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Certifications

Certified Public Accountant

Certified in Financial Forensics

Professional Affiliations

American Institute of Certified
Public Accountants

Texas Society of Certified Public
Accountants

Education

Bachelor of Business
Administration – Accounting
University of Texas at Austin

Mark Ramin is an experienced forensic accountant with a substantial background in financial investigation, the analysis of economic damages issues, and litigation consulting. A licensed CPA for over 30 years, Mr. Ramin specializes in providing objective and fact-based analysis to his clients, allowing them to make better informed decisions about disputes, litigation, or other critical business challenges facing them.

Financial Investigation

Mr. Ramin's experience in financial investigation includes engagements on behalf of bankruptcy trustees, receivers, and numerous government authorities and regulatory agencies, including the United States Department of Justice, the Texas Office of the Attorney General, the Federal Deposit Insurance Corporation, and the Texas Department of Insurance, among others. These matters have included the investigation of complex failures of financial institutions, insurance companies, and other businesses engaged in many industries. This work has been utilized in civil litigation and criminal prosecutions of former officers and directors, insiders, outside professionals, and other parties alleged to have caused damages, received preferential transfers, or committed illegal acts.

Economic Damages Issues

Mr. Ramin is regularly engaged by both plaintiff and defense litigation counsel to provide investigation, analysis, and expert opinions concerning economic damages related to disputes, claims, and litigation. Such matters often relate to claims of lost profits, business interruption losses, professional liability claims, complex property loss and personal injury claims, and trademark or trade secret disputes. His opinions, often presented through written reports and expert testimony, have been presented before Federal and State District courts and Bankruptcy courts in multiple jurisdictions throughout Texas and in other states.

Litigation Consulting

Mr. Ramin also has significant experience in working with counsel and their clients in performing general litigation consulting. He often provides plaintiff or defense counsel with investigation and fact-finding related to unasserted claims. In litigation matters, he regularly works closely with counsel to develop discovery plans, to identify potential sources of information, to draft production requests and interrogatories, and to analyze and evaluate large document populations. Mr. Ramin also works to prepare for depositions of fact and expert witnesses through the identification of relevant documents or issues, outside research, and with expert witnesses, through the detailed analysis of their expert reports, including the research of their prior reports and testimony in other matters. He has substantial experience in working with counsel in asserting or responding to *Daubert*-type challenges to the admissibility of accounting, financial, or other economic expert testimony.

**Echelon Analytics is not
a CPA firm.**



Mr. Ramin's experience includes engagements in the following industries, among others:

- Agricultural and Commodities
- Banking and Financial Services
- Communications
- Construction
- Health Care
- High Technology
- Hospitality
- Insurance – Property & Casualty
- Insurance – Regulatory & Insolvency
- Manufacturing and Distribution
- Mortgage Lending and Servicing
- Oil & Gas Exploration and Production
- Professional Services
- Real Estate Development
- Real Estate Management
- Retail
- Software
- Transportation

Professional Experience

Some examples of Mr. Ramin's case experience include:

Financial Investigation and Fraud

- **Litigation claim against the executor of a complex estate.** Provided consulting services to counsel defending an executor from claims asserted by a beneficiary of an estate. The estate involved several generations of trusts and varied asset classes including ranches, oil and gas interests, and other financial assets. This engagement required the analysis of detailed historical transaction records to identify appropriate treatment of distributable income vs. principal and the appropriateness of reimbursement claims and other transactions between the trusts, the ranches, and certain beneficiaries.
- **Borrower fraud.** Investigated alleged misapplication of loan proceeds or removal of funds from single-asset entities subject to a mortgage, often through straw buyers, abusive property flips, misrepresentation of the lien status of assets securing the transaction, or unauthorized advances to related parties. These engagements often required detailed analysis of the sources and uses of loan and project proceeds and an investigation of the appropriateness of project expenditures and other transfers to determine the borrowers' potential liability for misapplication of funds.
- **Embezzlement.** Engaged by multi-state commercial property management firm to investigate alleged fraud by a departed executive. Assisted client in reconstruction of manipulated accounting records to quantify the loss. Developed Proof of Loss for insurance claim and for the subsequent criminal indictment of executive.
- **Investigation of claims asserted by the beneficiaries of a trust.** Assisted the beneficiaries of a trust and their outside counsel in the investigation of alleged self-dealing by its trustee. This project involved investigation of public records



to identify undisclosed business relationships and related party transactions. Because of these transactions, a majority of the assets of the trust were invested in failed business ventures from which the trustee and his business partners withdrew substantial sums of money. The beneficiaries instituted litigation against the trustee based upon this investigation.

