

The Fraud Examiner



Pacific Northwest Chapter

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September/October 2013 Issue

Message from the President

The Chapter held its last Fraud Seminar for the year on August 14 with an excellent presentation by Bernadette McBride, CFE, CPA and Charles E. Clark, JD both with the Washington State Department of Financial Institutions. Just around the corner is the October 28-30 joint Chapter/ACFE Annual Fraud Training to be held in SeaTac. Eric Feldman, CFE, CIG will be the course leader for *Fraud Related Compliance* and Jim J. Butterworth, CFE will be the course leader for *Investigating on the Internet*. Mr. Feldman did an outstanding job at last year's annual fraud training *Contract and Procurement Fraud* held in SeaTac on October 1-2.

I want to encourage any Associate Members (and those planning on becoming Associate Members) that are planning to obtain the CFE professional credential prior to December 31, 2013, to submit an application for the 2013 Chapter Incentive Program Award. See page 15 for additional details. This program provides reimbursement for up to \$500 of eligible expenses incurred during this year in obtaining the CFE credential.

Robert A. Goehring/Chapter President/(253) 856-5262/President@fraud-examiners.org.

Chapter Members in the News

The following Chapter Members have been active in our community outreach programs as follows:

(1) Chapter Vice-President Bernadette McBride, CFE, CPA, Senior Financial Examiner for the Securities Division of the Washington State Department of Financial Institutions served as a co-presenter at the August 14, 2013, Chapter Fraud Seminar in Seattle entitled, "Case Files of DFI". See additional details on page 4.

(2) Chapter Members James S. Peet, Ph.D. CFE, owner of Peet and Associates, LLC in Enumclaw, WA and Ken Wilson, CFE, of Wilson Investigations in Olympia, WA have been active in working with many stakeholders in resolving a licensing issue impacting CPAs. Specifically, the state law regulating private investigators in Washington state (RCW 18.165) does not provide an exemption for CPAs who are involved in financial fraud investigations. In a nutshell, the

statute prohibits CPAs from performing this work. See also Private Investigator (PI) Licensing Laws for Washington State beginning on page 9 of this newsletter.

Other Chapter members are encouraged to notify President Robert Goehring (President@fraud-examiners.org) about their recent or future presentations or publications so that these events can be publicized in the newsletter.

Upcoming Training

Type:
Joint Chapter/ACFE
Annual Fraud Class

Date:
October 28-30, 2013

Time:
8:00 a.m.-4:25 p.m.
(registration daily at 7:30
a.m.)

Topics:
Fraud-Related
Compliance; and
Investigating on the
Internet

Course Leaders:
Eric Feldman, CFE, CIG
President Core Integrity
Group, LLC

Jim J. Butterworth, CFE
Chief Security Officer
HBGary, Inc.

Where:
Cedarbrook Lodge,
18525 36th Ave S (near
SeaTac International
Airport), SeaTac, WA

Price:
Fraud-Related Compli-
ance (\$295 for Members
and \$395 for non-
Members)
Investigating on the
Internet (\$695 for Mem-
bers and \$845 for non-
Members)
Additional \$100 discount
for registering for both
classes

Registration:
Register directly with the
ACFE at
www.ACFE.com or 1-
800-245-3321. Pre-
registration is required
for this event .

October 28 and 29-30, 2013—Joint Chapter/ACFE Fraud Classes—Cedarbrook Lodge-SeaTac, WA

October 28-30, 2013, are the dates of our joint Chapter and ACFE Annual Fraud Training Class. This event will be held at the Cedarbrook Lodge, 18525 36th Avenue South, SeaTac, WA (near the airport). Registration begins at 7:30 a.m. each day. The classes begin at 8:00 a.m. and end at 4:25 p.m. each day.

There are two separate classes being offered this year: *Fraud-Related Compliance* (October 28) and *Investigating on the Internet* (October 29-30). The respective ACFE course leaders are as follows: Eric Feldman, CFE, CIG, President, Core Integrity Group, LLC, and Jim J.

Butterworth, CFE, Chief Security Officer, HBGary, Inc. The first class is 8 hours and the second class is 16 hours, for a total possible 24 hours of Continuing Professional Education available to all who attend these classes.

Registration for these fraud classes is directly with the ACFE. To register, contact the ACFE at (800) 245-3321, or at www.ACFE.com.

The cost of these classes is as follows:
(1) Fraud-Related Compliance—\$295 for ACFE Members and \$395 for non-members.

(2) Investigating on the Internet—\$695 for ACFE Members and \$845 for non-members.

There is a \$95 discount for early registration (deadline—September 27, 2013). There is also an additional \$100 discount available for participants that register for both classes.

Contact the ACFE for registration procedures. Pre-registration for these classes is required.

There is no charge for parking (included in the registration fee).

Eric Feldman, CFE, CIG
President
Core Integrity Group, LLC



Eric Feldman retired from the Central Intelligence Agency (CIA) in 2011 with over 32 years of experience in Inspector

General oversight and federal auditing, in both the Executive and Legislative branches of government. He has served in executive positions with Offices of Inspector General at the Department of Defense, Defense Intelligence Agency, and CIA, and was the longest serving Inspector General of the National Reconnaissance Office (NRO) from 2003-2009. At the NRO, he presided over a highly successful procurement fraud prevention and detection program, widely recognized by the Department of Justice as a model throughout the federal government.

In 2009, Mr. Feldman was appointed Senior Advisor to the Director of NRO for Procurement Integrity. In this role, he helped the Director ensure that the NRO's industrial

partners were meeting their integrity and ethics responsibilities required by law and federal regulations. He accomplished this through the assessment of corporate ethics and compliance programs at over 40 government contractors. A former Senior Intelligence Officer, Mr. Feldman is a 1995 graduate of the Federal Executive Institute, and is both a Certified Fraud Examiner (CFE) and Certified Inspector General (CIG). He is a member of the Executive Committee of the Board of Directors of the Association of Inspectors General, and was the founding President of the California Chapter.

October 28 and 29-30, 2013—Joint Chapter/ACFE Fraud Classes—Cedarbrook Lodge-SeaTac, WA—Continued

Jim J. Butterworth, CFE
Chief Security Officer
HBGary, Inc.



