of Directors regarding inappropriate spending by the president. We discreetly collected all available documentation of expenses incurred by the president, his wife, and his staff to determine if they were incurred in accordance with the University guidelines. In total \$580,000.00 in expenses charged to the University were identified as lacking a University-related purpose including sojourns taken by the President and his wife, purchases of a personal nature, personal celebrations held at and paid for by the University, and staff performing services exclusively for the personal benefit of the President and his wife. As a result of our findings, the Board of Directors sought and obtained the resignation of the University president. We identified gaps in University policy and procedures and recommended corrective actions.
- Retained as an expert witness by counsel and the investment group of a large real estate development project. After conducting a thorough analysis of the accounting records, we provided our expert opinion on the state of the records and identified significant accounting and internal control deficiencies along with potentially questionable transactions. Our forensic accounting expertise allowed us to provide a clear understanding of the current state of the project helping the investment group make informed decisions moving forward.
- Contacted by an attorney when his client, a well-known athlete discovered a questionable disbursement from his bank account. We proceeded to perform a detailed analysis of his personal and business finances and discovered numerous payments benefiting his manager which the client was unaware of. The client's manager was terminated and charges were filed.
- At the request of its auditors, a multinational marketing and sports agency requested assistance in the review of accounting entries to determine their validity. Our team reviewed thousands of journal entries and accounting details and interviewed several senior accounting professionals before determining that improper revenue recognition resulted in a material overstatement of income. The team also discovered that the CFO was siphoning funds through a fictitious vendor as well as using corporate credit cards to pay personal obligations. The CFO and the controller were terminated, and the company's internal controls and compliance procedures were rebuilt.
- Retained as an expert witness by a law firm to perform forensic accounting services for the plaintiff, a large pharmaceutical company, to establish the operational structure of the defendant, a purchaser of their product allegedly also selling counterfeit goods, and the rationale or lack thereof behind the flow of funds. We created an extensive database of banking records to determine the magnitude, the transactional flow, and the location of funds currently available. In analyzing the data we were able to establish the layering of transactions which showed criminal intent. Our courtroom testimony demonstrated the possibility of immediate and irreparable injury to the plaintiff and resulted in the request for an injunction being granted.
- Developed a ranking system for a major sports league to establish an unbiased risk level for each of its officials. Using an extensive questionnaire combined with information gathered through background checks we built a model which generated a ranking of individuals. The results were reported and discussed with league senior management to determine if and when additional steps were necessary.
- Managed an internal forensic accounting investigation on behalf of a global manufacturer of carbon fiber into certain purchases of raw materials from OFAC-sanctioned entities that may have violated U.S. law. The team interviewed finance and procurement personnel, quantified the amount and value of product purchased from sanctioned entities, and performed transaction testing of the company's supporting records for the related purchases. The results of the team's analysis included a detailed report which was provided to OFAC as part of our client's disclosure report.