- **Breach of fiduciary duty.** Assisted counsel in the investigation of the actions of a company president. Identified significant misuse of company resources including ghost employees and unauthorized reimbursement for personal expenses such as personal airplane repairs and equipment upgrades, travel, and home remodeling. Documented diversion of corporate assets and opportunities to a competing business controlled by the president. When presented with findings, the president resigned and signed over ownership interests in the company and in the competing business.
- **Fraud investigation of trustee.** Worked directly with a large family enterprise to investigate alleged fraudulent transactions involving the trustee of a family trust. Performed detailed analysis of multiple years of transactions, obtained financial records from third parties and researched the identities of several businesses and individuals receiving distributions from the trust. Identified unauthorized distributions made directly to the trustee and his relatives and business associates. Prepared a detailed listing of questioned transactions that formed the basis for the resignation of the trustee and a related claim for reimbursement to the trust.
- **Breach of non-compete agreement.** Assisted counsel in investigating the abrupt departure of a group of key employees subject to a non-compete agreement. Worked with computer forensics experts to analyze email and other electronic records. This information documented their plans for future competing business activities and their improper retention of confidential and proprietary information from the employer. Findings were presented in arbitration proceeding.

Damages Analysis in Complex Commercial Litigation

- **Manufacturing operations.** Provided consulting and expert services to manufacturers of industrial equipment and their counsel and insurers. In these matters, the claimants alleged that the failure of the equipment manufactured by the defendant interrupted the operation of a plant, factory, or other business process. The industries involved included defense contractors, agricultural and food products, construction, transportation, and consumer goods.
- **Consumer class actions.** Assisted lenders who were defendants in consumer class action litigation. Identified populations of potential class members and analyzed specific liability issues related to the claims asserted by named plaintiffs and evaluated the potential applicability of these



specific facts and claims to a broader population. Assisted in evaluating ranges of potential financial exposure under assumed liability and damages theories and various class definitions and populations.

- **Major natural or man-made disasters.** Provided assistance to both claimants and insurers in preparing and evaluating business interruption claims related to catastrophic or mass claim occurrences such as fires, hurricanes, floods, and in the BP Deepwater Horizon incident. In addition to the claim considerations mentioned above, these matters often required detailed analysis of the causal relationship between the incident and the claimed damages.
- **Secured lending disputes.** Worked with lenders in disputes involving “floor plans” and other similar high-volume secured lending facilities. These have included lending facilities for automobiles, boats, recreational vehicles, heavy equipment, consumer paper, mortgage warehouse and premium finance involving allegations of misrepresentation as to the “in trust” status of the facility prior to default. Through reconstructing earlier financial transactions, identified the true historical financial positions of the facility and determined the methods utilized to conceal any collateral shortfalls. This work has been utilized in pursuing claims against the borrowers, outside accountants, and other parties.
- **Information technology.** Assisted counsel in responding to litigated business interruption claims related to the alleged failures of information technology systems utilized by financial services organizations. One matter involved an alleged system failure while the other involved deliberate sabotage. In each matter, evaluating the claimed damages required the analysis of the causal relationship between the facts and the alleged economic impacts and included significant analysis of the claimants’ financial operations and independent economic and industry research.
- **Loan securitization disputes.** Evaluated loan underwriting and loan loss reserves regarding compliance with the written guidelines of a particular financial institution or of the terms of the mortgage participation, securitization or other pooling. This work has been used to evaluate potential damage claims of the participants or investors in these assets and in pursuit of claims against directors or officers of financial institutions or other lenders.
- **Retail operations.** Performed numerous engagements related to alleged failures of landlords to perform under retail lease agreements due to construction delays, equipment failures, water incursions, and fires. These matters required the analysis or reconstruction of historical financial information of the claimants to quantify projected lost revenues, fixed and variable costs, and excluded costs or saved expenses. These projects often included analysis and independent research of external factors such as general economic or industry circumstances that would affect the operations of the claimants and the efforts of the parties to mitigate any damages resulting from



these events. These engagements have included the evaluation and resolution of insurance claims and in matters involving litigation.