Jim Butterworth is the CSO at HBGary, Inc. Previously, he worked at Guidance Software,

where he was the Senior Director of Cyber Security. Exclusively client focused, Jim brings 15 years of “In-the-Trench” experience in computer network operations and incident response with him, having conducted engagements worldwide, in every industry, specializing in Critical Infrastructure Protection and highly sensitive networks. In addition, Jim completed a distinguished and decorated 20 year career as an Electronic Warfare/Cryptologist with the United States Navy.

Jim is the recipient of the Naval Security Group Command Meritorious Service Award, Navy Commendation Medal (Gold Star in lieu of 5th Award), and Navy Achievement Medal (Gold Star in lieu of 5th Award). Jim maintains certification as a Certified Fraud Examiner (CFE), and holds multiple security industry certifications as Intrusion Analyst, Reverse Engineer, Forensic Examiner and Auditor.

New Chapter Members

Please welcome the new members who joined the Chapter during the period early July 2013—late August 2013.

CFEs:

- None

Associate Members:

- None

Students:

- None

We have several Chapter members who are currently studying for the CFE Examination. So, we expect to see their names listed in this section of the newsletter in the near future. Let's all wish them success in this most important professional matter.

Reminder Regarding The 2013 Chapter Incentive Program Award

The Board of Officers is pleased to announce to Associate Members (and those planning on becoming Associate Members) the 2013 Chapter Incentive Program award.

Each calendar year (January 1 through December 31) the Board of Officers recognizes one Associate Member who becomes a Certified Fraud Examiner during that year and meets other requirements, by granting him/her an award of not more than \$500 to help defray the costs of obtaining the CFE professional credential.

See the Chapter website (http://www.fraud-examiners.org/PNW_Chapter_Incentive_Award.shtml) for specific information concerning eligibility and the selection process.

Key items (Not All-Inclusive):

- Deadline for fulfilling all of the requirements—December 31, 2013

- Applicant must be an Associate Member of the Chapter and provide written notice of intent to the Board to apply for this award
- Applicant must pass the CFE Examination and obtain the CFE Credential in 2013
- Applicant must attend at least two of the Chapter's Bi-Monthly Fraud Training Seminars
- Applicant must incur eligible expenses that are not reimbursed by his/her employer or other party

The winner will be determined through drawing if more than one person meets the eligibility requirements. The winner will be announced at the February 2014 Chapter Fraud Seminar.

**-Renew Membership and report CPE at the same time
-20 CPE required, 10 of which must be fraud related, and 2 of which must be ethics
-10 hours can be carried over every 12 months**

Highlights of the August 14, 2013, Chapter Fraud Seminar in Seattle—Case Files of Washington State Department of Financial Institutions

Wednesday, August 14, 2013, was the date of our most recent fraud training seminar in the **Training Room** of our downtown Seattle training facility. There were 2 hours of Continuing Professional Education available to all who attended this event.

The cost of this fraud seminar was \$20 for Members and \$25 for non-members. Student members attended this event at no cost. Pre-registration was not required. Attendees registered and paid at the door.

There were **17** people that attended this event, including **3** non-Chapter members.

The speakers were Bernadette McBride, CFE, CPA and Charles E. Clark, JD.

Bernadette McBride is a Senior Financial Examiner for the Securities Division of the Washington State Department of Financial Institutions. She is a Certified Public Accountant and a Certified Fraud Examiner, serving as Vice-President of the Board of the Pacific Northwest Chapter/ACFE for many years. Bernadette has worked fraud cases with the FBI, the Inspector General, the Office of Thrift Supervision, the Secret Service, the SEC, RTC, and the U.S. Attorney's Office during her career.

Charles E. Clark is the Enforcement Chief of the Division of Consumer Services within the Washington State Department of Financial Institutions (DFI). Prior to joining the DFI in early 2012, Charlie served as the DFI's lead litigation counsel as an Assistant Attorney General from 2005 through

2011. Prior to joining the Attorney General's Office, he worked for seven years as an attorney in private practice. He received a B.S. degree in Accounting and an M.B.A. from California State University, Sacramento. He received a J.D. degree in 1997 from the University of the Pacific, McGeorge School of Law.

The topic of this fraud seminar was "Case Files of DFI". The speakers shared fraud cases they have worked at the Washington State Department of Financial Institutions, the state's regulatory agency over Washington's financial institutions.

This class is just one more example of the fine training opportunities the Chapter sponsors for its members.

ACFE Announcements

(1) After its 20th Anniversary, the ACFE has provided a free webinar exclusively for ACFE members entitled "*Using the Report to the Nations to Enhance Your Anti-Fraud Efforts*".

(2) Use the new Fraud Risk Assessment Tool to assist your organization in identifying fraud risks and developing a fraud risk response.

(3) Visit the ACFE's Online Communities (Anti-Fraud Technology and Financial Institutions) to connect with other ACFE members, access shared documents, and blog or participate in discussion forums.

(4) Enroll in Auto Dues Service and receive a 5% discount in addition to saving time by setting up your

membership dues to be paid automatically each year.

Visit ACFE's web-site (www.ACFE.com) to find out additional information about these topics. All you have to do is click on "Fraud Resources" on the home page and follow the prompts

But I'm acutely aware that the possibility of fraud is even more prevalent in today's world because of the Internet and cell phones and the opportunity for instant communication with strangers."

- Armistead Maupin

Overview of December 6, 2013-Joint Chapter/WSCPA Annual Fraud Conference-Bellevue, WA

Friday, December 6, 2013, is the date of our joint Chapter/WSCPA Annual Fraud Conference.

Notice: There is a change in location for the Conference this year. It will be held at the Meydenbauer Center (11100 NE 6th Street), Bellevue, WA.

Registration is handled by the WSCPA and begins at 7:30 a.m. The conference begins at 8:00 a.m. and ends at 4:30 p.m.

There are 8 hours of Continuing Professional Education available to all those who attend this event. The Conference Co-Chairs are Chapter President Robert Goehring and Chapter Training Director Dr. Norm Gierlasinski.

Registration for this conference is directly with the WSCPA at www.wscpa.org. There is a Chapter/WSCPA discount available for this conference.

