

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 damaging engagements and steer clear of potential landmines.**

Third-party agents and intermediaries can often be a double-edged sword. While they provide local expertise and the connections that enable a company to reduce its investment in a given market, third-party intermediaries can also increase a company's exposure to the Foreign Corrupt Practices Act and other anti-corruption legislation, particularly in jurisdictions where graft or state ownership is prevalent.

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

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

Typical considerations for formulating a third-party due diligence program include:

- **Type of business.** Certain businesses, such as those in the defense industry, require greater interaction with government authorities, which might lead to an increased risk of bribery or other improper behavior.
- **Jurisdiction.** Some countries, typically emerging markets, are associated with a higher risk of corruption and political instability.

## Our Services

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

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

- **Public records environment.** The lack of publicly available information can create uncertainty about the companies or individuals with whom a company does business. In such place, background information may need to be gathered through inquiries with trusted sources.

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## SELECT THIRD-PARTY AGENT & INTERMEDIARIES EXPERIENCE

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

For an international aerospace company, Nardello & Co. conducted a due diligence investigation of a potential agent in various Middle Eastern countries, including the United Arab Emirates. Inquiries with government and military sources in Abu Dhabi and the wider region and a review of public records in Arabic and English found that the potential agent had a limited footprint in the UAE and no obvious connection to the Abu Dhabi police or armed forces. Based on Nardello & Co.'s findings, the client did not proceed 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 a 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, which would derail the acquisition. No FCPA violations were identified, but Nardello & Co.'s investigation determined that certain subsidiaries were particularly vulnerable to corruption. As a result, the client planned to proceed with the acquisition with the understanding that certain subsidiaries would be closed.

### **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.

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## WHAT SETS US APART

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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 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. Our investigations are exhaustive but focused. We are 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 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.

## About our firm

Nardello & Co. is a global investigations firm whose experienced professionals handle a broad range of issues including due diligence, anti-corruption & fraud investigations, civil and white collar criminal litigation and arbitration support, asset tracing, activist defense, political risk and strategic intelligence, digital investigations and cyber defense, monitorships and 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, Hong Kong, Tokyo, Milan, and Dubai, Nardello & Co. maintains a professional staff that 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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