

ACFE Round 3

HOME / ACFE ROUND 3



ACFE Key Points & Preamble:

1. *The Association of Certified Fraud Examiners is an association of professionals committed to performing at the highest level of ethical conduct. Members of the Association pledge themselves to act with integrity and to perform their work in a professional manner.*
2. *Members have a professional responsibility to their clients, the public interest and each other, a responsibility that requires subordinating self-interest to the interests of those served.*
3. *These Standards express basic principles of ethical behavior to guide Members in the fulfilling of their duties and obligations. By following these Standards, all Certified Fraud Examiners shall be expected, to demonstrate their commitment to excellence in service and professional conduct.*
4. *This Preamble introduces the Standards for CFES and it serves three functions. First, it describes the commitment CFES make to integrity and professionalism. Second, it describes the ACFE's view of a CFE's responsibilities to clients, each other and society. And third, it explains the rationale behind, and the scope of, the standards. ULTIMATELY, it is the CFE's responsibility to act in accordance with the CFE Code of Professional Standards, taking into account the specific facts and circumstances of their particular case...*

".....a CFE might encounter standards or like requirements that are imposed by other professions, industries or employers, and which cover topics that are also covered by the Standards."

As one local attorney stated, "Tom doesn't fit any industries standards ethics."

"... No explanation can cover every case of situation." I will therefore be replacing words like "fraud examination" within the context of this complaint to that of CAMPAIGN/ ENDEAVOR/ BLUEPRINT/ TOM'S DECLARED INTENT/ at times TOM'S APPROACH WITH AN INVESTOR. Likewise, I will also replace "client-employer" with that of "partner/contractor" in terms of my role.

".....may not include the CFE's opinion regarding the legal guilt or innocence of any person or party.....The reason for this rule is to prevent the CFE from inserting themselves into the role of the judge or jury. The CFE's job in a fraud examination is to present evidence and draw reasonable conclusions from that evidence."

"...there may be situations in which a contingency fee is customary. For instance, contingency fees would be acceptable under the ACFE Code of Professional Standards."

".....The CFE should be cognizant of the potential motives that some witnesses (perpetrator, Tom Gober) might have for lying, which might include motivation to:

- *Cover up their own wrongdoing or deflect suspicion away from themselves.*
- *Act on a grudge they have against the suspected wrongdoer.*
- *conceal information to protect others from getting in trouble.*
- *Protect their own career by not revealing information that could offend or implicate their superiors.*
- *Avoid confrontation.....*
- *Fabricate reasons for terminating the suspected wrongdoer...*
- *See the perceived perpetrators suffer punishment.....*

"..... Certified Fraud Examiners shall be alert to the possibility of conjecture, unsubstantiated opinion and bias of witnesses and others.

".....CFES owe to their client/employers to operate within the bounds of the law of their jurisdictions, to exhibit high standards of professionalism and to be thorough in the performance of their duties.

".....The requirement that a CFE should act in a legal manner is similar to Standard III.A.5, which states that CFES "shall not commit criminal acts or knowingly induce other to do so." The obligation to act legally under this Standard not only reinforces the rule that CFES shall not commit criminal acts, but it serves to bar other types of illegal behavior as well. While this type of tortious conduct is not covered by the prohibition against criminal acts in Standard III.A.5, it would constitute a violation of this Standard because the conduct would still be deemed illegal. Negligent conduct is not generally deemed to constitute illegal conduct under this Standard; the CFE must have acted intentionally, knowingly, recklessly or with gross negligence.

".....based on appropriate evidence, they should be mindful that Article Five of the ACFE Code of Professional Ethics specifically prohibits CFES from expressing opinions "regarding the guilt or innocence of any person or party." For guidance on this prohibition, refer to Section V.B.2 of this document.

".....At the outset of an ENDEAVOR BASED ON THE CFE'S DECLARED INTENT, this CFE should communicate with their PARTNER/CONTACTOR to ensure that there is mutual understanding regarding the scope, expectations, subject matter, compensation, deliverables and other key issues concerning the END PRODUCT. This Standard is designed to help preclude disagreements or confusion as to the nature, or the expected outcome, of an engagement. Issues to be addressed in reaching an understanding about the scope and limitations of the fraud examination (ENDEAVOR/ CAMPAIGN BLUEPRINT).