To receive this discount, CPA members must register online by using the WSCPA's website; but, CFE Members who are not also CPAs have to call the WSCPA at 1-800-272-8273 in order to register for the conference and receive the discount.

The cost of this class is \$260 for Chapter and WSCPA Members and \$335 for non-members. Pre-registration for this fraud conference is required.

The speakers and topics for this conference will be as follows:

Speaker #1 Joseph R. Dervaes, CFE, ACFE Fellow, CIA, Retired federal, state and local government audit and fraud examination services specialist. Topic: These Weights Didn't Measure Up! - A Fraud Case Study.

Speaker #2 Melinda J. Young, Senior Deputy Prosecuting Attorney, Economic Crimes Unit Chair, King

County Prosecuting Attorney's Office. Topic: Pending

Speaker #3 Edward Thunen, Enforcement Attorney, Washington State Department of Financial Institutions. Topic: A Case Study in Greed and Deception Parts I and II.

Speaker #4 Joe Rogers, CFE, Special Agent, CDIU Team Leader, SSA/OIG/OI. Topics: Operation Smoke and Mirrors—A Fraud Case Study and Operation Dialing for Dollars—A Fraud Case Study.

Speaker #5 Glenn Kaleta, CFE, CCEP, Principal Group Manager, Policy & Enforcement, and Andreas Holbrook, Senior Xbox LIVE Enforcement Team Manager, Microsoft. Topic: Battling Fraud on the Front Lines of Xbox LIVE Parts I and II.

Additional Training Opportunities—John Reid and Associates

John E. Reid and Associates, Incorporated, Chicago, Illinois, announces the following training classes on "The Reid Technique of Interviewing and Interrogation (3-day program (\$450), 1-day advanced (\$240), and 4-day combined (\$580) for the state of Washington in 2013:

- September 24-27, 2013, Seattle, WA (Holiday Inn-Seattle, Dexter Avenue North)
- December 3-6, 2013, Seattle, WA (Holiday Inn-Seattle, 211 Dexter Avenue North)

Call 1-800-255-5747, Ext. 14 or 24 to register for any of these classes, or visit their website at www.reid.com.

Prior to registering, be sure to contact Chapter President Robert Goehring to obtain the CFE Chapter's RPGA Discount Code. This discount is only available for Chapter members and may not be transferred to non-Chapter members.

Learn how to assess the credibility of statements; how to structure the flow

of interview to maximize the flow of information; how to use behavior provoking questions in the interview process; how to persuade a suspect to tell the truth about their involvement in criminal activity; and, how to handle denials, overcome objections, and use alternative questions.

In the Advanced Program, learn to psychologically profile suspects for interrogation, develop specialized tactics for juvenile interrogations and more.

The Tidbit: Scam Alerts— (1) Avoid Time-Share Scams; and (2) Phone Scams Targeting The Elderly. Grandparents: Thieves Taking Money By Posing As Family Members In Need

Scam No. I. This information was paraphrased from the Summer 2012 issue of USAA Magazine.

Avoid time-share scams.

Desperate to unload a vacation time share? That could make you a tempting target for scam artists who promise a quick sale for a small upfront fee and then disappear. These scams are so prevalent that they are the number one consumer complaint received by the Attorney General's Office in the state of Florida. Even the Federal Bureau of Investigation has issued warnings on this topic.

How do you identify a fraud? Someone claiming to be a representative of a time share resale company will contact you and promise to have a sale done within a couple of months, or even sooner. Sound too good to be true? It is. In exchange, the scammer will ask you to pay an up-front fee that they promise you'll recoup in the sale. You won't. These thieves simply take your money and run. To avoid being had, heed these tips from the Federal Trade Commission.

- Don't agree to anything over the phone or on-line.
- Check-out the reseller with the Better Business Bureau or your state's attorney general's office.
- Get any promises in writing.
- Do business with a reseller that takes its fee after the time

share is sold.

- Understand the details before you sign a contract.

Of course, the best way to protect yourself is to use a legitimate broker. Time shares can be sold if priced competitively says Timeshare Resales Worldwide.

Scam No. II. This information was paraphrased from the Peninsula Gateway newspaper, August 8, 2012, by Brett Davis.

Phone Scams Targeting The Elderly. Grandparents: Thieves Taking Money By Posing As Family Members In Need.

When Mrs. Smith's phone rang at 8:45 a.m. recently, her heart skipped a beat.

The caller identified himself as Kyle, one of her grandsons. He said he had been involved in a car accident with a high-ranking diplomat from Panama who was threatening to have him put in jail. The caller needed \$2,700 immediately from the Gig Harbor resident and senior citizen.

At one point a person identified as the diplomat's attorney got on the phone. After discussing the situation with her husband, Mrs. Smith headed to the grocery store to purchase a money transfer. The family did what they were asked to do and wired him the money. Later another call from the self-identified diplomat's attorney claiming an additional \$1,900 was needed because the

car accident had caused damage to a control box for a stoplight.

Another trip to grocery store saw employees there warn Mrs. Smith about the grandparents scam in which callers pose as grandchildren in need of emergency cash. That was enough to dissuade her from sending any more money. The scam was confirmed when Mr. Smith got in touch with Kyle. He stated that the family should have found out whether or not their grandson was really in trouble before sending any money. He also said that when you hear what you think is your grandson's voice on the phone, your heart immediately goes out to them. You simply want to resolve the difficulty they have reported to you as quickly as possible.

Whoever was on the other end of the phone sounded exactly like Kyle and even knew the grandson's full name.

This has happened all over the area because Mrs. Smith heard similar stories from others who had been targeted by the scam. She hopes getting the word out about her experience will prevent others from being victimized in a similar manner. Admitting she was so embarrassed to tell anybody, she now wants to tell her story to anyone in order to stop others from experiencing the same thing. She's grateful that she lost only \$2,700. It could have been a lot worse.

She advised anyone in similar circumstances to get past the emotional shock of the news,

(Continued on page 7)

Scam Alert

Summaries:

- (1) "The best way to protect yourself is to use a legitimate broker."**
- (2) "When Mrs. Smith's phone rang at 8:45 a.m. recently, her heart skipped a beat. . . . You simply want to resolve the difficulty they have reported to you as quickly as possible."**

The Tidbit-Continued

(Continued from page 6)

listen to what is being said, ask questions, and then tell somebody who is not a relative. Another Gig Harbor resident was also targeted by the grandparents scam. But, she emerged without losing any of her money.