- Engaged by a real estate association to conduct a fund tracing investigation in response to allegations of fraud, theft, and other misappropriation of funds by the association's developer. We analyzed the flow of funds across the developer's various trust accounts allowing us to provide a clear and concise picture of the flow of funds across the developer's accounts, and we were able to identify specific instances where funds intended for the upkeep and development of the property were misappropriated. We provided our findings and opinions to the real estate association and their legal counsel, and our analysis was used as evidence in litigation against the developer.
- Retained as an expert witness by a law firm to perform forensic accounting procedures for a large Chinese conglomerate to analyze a series of profit distributions made by an entity engaged in the sale of commercial aircraft and aircraft parts. We analyzed lending agreements and profit-sharing "side-letter" agreements and traced transactions through the company's general ledger transaction detail and bank statements. We identified and quantified total profits distributed to owners and company insiders, prepared several expert reports on our findings, and provided expert witness testimony at trial. Our courtroom testimony established the defendant intentionally enriched insiders at the direct expense of the plaintiff and a judgment was entered in favor of the plaintiff on all counts. The court ruled that we demonstrated various transactions were a sham mechanism to insulate assets from the judgment by moving them to the defendants. The court further ruled the defendants colluded with each other and in doing so committed the tort of civil conspiracy.
- Engaged by outside counsel to the oversight committee of a public company in the biopharmaceutical industry in order to ascertain whether or not the company properly and adequately disclosed all related-party transactions and followed appropriate GAAP accounting principles with respect to contingencies, and compensation. The team reviewed and analyzed the books and records of the company, as well as communications between the former CEO and various insiders. The results led to restatements in two periods and the unearthing of questionable activities by senior management.
- Retained by the trustee to assist with an investigation of an investment firm that defrauded investors out of \$380 million through a Ponzi scheme. The team's forensic accounting work included rebuilding the company books and records and corresponding bank information to establish the timing of deposits, disbursements, and commingling of assets, as well as to uncover any suspicious, unusual, or unsupported entries and transactions. We testified in Bankruptcy Court approximately 35 times as a forensic accounting expert, providing claw-back calculations in determining the ultimate distribution of funds, and in support of the trustee's motion to consolidate related entities into a bankruptcy proceeding.
- The U.S. Department of Justice Office of the Inspector General ("OIG") issued an audit report that questioned federal grant funds a national not-for-profit received. The OIG alleged that the nonprofit commingled the funds received and could not provide adequate support for how funds were used. They threatened to close down the organization after more than one hundred years in existence if the organization could not establish the validity of their use of the funds. Outside counsel engaged us to perform forensic accounting and investigative services. The organization had weak accounting procedures which required the team to recreate the flow of funds at the national level therefore providing support for the source and use of grant funds. The team worked with subrecipient agencies throughout the United States to rebuild their records, establishing that the funds received were used for the intended purposes. The team's work identified and quantified the amount of grant-eligible and allowable expenditures that the National Office and the sub-recipients incurred to the satisfaction of the OIG. The team had numerous meetings with government agencies and communicated with the not-for-profit board on a regular basis.
- A multibillion-dollar manufacturing company's Chinese acquisition showed indicators of potential violations of the Foreign Corrupt Practices Act (FCPA). We were asked by outside counsel to assemble and manage a team of e-discovery and forensic accounting professionals to help determine the company's FCPA exposure, identify who was involved, and quantify the dollar exposure. We provided a report and presented our findings to counsel and the company's board. We then designed and assisted in implementing compliance procedures and training delivered to all employees and outside vendors.

Presentations

- No Strangers To Fraud: Lessons Learned and Forgotten From Corporate Scandals, RANE Webinar, June 26, 2023
- Magnitude's Leona Laurie and I Discuss the Intersection of Crisis Management and Forensic Accounting, May 23, 2023
- Accounting For Lawyers, What you Wish You Had Been Taught In Law School - Association of Corporate Counsel, Westchester, and Southern Connecticut, January 25, 2023
- Moderator/Panelist – Benchmarking, Improving, and Leveraging Your Reporting Program, The ACFE Global Conference - Corporate Alliance Meeting, June 24, 2020
- The Challenges of Investigating Bribery and Corruption, The ACFE Global Conference, June 23, 2020
- Fraud and Security in Uncharted Territory: Considerations in the Age of Covid-19, Citrin Cooperman Webinar, April 21, 2020
- Moderator/Panelist – Anatomy of an Internal Fraud Investigation, ACFE Fraud Risk Management Summit, October 17, 2019
- Compliance Panel – The Challenges Today and Tomorrow – The ACFE Global Conference, June 24, 2019
- The Income Statement – PLI Accounting for Lawyers Seminar, May 15, 2019
- Maximizing the Use of Data in Investigations and Compliance Programs, PLI FCPA Conference, April 17, 2019
- Moderator/Panelist - The Present and Future of Compliance, ACFE Fraud Risk Management Summit, September 14, 2018
- Compliance Panel – The Challenges Today and Tomorrow – The ACFE Global Conference, June 18 - 20, 2018
- The Income Statement – PLI Accounting for Lawyers Seminar, May 17, 2018
- Fraud in the Retail/Luxury Market – Global Internal Audit Group, Chanel S.A., November 16, 2017
- The Income Statement – PLI Accounting for Lawyers Seminar, May 18, 2017
- Basics of Accounting- Morgan Stanley Legal Department, May 11, 2017
- The New Revenue Recognition Standard Briefing for Attorneys – ABA Business Law Section Spring Meeting, April 6-8, 2017
- Accounting for Lawyers – Association of Corporate Counsel, Westchester/Southern Ct Branch, March 31, 2017
- Fraud Prevention and Detection – Protecting Your Organization in an Ever-Changing World – Grant Thornton Not for Profit Quarterly Seminar Metro New York, March 29, 2017
- The Role of the GC in Small, Medium, Large and Mega Companies: How they are Different and How They Are the Same – IHI East Conference, October 26, 2016
- Fraud Prevention and Detection – Protecting Your Organization in an Ever-Changing World – Arnold & Porter Breakfast Series, October 25, 2016

