



Tony Wayne, CPA, CVA, CIRA, CFF, FCPA

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Summary: Experienced expert witness, forensic financial professional, business appraiser, litigation support consultant

Education:

- B.S.B.A., University of Kansas.
- M.B.A. and Executive Fellow Rockhurst University.

Certifications:

- Certified Public Accountant with live permit to practice (MO)
- Certified Insolvency & Restructuring Advisor (AIRA)
- Certified Valuation Analyst (Business Valuation-NACVA)
- Certified in Financial Forensics (AICPA)
- Forensic CPA (Forensic CPA Society)

Former Advisory Board Member: Served for five years with Center for Industrial Research & Service (CIRAS)-Manufacturing Extension for the School of Engineering, Iowa State University.

Current Member: Fraud Task Force and Small Business Reorganization Committee-American Bankruptcy Institute.

Association Memberships:

- AICPA Forensic and Litigation Services Practice Section
- Forensic CPA Society
- American Bankruptcy Institute
- Association of Insolvency & Restructuring Advisors
- Turnaround Management Association
- National Association of Certified Valuation Analysts
- Association for Corporate Growth

Career Summary:

- Successfully co-founded IronHorse LLC, a specialty financial/business services firm with practice concentrations in complex financial/operational restructuring and insolvency, business valuation, forensic accounting, litigation support.
- Adjunct Assistant Professor of Accounting-Johnson County Community College, Rockhurst University.
- Served as litigation support consultant, consulting & testifying expert, court-appointed receiver, forensic accountant, and business appraiser in a wide variety of highly complex litigation engagements.
- Case experience includes family law, complex commercial and financial litigation, lost profits damages claims, fraud actions, shareholder disputes, insolvency proceedings. State as well as federal court experience.
- Experienced in mergers, acquisitions and divestitures. Led due diligence of several successful acquisitions. Buy as well as sell-side valuation advisory.
- Industry expertise includes extensive manufacturing and distribution, alternative energy, specialty energy contracting, energy retail, commercial finance, automotive after-market, building materials wholesale and retail, construction, commercial printing, technology, real estate development, holding companies, wireless wholesale & retail, hotel & hospitality, and various service industries.
- Extraordinary evidence compilation, organization & presentation capabilities.
- Award-winning technical publisher & presenter.

Career Highlights & Representative List of Assignments:

- **Developed IronHorse Diagnostic Analytic Template:**
 - Extensive financial, operating and financial reporting diagnostics with emphasis on horizontal and vertical volatility indicators. Extremely effective in identifying potential irregularities, misstatements, and other attempts to disguise malfeasance, unauthorized resource diversions, and other accounting and reporting weaknesses.
 - Used in forensic examinations, solvency assessments, credit evaluations, business valuations, and due diligence and various other audit engagements.