While Mrs. Jones waited for her grandchildren to come over for breakfast, she took a 9:30 a.m. call from someone who claimed to be her oldest grandson, Mitch. He said that he had been involved in a car accident, was in jail, and needed money immediately. This kind of news can really shake you up. That guy scared the life out of her. Nevertheless, she was suspicious from the beginning. She didn't have regular contact with Mitch by phone and questioned why he would be calling her instead of his father.

The person who claimed to be her grandson asked if she still drove her car. She indicated that she did, but only locally in Gig Harbor. The caller hung up when she said she never crossed the Tacoma Narrows Bridge.

It turned out that Mitch had not been involved in a car accident, nor had he been taken to jail. He was just fine. Mrs. Jones indicated that she just wouldn't give away money under such questionable circumstances. She had

already heard enough of senior citizen scams not to so easily part with money. She called 9-1-1 and reported the incident.

The Gig Harbor Police Chief said there hasn't been an increase in reports of these types of telephone scams in the city. But, a lot of people are embarrassed and won't file a police report. It's a shame that some people will exploit trusting individuals.

Mrs. Jones had some basic advice for those who get a call from an alleged family member who claims to be in trouble and needs money in a hurry – verify, verify, verify! Don't give up any information over the phone either. If you're not sure, hang up and confirm. Call a family member and find out for sure.

According to the Federal Trade Commission, more than 25,000 older Americans reported sending \$110 million to scammers who posed as family members and claimed an injury or arrest in a foreign country during 2011.

According to Sid Kirchheimer, author of "Scam-Proof Your Life", here is what else you need to know to avoid becoming a victim.

- Don't be fooled by telephone

greetings that include names and details. Many scammers get names and details from on-line directories, social networking web-sites, obituaries, and by hacking e-mail accounts.

- Keep in mind that no matter where they say they are, scammers could be anywhere, using numbers that can be easily disguised or using disposable cell phones that are difficult to track.
- Scammers often ask for wire transfers because they can retrieve that money anywhere with a reference number and phony identification.
- Crooks frequently do their homework on your family, often posing as police officers, attorneys, or hospital workers.
- Be suspicious when an alleged grandchild asks that you not tell mom or dad about what is happening. Instead, hang up the phone, call them, and get the facts.

FBI Citizen's Academy

The entertainment industry and the media have portrayed the FBI as the enemy and a hero at different times. Have you ever wondered what the FBI really does?

Once a year each of the 52 field offices holds the FBI Citizen's Academy. The Seattle office offers the classes in the spring, but the application process starts in the fall. The course consists of 10 three hour classes.

Business, civic and religious leaders are invited to apply. You must be 21 years or older, live within the Seattle Field Office's area of responsibility. (WA State), have no felony convictions and be able to pass a background investigation.

To apply contact the Seattle Field Office at:

FBI Seattle
Phone: (206) 262-2441
Fax: (206) 262-2046

Check out http://www.fbi.gov/about-us/partnerships_and_outreach/community_outreach/citizens_academies for more information.

Fraud Law—September 2013—By John J. Tollefsen, CFE, JD, CCS

The SEC Hires RoboCop

The Securities and Exchange Commission announced on July 2, 2013, a greatly improved automated review of EDGAR filings to increase “risk identification, risk assessment, and data analytic activities by identifying risks and threats that could harm investors, and assist staff nationwide in conducting risk-based investigations and developing methods of monitoring for signs of possible wrongdoing”. Within 24 hours of filing, the company’s financials will be scanned by SEC computers and scored for risk indicators. These scores will be used to help allocate enforcement resources and corroborate the approximately 30,000 whistleblower referrals and other complaints the SEC expects to receive each year.

The automated reviewer is the SEC’s Accounting Quality Model (AQM) which will be kept up to date as fraud and suspicious reporting is discovered. The automated review is made possible because XBRL (eXtensible Business Reporting Language) uses a type of html coding that identifies key financial numbers. XBRL filing is now required of large companies by the SEC in the U.S., by Her Majesty’s Revenue & Customs (HMRC) in U.K., by the Ministry of Corporate Affairs (MCA) in India, by the Companies House in Singapore as well as by the U.S. Federal Deposit Insurance Corporation (FDIC) and the Committee of European

Banking Supervisors (CEBS). Many other countries also use XBRL and the international trend is to require it in all electronic filings.

In a June of 2013 XBRL conference in Dublin, Ireland, Craig Lewis, Chief Economist and Director of the Division of Risk, Strategy, and Financial Innovation (RSFI) of the SEC provided information about the types of electronic filings most likely to be marked by the computers for additional attention by the SEC. Of particular interest is accounting policies that result in “relatively high book earnings even though firms simultaneously select alternative tax treatments that minimize taxable income. Another accounting policy risk indicator might be a high proportion of transactions structured as ‘off-balance sheet’”.

The automated review is not limited to financial reports. The RSFI’s computers are also scanning the Management Discussion & Analysis (MD&A) section of SEC filings for words and phrasing that have been used by fraudulent filers previously. “We’re effectively going in and we’re saying: what are the word choices that filers make that maximize our ability to differentiate between fraudsters in the past and firms that haven’t had fraud action brought against them yet?” Dr. Lewis explained.

Tips to minimize a review triggered by an XBRL scan:

1. Avoid XBRL programming errors.
2. Avoid changing auditors in less

3. than 5 year intervals.
3. Avoid or minimize off-balance sheet accounting.
4. Use the accounting policies common to public companies in your industry.
5. Use conservative accounting policies particularly with discretionary accruals (e.g. provision for future expenses).
6. Anticipate SEC flagging and provide explanations in advance for unusual accounting or targeted MD&A reporting.
7. Be prepared to explain if tax accounting provides significant variances from GAAP.
8. Keep up to date with the MD&A concerns of the SEC.

(Some tips are from John Carney, a former Securities Fraud Chief with the DOJ and can be found online. “RoboCop” idea is from an online post by Janet Novack of Forbes Magazine.)

