Contents

Acknowledgments v
About the Editors vii
Contributors ix
Preface xv

SECTION I
Introduction 1

Chapter 1 Imperfect World—The Practical Differences Between a "Perfect" Investigation and Real Investigation 3
Introduction 3
Interviewing at the Onset 4
Uncovering the Basics 4
The Value of Listening 7
Setting the Mood 7
On-the-Books Versus Off-the-Books Schemes 8
Handling Short Time Frames: Document Collection 9
General Considerations 9
Privacy Issues 10
Detecting False or Altered Documents 11
Gathering Background Information 12
The Interview Process 13
Final Decision Points 14
Recognizing That Budgets Are Limited 14
Dealing With Scope Limitations 18
Working With Law Enforcement and Prosecutors 20
Preparing for the Unexpected 22
Anatomy of a Case 23
Allegations Received 23
Initial Interviews of Complainants and Whistleblowers 24
Identify Statutes and Elements 24
Review Jury Instructions 25
Financial Analysis and Background Due Diligence 25
Conclusion 25

SECTION II
Armed With Knowledge 27

Chapter 2 Legal Foundations of Fraud Investigations 29
Introduction 29
Key Elements of Civil and Criminal Fraud 30
Scienter 30
Victim's Reliance on the Statement 31
Damages 31
Summary 31
Federal Legal Principles 31
State and Federal Jurisdiction 32
Parallel Proceedings 32
Federal Prosecutor's Decision to Prosecute 33
Organizational Criminal Liability 33
Federal Statutes 35
Criminal Fraud 35
Conspiracy to Defraud the United States 35
Mail and Wire Fraud 36
Fraud and False Statements 37
Racketeer Influenced and Corrupt Organizations Act 38
Money Laundering 39
Computer Fraud and Abuse 40
Tax Related Crimes 42
Federal Asset Forfeiture Provisions 43
Best Evidence Rule 47

Chapter 3 On- and Off-the-Books Fraud Schemes 49
Introduction 49
On-the-Books Schemes 50
Larceny Schemes 50
Cash Disbursements 51
Inventory and Other Assets 55
On-the-Books: Corporate Fraud 56
Improper Asset Valuations 56
Asset or Revenue Overstatement or Understatement Schemes .. 60
Concealed Liabilities and Expenses 64
Improper Disclosures 65
Off-the-Books Schemes 65
Asset Misappropriations 66
Skimming 66
Misuse 67
Off-the-Books: Corporate Fraud 67
Off-Balance Sheet Transactions .. 67
Cyber Crime 71
Investment Schemes 75
Conclusion 75

Chapter 4 Civil Process and Criminal Procedure 77
Introduction 77
Law Enforcement and Prosecutor Investigations 78
Resources for "Following the Money" in Investigations 79
Discovery and Disclosure Procedures .. 81
Tactics and Other Considerations 83
Overview of Rules of Civil Proceedings 87
Overview of Rules of Criminal Procedure 95
Conclusion 95

Chapter 5 Jury Instructions 97
Jury Instructions 97
Analysis of Jury Instructions—Wire Fraud Case 98
Case Study Conclusions 103
Jury Instructions Resources 103

SECTION III
Regulatory Complexities 105

Chapter 6 Healthcare Fraud 107
Healthcare Fraud Defined 107
Industry Overview 108
Healthcare Regulations and Statutes ... 111
Criminal Prosecution of Fraud Cases 112
Health Care Fraud and Abuse Control Program 113
Criminal Statutes Related to Healthcare Fraud 113
Civil Remedies 115
False Claims Act 115
Case Studies 117
Whistleblower: U.S. v. Richard M. Scrushy 117
DME Fraud: District of Kansas v. Ben Carroll 118
Fraudulent Ambulance Claims: UW v. Muhammed Nasiru Usman 120
False Claims: U.S. v. Charles M. Parrot, M.D. 122

Chapter 7 Insurance Fraud 129
Introduction 129
An Overview of the Fraud Categories and the Insurance Industry 130
Asset Misappropriation 130
Financial Statement Fraud 131
Corruption and Prohibited Practice Schemes 132
The Basics of the Insurance Industry .. 132
Insurance Regulatory Environment .. 133
State Regulation 134
Federal Insurance Regulation .. 136
Insurance Company Structures, Products, and Operations 137
Company Structures 137
Insurance Company Products .. 137
Insurance Company Operations 138
Insurance Fraud Schemes 145
Policy-Related Fraud Schemes .. 148

Asset Misappropriation Schemes 149
False and Inflated Claims 151
Fraudulent Financial Reporting Schemes 155
Corruption Schemes 159
The Impact of Fraud on the Insurance Industry 160
Considerations in Identifying Fraud Schemes 161