".....if the CFE becomes aware of an ongoing fraud and is obligated by statute to report the crime.

"..... a matter of best practice it is suggested that CFES document the understanding in a formal written contract or a client engagement letter. However, oral agreements are not prohibited by this Standard. Furthermore, it is recognized that in some circumstances it might not be practical to have a written understanding of the engagement..... with an oral agreement or oral instructions from an employer, it is a good idea for the CFE document their understanding of the agreement or assignment and make reasonable efforts to communicate their understanding of the engagement to the client/employer.

"..... The question of whether a CFE had adequate professional competence to accept an engagement is one that should be focused on the CFE's good-faith assessment of their knowledge, skills and experience at the time the engagement was accepted, not after it has been completed.

".....Section 5.07 of the ACFE Bylaws defines a crime of moral turpitude as "one that calls into question the integrity and judgment of the offender and includes but is not limited to offenses such as bribery; fraud; corruption; solicitation; embezzlement; theft by a fiduciary or trustee; or theft by trick, deceit or false pretenses".

".....Certified Fraud Examiners shall conduct themselves with integrity, knowing that public trust is founded on integrity. CFES shall not sacrifice integrity to serve the client, their employer or the public interest"

".....The concept that CFES should conduct themselves with integrity means that CFES should behave honestly and straightforwardly toward their clients/employers. They should deal fairly with clients/employers and should not knowingly provide clients/employers with information that is materially false or misleading. CFES should be mindful that the integrity they exhibit reflects not only on them, but also on the ACFE and the anti-fraud profession in general. If a CFE fails to act with integrity, then public confidence in that CFE and in the ACFE itself might be diminished.

".....The requirement to act with integrity applies both to the conduct of the fraud examination and to the underlying engagement between the CFE and their client/employer. For instance, a CFE would be found to exhibit a lack of integrity if they deliver a fraud examination report that they know contains materially false or misleading statements, contains information that was furnished recklessly without regard for its accuracy or omits material information that causes the report to be misleading. Similarly, if a CFE were to knowingly overbill a client or falsify expenses in connection with an assignment, this would also show a lack of integrity.

".....the CFE's specialized knowledge, skills and expertise might make them particularly qualified to assist a layperson - whether it is a client/employer or a jury in drawing conclusions from the evidence at hand.

"..... Certified Fraud Examiners shall maintain the minimum program of continuing professional education required by the Association of Certified Fraud Examiners. A commitment to professionalism combining education and experience shall continue throughout the CFE's professional career. CFES shall continually strive to increase the competence and effectiveness of their professional services.

**** Tom Gober's Refusal to Speak to a Security Compliance Officer or to be held Accountable to Anyone:****

Let's pick up with Tom Gober's clairvoyant panhandling of hedge fund manager, David Einhorn of Greenlight Capital, regarding Leon Black formerly of Apollo Management. I'll be touching on this at throughout my report; but needless to say, Tom's inventive sales approach was followed by unwittingly prodding David into compromising security compliance laws.

Afterwards, Tom played Judge and jury by disavowing David as unethical and me as well because I could not tolerate the fact that approaching Einhorn with Apollo was a test to see that David agreed with his findings and could be deemed pure of heart. The fact that this approach did not work caused great embarrassment for Tom as it happened in front of me and because he was a CFE not capable of changing his stripes to that of a salesman. To be clear, the end goal was simply to set a phone call between David and an attorney of Tom's choice who could then take it from there.

Things go from bad to worse.....

TOM GOBER'S refusal to speak to a **Security Compliance Officer** friend of mine was effectively his **(1.)** inability to grow as a CFE and to **(2.)** Deny accountability in order to **(3.)** justify breaking his own industry's code of ethics, not to mention what would in many states constitute a contractual obligation.

This is ESPECIALLY disconcerting when TOM's pissing-off investors, lawyers and insurance regulators whose constant complaint is his inability to think outside of his own accounting ethics as it relates to investor ethics which then hinders Tom's ability to understand how not to waste people's time, ie almost 4 years of my life.... The attorney and the regulator who said this were two people to whom I had sent Tom AND for whom Tom had later lied to me in regards to not bringing David Einhorn to the table because he had to first hear David say that "he found value in their original meeting". That was a total fabrication wrapped up into Tom's warped reasoning.