John J. Tollefsen, J.D., LL.M., is the founder of Tollefsen Law PLLC, an attorney, Certified Fraud Examiner, and Certified Controls Specialist. john@tollefsenlaw.com. See TollefsenLaw.com for more information regarding fraud law. A footnoted version of this article can be found at: <http://www.tollefsenlaw.com/answers/The-Law/Fraud-Law/Criminal-Profiteering/Criminal-Profiteering.asp>

John Tollefsen is also a member of the Chapter’s Web-site and Newsletter Committee and the contributor for all of the information presented in this column.

Start Planning for the 25th Annual Fraud Conference and Exhibition

Join more than 2,300 anti-fraud professionals at the 25th Annual Fraud Conference in San Antonio, TX June 15 -20, 2014.

Registration for the June 2013 conference sold out with 2,600, the largest number in attendance ever!

Location:
Henry B. Gonzalez Convention Center

200 East Market Street
San Antonio, TX 78205
(877) 504-8895

Individual Registration:
Register online or contact the ACFE at
(800) 245-3321.

Group/Team Registration:
Contact the ACFE at (512) 478-9000

or e-mail groupregistration@acfe.com for registration information, including group pricing that is available for teams of 3 or more from the same organization.

The Pacific Northwest Chapter/ACFE will again participate in team registrations.

Private Investigator (PI) Licensing Laws for Washington State

CPAs and CFEs Not Exempt from Private Investigator (PI) Licensing Laws – Sharing Important Information for All Certified Fraud Examiners on a Continuing Dialog with the Department of Licensing (DOL) and the Washington State Board of

Accountancy (WSBOA) by James S. Peet, Ph.D., CFE
At the June training session of the Pacific Northwest Chapter of the ACFE James S. Peet, Ph.D., CFE presented information to the members on “Being a Private Investigator”. As part of the training, he presented the Revised Code of Washington’s definition of who needed to be licensed as a Private Investigator, and who was exempt from licensing (RCW 18.165.010 and RCW 18.165.020).

Under RCW 18.165.010(12) “Private investigator agency” means a person or entity licensed under this chapter and engaged in the business of detecting, discovering, or revealing one or more of the following:

- (a) Crime, criminals, or related information;
- (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing;
- (c) The location, disposition, or recovery of lost or stolen property;
- (d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;
- (e) Evidence to be used before a court, board, officer, or investigative committee;
- (f) Detecting the presence of electronic eavesdropping devices; or

(g) The truth or falsity of a statement or representation. RCW 18.165.020 lists exemptions from PI licensing. At no point are Certified Public Accountants or Certified Fraud Examiners listed as exempt, but there is an exemption for forensic scientists: “A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity”. This exemption allows for forensic accountants to operate without a private investigator license, but only within a limited capacity. The penalty for performing the functions and duties of a private investigator without being licensed in accordance to RCW 18.165 is a gross misdemeanor (see RCW 18.165.050). While preparing the training session, Dr. Peet uncovered a letter from the Department of Licensing (DOL) to Mr. Michael Kessler, of Kessler International, dated May 23, 2006, in which the DOL stated that **forensic accountants would be exempt from RCW 18.165, unless “the individual**

went on to interview involved parties, they would have stepped into the realm of private investigator and would require licensure”.

Dr. Peet requested clarification from the Washington State Attorney’s Office regarding the status of CPAs and forensic accountants as to whether or not they were exempt from licensing as private investigators. The agency referred him to the DOL’s Public Protection Services Division and to the Washington State Board of Accountancy. On November 16, 2013, letters were sent to both of those agencies requesting further clarification. In these requests for assistance he underlines the fact that this was not a trivial matter because **it’s a gross misdemeanor to operate as a private investigator without a license.** This then leaves the person conducting such an investigation to deal with both criminal and civil liabilities from his or her actions. It could also endanger cases in which the unlicensed investigator was acting as an agent of the state.

The initial response to this inquiry from Richard Sweeney, CPA, Acting Executive Director, WSBOA, came through a telephone call to Dr. Peet. He stated that CPAs were required to follow state law first, and *then* the guidelines of WSBOA. From the conversation, it appeared he initially agreed with Dr. Peet’s interpretation.

The initial response to this inquiry from the DOL regarding forensic accountants came through a November 26, 2012 letter. Regarding forensic accountants, the DOL further stated that:

*A concise interpretation of individuals who are exempt under the Private Investigator Law RCW 18.165 is: an individual who conducts an analysis or examination of a dataset to identify existing facts and not acting as a private investigator. The results of their work can become written reports which they can testify to. **If the individual conducts activity beyond the analysis of the data-set to gather information on ‘who did what’, they are required to be licensed as a private investigator.***

On 12 December 2012 a second letter was sent to DOL requesting clarification, with the specific questions asked:

*Is a forensic accountant who also performs activities other than forensic accounting still considered a forensic scientist under RCW 18.165.020(10) or is this exemption no longer valid?
Is a Certified Public Accountant who is investigating a financial crime, such as embezzlement, required to be licensed under RCW 18.165?*

On 27 December 2012 DOL responded to the two questions with the following answers:
Is a forensic accountant who also

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Private Investigator (PI) Licensing Laws for Washington State—Continued

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performs activities other than forensic accounting still considered a forensic scientist under RCW 18.165.020(10), or is this exemption no longer valid? RCW 18.165.020 Exemptions. The requirements of this chapter do not apply to: (10) A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity.

Is a Certified Public Accountant who is investigating a financial crime, such as embezzlement, required to be licensed under RCW 18.165? Certified Public Accountants are not addressed in RCW 18.165.020 Exemptions. However, if there is a conflict amongst the laws, it would be addressed on a case by case basis.

Dr. Peet found the responses to be inadequate, and sent a third letter to DOL on 2 January 2013 seeking additional clarification:

*My original question was not related to somebody who holds themselves out as an **investigator**, rather somebody who does something **other than** forensic science, in this case, forensic accounting. According to RCW 18.165.010, a forensic scientist must be "engaged **exclusively** in collecting and analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the accident or matter."*

So, to restate my question:

*Is a forensic accountant, who also performs activities **other than** forensic accounting, which means he or she is **not engaged exclusively** in collecting and*

analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the accident or matter, thereby violating RCW 18.165.010, still considered an exempt forensic scientist under RCW 18.165.020(10)?