Chapter 8 Government Fraud 163
Selected Fraud Related Statutes and Laws 164
Federal Acquisition Regulation ... 164
Qui tam 165
Conspiracy to Defraud the United States 166
Procurement Integrity Act 166
FCA (criminal) 166
FCA (civil) 167
Fraudulent Claims (Contract Disputes Act of 1978) 168
Program Civil Fraud Remedies (cases less than $150,000) 168
Major Fraud Act (cases over $1M) 170
Fraud and False Statements (criminal) 170
Truth in Negotiations Act 171
Bribery of Public Officials (criminal) 171
Sherman Antitrust Act and other antitrust laws 172
Laws Related to the Federal Income Tax 175
Distinguishing Factors and Methods .. 177
Types of Government Fraud 178
Asset Misappropriation 179
Procurement Fraud 179
Tax Fraud 184
Fraud in Health and Human Services Programs 186
FCA 187
Corruption 188
Government Agencies That Work to Prevent, Investigate, or Prosecute Fraud 189
Resources for More Information 190

Chapter 9 Gaming Fraud 191
Introduction 191
Regulatory Environment and History ... 192
Credit or Cage Operations Fraud 196
Fictitious Personal History and Credit Information Supplied by Patron 196
Employee Use of Known Customers' Credit History ... 198
Improper Voiding of Markers .. 199
Other Issues in the Casino Cage 200
Table Games Fraud 201
Drop Box 201
Chip Tray 202
Fills and Credits 202
Frauds Involving Scheduled Counts 203
Frauds Risks Related to Inadequate Key Controls 206
Fraudulent Fills 206
Dealer Fraud 207
Detecting Fraudulent Activity .. 207
Slot Department Fraud 208
Overview of Slot Machine Terminology and Revenue Cycle 209
Slot Machine Technical Standards 210
Slot Machine Fraud Scenarios ... 211
Bingo Fraud 220
Keno Department Fraud 221
Prevention of Game Tampering .. 222
Prevention of Wagering After the Game Is in Progress or the Outcome Is Known 222
Preventing Alteration of the Wager Amount or Number Selections 223
Prevention of Improper Payment of Tickets 223
Race Book and Sports Pool Fraud 225

Chapter 10 Securities and Investment .. 227
Introduction 227
Ponzi Schemes 227
History 227
Key Elements 229
Red Flags and Warning Signs .. 230
Ponzi Schemes and Bankruptcy .. 231
Pyramid Schemes 231
Red Flags and Warning Signs .. 232
Regulation and Enforcement .. 233
Boiler Room Operations (the "Pump and Dump") 233
Red Flags and Warning Signs .. 234
Regulation and Enforcement .. 234
Unregistered and Unlicensed Brokers and Investment Advisers 235
Red Flags and Warning Signs .. 235

Chapter 11 Financial Institutions Fraud 237
Introduction 237
Financial Institutions Overview 237
Role of Supervisory and Regulatory Entities Involved With Financial Institutions 239
Supervisory and Regulatory Agencies .. 240
Federal Reserve Bank 241
Office of the Comptroller of the Currency 241
Federal Deposit Insurance Corporation 241
Office of Thrift Supervision 242
Summary of Bank Supervisory and Regulatory Authorities .. 242
State Departments of Banking ... 242
Publicly Available Information for Banking and Thrift Financial Institutions 243
Role of Supervisory and Regulatory Entities With Nonbanking Financial Institutions 244
National Credit Union Administration 245
Financial Industry Regulatory Authority 245
Publicly Available Information for Nonbanking Financial Institutions 246
Financial Institution Requirements to File Reports of Suspicious Activities ... 246
Other Financial Institution Regulations ... 247
Conclusion 250
Case Studies 250

Chapter 12 Other Complexities 253
Introduction 253
Money Laundering 253
Money Laundering and Terrorist Funding 256
Money Laundering and Illegal Drug Activity 257
Convergence of AML and FCPA ... 257
Sharia Finance Law 258
Prohibitions 260
Banking 261
Sharia Compliance and Standards 262
Challenges and Trends 262
Investigative Partners 262
Working With Investigative Partners 263
Investigative Partner: FBI 266
Investigative Partners: State Attorney's Office and Local Law Enforcement 267
Conclusion 267
Additional Resources 268

SECTION IV
Advanced Concepts 269

Chapter 13 Working the Case 271
Introduction 271
Using the Fraud Theory Approach 272
Performing an Initial Case Assessment .. 274
Understanding Why Individuals and Groups Commit Fraud 275
Fraud Based on Desire 276
Fraud Based on Necessity 276

Characteristics of Persons Who Commit Occupational Fraud..278
Framing an Asset Search (Known and Hidden Assets) 279
Framing a Search for Known Assets 280
Framing a Search for Hidden Assets 283
Understanding the Complexities of International Fraud Searches.....284
Performing Effective Interviews.....285
Preparing for an Interview.....285
Conducting an Interview.....288
Detecting Deception in an Interview 290
Handling Experienced Fraudsters in an Interview ...291
Legal Issues in an Interview 294
Using Visual Devices in an Investigation.....295
Summaries of Principles 301
Proper Handling of Evidence..302
Best Evidence Rule 303
Conclusion.....303

Chapter 14 Find It and Fix It: Antifraud Tactics 305
Introduction 305
Internal Controls.....306
Fraud Risk Assessment and the Antifraud Program 310
Components of an Antifraud Program 311
Whistleblower Hotline 313
Conclusion.....314