Bankruptcy and Insolvency

- **Oil & Gas exploration and production Company in liquidation.** Assisted the Chapter 7 trustee in assuming control of the offices and accounting and IT systems of the debtor (whose officers and employees abandoned the company offices upon the appointment of the trustee). Developed financial information to enable the trustee to secure the assets of the estate and to prepare schedules and monthly reporting for the court. Prepared all financial information required to support numerous complex adversary proceedings and other litigation related to alleged fraudulent transfers and disputed ownership of certain assets of the estate.
- **International shipping vessel operator in liquidation.** Assumed custody of all business and accounting records and assisted the Chapter 7 trustee in evaluating the solvency of the debtor in periods preceding the bankruptcy filing. Analyzed insider transactions that supported an adversary proceeding against the former shareholder of the company and assisted with discovery, depositions, and in evaluating the advisability of a compromise settlement of the claim.
- **Financial advisor in a telecommunications company Chapter 11.** Performed analysis on behalf of an unsecured creditors committee related to determining the solvency of the estate and an assessment of the continued viability of the business operations of a reorganized entity. Analyzed the current and historical operating information of the company to assist the committee in assessing the reasonableness of the financial projections of the debtor. Provided analysis and testimony for adversary proceedings against its principal lender and in the investigation of potential claims against its former directors and officers and outside accountants. Worked with committee counsel to develop a liquidation plan and supported the committee in its evaluation of alternative bids from prospective buyers of all or parts of the business.
- **Real estate development company.** Provided consulting and testimony services to the Chapter 7 trustee for the identification and prosecution of claims to recover preferential transfers. Several actions related to claims against lenders receiving payments on insider secured debt during the 1-year period prior to bankruptcy filing. Assisted in resolving over one hundred 90-day preference actions on behalf of the trustee, including providing deposition and trial testimony. Performed detailed analysis of a significant volume of accounting and financial records to analyze solvency issues at the 1-year and 90-day periods and to identify potential preferential transfers relative to those periods.



Accounting Malpractice

- **Audit failures.** Evaluated whether the accountant's work was conducted in accordance with Generally Accepted Auditing Standards. Reconstructed business and accounting records to determine the true financial condition of the company under audit, identified any misstatements, and developed facts to analyze interrelated liability, causation and damages issues. These audit failure accounting malpractice claims have involved audits of enterprises in several industries including financial institutions, manufacturing and distribution, commodities, retail sales, and insurance entities. The accounting firms involved have ranged from sole practitioners to regional, international, and the major Big 4 firms.
- **Tax shelters.** Served as a consulting expert to plaintiff counsel in an accounting malpractice matter involving allegedly abusive tax shelters, in which a Big 4 firm was a defendant. Assisted counsel with drafting discovery, identifying and interviewing potential expert witnesses, researching and documenting applicable professional standards, and in the review and analysis of a large volume of working papers, internal communications, and internal policy and technical standards information produced by the defendants. Provided assistance to counsel in their preparations for the depositions of client service team members including independent research of their professional backgrounds, their specific roles on the engagements in question, and in the identification of potential deposition exhibits and areas of inquiry. A significant confidential settlement was reached at the conclusion of the depositions of these individuals.
- **Financial restatement and accounting malpractice claim.** Engaged by multi-national corporation to investigate prior financial reporting practices of U.S. subsidiary. Identified significant overstatements of net income due to improper use of percentage of completion accounting method. Assisted client in the restatement process and in the successful pursuit of an accounting malpractice claim against prior outside auditor.