I believe that a simple yes or no response would suffice for this question.

Regarding the issue of CPAs, the same question was restated as the 12 December letter:

Since CPAs are clearly not exempt from the licensing laws of RCW 18.165, I ask the same question:

Is a Certified Public Accountant who is investigating a financial crime, such as embezzlement, required to be licensed under RCW 18.165?

Again, I believe that a simple yes or no response would also suffice for this question.

On January 10, 2013, the DOL responded with more than a simple yes or no response:

Is a forensic accountant, who also performs activities other than forensic accounting, which means he or she is not engaged exclusively in collecting and analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstances of the accident or matter, thereby violating RCW 18.165.010, still considered an exempt forensic scientist under RCW 18.165.020(10)? It depends on the "other activities". A Forensic Accountant would not be exempt if they were performing investigation duties above or outside Forensic

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Private Investigator (PI) Licensing Laws for Washington State—Continued

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Accounting.

Is a Certified Public Accountant who is investigating a financial crime, such as embezzlement, required to be licensed under RCW 18.165? **Any individuals who perform the duties of a private investigator as defined in RCW 18.165 and are not defined as an exemption by the same law, are required to be licensed as a private investigator.** We cannot offer any further clarification. **The program to date has not been legally challenged in any cases relating to CPA's or individuals performing forensic accounting. My guess is if that happens at some point, we may have case law to provide clarity on these issues** (emphasis added).

Shortly after receiving this latest response from the DOL, Dr. Peet heard from Mr. Sweeney again, this time requesting a personal meeting to discuss this issue further. Apparently, word had reached him regarding the above determination from DOL. Ken Wilson, CFE and Dr. Peet, both chapter members, met with Mr. Sweeney in January, 2013 to discuss the matter. All parties agreed at the time that there were no exemptions from the PI licensing law for CPAs. Mr. Wilson and Dr. Peet agreed to develop a draft revision to the statute to provide both an exemption for qualified CPAs working on financial investigations and continued protection to the public.

For the next several weeks Mr. Wilson and Dr. Peet worked on rewriting RCW 18.165.010 and RCW 18.165.020. In the rewrite they defined Certified Fraud Examiner, Certified in Financial Forensics, Credentialed Forensic Accountant (i.e., one who holds a CPA and a CFE or CFF designation), Forensic Accountant, and Forensic Accounting. In addition, they included an exemption for the Credentialed Forensic Accounting on the basis that obtaining both the CPA and the CFE or CFF was sufficient protection for the public (which is ostensibly the purpose of the PI licensing law), and one for CPAs not involved in forensic accounting, hence not violating the definitions outline in RCW 18.165.010. Exemptions were not to be granted to CFEs or forensic accountants involved in investigations defined in RCW 18.165.010 – these individuals would need to obtain a PI license if conducting investigations beyond what is allowed under the proposed definitions and proposed exemptions. One further recommendation was to require Credentialed Forensic Accountants to carry the same insurance/bonding requirement as a licensed PI.

The final draft was shared with the Presidents of the Pacific Northwest Chapter/ACFE and the Spokane Chapter/ACFE, along with Dr. Joseph T. Wells, CFE, CPA, Chairman of the Board of Directors, and John Warren, J.D., CFE, Vice

President and General Counsel of the Association of Certified Fraud Examiners (ACFE) for comment and suggestions. The response from ACFE' General Counsel was as follows:

Dr. Wells and I have both taken a look at the proposals you outlined in your previous email. We have no changes or comments to offer, and as a matter of policy, the ACFE must decline to take any official position on your proposed changes to the Washington licensure statute.

While the rules for PI licensure vary by state, the ACFE apparently does not intend to seek standardization at this time.

Mr. Wilson and Dr. Peet met with Mr. Sweeney a second time after sharing an e-mail message to him containing the final draft of the revision for RCW 18.165. Mr. Sweeney informed them that the DOL is responsible for managing those licensed under this statute. CPAs are licensed by the WSBOA. Since RCW 18.165 did not apply to CPAs, so no further action was needed. The unresolved question that now remains is whether or not the DOL and/or the WSCPA will pursue any future action against CPAs who conduct financial investigations (i.e., those which meet the definition in RC 18.165.010) without having a PI license. The WSBOA does not desire to address this matter further. Without support from any others affected, the draft revision to the statute was unable to be submitted to the state legislature in time for any positive changes to the law this year.

The WSBOA, the DOL, and the American Institute of Certified Public Accountants (the AICPA) all have different interpretations about these statutes. Both the DOL and the AICPA have recognized that **CPAs are not exempt from PI licensing laws**. The AICPA has gone even further in recommending that states change the laws to exempt CPAs from PI licensing as recently as June, 2013. An article on this position can be found at <http://www.journalofaccountancy.com/Issues/2013/Jun/Forensic-accounting.htm>. It informs readers that many **CPAs may be unaware that they are breaking state law regarding PI licensing requirements** and even provides a matrix for the CPAs to review regarding the various state laws. For the state of Washington, it states "An investigator in Washington State is required to be licensed. The Washington Department of Licensing, Public Protection Unit, regulates private detectives. Although the statute does not exempt CPAs, there is an exemption for 'a person solely engaged in the business of selecting information about persons or property from public records'. Attorneys are also exempt" (note: the exemption for attorneys is limited to acting in their capacity as an attorney). Currently, only 11 states exempt CPAs from PI laws, many of these exemptions being blanket exemptions, not taking into account the specialization required of fraud investigators.

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Private Investigator (PI) Licensing Laws for Washington State—Continued

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Washington is not one of those states. The descriptions and exemptions Mr. Wilson and Dr. Peet developed are, by far, the strongest, best developed for CPAs, and provide the strongest protection to the citizens of Washington State that they do not currently have.

The upshot of all this recent discourse is that **any CPA or forensic accountant who goes beyond the tasks of collecting, analyzing, and reporting on evidence by conducting interviews or investigations is violating RCW 18.165, which is a gross misdemeanor. It is also a violation of the ACFE Code of Ethics to violate the law.**

Dr. Joseph T. Wells, CFE, CPA, founder and chairman of the ACFE Board of Directors expresses his own opinion succinctly.