BOTTOM LINE: A lack of education in terms of security compliance laws does not excuse such childish behavior as displayed by Tom when he told David Einhorn, "I worked all weekend on this and thought you would see where it was going and decide to help us out". Tom's old friend Mary Williams Walsh of the New York Times laughed when she heard this and was disgusted when she heard that Tom paid me nothing before ultimately pulling a disappearing act and playing the pious victim in the process. Tom displays nothing but a lack of common sense, competence & courtesy for people who have been on his side from the start. Tom is not a team player and when you're not a team player then you cannot actually care about the policyholders.

FAILURE TO REPORT MAJOR FRAUD: Due to Tom's temper tantrum against David Einhorn AND a spiteful power kick towards myself, this CFE has effectively failed to report \$430 billion dollars in reinsurance fraud among 45 US insurers alone within Apollo Management committed under Leon Black's leadership. What makes it worse is that TOM had people who were willing to help him rail against the system, but he turned it down just so TOM could, as the lobbyist said, "(Tom) sit on a pot of gold, but doesn't want to share" because Tom isn't just cheap, he wants to hold people under his thumb then play the martyr.

This is a provable fact as seen in the gallery of evidence (www.DaveEinhorn.com) including Tom & David's post-Apollo meltdown emails & the November 2019 emails in which Tom acted like I was harassing him simply for informing him of new investors who were anxious for TOM and Dee Miles, along with the lobbyist, to

come up to New York so they could see how all of his cases could fit into one campaign.

*******What TOM Gober STILL Owes ME and the Policyholders:*******

In November of 2019, Tom was intentionally evading his obligations to me by abandoning his storefront hustle and isolating himself at home wherein he focused on his crusade to send one man, **Greg Lindberg**, to prison while never seeing the irony that he— **Tom Gober, CFE**— had no business on any witness stand convicting somebody else of being a con artist without taking the first step into the same prison cell. This is why I contacted EstrichGolden, attorneys for both Leon Black and Greg Lindberg to let them know have an unfit witness was being used against their clients. If Andrew Cuomo had to step down for sexual allegations, Tom Gober has no business on any witness stand unless his facts are owned by investors, third-party verification is rigorously enforced and he honors his golden word as it pertains to our campaign endeavor which I spent 4 years on for the benefit of all including the policyholders at large.

Tom Gober's lack of accountability towards the investors he solicits is tied closely to his deliberate & possibly premeditated refusal to honor a sworn agreement with me. **The reason is obvious:** Tom didn't want to see me get paid so he could keep me jumping through hoops OR dispose of me at whim. His outright deceit & concealment when confronted w/any questions by his own attorneys OR his deniability with his refusal to speak to a Security Compliance Officer **BOTH** stand as proof that TOM GOBER feels above the law & above reproach.

CONTRACTUAL OBLIGATION: Tom Gober's sworn agreement with me stands not only as an oral contract, but it's also an agreement that would have served as an implied contract in the state of Virginia if only there had been solid, compensatory figures involved. The CFE Standards of Ethics looks more closely at what is viewed as knowingly immoral in nature; therefore, earning a lack of credibility & a lack of trust towards the profession if not the ACFE itself. This has been true in my situation as Joseph T. Wells and Jacob Parks have not acted in good faith; but rather, in bold-faced deceit.

TOM would email me hellacious things like "*my word is gold and without it I'm nothing*" and "if I ask him again about a contract or about marketing a book (which I never signed up to write) then I'll never talk to you again" even though I was working for free. This was said to me after almost 3 years of working with Tom on a contingent basis and it's the reason why the lobbyist had said that Tom makes investors feel like they're on shaky ground OR Tom wants something for nothing. This was something I eventually repeated to Tom for which he then vowed to never speak to me again because in his mind this wasn't true despite demonstrating it on me at that moment. Anyway, I found this "golden word" to be very strange being that Tom signs contracts with his own attorneys and because he had me sign a confidentiality agreement within the context of the Blue Cross Blue Shield of Alabama case.

