

CAPABILITY STATEMENT

ASIA-PACIFIC



Nardello & Co. routinely works throughout Asia-Pacific on matters related to FCPA and anti-corruption due diligence, litigation support, asset searches and fraud investigations.

State ownership, the nexus of politics and business, insufficient standards of corporate governance, and endemic government corruption in many Asian jurisdictions can make doing business in the region a hazardous undertaking. Whether identifying potential risks associated with business partners or intermediaries, investigating allegations of fraud and corruption, or seeking actionable intelligence to support a legal strategy, we have you covered.

Our team of regional experts is led by Ben Rowse, a Managing Director of the firm based in Tokyo. Ben has lived and worked in the region for over 15 years, as both an investigator and a foreign correspondent, and manages our extensive network of researchers, analysts and field investigators.

The challenges of working in the region.

The availability of public records in Asia varies widely by country and even province. It is critical for an investigator not merely to know what can be legally and ethically obtained in each jurisdiction, but to be familiar enough with all of these documents to understand both their limitations and how to extract the most value from them.

While public records in areas such as Australia, Hong Kong and Singapore are comprehensive, accurate and often accessible online, this is not the case in most other Asian jurisdictions, particularly in the region's developing nations. Many of the limited public records available in India, Indonesia and the Philippines, for example, require time-consuming manual retrieval, and it is not uncommon to find that information is out of date, incomplete, or

Our Services

With Nardello & Co. as your best kept secret, we've got you covered with worldwide capabilities working in your best interest:

- Litigation & Arbitration Support
 - White Collar Criminal Defense
 - Civil Litigation Support
 - Arbitration Support
- Anti-Corruption Investigations & Compliance
 - Foreign Corrupt Practices Act
 - UK Bribery Act Investigations
- Reputational Due Diligence
- Strategic Investigations
 - Forensic Accounting Services
 - Fraud Investigation Services
- Asset Tracing
- Digital Investigations & Cyber Defense
- Strategic Intelligence
 - Political Risk Assessment & Management

in some cases, deliberately misleading. The situation is compounded by the absence of a fully free and impartial media in countries such as China, Vietnam and Cambodia.

Our approach to investigations in the region.

For this reason, we do not follow the common approach to public-domain research of merely collecting and curating government records and press reports. Rather, in most cases we take this data set as the starting point of a careful, forensic examination, finding new and creative ways to unearth connections that others have missed. In addition to this open-source research, our experience conducting a wide array of investigations in Asia has shown that it is often essential to conduct discreet and confidential source enquiries. We have strong networks throughout Asia, consisting of local and expatriate business insiders, financial analysts, law enforcement and regulatory officials, journalists, and diplomats, who can provide intelligence and commentary.

When collected and analyzed properly, human intelligence provides critical insight into business practices, political affiliations and reputations, often yielding information that does not exist in the public domain. When analyzed poorly, it can mislead; when collected indiscreetly or improperly, it can derail a transaction or alienate a potential witness. Just as important as the sources we contact are the ones we don't.

SELECT ASIA-PACIFIC EXPERIENCE



Case Study | Bribery Allegations in China

Nardello & Co. was engaged by a US multinational to conduct an FCPA investigation into allegations that one of its distributors in China had paid bribes to local government officials on the instructions of a regional sales manager to secure a large contract. As part of the investigation, we interviewed a number of executives of the client's China subsidiary and its distributors, and conducted a forensic review of the subsidiary's sales data, pricing lists, distributor agreements and other relevant books and records. We also reviewed the computer files and email correspondence of employees implicated in the matter. In addition, we conducted public domain research and discreet human intelligence enquiries into the distributor in order to determine the nature of his political connections with the local authorities. As a result of our enquiries we were able to identify evidence to substantiate the allegations.



Case Study | FCPA Due Diligence in Indonesia

As part of its FCPA-focused compliance review of agents, suppliers and distributors, a US multinational engaged Nardello & Co. to conduct due diligence on its representative in Indonesia, a high-risk jurisdiction from its perspective given the endemic corruption within the country and the company's targeting of government construction contracts there. The investigation entailed an in-depth interview and assessment of the agent in person as well as discreet enquiries into his background and reputation. Our findings identified a number of potential FCPA concerns, the most significant of which involved the agent taking government clients on fully paid "fact-finding" trips to Las Vegas and other US and European destinations.



Case Study | Arbitration Support Investigation in Southeast Asia

Ahead of arbitration proceedings with a Southeast Asian nation arising out of an investment dispute, Nardello & Co. was tasked with gathering intelligence on the relationship between our client's joint venture partner and the country's ruling party. In particular, we sought to confirm allegations that senior members of the government had hidden shareholdings in the local partner that were never disclosed at the time of our client's investment. Primarily through discreet, on-the-ground enquiries we were able to determine that a relative of the founder of the local partner was related through marriage to the nation's vice president. Due to the opacity and paucity of corporate records, we were not able to obtain a clear paper trail linking the government officials to the local partner but we were able to gather sufficient human intelligence to indicate that they had close links to the company. Concurrent to our field investigation, we also conducted an assessment of the government's ideological leanings and the various competing factions within it in order to inform the legal strategy of our client. Using the information gleaned from this twin-track approach, our client was able to reach a favorable settlement.

WHAT SETS US APART

Nardello & Co.'s adherence to our core values has led clients to retain us time and again on matters of the utmost importance and sensitivity. Our relationships are built on:

- **Integrity.** Acting ethically and legally is of paramount importance to us. We respect the laws of the countries in which we have offices and in the jurisdictions in which we work. Our clients' confidences are sacrosanct and we rigorously screen for conflicts.
- **Analysis. Creativity. Thoroughness.** We don't believe in menu-driven investigations or a democracy of facts. We are exhaustive but focused and adept at teasing out inferences, providing corroboration and separating "information" from evidence.
- **Responsiveness. Hands-on management.** We focus on our clients' objectives and tailor our investigative strategies accordingly. There are no layers between the professionals who do the work and the clients we serve.
- **Client focus.** We communicate with our clients clearly, succinctly and in real time. We respect budgets and deadlines.
- **Independence. Collaboration.** We are independently owned and answer only to our clients—not investors, not shareholders. Our offices collaborate, not compete, providing our clients with seamless service.

No parachutes needed

We're already on the ground with in-country resources worldwide. We speak the language, we're on top of the politics, we understand the regulatory environment and we know the key players.

About our firm

Nardello & Co. is a global investigations firm with experienced professionals handling a broad range of issues including the FCPA/UK Bribery Act and other corruption-related investigations, civil and white collar criminal litigation and arbitration support, asset tracing, strategic intelligence and political risk assessment, computer forensics and reputational due diligence. Our clients include the world's leading law firms and financial institutions, Fortune 500 and FTSE 100 companies, high-net-worth individuals and family offices, governments, NGOs, sports organizations and academic institutions. With offices in New York, London, Washington DC, Atlanta, Hong Kong, Tokyo, Milan and Dubai, Nardello & Co.'s professional staff includes former US federal prosecutors, US and international lawyers, former general counsels of multinational corporations, former law enforcement personnel and intelligence operatives, licensed investigators, research analysts, former journalists, financial crime specialists, forensic accountants and computer forensic experts.

Why risk it?

Whether you have an urgent situation today or something stirring on the horizon, whenever, wherever you need us, we'll work with you to develop custom solutions to meet your needs.

Contact

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