“If there is any chance at all that a state licensing board could view you as holding out as an investigator, do yourself a favor and get licensed.”

Wells said. *“Many of these state boards are self-funding and actively look for anyone that can be construed to be unlicensed because it adds to their coffers. Moreover, if courts or opposing counsel can brand you as an unlicensed investigator, your case will likely suffer severe damage.”* (Peet, *Fraud Magazine*, Jan/Feb 2012)

Dr. Peet expands that sentiment by stating that the one question he would hate to hear from a defense attorney while he was testifying about a fraud examination while on the witness stand is “What *other* laws did you break while

working to convict my client?” One judge informed him that an unlicensed investigator could be charged on the stand. Imagine the hit to the credibility of the CFE from that type of action.

If you conduct investigations as defined by RCW 18.165.010, regardless of whether you’re a CPA, CFE, or both, do the smart thing and get licensed as a PI and carry the required bond or insurance (it costs less than \$1,000 a year for most unarmed PI Agencies).. The cost of being licensed is far less than the cost of a criminal or civil trial against you for breaking the law. There is no need to become the case precedent the DOL is looking for to clarify the laws that they enforce.

Dr. Peet put out a call to action at the end of his training session, requesting that all CFEs work to get the exemption passed. It’s a model exemption that can be used nationwide.

Chapter Member James S. Peet, Ph.D., CFE, is an instructor at Highline Community College and the owner of Peet and Associates, LLC in Enumclaw, WA. He is a member of the Chapter’s University Outreach Committee, where he represents us at a number of universities in the Puget Sound region of our state. He has been approved by the Chapter Board of Officers and the Chapter Membership to be recommended to the ACFE as the Chapter’s recipient of the Distinguished Achievement Award for 2013. The Chapter took this action because of his strong support of our fraud training mission and the long-term participation in other Chapter and ACFE programs and activities.

CPE Compliance for Certified Fraud Examiners

When you renew your annual dues you must certify your CPE compliance.

You are required to earn 20 hours of CPE each year, **10 of which must be fraud related, and 2 of which must be on ethics.**

Report your CPE Compliance to the ACFE in your anniversary month (online or by phone). If a CFE has earned more than 20 CPE hours of CPE in any year, he/she may carry forward up to 10 of these extra hours to meet their future CPE requirements.

Now you can find all your CPE information in one convenient

place. Browse the [My CPE](#) for information and updates on:

- How CPE Works
- CPE Changes from Year to Year
- Maintaining CPE Records / CPE Audit

You may access the [My CPE](#) from your [My Account](#) section or at ACFE.com/CPE.

It is understandable that you may have questions, so feel free to contact the ACFE’s CPE Compliance Team or Member Services by calling (800) 245-3321 or +1 (512) 478-9000, or by e-mail at CPE@ACFE.com.

Volunteer Opportunity — Fraud Victims Pilot Project

The Board of Officers sent out an announcement via e-mail to the Chapter membership regarding this project for Spring 2013. This project will resume again at the University of Washington effective Spring 2014.

The Fraud Victims Pilot Project is comprised of the King County Prosecuting Attorney's Office (Economic Crimes Unit), three local police departments (Seattle, Bellevue and Kirkland), the University of Washington Accounting Instructors and the Pacific Northwest Chapter/ACFE. The Chapter's role is limited to help advertise the project and provide advice regarding the project itself. The Chapter Membership as a whole and the Board of Officers will not be playing a direct or indirect role in specific fraud investigations selected for this Project.

The project provides an opportunity for students attending the UW Forensic Accounting class who are interested in using their accounting skills to help fraud victims obtain some measure of justice.

The volunteering CFE would work directly with the instructor to mentor the students and monitor the fraud case they are working on. The most recent class ran from April 2 through June 11, 2013.

Key considerations:

1. CFEs must be members of the Pacific Northwest Chapter/ACFE and participation must be approved in advance by the Board of Officers.

2. Volunteering CFEs should be licensed and have insurance. Therefore, it is more likely that CFE's that own their own practice would be the best fit for this program simply because typically an organization's insurance policies do not extend to employees working on projects outside of their respective employer. If something goes wrong and there is a not-guilty verdict at trial (or a withdrawal/d dismissal of charges), there is potential legal and personal liability for CFEs who participated in the project, as well as others.

3. There is no background check requirement for the volunteering CFEs or the students.

4. The three police departments and/or the King County prosecutor will coordinate their efforts to find a rather simple fraud case to be used by the students.

5. The original source documents in the case will remain at the police department which advanced the case to be used. Copies of the documents will be forwarded to the UW instructor and will be kept in a secure location for use by the students and the CFEs. The King County Prosecutor will serve as the contact on this effort.

6. The instructor and the volunteering CFEs will be the mentors for the students on the fraud case and will provide oversight and review the work performed by the students. CFEs may contact the victim if additional information is needed, but students will not contact the victim directly. Students will not interview any suspect(s); rather, interviews will be conducted by police detectives and/or CFEs if needed.

7. If the students do not complete their work and issue a draft report to the CFE's before the class has been completed, it will be up to the CFEs to complete the work and issue the final report to the King County Prosecutor (procedures to be defined later).

Please contact President Robert Goehring (President@fraud-examiners.org) if you have any questions or are interested in participating.

The committee on this project will be meeting sometime this Fall, perhaps October, to discuss the projects future, including how long the case study should be (one or two quarters). Chapter membership will be notified regarding important developments likely through future Chapter newsletters.

Professional Attitude Survey

Gerald Smith, Professor of Accounting and Joel Pike, Assistant Professor of Accounting (both at the University of Northern Iowa) have requested permission to survey the Pacific Northwest Chapter/ACFE Membership on the topic of CPE's Professional Skepticism/Attitudes. There are no "correct" or "incorrect" responses to the items on this questionnaire; rather the

objective is just your reaction to each item. Completing these thirty items and the accompanying demographic information takes about ten minutes. The responses are anonymous and only aggregate results will be reported; no individual responses will be shared. The goal is to obtain as many completed questionnaires from the Seattle - Pacific Northwest Chapter membership as

possible. To complete the questionnaire, go to <http://tinyurl.com/Seattle-Pac-NW-ACFE-Survey> and simply answer the questions on-line. Your help with this research will be appreciated.