I had drafted a rough draft of a contract with payment terms being loosely defined, *whereas the actions were written in stone in terms of moving forward with big law, big investor and big lobbyist*. TOM agreed to it, but would never sign it— *very passive-aggressive!* Tom's original oral and written declared intent for an "all out" **extravaganza** was emailed to both myself, to Dee Miles of BeasleyAllen & to Mary Williams Walsh of the New York Times and can be found in the gallery of evidence on my website. More importantly, it was the terms of our engagement. As CFE standards of ethics states, it's not always practical to have a written agreement and in terms of payment structure this applied as you will read momentarily.

BOTTOM LINE: It's the enactment of the agreed upon **final product** for which Tom still owes me— **unless** Tom's admitting to the ACFE that he engaged me under false pretenses in order to get close to me and thus unconscionably waste my time Unless somebody can volunteer another reason... Actually, Tom effectively admitted ALL this to DEE MILES when he claimed that almost 4 years of my life— which he stole from me by pulling a disappearing act at the finish line— was just "*theory*", but this seems to go over people's heads!

Reality check, no single, struggling woman hangs out with TOM GOBER for almost 4 years just because they like to "armchair theorize" with Tom at Starbucks. Keep in Mind that Tom is approaching billionaire investors with claims & evidence of fraud while speaking on behalf of his attorneys that their services would be allied to that of the lobbyists AND investors. Clearly, facts are fluid with this man as he makes people see and unsee what's not right in front of them. This makes TOM unfit to serve as anyone's witness much less his own. CFE Standards of Ethics warn about these CFEs who abuse their influence to make the laymen see and unsee .

So either Tom lied to me or he lied to Dee, those are the only two options.....The truth is Tom lied to Dee to spite me for telling him that he could not push investors into compromising compliance laws in order to appease his own ego and "moral" litmus test then disavow them which would eliminate any possibility of me ever getting paid because Tom wouldn't & couldn't do it himself. TOM's too busy looking for a free meal & someone else to do the heavy-lifting before he ultimately grows bored at which time he plans his escape. I've only I could talk to the student videographer who came before me. This is a predatorial pattern for a Tom Gober who uses his job as a fishing lure in the same fashion as any storefront hustler.

Tom ABSOLUTELY understands that his actions are unethical and ultimately a betrayal to the policyholder— NOT just to me, his tireless supporter & handler. The proof for this statement is in TOM's refusal to sign a contract which would have locked him into having to deliver on his supposedly "golden word" despite receiving *everything* he asked of me and ever dreamed of. Obviously, this refusal allowed Tom to hold ALL the cards which would enable him to act as deceitfully, inappropriately & at whim. dictated. Nothing exemplifies this more than Tom knowingly and deceitfully lying to Dee Miles, his go-to attorney, regarding cases for which he had approached (panhandled) lawyers, investors & lobbyist with claims & evidence of fraud. YET, Tom turns away his lead attorney from the AIG civil suit who was anxious to get started immediately?!?!

..... but there's also Tom Gober's darker motive or side hobby of tormenting me by smirking & saying things like, "*Well, I guess you don't want to work with me anymore*" just to see how much I could tolerate in his sadistic attempt to discourage me from asking questions regarding timelines, his basic understanding of "marketing", the senselessness of the book I never signed up to write OR contracts to protect me from his erraticism.

This erraticism is why I had to rely on a proven lobbyist With ties to the senate to take the reins as I was walking on eggshells with a CFE who would be dismissed from duty in the real world, but Tom had secluded himself with his one-man shop where he could effectively hide from the rest of the world. What I got instead was a lobbyist who left it in my hands to bring on the billionaire investors while he amused himself on another campaign then kicked himself later for not making the approach to David Einhorn after hearing how Tom clairvoyantly panhandled David then proceeded to disavow investors in general for being "all about the money" **then disavowed me** for being ungodly as I supposedly defended David which justified the TOTAL STONEWALLING of any contractual obligations owed me or even moral ones at that. **NOTE: Once again CFE standards of ethics are aligned with not allowing people like Tom to act as judge and jury, especially when their own moral compass is so skewed.**

Either way, the enactment of my plan to make Tom's dream a reality in terms of exposing the biggest, white-collar fraud scheme of all time, **Reinsurance Fraud Schemes**, followed by enacting effective, lasting change would not happen by Tom modeling himself after his 93-year-old mentor's dry, dull & anonymous blog. The change would only happen by fighting big fraud with big investors, big lawyers and big lobbyist who have the media at their fingertips.