- Selected by regional Midwest community bank chain to train and equip their credit analysts to conduct collateral examinations, perform fraud prevention techniques, and to monitor financial reporting and performance of their commercial borrowers.
- **Uncovered \$ 27 million borrowing base certificate and bank reporting fraud:**
 - Phony customer invoicing scheme orchestrated for a period in excess of three years.
 - Inflated accounts receivable and reported eligible collateral.
 - Discovered special suffix used in invoice numbering system to segregate and isolate falsified from legitimate invoices.
 - Identified in excess of \$ 3.5 million in resources diverted to CEO, his staff, and other insiders.
 - Public records searches and other investigative techniques revealed extensive web of outside business and personal relationships, in excess of 12 related party entities controlled by common ownership, registered agent and officer affiliations.
 - Findings instrumental to various recovery actions, claims and civil/criminal proceedings.
- **Conducted comprehensive, multi-faceted and complex forensic investigation of publicly traded homeland security company:**
 - Engaged by and reported to Chairman of the Litigation Committee of the Board of Directors.
 - Currently a party to a \$ 1 billion intellectual property infringement action with a Fortune 100 firm.
 - Identified extensive apparent federal and state securities regulatory violations
 - Findings revealed over \$ 15 million in unauthorized issuances of securities in an elaborate stock pump scheme.
 - Documented in excess of \$ 10 million in corporate funds diverted and converted for unauthorized personal gain and to the benefit of the CEO and various personal creditors and business associates of his.
 - Accounting and reporting regularities to cover the fraud resulted in a \$ 17 million over-statement in assets and net worth, implicating the partner of a top-ten U.S. accounting firm.
 - Documented through both physical and recorded evidence material misstatements, material miss representations and material omissions used to induce investors to make \$ 6.5 million in private placement debt financing to fund intellectual property litigation. Resources were diverted to fund insider payments, past due obligations and other service providers.
 - Key perpetrator currently serving 30-month sentence in Yankton, SD.
 - Fraud findings valued at in excess of \$ 50.
- **Discovered and documented \$ 1 million embezzlement and \$ 2.5 million borrowing base fraud:**
 - Hired by and reported to controlling investor group.
 - Identified 8-10 outside business entities controlled by general manager (perpetrator).
 - Obtained, analyzed and documented extensive physical and documentary evidence, including:
 - Bank statements, canceled checks, and other bank transaction documents.
 - Personal and business records of perpetrator (Various QuickBooks files).
 - 440+ theft transactions.
 - Resource diversion included payment of personal creditors, numerous outside business creditors, unauthorized payments directly to the perpetrator and various family members.
 - Laundered transactions through his various companies and through a series of exotic and luxury vehicle transactions, real estate transactions and floor plan arrangements.
 - Findings were instrumental in criminal conviction and restitution agreement.
 - Worked closely with Johnson County, KS District Attorney Office.
- **Investigated and documented \$ 16 million private placement investment fraud:**
 - Series of investments made in four hotel property developments, and large-scale hotel/convention center project.
 - Numerous state and local incentive agreements violated re restricted use of investment proceeds.
 - State sales tax credit investment sale proceeds diverted to other than approved uses, jeopardizing legal utilization of tax credit off-sets by purchasing investors.
 - Investment funds diverted to settle defaulted private jet loans held personally by promoter.
 - Extensive comingling of investor proceeds, diversion of proceeds to other ventures managed by promoter.
 - Findings led to settlement of claims by our client and transfer of controlling interest to him in only profitable, solvent venture managed by promoter.
- **Uncovered extensive borrowing base and financial borrowing base fraud involving \$ 35 million specialty tobacco distributor.**
- **Involved in numerous other borrowing base, bank reporting forensic investigations.**
- **Extensive business valuation, litigation consulting engagement experience:**
 - Family law cases.
 - Commercial & industrial loan file reviews, field exams & credit administration engagements.
 - Sell-side & buy-side M & A support.
 - Court appointed receiver to wind down affairs, investigate allegations of unauthorized insider transaction in ownership. dispute/litigation impasse case.
 - Adversary proceeding in U.S Bankruptcy Court alleging lost profits claim due to alleged Section 363 asset purchase transaction fraud.
 - Derivative shareholder actions.
 - Solvency & intangible asset impairment analyses.
 - C & I lender recovery actions.
 - Multiple lost profits damages litigation cases.
- **Responsible for comprehensive commercial & industrial lender loss prevention & recovery training for \$ 16 billion Midwest financial institution.**

Recent Publications & Presentations:

- National Business Institute, Overland Park, KS, *Buying a Business Start to Finish*, May 2015.
- K.C. Bankruptcy Bar Association, *Pre-Bankruptcy Cash Collateral Issues, Financial Statement Analysis, and Ethics*, June 2015.
- Consultants Training Institute, *A Case for the Cards: Using Value Inference Indicators as an MLB Executive Organization Scorecard*, May 2015 webinar.
- Consultants Training Institute, *Valuing a Dream: Dream-Lost Profits Damages for a Development Stage Start-Up*, San Diego, CA, December 2014.
- *A Case for the Cards: Using Value Inference Indicators as a Scorecard for MLB Executive Organizations*. **The Value Examiner, September/October 2014**. Distinction of being awarded as one of Top Five 2014 articles.
- *Making Deals in the Wild, Wild West: Going-Concern Enterprise Transactions in State Court Receivership Proceedings*. **July 2014 ABI Reorganization Committee Newsletter**.
- *Interview Published in Sector Spotlight: Insolvency, Turnaround & Restructuring*. **Acquisition International, August 2013**.

