

FINANCIAL CRIME CONSULTING

We have assisted a variety of financial services firms around the globe, including international investment banks, international commercial banks, broker-dealers, clearing firms, hedge funds, private equity and venture capital funds, and domestic and regional commercial banks, along with a variety of financial technology and cryptocurrency firms.

BSA, AML + Sanctions Compliance

Federal and state regulators have increased enforcement of the Bank Secrecy Act (BSA) and the rules and regulations of the Office of Foreign Assets Control (OFAC). We provides teams of subject matter experts to develop compliance plans and perform critical monitoring of anti-money laundering (AML) and economic sanctions programs. We have expertise supporting traditional financial institutions and financial technology companies, including hedge funds, credit providers, money service businesses, cryptocurrency companies, and residential mortgage loan originators (RMLOs).

Services

- Analyze vulnerabilities and develop a compliance program to address risks
- Conduct or support internal investigations, including support for law firms
- Serve as subject matter expert for specialized investigations
- Review and assess internal controls for BSA reporting requirements, currency transaction reports, suspicious activity reports, and OFAC issues
- Conduct a look-back on identified transactions
- Serve as Project Management Office for a technology project, including developing an RFP, assisting the firm in the selection of technology and assisting in implementation
- Assist with review of proposed voluntary disclosures or other complex research/investigations
- Establish/review/audit anti-money laundering programs

FCPA + UK Bribery Act Compliance

No company that does business outside the United States can afford to be ignorant of the requirements of the Foreign Corrupt Practices Act (FCPA) and the UK Bribery Act. Broadly speaking, the FCPA prohibits U.S. nationals, incorporated entities, and their agents from giving money or anything of value to a foreign official to obtain or retain business. The broader UK Bribery Act prohibits bribes paid to any person to induce them to act improperly and is not limited to foreign officials.

FCPA prosecutions and investigations have skyrocketed in recent years and the U.S. Department of Justice has made it clear that it intends to step up its enforcement efforts even more. The Department has advised that “to avoid being held liable for corrupt third party payments, U.S. companies are encouraged to exercise due diligence and to take all necessary precautions to ensure that they have formed a business relationship with reputable and qualified partners and representatives.”

Our team is expert in navigating through the minefield of the FCPA and the UK Bribery Act and offers a comprehensive range of services meant to ensure that a corporation, its directors and employees deal only with worthy and qualified partners and agents. First, at the ground level, we can design and implement an effective program – or review and improve on an existing program – that promotes ethical conduct and minimizes the risk of bribery law violations. Our internal controls consulting can ensure that your company is in the best position to minimize the risk of violations. Moreover, a cornerstone of our services is our due diligence and vetting of suppliers, distributors and other third parties. We help you identify red flags before conducting business with these entities or individuals.

If an FCPA or UK Bribery Act issue does arise, our worldwide network of investigators, auditors and attorneys have the experience, skills and maneuverability necessary to investigate and analyze violations in all corners of the world. Finally, our team can serve as an independent monitor of companies that have been found to be in violation of these regulations and have entered into settlement agreements with government agencies. As the monitor, we help companies identify vulnerabilities in their existing anti-bribery programs and implement best practices to minimize the risk of future violations.

Financial Investigations + Forensic Accounting

In today’s increasingly sophisticated and regulated business world, your approach to preparing and disclosing financials can be just as telling as the numbers themselves. The pressures of an economic downturn, a misguided drive to live up to market expectations or just plain greed can lead to fraud, expropriation or other financial malfeasance that may not be readily apparent. These financial threats can devastate your business or potential venture if left undiscovered or unchecked.

We ferret out fraud, financial manipulation or misrepresentation, accounting irregularities, or any other financial misconduct, whether in support of investment due diligence, litigation, internal investigation, asset recovery, mandated monitorship, or in other contexts. Working in tandem, our investigators and forensic accountants help you identify, understand and address both simple and complex financial malfeasance. We will follow the money so you can make informed decisions that lead to results.

Fintech + Regtech

Financial markets have evolved from traditional banks and investment funds to include payment processing companies and cryptocurrency businesses. These financial technology firms (FinTech) need to thread the needle to comply with traditional regulatory requirements while continuing to innovate in ways not contemplated when those regulatory requirements were created. Both traditional financial institutions and FinTechs require the latest technology and

software solutions to close compliance gaps with maximum efficiency, and they are turning to regulatory technology businesses (RegTech) for support. As this technology evolves, so do regulatory expectations about the capabilities of compliance functions to detect and prevent illicit conduct.

Guidepost Solutions, in conjunction with financial technology compliance consulting firm FINTRAIL LTD., launched [FINTRAIL Solutions LLC](#), a financial crime consultancy practice, to address the unique needs of North American FinTech and RegTech firms.

[FINTRAIL Solutions](#) was specifically created to assist FinTech and RegTech firms with risk management and navigating the uncertainty that comes with future regulations.

Services include:

- Support for legacy businesses seeking transformational services, RegTech companies in need of risk mitigation expertise, and FinTech firms operating in or entering the North American market
- Building risk focused, compliant and commercially intelligent anti-financial crime frameworks
- Independent anti-financial crime audit and internal assurance services
- Remediation services to address anti-financial crime issues
- Investigations, forensic accounting and cyber response to respond to internal issues and regulatory matters
- Due diligence and research to make informed business transaction decisions and confident hiring choices
- Security consulting to address physical, operational, and technology risk
- Access to a North American FinTech FinCrime Exchange (FFE) for collaboration on best practices

Risk Assessments

We assist businesses seeking to proactively assess risk and ensure that their compliance programs are effective and will support future growth.

We perform ethics and compliance program reviews and gap analyses to measure existing policies and procedures against best practices and in the context of applicable regulations. This includes testing to ensure compliance cascades to all business lines in domestic and foreign locations and is implemented properly; conducting on-site testing of transactional monitoring and client screening, sanctions filter management, and alert dispositioning; and assessing the effectiveness of the governance framework and permanent controls, adequacy of sanctions training programs, and the use of manual sanctions screening related to trade finance and other operations. Such an analysis also takes into consideration the potential risks associated with third-party relationships, such as suppliers and services providers.

The results such a review may indicate gaps or deficiencies in a company's compliance program, such as potential regulatory violations and incomplete data security requirements. By identifying gaps, corrective action can be taken proactively to mitigate risk.