Case Study Instructions

Use this template to apply for a writing job with Compliance Mitigation, and earn $200 if you qualify!

We're striving to teach non-criminogenic people how behavior in business can potentially lead to either government investigations or charges for white-collar crimes. With that end in mind, we're offering income opportunities for writers with appropriate skills and experience.

Our preference is to offer these contract-writing assignments to people who have experience with some aspect of a government investigation, or criminal prosecution. We are ***offering $200*** for each completed case study that follow the format we're showing below.

As a rule, it takes members of our team about two to four hours to complete a case study. Depending upon a writer's skill and efficiency, a disciplined writer can earn between $50 to $100 per hour; a less disciplined writer may require more time to write the project in accordance with the template below.

For those who choose to accept this assignment, please write specifically about the content within the case study. The pages of this package include a sample case study. Please match the example. We need the specific subtitles, and we need the questions at the end of each case study for the project to be complete.

Please look at our business model through this link: Risk Mitigation

It's fine for an author to write about personal experiences, about other people, or about stories they've read in press releases. Anyone can find examples of press releases by visiting some of the websites below:

- » DOJ: DOJ website is a great place to get source materials.
- » FBI: https://www.fbi.gov/investigate/white-collar-crime/news
- » FTC: https://www.ftc.gov/news-events
- » SEC: https://www.sec.gov/
- » FDA: https://www.fda.gov/home

Writing Style:

» Present-tense voice

» Minimal use of to-be verbs: (is, are, was)

» Strong verbs

Case Study Format:

» For each new case study, follow the template format with subheadings on pages 2-3

» Reference any cases cited with the URL at the bottom of the template

» Include 8 questions that challenge readers to apply learning objectives. Questions should be a mix of multiple choice (with 4 answer options) and True/False, and the answer key.

Compensation: $200 per completed case study,

As a rule, it takes members of our team about two to four hours to complete these cases studies. We use a lot of content from the press releases. The content from the press release allows us to create comprehensive and teachable case studies that include 1,500 to 2,000 words. Each writer will be different. But our total budget for case studies will be $200. Once we receive the case study, we will supplement it with formatting tools, audio files, and video files.

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An Earning Freedom Company

32565 Golden Lantern Street / Box B1026 / Dana Point, CA 92629
ComplianceMitigation.com / Team@ComplianceMitigation.com / 949-205-6056

Case Study Template

Please adhere to the following headings for Case Study presentations (see sample on page 3):

Section Headers	Content
Title	Make title specific to article content. What are you writing about?
Purpose	1-2 sentences describing why this information is important for the intended audience to learn. *Ex: This case study (choose: describes, explains, teaches, informs....)...*
Welcome	Introduce yourself as the author. If you prefer to remain anonymous, refer to yourself as a Compliance Mitigation contributor.
Objectives	Include at least 5 key learning objectives (more, if necessary) that are specific to the case study content. Use numbers or bullet points for this list. Include words like **describe**, **identify**, **explain**, **understand** that imply specific and active learning outcomes you expect readers to achieve from the educational information you're providing. *Ex: After completing this case study, the learner will be able to:* 1. *Describe Objective* 2. *Explain Objective* 3. *Identify Objective* 4. *Understand Objective*
Intended Audience	Who benefits from this lesson? Business owners? Employees? Managers? Investors? *Ex: People who work in the financial securities industry, including company officers, directors, managers, and support staff.*
Common Terms	What terms are important to know in order to gain the new knowledge? This can be a glossary, a table with terms and definitions, etc.
Current State	Apply your expertise to provide an overview of the current state of the industry you're writing about: How many companies are in this business? How are businesses structured? Online? Virtual? Digital? Office-based? Direct or indirect customer contact? Specific platforms? Problems in the industry? Describe in a paragraph what's going on in this business industry today.
Future State	Apply your expertise to describe where the industry is headed, and how increased compliance will improve the industry/business community.
Situation	In one paragraph, identify the business and summarize the charges, investigation, company persons involved, and government agencies involved.