Recent Relevant Continuing Professional Education & Development:

- October 2015 *KSCPA Business Valuation Conference*, Kansas City, Mo.
- October 2015 *Midwest Bankruptcy Institute*, American Bankruptcy Institute, Kansas City, Mo.
- September 2015-SEAK Expert Witness Training Conference, Falmouth, MA.
- March 2015-*Various Topics in Accounting Education*. UMKC & McGraw Hill Accounting Educator Conference.
- December 2014-*CTI Advanced Business Valuation Symposium*, San Diego, CA.
- October 2014-*Midwest Bankruptcy Institute*, American Bankruptcy Institute, Kansas City, Mo.
- October 2014-*KSCPA Business Valuation Conference*, Overland Park, Ks.
- 3/7/2014- *Various Topics in Accounting Education*. JCCC & McGraw Hill Accounting Educator Conference.
- 11/8/2013-*Update on Proposed Changes to Missouri Insolvency Law*. KC BK Bar Association Select Issues In Business Insolvency Law.
- 11/8/2013-*Federal Receiverships: Legends Case Study*. KC BK Bar Association Select Issues In Business Insolvency Law.
- 11/8/2013-*Mechanics Liens and BK: Tale of Two Bankruptcies*. KC BK Bar Association Select Issues In Business Insolvency Law.
- 10/4/2013-*Case Law Update*. ABI Midwest Bankruptcy Institute.
- 10/4/2013-*Business: Good Faith-Knew or Should Have Known*. ABI Midwest Bankruptcy Institute
- 10/4/2013-*Business: Hot Topics in Single-Asset R.E. Reorgs*. ABI Midwest Bankruptcy Institute
- 10/4/2013-*BK Rules Update*. ABI Midwest Bankruptcy Institute.
- 10/4/2013-*Tax and Bankruptcy*. ABI Midwest Bankruptcy Institute.
- 10/4/2013-*Ethics and BK Issues*. ABI Midwest Bankruptcy Institute.
- 10/4/2013-*Rapid Fire Interactive Judges Panel*. ABI Midwest Bankruptcy Institute.
- 5/14/2013-5/16/2013-*Various Topics in Mergers & Acquisitions*. ACG St. Louis Capital Connections Conference.
- 3/1/2013 -*Various Topics in Accounting Education*. JCCC & McGraw Hill Accounting Educator Conference.
- 11/15/2012- *The Syndication Market-The View From the Trenches*. Commercial Finance Association 68th Annual Convention.
- 11/15/2012- *Forewarned is Forearmed! Best Practices In Risk Management*. Commercial Finance Association 68th Annual Convention.
- 11/15/2012-*Technology-Based Enhancements in Commercial Finance*. Commercial Finance Association 68th Annual Convention.
- 11/15/2012-*The Transformation of Factoring*. Commercial Finance Association 68th Annual Convention.
- 11/15/2012-*Bankruptcy Commission Hearing*. Commercial Finance Association 68th Annual Convention.
- 11/16/2012-*The 2013 Economic Outlook: Boom, Bust of Both?* Commercial Finance Association 68th Annual Convention.
- 11/16/2012-*Charge it to the Business!-Financing Family-Owned and Closely Held Businesses*. Commercial Finance Association 68th Annual Convention.
- 11/16/2012-*The Next Generation-Understanding the New Players in the Commercial Finance Market*. Commercial Finance Association 68th Annual Convention.
- 11/16/2012-*Eurozone: Turmoil or Opportunity?* Commercial Finance Association 68th Annual Convention.
- 11/16/2012-*Three Things You MUST Know About Generating New Business with Digital Media*. Commercial Finance Association 68th Annual Convention.
- 11/9/2012-*Mock Stay Relief Hearing in a Single Asset Chapter 11 Case*. KC BK Bar Association Practical Skills for both Debtor's and Creditor's Lawyers.
- 11/9/2012-*Common Mistakes and Missteps Made by Creditors in Chapter 11 Cases*. KC BK Bar Association Practical Skills for both Debtor's and Creditor's Lawyers.
- 11/9/2012-*Pitfalls and Traps for Debtors in Small Business and Individual Chapter 11 Cases*. KC BK Bar Association Practical Skills for both Debtor's and Creditor's Lawyers.
- 10/23/2012-*Various Topics in Mergers & Acquisitions*. ACG Midwest Capital Connections Conference, Chicago, IL.
- 10/5/2012-*Case Law Update*. ABI Midwest BK Institute.
- 10/5/2012-*The World Has Changed-You'd Better Know the Alternatives to BK*. ABI Midwest BK Institute.
- 10/5/2012-*Latest Wide World of Fraud: Claims and Defenses in Actions Targeting Investors, Bankers, Accountants and Attorneys*. ABI Midwest BK Institute.
- 10/5/2012-*The Seven Deadly Sins for the BK Lawyer*. ABI Midwest BK Institute.
- 6/8/2012-*Forensic Investigation-Current Landscape and Future Trends*-AIRA Annual Bankruptcy & Restructuring Conference.
- 6/9/2012-*Accepted Professional Methodology for Distressed Business Valuation Disputes*.

