

CAPABILITY STATEMENT

THIRD-PARTY AGENTS & INTERMEDIARIES

You need to know with whom you're doing business. At Nardello & Co., we tailor bespoke strategies to ensure that our clients avoid potential landmines, thus preventing damaging engagements.

Third-party agents and intermediaries can often be a double-edged sword. While they provide the local expertise and know-how that enable a company to reduce its overall investment in a particular market, thereby maximizing its opportunities, third-party intermediaries can also increase a company's exposure to the FCPA and other anti-corruption legislation, particularly in jurisdictions where graft or state ownership are prevalent.

Ensuring that intermediaries comply with local and international laws as well as your company's own code of conduct can be challenging.

Nardello & Co., has significant experience in helping clients assess and monitor their exposure to third parties—whether they be sales agents, distributors, legal advisors, customs brokers, or consultants—and then in designing and implementing tailored due diligence programs to mitigate risks.

Issues that typically need to be considered when formulating a third-party's due diligence program are:

- **The type of business involved:** Certain businesses, such as those in the defense industry, have greater interaction with government and regulatory authorities, which might lead to an increased risk exposure to bribery or other improper behavior.

Our Services

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

- Due Diligence
 - Third-Party Agents & Intermediaries
 - Board & C-Suite Vetting
 - Cyber Due Diligence
- Anti-Corruption & Fraud Investigations
 - Foreign Corrupt Practices Act
 - Fraud Investigation Services
 - Forensic Accounting Services
- Litigation & Arbitration Support
 - White Collar Criminal Defense
 - Civil Litigation Support
 - Arbitration Support
- Asset Tracing
- Activist Defense
- Intelligence
 - Strategic Intelligence
 - Political Risk Assessment
- Digital Investigations & Cyber Defense
- Monitorships & Independent Investigations
- Compliance

- **The jurisdiction involved:** The jurisdiction where you are doing business is a perceived risk factor. For example, some countries, almost always in emerging markets, are associated with a higher risk of corruption, political instability, and reputational issues.
- **The availability of public records:** The quality or lack of publicly available information about companies and individuals can create uncertainty regarding with whom you are really doing business. In such cases, background information may need to be gathered through trusted human intelligence sources to pierce the corporate veil.

SELECT THIRD-PARTY AGENTS & INTERMEDIARIES EXPERIENCE



Case Study | **Likely Agent Not So Likely in the Middle East**

For an international aerospace company, Nardello & Co. conducted due diligence of a potential agent in the Middle East, including in the UAE. Enquiries with government and military sources in Abu Dhabi and the wider region, and a review of public records in Arabic and English found that this potential agent had a limited footprint in the UAE and no obvious connection to Abu Dhabi police or the armed forces. Based on Nardello & Co.'s findings, the client did not go ahead with the proposed appointment.



Case Study | **Digging into Possible Fortune 500 Deal Derailment**

Nardello & Co. was retained by a Fortune 500 company considering the acquisition of an international company with subsidiaries in Asia and Africa. The client was concerned that local agents acting on behalf of the subsidiaries may have been guilty of FCPA violations that would derail the acquisition. No actual FCPA violations were identified but Nardello & Co.'s investigation determined that certain subsidiaries were particularly vulnerable to corruption issues. As a result, the client planned to proceed with the acquisition, with the understanding that certain subsidiaries would be closed.

WHAT SETS US APART

Nardello & Co.'s adherence to 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 the jurisdictions in which we work. We regard our clients' confidences as 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 whom 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 to investors, not to shareholders. Instead of competing, our offices collaborate to provide 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.

Why risk it?

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

About our firm

Nardello & Co. is a global investigations firm whose experienced professionals handle a broad range of issues including: Due Diligence, such as third-party agent and executive vetting; Anti-Corruption & Fraud Investigations, such as forensic accounting or those related to the FCPA/UK Bribery Act; Litigation & Arbitration Support, such as civil and white collar criminal litigation; Asset Tracing; Activist Defense; Intelligence, such as political risk assessment; Digital Investigations & Cyber Defense, such as computer forensics; Monitorships & Independent Investigations; and Compliance.

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 law enforcement personnel and intelligence operatives, licensed investigators, research analysts, former journalists, financial crime specialists, forensic accountants, and computer forensic experts.

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