Background	This section should be fully developed commentary with 2-3 beefy paragraphs.
	As clearly and concisely as possible, describe (specifically) what happened: compliance failures, intentional or accidental offenses, who was involved, which agency investigated, how was the investigation launched, what was the wrongdoing, what were the roles/responsibilities of parties involved? Rather than writing general statements like "It was believed..." specify *who* believed (the SEC? the FBI? a state agency? Insurance commissioner? etc.)
	Be specific about the charges or offenses. *Who* committed the crime? *What* were the different levels of people involved…Directors? CEO? CFO? Subordinate staff? Junior executives? What *triggered* the investigation and/or charges? *Why* did the regulatory agency target the business? Provide details about what happened in the case you're profiling. Incorporate key terms if appropriate in this narrative section.
Analysis	This section should be fully developed with 2-3 beefy paragraphs. As clearly and concisely as possible, use your expert knowledge as a content master to provide educational commentary on what went wrong, how and why the wrongdoing occurred, what could have happened, what should have happened, why things went one direction vs another, discuss penalties, disciplinary actions, and other consequences that were (or may be) imposed.
	This section is where learner connects the dots to reach the "aha" moment.
Recommendations	In 1-2 paragraphs, provide thoughtful commentary using your expert knowledge as a content master to recommend best-practices for fixing the problem and shielding against the kind of problems that launched the investigation. What compliance metrics are important and what steps should a business take for implementing compliance policies that would protect this (and similar) business, executives, employees, etc. from a government investigation. Training? Education? Improved processes? Updated practices? Corporate culture? Be specific.
	Include a final "closing paragraph" that wraps up the case study.
Quiz	This is where learners will demonstrate their new knowledge as confirmation that the learning objectives were (or were not) met. Write 8 questions consisting of true/false answers, single answer, and multiple choice answers. All questions and answers should relate to the learning objectives. This makes it very easy to write the questions, the correct answers, and the alternate (incorrect) answer choices.
Sources	Cite sources and URLs when applicable.

Sample Case Study

(Value: $200 / Time for completion: As a rule, it takes members of our team be-
tween two and four hours to complete these cases studies. We lift a lot of content
from the press releases. The content from the press release allows us to create
comprehensive and teachable case studies that include 1,500 to 2,000 words. Each
writer will be different. But our total budget for case studies will be $200.00, pay-
able upon acceptance of a *completed* case study.)

Title:

Defrauding Investors on Public Message Boards

Purpose:

Learn the consequences that follow for people that provide false or misleading infor-
mation to investors.

Welcome Message:

My name is Michael Santos and I'm the founder of Compliance Mitigation. I made
bad decisions during the recklessness of youth. A federal agency began to investigate
me for criminal misconduct. The DOJ indicted me. After a lengthy trial, a federal
judge sentenced me to prison. I served 9,500 days as a federal prisoner. During that
journey, I learned a great deal about government investigations and criminal prose-
cutions. Since my release from prison in 2013, I've been building businesses to help
people understand how to avoid behavior that can lead to government investigations.
Our team offer services to help people develop mitigation strategies that lead to low-
er sentences if they've been charged with crimes.

Objectives:

Upon completion of this Case Study, participants will be able to:

»   Understand aspects of securities fraud;

»   Describe penalties for making false statements;

»   Understand grand jury proceedings.

»   Explain implications of forfeiture laws.

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Intended Audience:

People who work in a business setting.

Common Terms:

Securities Fraud, Making False Statements, Grand Jury, Indictment, Forfeiture

Current State:

When some people face challenges or feel pressure, they seek quick solutions without considering all of the consequences. They do not realize the power that comes with big government. Government agencies will investigate wrongdoing. People that do not view themselves as being "criminals" frequently find themselves being accused of white-collar crimes. In this case, we see a flaw in one CEO's thinking patterns. We also see the consequences that followed.

Future State:

Business leaders should make decisions with a full understanding of how government investigators will perceive them. We want to eliminate instances where people state that they did not know their decisions could result in victims—as government investigators view matters. Knowledge of consequences may result in people making fewer decisions that could make them vulnerable to investigations and prosecutions for white-collar crimes.

Situation:

The Chief Executive Officer (CEO) of a publicly traded company began publishing a series of false and misleading statements on a messaging board. The CEO created an alias in an effort to disguise his identity. Investigators with the Securities and Exchange Commission (SEC) became aware of the CEO's messaging. They launched an investigation. The CEO lied during the investigation.

Federal prosecutors later convened a grand jury. The grand jury voted to return an indictment, charging the CEO with securities fraud and with making false statements. The indictment exposes the defendant to the potential loss of liberty, and forfeiture of his personal property.

Background:

This case study profiles Keith Berman, who served as the Chief Executive Officer of Decision Diagnostics Corp (DECN), a medical-device company based in California. The company traded common stock on the "OTC" market.

All of the information in this background comes from the [criminal indictment against Berman](#).

According to the indictment, Berman misled investors about his own compensation. Prosecutors state that Berman's misrepresentations were "material," meaning that people may have made investment decisions based upon what Berman published.

In early 2020, Berman and his company were experiencing financial difficulties. Berman wrote an email suggesting that he intended to exploit the global pandemic as an opportunity to deceive investors, allowing him "to raise millions."

Berman made false statements about DECN's ability to develop and market a test that would detect whether a person had the coronavirus. He wrote press releases. He misrepresented news that he received from government officials, and he lied about what he learned from his business vendors. Despite a vendor telling Berman that the vendor's product would not detect COVID-19, Berman continued to publish false and misleading information on message investor message boards describing his company.

Berman created a fictitious account in an effort to conceal that he was behind the misrepresentations. As a result of Berman's false and misleading statements, the company's stock price rose by more than 1,500 percent.

Investigators with the Securities and Exchange Commission questioned Berman under oath. Berman lied to the investigators.