- 6/20/12-*Appraisal Penalties, Practice Management, Daubert Challenges and IRS Issues*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/21/2012-*Uniform Transfer Act (UTA): Recouping Fraud Losses*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/21/2012-*Current Update in Forensic Accounting*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/21/2012-*Using Analytics to Detect Fraud*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/22/2012-*SO, You've Been Served a Subpoena! Now What?*- 2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/22/2012-*Personal Injury and Wrongful Death Damage Calculations: The Good, the Bad, and the Ridiculous*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/22/2012-*Managing Mental Movies in the Mind of an Audience*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 6/23/2012-*The Truth, The Whole Truth and Nothing But Persuasion: Surviving the Rigors of the Courtroom*-2012 Annual Consultants' Conference (Consultants Training Institute-NACVA).
- 10/20/2010-10/22/2010-*Various Topics in Commercial & Asset-Based Finance*.66th Annual Commercial Finance Association Annual Convention. Chicago, IL.
- 10/19/2010. *Various Topics in Merger & Acquisitions*. ACG Midwest Capital Connections, Chicago, IL.
- 10/1/10-*Case Law Update*. ABI Midwest Bankruptcy Institute.
- 10/1/10-*Real Estate Reorganizations*. ABI Midwest Bankruptcy Institute.
- 10/1/10-*Chapter 363-An Analysis of Leading Asset Sale*. ABI Midwest Bankruptcy Institute.
- 10/1/10-*Real Estate Reorganizations*. ABI Midwest Bankruptcy Institute.
- 10/1/10-*Ethics: Maginot Lines? Examining and Enforcing the Duties Owed*. ABI Midwest Bankruptcy Institute.
- 6/9/10- *Various Topics in Mergers & Acquisitions*. ACG Capital Connections Conference, K.C.
- 5/13/10-*The President's Forum-Various Topics in Entrepreneurship*. The Entrepreneurship Institute.
- 3/12/10-*Expert Testimony: Overcome the Fear of Public Speaking – Best Practices From Leading Experts: Creating a Niche Forensic Practice Series* (AICPA).
- 2/23/10-*Understanding, Developing & Managing Forensic Engagements – Best Practices from Leading Experts: Creating a Niche Forensic Practice Series* (AICPA).
- 1/19/10-*Back to Basics: The Litigation Process – Best Practices From Leading Experts: Creating a Niche Forensic Practice Series* (AICPA).

PAST 5-YEAR TESTIFYING CASES

	VENUE	CASE	CAPACITY
1	Johnson County Kansas District Court	Premier Bank vs. Ringside et al	Receiver
2	Platte County Missouri District Court	Greydon W. Nedblake Vs. Renee Joy Park Nedblake	Forensic & Lit Support Consultant
3	U.S. District Court For District of Ks at K.C.	Arvest Bank vs. Am Energy Solutions, Inc. et al	Financial Advisor
4	U.S. District Court For District of Ks at K.C.	Lead Bank vs. Am Energy Solutions, Inc. et al	Chief Restructuring Officer
5	U.S. Bankruptcy Court W. Missouri District	Arrow Speed Warehouse Inc, RL Coppaken et al vs Keystone Automotive Operations, Inc.	Consulting Expert Witness
6	18th Judicial District Court Sedgwick Co., KS	KS. Biofuels vs. Treatco, Inc.	Lit Support Consultants
7	Johnson County Kansas District Court	Raizada Vs. Raizada	Forensic & Lit Support Consultant
8	Circuit Court of Jackson County Mo at KC	MJ Doyle vs. DGI et al	Receiver
9	Missouri District Court in Jackson County, MO	4H Enterprises, et al. v. Raizada Group, LP	Consulting Expert Witness
10	Missouri District Court in Jackson County, MO	Gershom v. Raizada Group, LP	Consulting Expert Witness