

Anatomy of a Mintz Report

Here are the unique features and best practices that set Mintz Reports apart

We Go Beyond Online Sources

There's a pervasive myth that everything about a person's or a company's background is available through simple online searches. In fact, searching the web is only a first step – to access most of the records that tell a person's or a company's story, one must search manually in courthouses, regulatory files and obscure archives.

Though not available online, we found an April 1993 Jersey Herald article that said Jane Doe's mayoral campaign designated Roger Duncan's company, Minefield Construction, as one of several "tainted companies" that had donated to the campaign; the money was returned.

We Find Trouble in a Person's Past Even When His Name Isn't on It

The American CFO whose tenure was marred by an options-backdating scandal or the Italian executive who stepped off the board of the telecom company amidst fraud accusations – these are both situations that raise red flags, but in neither case was the person sued or formally accused of misconduct. It is important to search for controversies involving someone's past employers and boards regardless of whether his or her name is on them.

Duncan was head of the audit committee of Milan-based Kompas Fon from January 2001 to October 2009. In its 2008 annual report filing with Consob, the Italian securities regulator, Kompas Fon disclosed that the Guardia di Finanza, the wing of the Italian law enforcement agency that covers financial crimes, had requested accounting records related to Kompas Fon's wireless contract in Ethiopia. We propose investigating this issue further and look forward to discussing specific follow-up steps with you.

We Recognize Red Flags

It takes a well-trained eye (and certainly a human eye, not a robotic template) to recognize a red flag – a routine-looking shareholder lawsuit that sparks the attention of regulators, for example, or a divorce containing allegations of financial misconduct.

Databases indicated that, in 2002, a \$2,000 judgment was filed against Roger Duncan in favor of Guyana Trading Corp. in State Supreme Court in Manhattan. In the court file, we found a signed confession of judgment, which said that the judgment was due to "money stolen from Guyana Trading Corp."

We Clear Up the Fog of Common Names

Clients hate hearing from their investigative firms, "We are not sure whether any of these is the relevant person – they are a name match only." We solve dilemmas caused by common names, including using care in ensuring that a potentially disqualifying issue indeed involves the executive and not someone else with the same name.

In July 1983, a Roger J. Duncan pled guilty to driving under the influence in Oklahoma County, Oklahoma, according to an August 1983 Oklahoma City Times article. We believe this was the relevant person because 1) the relevant person worked at a consulting firm in Oklahoma after college, according to his bio; 2) the defendant was 24 years old at the time, which is consistent with Duncan's age at the time; and 3) we found no other Roger J. Duncans in the state of Oklahoma.



We Conduct Global Searches in Local Languages

We conduct investigations all over the world and know where records are to be found in every country. Records and news articles are maintained per local norms and customs and are invariably in their local language; we translate from a variety of languages to achieve seamless coverage.

We identified only five articles in English on the company and three articles in English on the executives, all routine. However, in the Chinese press we identified several hundred articles on the company and the individuals as well as lawsuits and regulatory actions not reported in English.

Mintz Reports are User-Friendly

Clients are often frustrated by "data dump" reports that require them to wade through reams of undigested background information. We write user-friendly reports that include an executive summary, present complex information in everyday language, and attach the raw documents that we find.

HIGHLIGHT

In June 2007, when Duncan was CFO of the company, one of its Brazilian subsidiaries was the subject of investigations by the Brazilian Federal Police and the CVM, the Brazilian securities regulator, in connection with whistleblower allegations in the news media that the company's contract to provide telecom service in the Bahia state was obtained by bribing Brazilian congressmen. Although the investigations were dropped, Duncan and other officers and directors were subject to class-action shareholder litigation in Italy and the United States that was settled earlier this year.

Mintz Reports Go Back More Than a Few Years

Many investigative firms choose an arbitrary time period, some as short as the last three years, when looking into an executive's background. But executives can have long track records, and we often recommend going all the way back to college.

A Jersey Herald article, titled "An Executive's Missing Years: Papering Over Past Problems," recounted Duncan's early career more than 25 years ago, when he was "fired" from two companies. The article said, "Along the way, Mr. Duncan erased both jobs from his employment history. No one who checked his background discovered the omissions."

We Alert Clients to Issues in Real Time

One of the worst offenses to a client is to "sit on" red flags that come up early in the process and wait until the background check is complete. We appreciate the need to stay in close touch with our clients.