

Ben Johnson

BERKELEY RESEARCH GROUP (UK) Ltd

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ben.johnson@thinkbrg.com**SUMMARY**

Ben Johnson is a Managing Director in the Global Investigations and Strategic Intelligence Practice based in London. He has over 20 years' experience in the field of forensic accounting in some of the largest and most complex international matters.

Mr. Johnson has led many investigations and reviews into suspected fraud, accounting irregularities, bribery and corruption issues and misconduct on behalf of regulators and private clients in both civil and criminal proceedings. He is also an experienced testifying expert and has provided oral expert testimony in criminal proceedings and international arbitration in relation to fraud and corruption issues.

Mr. Johnson has experience across a range of industry sectors, in particular: financial services, software, technology, support services, oil and gas, construction and engineering, supply chain management, retail, and gaming.

Mr. Johnson has provided expertise in investigations and disputes on the application of IFRS, UK GAAP and US GAAP as well as the major international regulations on anti-bribery and corruption.

His international experience has involved assisting clients on the ground in countries throughout Europe, including Eastern Europe and Ukraine, Africa, Asia and the Americas.

Mr. Johnson is a regular speaker on accounting, fraud and corruption issues and is recognised in Who's Who Legal guide as a leading forensic accountant expert and global elite thought leader in the field of forensic accounting.

He is a Fellow of the Association of Chartered Certified Accountants and the Deputy Chairman of the UK based Academy of Experts, a leading body for the promotion of standards for Expert Witnesses.

EDUCATIONACCA
B.Bus.Association of Chartered Certified Accountants, 2002
University of Technology, Sydney, 1997**PRESENT EMPLOYMENT**

Managing Director, Global Investigations and Strategic Intelligence, Berkeley Research Group

Deputy Chairman, Academy of Experts

PREVIOUS POSITIONS

AlixPartners, London, Director, 2012 - 2016

FTI Consulting (previously Forensic Accounting LLP), London, Managing Director, 2004 - 2012

Woolworths Limited, Sydney, Corporate Audit Manager, 2002 - 2004

KPMG Forensic, London, Consultant, 1998 - 2002

PROFESSIONAL AFFILIATIONS

Association of Chartered Certified Accountants, Fellow

The Academy of Experts, Executive Board Member and Deputy Chairman

Fraud Advisory Panel, Member of the Audit and Fraud Special Project Group

ARTICLES

Cross-border overview: investigating accounting irregularities, Global Investigations Review, EMEA Investigations Review 2015

Avoiding Common Pitfalls During an Internal Investigation, Executive View White Collar Crime & Regulatory Enforcement Guide, 2009

CLIENT EXPERIENCE

Criminal investigations

Mr Johnson led a multi-disciplinary team providing assistance to the Cyprus Attorney General with a criminal investigation in conjunction with the Cyprus police into potential criminal offences in the Cypriot banking sector in the years leading up to the 'Bail-in' of Cyprus banks in 2013. The wide ranging investigation has to date resulted in the prosecution and conviction of several senior figures in the Cypriot banking and regulatory sector.

Mr Johnson has also provided oral expert testimony in a criminal prosecution resulting from the investigation. The trial is on-going.

Litigation and Disputes

Mr. Johnson has provided expert evidence and advised in a range of disputes in various forums including international arbitration, litigation and criminal prosecution. He has given expert evidence on issues of fraud, financial crime, corruption and the quantum of lost profits.

Major cases have included:

- Expert evidence in an international arbitration concerning a dispute between a global energy business and a consultant in an emerging market regarding alleged red flags of corruption in relation to the activities of the agent;
- Expert evidence for the prosecution regarding the perpetration of an alleged €200m+ fraud and

embezzlement scheme at a Cypriot bank;

- Assisting with an Expert report on behalf of the Serious Fraud Office for false accounting and conspiracy to defraud by certain directors of an AIM listed company;
- Providing written expert evidence in litigation regarding the profits foregone as a result of a franchising dispute;
- Arbitration involving a dispute regarding an alleged failure to account for profits by a Middle Eastern distributor of software;
- Expert assistance in litigation regarding the value of a major construction firm resulting from alleged improper accounting for long term contracts;
- Expert assistance in litigation regarding the value of an acquired automotive spare parts company resulting from alleged improper accounting and forecasting;
- Arbitration involving a dispute regarding an alleged failure to account for profits by a Middle Eastern distributor of software
- Litigation regarding the loss of profits suffered as a result of the destruction of a unique archive of aeronautical images;
- Arbitration involving the loss of profits from an alleged breach of contract of an exclusive supply agreement for precision scientific measuring instruments.
- Mr. Johnson has also been involved in several large matrimonial litigation matters regarding the value of spousal assets.

Corporate investigations

Mr. Johnson has experience of corporate investigations across a range of sectors. His experience includes:

- Leading an investigation on behalf of counsel for a UK plc into allegations that the selling shareholders of a recently acquired business conspired to manipulate earn out targets through channel stuffing and other fraudulent measures.
- Leading the investigation in EMEA on behalf of independent Counsel to the Audit Committee of a listed US technology distribution company into accounting irregularities discovered in the UK division. The investigation involved the review of millions of pages of evidence and over 30 witness interviews in several European locations.
- Leading an investigation into the quantum and disposition of more than US\$ 1 billion in assets derived by a foreign domiciled high net worth individual from an interest in a prominent internet gaming company in order to assist in negotiations between the individual and the US Department of Justice. This work led to a settlement to the satisfaction of both parties.
- Leading an investigation on behalf of a foreign Government into alleged financial malpractice at a prominent corporation in Southern Africa. The investigation identified several areas of malpractice as well as a previously un-identified substantial tax asset.
- Leading an investigation into alleged corruption and wrong-doing at an Italian subsidiary of a major multi-national construction group.
- Leading the investigation of a multi-million dollar fraud committed by an employee of a major Australian retail group. This involved designing, proving and implementing a methodology to identify and substantiate the total amount defrauded over a period of some 10 years and liaising with the insurers and police.