Prosecutors convened a grand jury in a federal district court. The grand jury is a group of citizens that listen to evidence investigators gathered to implicate Berman in federal crimes. The members of the grand jury voted to indict Berman for charges related to securities fraud, and to charges related to making a false statement to law enforcement officers. As a result of the criminal indictment, Berman faces the potential loss of liberty for up to 20 years, and he also may lose all of his personal property.

Analysis:

According to the information presented by the government, Berman made decisions with a clear intention to deceive investors. Although he may have lived most of his life as an honorable person, the evidence suggests that he got into financial trouble. Rather than responding to his troubles in an honorable way, he concocted a scheme to pump up the price of his stock. When government officials questioned him, Berman got himself into further trouble by lying in response to questions the investigators asked.

Legislators passed securities laws to protect public markets. Anyone that attempts to manipulate those markets with false or misleading statements may face felony charges. Those charges can lead to decades in prison.

With regard to making false statements, it's important to know that a person does not have to respond to questions from a law-enforcement officer. On the other hand, if a person chooses to respond, he should tell the truth. Lying to a federal law enforcement officer is a federal crime, punishable by up to five years in federal prison—for each lie. A person may face criminal charges for lying to a federal officer regardless of whether the person is under oath.

Keith Berman faces a difficult predicament as a result of the indictment for violating securities laws and making a false statement. The statutory penalty for securities fraud is 20 years in prison, and the statutory penalty for making a false statement is five years in prison. There are fines associated with such convictions, too.

Judicial proceedings that follow will include a plea hearing. In most cases like Berman's, defendants will choose to enter into a plea bargain with hopes of lessening the exposure to punishment. Prosecutors may agree to limit Berman's exposure to prison, provided that he pleads guilty early and works on a mitigation strategy.

If Berman pleads guilty, he will undergo a presentence investigation with a probation officer. The probation officer will complete a report, calculating a "loss amount" that will influence the sentence length.

Berman will have to decide whether he wants to accept responsibility and plead guilty. He may choose to put the government to the test of proving the case to a jury beyond a reasonable doubt. The decision he makes going forward will have monumental influences on his life. Depending on the plea or the outcome of a verdict, Berman could face decades in federal prison and enormous fines.

With all of the evidence the government cited in the indictment, it would seem that prosecutors have a strong case. Like most defendants, he likely will plead guilty

to avoid the downside of being convicted at trial. His best option will be to craft an effective mitigation strategy. That strategy should show the judge that Berman has a full grasp of the crime he committed. His mitigation strategy should show empathy for the victims of his crime, show what he learned from the experience, and help the judge understand what steps he is taking to make things right.

Recommendation:

The criminal indictment charges Berman with engineering a fraudulent scheme that he began at the dawn of the pandemic. Yet the indictment also insinuates his problems began long before he started the fraud. According to paragraph 8 of the indictment, he spent more than $360,000 of corporate funds to use webcams that would allow to participate in live chat sessions with people in foreign countries. Those expenditures likely led him into financial difficulties, putting pressures on him. Crime became a bad response to financial pressures that he created. Then, when confronted with the crime, he made things worse by lying.

Keith Berman's behavior mirrors the behavior of many people who have been convicted of white-collar crimes. They get into a bad situation. Then, normal people turn to criminal behavior, not understanding the consequences.

We recommend more training to profile the personal stories of people that broke the law during the course of business. When people understand how authorities view crimes like securities fraud, or lying to federal officers, they may be more inclined to make law-abiding decisions.

We like to say that people are innocent until proven guilty. At this stage, a grand jury has charged Keith Berman with serious crimes. We'll see how the process unfolds.

Applying What You've Learned:

1. A conviction for securities fraud exposes a person to a sentence of 20 years in prison.

    a. True

    b. False

    Correct Answer: a.

2. A conviction for making a false statement to a federal officer can expose a person to a prison term of ten years.

   a. True

   b. False

Correct Answer: b.

3. When a grand jury makes a forfeiture allegation, a defendant may face the prospect of losing all of his personal property, regardless of whether it had anything to do with the crime.

   a. True

   b. False

Correct Answer: a.

4. In order to be charged with lying to a federal officer, a person must be under oath when he tells the lie.

   a. True

   b. False

Correct Answer: b.

5. Any person has the right to freedom of speech, and may publish anything he wants on the Internet without fear of a government investigation.

   a. True

   b. False

Correct Answer: b.

6. A grand jury will determine whether a person is guilty or not guilty.

   a. True

   b. False

Correct Answer: b.

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7. A criminal indictment may be brought by:

    a. The Securities and Exchange Commission

    b. The FBI

    c. The Department of Justice

    d. A grand jury vote

Correct Answer: d

8. If a person publishes deceitful statements online, the government may start an investigation that can lead to imprisonment.

    a. True

    b. False

Correct Answer: a

Sources:

Press Release:

» https://www.justice.gov/opa/pr/ceo-medical-device-company-charged-covid-19-related-securities-fraud-scheme

» Indictment:

» https://www.justice.gov/opa/press-release/file/1347111/download