Greenlighting the "launching phase" is the real crux in terms of payment or a "watershed" moment. As Tom Gober said, "when the dominoes fall (meaning the big insurers) I'll just give you millions of dollars." This was "a guy line" when I heard it, yet at least somewhat achievable for somebody like myself given Tom Gober's track record with big law whose network would have to then be heightened through a collective of professionals on the same par as them, but with a

different niche.

I am totally validated in saying this as TOM'S attorney, DEE Miles, was not only eager to begin the next day, but had always wanted to do something like this, but didn't think it could be done. Likewise, Parker Quillin of Third Point Financial was my other validator. Needless to say, Dee's career could have been taken to new heights as I assembled a "dream team" type of coterie all at Tom's behest who were working for Tom & literally around him until it was time for Dee to talk him down from his post-Apollo, David Einhorn meltdown.

COMPENSATION: I've never had my hand in Tom's pocket as Tom engaged me on contingency which is the same "watershed moment" angle he applied with my lobbyist and with his own attorneys. This watershed moment is also what Gober reinvented as "only theory" by outright lying to his own attorneys, *attorneys* who had already engaged the investors while still aware that they had to talk Tom down from a bruised ego. These are also the same attorneys who Tom claimed never paid him in a timely manner therefore Tom couldn't even throw me a nominal amount for the work I was putting in which meant it made perfect sense for him to begin evading me and phasing me out. **NONE OF THIS IS ETHICAL BEHAVIOR COMPLIANT WITH CFE STANDARDS!**

Nonetheless, the watershed moment Tom was referring to was a compilation of payment streams which was easily inferred by both myself, the lobbyist and the attorney. For myself, a collective of investors would be one form of compensation, a class action suit for my Genworth policy was another, and all else is what the attorney had described as "we flush it out when we all get together in New York" which I already knew, but at least he confirmed it as we discussed a bipartisan reinsurance caucus involving the lobbyist.

This bipartisan reinsurance caucus was a dream for both the attorney and for Tom; *not to mention*, it would have been the ultimate feather in the cap for the lobbyist. Again, this was something that was added to the list of achievable requirements which I took upon myself and for which I was on the threshold of delivering with the deliverables being at least a chance at the "brass ring". Selling this campaign to the biggest, hedge fund managers AND to 9-figure settlement attorneys was the easiest thing I've ever done in my life. **EVERYBODY** wanted to do this campaign until Tom sabotaged almost 4 years of my work AND his own life's, unfulfilled dream & mission to the policyholders *ALL out of spite*..This is a dangerous, erratic man who has thrown every rulebook in existence out the window!

My finished product to Tom was a blueprint that came complete with the biggest hedge fund managers in the world whose previous legal reps had failed them in terms of taking on big insurers which is where Tom's own attorneys- *who had been promised-in unbeknownst to them-* were eager to forge ahead with these investors along with a lobbyist who stated, "*Congress before Hollywood*".

Bottom Line: TOM GOBER solicited me over the course of almost 4 years to bring about his dream, **extravaganza** and I delivered beyond his wildest expectations by moving mountains and assembling a dream team. NOW, this malignant narcissistic nerd on a sick, control kick needs to deliver....

CONTACTING TRIXIE

✉ E-MAIL: saynototom@outlook.com



DISCLAIMER:

Please contact me with any professional questions or concerns regarding David or Tom to the email address listed

Truth is on my side. Therefore, note that there are absolutely no effective threats or actions that can be taken against me as they will be ignored & regarded as the ravings of exposed thugs. I WILL NOT BE BULLIED!

Our Visitor

Fundraiser by Trixie Russell : Big Insurer, Bigger Fraud & the Biggest Crooks

https://www.gofundme.com/f/big-insurer-bigger-fraud-the-biggest-crooks?utm_campaign=p_cf+share-flow-1&utm_content=undefined&utm_medium=copy_link&utm_source=customer&utm_term=undefined