- Fraud Prevention and Detection – Protecting Your Organization in an Ever-Changing World – Consumer Reports, September 29, 2016
- Protecting US Business from Fraud in China – China Business Group Series, July 21, 2016
- Fraud Prevention and Detection – Protecting Your Organization in an Ever-Changing World – Grant Thornton Not for Profit Quarterly Seminar, July 8, 2016
- The Income Statement – PLI Accounting for Lawyers Seminar, May 18, 2016
- Why Won't It Rain? Rainmakers Share Tips to Increasing Your Book of Business – ABA Business Torts and Unfair Competition Committee, January 14, 2106
- ACFE Executive Anti-Fraud Roundtable Benchmarking Fraud Investigations/ Teams, September 25, 2015
- Ethical Challenges: Government Prosecutions and Employment Lawsuits– PLI International Employment Law Seminar, June 29, 2015
- The Income Statement – PLI Accounting for Lawyers Seminar, May 26, 2015
- Developing an Ethical Roadmap for Corporate Investigations: Perspectives from All Sides – Association of Corporate Counsel Ethics Marathon, April 1, 2015
- Reading, Writing & Arrest: Issues at the Crossroads of Access to Education, Justice & Criminal Law, October 21, 2014
- From Rajaratnam to Gupta and Expert Networks: Investigations and Prosecutions of Insider Trading, October 8, 2014
- Big Brothers Big Sisters National Leadership Conference, June 17, 2014
- Whistleblower Laws and How They Affect Corporations- 25th Annual ACFE Global Fraud Conference, June 15-20, 2014
- The Income Statement – PLI Accounting for Lawyers, May 12, 2014
- PLI Foreign Corrupt Practices Act and International Anti-Corruption Developments 2014, May 1-2, 2014
- Managing Fraud Investigations – Dodd-Frank Year III, The Audit Center of the Institute of Internal Auditors, December 13, 2013
- Investigative Panel – The Future of Fraud Investigation – The ACFE National Conference, June 24-26, 2013
- The Income Statement – PLI Accounting for Lawyers, May 13-14, 2013 PLI
- FCPA program, May 2-3, 2013
- Preparing for the Spotlight: Increased Scrutiny on the Private Equity Industry and How to Avoid Coming Pitfalls – Section of Litigation Annual Conference, April 24-26, 2013
- Nothing to Whistle About! Managing Fraud Investigations Post Dodd-Frank – ACC Sponsored, February 27, 2013
- Managing Fraud Investigations Post Dodd-Frank – The Audit Center of the Institute of Internal Auditors, December 11, 2012
- FCPA Insider Trading and Whistleblower Considerations– Simpson Thacher Office, 2012

- Corporate Counsel Leadership Conference, September 20, 2012
 - The FCPA and the UK Bribery Act and the Rising Tide of Anti-Corruption – The ACFE National Conference, June 18-20, 2012
 - The UK Bribery Act and the FCPA – Georgia Southern Fraud and Forensic Conference, May 16-18, 2012
 - The Income Statement – PLI Accounting for Lawyers, May 14-15, 2012
 - FCPA and UK Bribery Issues in the Financial Services and Private Equity Industry – PLI Foreign Corrupt Practices Act and International Anti-Corruption Developments 2012 Conference, May 3-4, 2012
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Recent Articles

