

## **DAVID N. BATEMAN**

Mr. Bateman is a managing member with Rocky Mountain Advisory, LLC, and has over fifteen years of experience in public accounting. He has worked primarily in litigation support and fraud investigations. He has also acted as a Special Master and as the accountant to receivers on numerous matters. Mr. Bateman is a Certified Public Accountant, Accredited in Business Valuation, Certified in Financial Forensics and is a Certified Fraud Examiner.

### ***Employment History***

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March 2010 to present	Rocky Mountain Advisory Salt Lake City, Utah Managing Member
November 1998 to March 2010	PricewaterhouseCoopers LLP Salt Lake City, Utah Manager, Dispute Analysis & Investigation
November 1995 to November 1998	First Security Bank, N.A. Salt Lake City, Utah Commercial Loan Workout Department

### ***Education***

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University of Utah, Salt Lake City, Utah  
Master of Professional Accountancy, 1999

University of Utah, Salt Lake City, Utah  
BS Accounting, 1998

### ***Professional Credentials***

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Certified Public Accountant/Accredited in Business Valuation/Certified in Financial Forensics –  
Licensed in Utah  
Certified Fraud Examiner

### ***Professional Memberships***

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American Institute of Certified Public Accountants  
Utah Association of Certified Public Accountants  
Association of Certified Fraud Examiners

**Description of Cases**

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**Investigations/Receiverships** Investigated numerous whistleblower claims at a national laboratory over the course of several months. Nature of claims varied from contractor improprieties to expense report fraud. Conducted over 20 interviews and drafted reports of findings in each case. Also set up a database system for the laboratory to track whistleblower claims.

Investigated and quantified an employee embezzlement scheme in which more than \$4,000,000 had been taken as kickbacks and other inappropriate fees and an additional \$10,000,000 lost due to a breach of fiduciary duty. Prepared affidavit detailing the mechanics of the scheme.

Acted as accountant to a receiver in tracing over \$30,000,000 in investor funds in an alleged Ponzi scheme. Testified as to indicia of a Ponzi scheme and cash tracing in a clawback matter.

Assisted with an administrative audit related to allegations of fraud and embezzlement at various businesses operated by a Native American tribe.

Investigated in coordination with client's internal audit, claims made at a division of a non-public company. Interviewed individuals including the CEO, CFO, and general counsel. Prepared report summarizing all findings and recommendations and assisted in presenting findings to management.

Assisted with an accounting analysis for a publicly traded company to verify internal calculations of underaccruals in preparation for filing the company's 10-K. Assisted in presenting findings to the company's audit committee.

Assisted with investigation into vendor gratuity issues at a publicly traded client.

Performed investigation into travel and entertainment reimbursement improprieties at a publicly traded client. Investigation uncovered duplicate payments for expenses and systematic abuse of corporate policy by the Chairman of the Board, CEO and CFO.

Led an investigation into embezzlement the controller of a hotel. Uncovered thefts amounting to 10% of the company's annual revenue.

Worked on three separate cases involving losses related to the ATM industry. Traced the flow of funds in excess of \$400,000,000 to determine losses of approximately \$4,000,000.

Assisted on investigations of embezzled funds totaling over \$1,000,000 for a mortgage company owned by a large regional bank.

Assisted in the investigation of an intentional misstatement of revenue by the CEO of a publicly traded company resulting in a restatement of the company's 10-K and the dismissal of the CEO.

## **Litigation**

Assisted the SEC and a Receiver with a cash tracing investigation related to an off-shore investment company.

Testified in an arbitration as to the lost profits related to a misappropriation of a trade secret, fraud and breach of fiduciary duty.

Rebutted a lost profits calculation relating to a breach of contract claim in a retail industry and deposition testimony regarding same.

Testified in a criminal tax matter as to the estimated taxable income of the defendants over a period of four years.

Testified in a civil matter regarding calculations of amounts due to owners in a partnership dissolution.

Assisted in arbitrating a purchase price dispute by reviewing position papers prepared by each party and performing independent analysis to determine a final position.

Assisted with both an affirmative and defensive case regarding a \$15,000,000 construction delay claim.

Assisted in personal financial analysis relating to the defense of two individuals accused of bribery.

Assisted in data analysis and report preparation for arbitration relating to a dispute with claims totaling over \$18,000,000 between partners in a joint venture.

Analyzed records of six interrelated real estate development companies and verified the relationship of expenses incurred to each development. Testified as to the treatment of certain funds as capital contributions and in matters related to the value of the business.

**Bankruptcy**

Acted as accountant to a debtor-in-possession in a Chapter 11 bankruptcy case. Duties included assistance with first-day motions, analysis of cash collateral, budgeting and forecasting, and compliance with reporting requirements. Testified as to the feasibility of cash projections.

Acted as special accountant to a Chapter 11 trustee. Testified as to a potential fraudulent conveyance of equipment to a related party.

Prepared a rebuttal to a solvency analysis in an adversary proceeding in Chapter 7 bankruptcy.

Prepared numerous solvency analyses for clients in both Chapter 7 and Chapter 11 bankruptcy.

Assisted with distributions to unsecured creditors relating to the bankruptcy of a chain of restaurants.

Assisted with claim analysis and distribution to all creditors of a real estate investment company.

**Other**

Acted as controller for twelve subsidiaries of a large, international mining company. Duties included preparing financial statements, assembling information for the tax returns, and preparing other reports relating to mine reclamation.

Conducted numerous audits of accounts receivable and inventory being used as collateral by creditors of a large regional bank.

Managed a portfolio of over 200 loans as part of a public services engagement. Duties included credit analysis, loan workouts and coordination of legal remedies.

***Additional Education***

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Mr. Bateman has over 150 hours of additional training in the areas of valuation and damage analysis, over 100 hours of additional training in the area of bankruptcy and over 200 hours of additional training in fraud investigation.

***References***

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Available upon request

**Contact David Bateman at:**

Rocky Mountain Advisory  
215 South State Street, Suite 550  
Salt Lake City, UT 84111  
801.428.1603 (Direct Line)  
801.428.1611 (Fax)  
[dbateman@rockymountainadvisory.com](mailto:dbateman@rockymountainadvisory.com)