Note: The University of Northern Iowa's survey is on a volunteer basis. The survey is not sponsored or required by the Pacific Northwest Chapter of the ACFE.

Compensation Guide for Anti-Fraud Professionals - 2013 / 2014 Global Salary Survey

On average employees with their CFE certification earn 25% more than their non-certified co-workers, according to the 2013 / 2014 Global Salary Guide recently published on the ACFE web site. The last Global Salary Guide was published in 2010/2011.

In the Pacific area of the country (WA, OR, CA, AK, HI) the median compensation of a CFE is \$98,245, which is significantly higher than the median compensation of \$80,750 for a non-CFE professional.

The 84.5% of non-CFEs and 92.6% of CFE respondents had either a 4 year college degree, graduate or a post-graduate education. Two thirds of the respondents were male with a median age of 42 and 11 years of experience.. One third were women with a median age of 42 and eight years experience.

Survey participants were spread across different levels of professional responsibilities with 29.3% being Staff/ Consultants/Analysts, 23% Managers, 15.2% Supervisors / Senior Consultants, and 11.3% Directors

This year there is also an ACFE Salary Calculator to create individual compensation reports based on industry, job function and level of responsibility.

Be sure to check out the whole Global Salary Guide at <http://www.acfe.com/compguide-2013.aspx>

Now was never a better time to earn your CFE. If you don't yet have your CFE, be sure to consider the Chapter Incentive Program on Page 3.

ACFE on Social Media

Social media consists of social networks like LinkedIn, Facebook, Twitter and blogs. A network is a place for a business or individual to market themselves, network, begin and join discussions, follow interests, get the latest news and socialize.

LinkedIn

Connect and network with professionals all over the world. Update your status with news and links. Recommend connections for professional positions and participate in industry group discussions. Join the ACFE Group—<http://www.linkedin.com/groups?mostPopular=&gid=66889>

Facebook

"Become a friend" of an individual or "like" businesses and groups. Update your status with news, links, photos, videos, polls and more. Like the ACFE—<http://www.linkedin.com/groups?mostPopular=&gid=66889>

Twitter

Network and communicate with others through real-time posts called "tweets." Follow others that share the same interests as you and receive news as it is happening. Follow the ACFE—<http://twitter.com/TheACFE>

YouTube

Watch the latest videos to get a behind-the-scenes look at ACFE events, conferences, seminars and more. Find

the ACFE—<http://www.youtube.com/user/TheACFE>

Discussion Forums (ACFE members only)

Network and discuss fraud-related topics with fellow ACFE members. Engage with members—<http://www.acfe.com/login.asp?redirect=../community/forums.asp>

ACFE Insights Blog

News, analysis and commentary on the global fight against fraud. Find ACFE Insights—<http://www.acfeinsights.com/>

Fraud Info Blog

Get the latest fraud news as it happens. Find FraudInfo—<http://fraudinfo.com/>

Free ACFE CPE with Members Only Webinars

For dues paying ACFE members the ACFE offers free training. The webinars are typically 60 minutes in length and are equal to 1 credit hour of ACFE approved CPE credits.

Archived webinars will be available for 12 months from the date of the live

event. More information can be found at <http://memberwebinars.acfe.com>.

Recent Archived Webinars include:

- Proactive Strategies for Developing and Managing Compliance Programs
- Predictive Analytics to Prioritize

Investigations and Audits of Contract Fraud, Waste and Abuse

- Fraud Related Interviewing
- Ethics in an Unethical World
- Bring your Own Device: Keeping Your Investigation from Becoming DOA

Links to

ACFE Chapters

Pacific NW Chapter
www.fraud-examiners.org

Oregon Chapter
www.oregon-acfe.org

Spokane Chapter
www.spokanefraud.org

Boise Chapter
www.boiseacfe.org

Big Sky Chapter (Montana)
kathy.arata-ward@josepheve.com

Vancouver, B.C.
www.cfevancouver.com

Edmonton Chapter
www.acfe-edmonton.com

Calgary Chapter
www.acfecalgary.com

International ACFE Headquarters

www.ACFE.com

*Do you have ideas for our
next newsletter?*

*Want to write the review for
the last fraud training you
attended?*

*We would love your
feedback!*

Contact Robert Goehring at
President@fraud-examiners.org



Other ACFE Fraud Training Opportunities

- CFE Exam Review Course, New York, NY, 10/07/2013 – 10/10/2013,
- Fraud Risk Management, Chicago, IL, 10/17/2013 - 10/18/2013,
- Conducting Internal Investigations, Nashville, TN, 10/21/2013 - 10/22/2013
- Fraud Related Compliance, Seattle, WA *, 10/28/2013,
- Investigating on the Internet, Seattle, WA *, 10/29/2013 - 10/30/2013
- Legal Elements of Fraud Examination, Tampa, FL, 11/04/2013
- CFE Exam Review Course, Austin, TX, 11/04/2013 - 11/07/2013
- Financial Institution Fraud, Tampa, FL, 11/05/2013 - 11/06/2013,
- CFE Exam Review Course Austin, TX 11/4/2013 - 11/7/2013,
- Using Data Analytics to Detect Fraud Houston, TX 11/6/2013 - 11/6/2013
- Money Laundering Schemes Houston, TX 11/7/2013 - 11/8/2013
- 2013 ACFE Asia Pacific Fraud Conference Singapore 11/20/2013 - 11/22/2013

The ACFE contact point for all course offerings is Caitlin Perdue, Event Marketing Specialist, by phone at 1-800-245-3321, or at the web-site www.ACFE.com. Contact her for more information and actual registration procedures.

* See also pages 2-3 of the Chapter Newsletter

Other ACFE Chapter Annual Fraud Conferences

- Annual Fraud Conference, Spokane Chapter (October 28-29, 2013)
- Joint Annual Fraud Conference, Pacific NW Chapter and WSCPA (December 6, 2013)

To Receive the discounted registration fee for our Chapter's Annual Fraud Conference, contact the WSCPA's Education Operations Manager, Miki McLean, by telephone at 1-800-272-8273 if you are not a CPA, or register on-line at the WSCPA's web-site at www.wscpa.org if you are a CPA.

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