- Sports Leagues Need to Take More Responsibility For How and To Whom Betting Is Being Advertised, LinkedIn, September 27, 2023
- State Agencies Are Using Sophisticated Analysis Techniques to Find Illegal Gambling Taking Place, LinkedIn, September 19, 2023
- Challenges and Opportunities For Fraud in a Time of Rising Interest Rates, LinkedIn, September 5, 2023
- College Sports Gambling Scandals, LinkedIn, August 29, 2023
- No Strangers To Fraud: Lessons Learned and Forgotten From Corporate Scandals, RANE, August 9, 2023
- Fighting E-Commerce Fraud, LinkedIn, June 13, 2023
- Sports Betting Incidents Continue to Rise, LinkedIn, June 6, 2023
- Unlawful Gambling In Sports Continues to Be A Challenge, LinkedIn, May 11, 2023
- Should You Implement Fraud Controls? , LinkedIn, May 9, 2023
- How Did Teixeira Get Access to All This Sensitive Data? , LinkedIn, April 24, 2023,
- Defending Against the False Claims Act, LinkedIn, April 18, 2023
- Caution When Investing in Real Estate, LinkedIn, April 4, 2023
- Bank Failures Seed Crypto Criminals, LinkedIn, March 28, 2023
- Fraud In the Sports Industry, LinkedIn, March 16, 2023
- Artificial Intelligence Fraud Risk, LinkedIn, March 7, 2023
- Crypto Ponzi Schemes, LinkedIn, February 28, 2023
- Fraud Risk for Not-For-Profit Organizations, LinkedIn, February 14, 2023
- Overview of Common Healthcare Fraud Schemes, LinkedIn, February 8, 2023

- Risk of Fraud Resulting from the Covid-19 Crisis, April 10, 2020, Citrin Cooperman Website
- "Private Equity Is Booming. So Are the Regulatory Headaches" -Bloomberg Law,, June 6, 2018
- What the Och-Ziff Charges Show Hedge Funds About Tackling Corruption HFM Global/HFM Week, October 24, 2016
- "Capitalizing on Compliance" – Private Equity Firms Can Prevent Exposure and Uncover Value-Under Government Scrutiny – *IQ Magazine*, January 2014
- "Preventing Regulatory Exposure in PE Firms" – Navigant website, February 2013
- "Get Ready for More Private Equity Regulation" - *Law 360*, February 2013
- "The Maturing of the FCPA" - *Network Magazine*
- "Ponzi Schemes – The Basics and Beyond" - *The Financial Fraud Law Report*

Ken has been quoted in publications including CFO Magazine, Baseline, Business Finance, Fraud Magazine, SMB Finance, and OpRisk & Compliance, and authored articles published in Metropolitan Corporate Counsel, The Journal of Investment Compliance, and Executive Counsel. He has appeared on BBC International's World Business Report, The McNeil Lehrer Business Hour, Fox Business News, and local Eyewitness News stations commenting on fraud matters. He was seen discussing Ponzi schemes in a BBC documentary about Madoff. Ken was also seen discussing forensic accounting and asset tracing in the BBC Documentary "The Hunt for Hitler's Missing Millions" on the Smithsonian Channel and is available on Netflix under the title "Hitler's Riches".

Professional Certifications and Memberships

- Certified Public Accountant
- Certified Fraud Examiner
- Certified in Financial Forensics
- Certified Anti-Money Laundering Specialist
- Member, American Institute of Certified Public Accountants
- Member, Association of Certified Public Accountants
- New York State Society of Certified Public Accountants
- Member, American Bar Association Section of Business Law

Board Positions

- Board Member, Apella Wealth
- Committee Member, New York Lawyers Public Interest

Education

- B.S. Accounting, Queens College
- Graduate Studies, New York University