- Investigation of the derivation of funds said to be the proceeds of crime in a multi-jurisdiction dispute involving Russian telecommunications interests. The investigation resulted in the confiscation of \$45 million of funds in the BVI.
- Two years working on the Volcker Commission investigation into unclaimed assets in Swiss banks of potential victims of Nazi persecution.
- An investigation on behalf of shareholders into alleged accounting irregularities and financial misstatement at a FTSE 250 industrial products company.
- An investigation on behalf of the trustees in control of a multi-million pound property investment group into alleged financial malpractice.

Regulatory investigations and professional negligence

Mr. Johnson's experience includes leading more than many investigations on behalf of the UK Financial Reporting Council into the conduct of auditors, directors and qualified accounting staff in relation to recent accounting scandals. He has also led a major investigation for the Irish accountancy regulator, the Chartered Accountants Regulatory Board. This work has involved detailed review of audit files, company accounting records and other management information, formal recorded subject interviews and the preparation of investigation reports, which have been used as a basis for disciplinary proceedings.

Major cases include:

- Investigation into the auditors of Anglo Irish Bank on behalf of the independent Irish accountancy regulator, the Chartered Accountants Regulatory Board. Following completion of the investigation, the appointed Special Investigator determined that there was a prima facie case to answer in respect of the auditors' failure to detect certain director loans and the lack of disclosure regarding a series of transactions with another financial institution. In addition, it was determined that there was a prima facie case against certain former directors regarding loans provided to customers for the purpose of buying Anglo shares. Further disciplinary proceedings have been deferred at the request of the Director of Public Prosecutions pending completion of other investigations into matters at Anglo Irish.
- Investigation into the conduct of the auditors and certain directors of Aero Inventory plc, a collapsed AIM listed company providing inventory management services to the airline industry. At a disciplinary tribunal in 2015 the former Aero Finance Director was excluded from the profession for three years and ordered to pay £170,000 contribution towards costs. The investigation into the auditors remains on-going.
- Investigation into the conduct of auditors and certain directors in relation to events at iSoft plc over a three year period. The key issues concerned recognition of software licence revenue, the use of off-balance sheet financing and the value of goodwill. As a result of the investigation, the former iSoft financial controller was excluded from the accounting profession for eight years and fined £30,000. The auditors of iSoft were ordered to pay £1m in fines and costs and the audit partner was reprimanded and personally fined £15,000.
- Investigation into the conduct of auditors and certain directors of European Home Retail plc and Farepak plc in relation to events at Farepak, the collapsed Christmas hamper firm. At a tribunal hearing, the former CEO was given a severe reprimand and fined £15,000. The audit firm was reprimanded and paid £1.175m in fines and costs and the audit partner was reprimanded and fined £50,000.
- Investigation into the conduct of the auditors and former finance director of Worthington Nicholls plc in relation to alleged accounting irregularities. The key issues involved the recognition of revenue and work in progress on long term contracts. As a result of the investigation, the former finance director has been excluded from the profession for a minimum of six years and ordered to pay £50,000 in costs. The audit firm accepted 37 failings and was subject to a severe reprimand and paid £450,000 in fines and costs.

A disciplinary Tribunal made 35 findings of misconduct against the audit engagement partner and he was excluded for a minimum of three years.

- Investigation into the conduct of the auditors of Barclays Capital in respect of the client money audit. The investigation is on-going.
- Investigation into the conduct of the auditors and certain governors of the Presbyterian Mutual Society in Northern Ireland. Following the investigation at separate disciplinary hearings the auditors of PMS were fined £140,000 and subject to a Reprimand, the audit partner was fined £20,000 and subject to a Reprimand, and a former governor and ICEAW member was subject to a Reprimand and ordered to contribute £50,000 in costs.
- Investigation into the conduct of an audit review partner and actuary in relation to certain areas of conduct in respect of their work on the Equitable Life Assurance Society in 1999 and 2000. The investigation has recently been discontinued pursuant to advice that there was no realistic prospect of a misconduct finding.

Mr. Johnson has also led a limited scope investigation on behalf of the administrators and creditors of a failed telecommunications business into possible director and/or auditor negligence.

Transactional compliance reviews

Mr. Johnson has been involved in multiple matters involving issues for international clients in respect of the US Foreign Corrupt Practices Act (“FCPA”) and has a strong knowledge of international bribery and corruption legislation, including the UK Bribery Act, and associated guidance.

Mr. Johnson has led bribery and corruption due diligence exercises on behalf of Private Equity firms looking to acquire target companies at heightened risk of bribery and corruption issues. He has developed a tool to enable a risk assessment and best practice gap assessment to be quickly and cost effectively deployed. The reviews highlighted key areas of weakness and exposure to bribery and corruption issues so that protections could be built into the purchase negotiations.

Asset Tracing

Mr. Johnson was a key member of the team involved in the tracing of cash to recover funds on behalf of a foreign sovereign wealth fund in the Gruppo Torras litigation, one of the largest frauds in UK history involving in excess of US\$1 billion. Ben created a database to facilitate the tracing of proprietary funds which enabled all known transactions to be searched through a single interface.