

Andrew Donaldson

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Summary of career history

I am a fellow of the Institute of Chartered Accountants in England and Wales specialising in forensic accounting services. I am a Partner in Dains Forensic LLP.

I commenced my professional career with KPMG’s Birmingham office in 1985. During my time with this firm I gained experience of audit, accounting and corporate recovery work at a wide-range of organisations from small family businesses to quoted groups and multinationals. From 1992, I specialised in forensic accounting work and participated in a number of significant financial investigations. Other forensic cases included: solicitor and director fraud; insolvent and wrongful trading; VAT fraud; mortgage fraud; commercial loss claims; and professional negligence.

In 1997 I became Finance Director of a mortgage fraud investigation company; I focussed on both internal management and client-facing roles. From 1999 I gained further commercial experience as Finance Director of a group of companies in the finishing industry, including the acquisition and disposal of group members.

In 2006 I returned to public practice, undertaking appointments as Single Joint Expert and Party Expert. I also gave evidence on a variety matters before both the Civil and Criminal Courts.

My principal areas of focus have been:

- Fraud and financial investigations
- S994 Companies Act 2006
- Warranty Disputes
- Wrongful trading actions
- Share valuations
- Matrimonial disputes
- Commercial loss claims
- Professional negligence
- Partnership disputes
- Confiscations under The Proceeds of Crime Act

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I have given presentations and seminars to the police, solicitors, companies and government officials on fraud investigation, fraud prevention and quantum valuations. I am Treasurer of the Midlands Fraud Forum and Chairman of its master-class sub-committee. I am also a member of the Fraud Advisory Panel and the Proceeds of Crime Lawyers Association.

I have set out below brief details of some of my more significant and interesting recent cases.

- Investigation for the Department for Business, Innovation and Skills into a series of inter-related insolvencies, concentrating on the actions of the directors and their professional advisors (Construction Industry).
- Investigation for the Department for Business, Innovation and Skills into the conduct of the directors and professional advisors at a failed “phoenix operation” (Printing Industry).
- Acted in investigation of the conduct of out-going directors after failed mediation of proceedings under s994 Companies Act 2006, in particular updating the original valuation in light of new findings and assisting in the development of further claims. Matter finally settled after further negotiations (Construction Industry).
- Acted in the investigation of the actions of the directors of a business in anticipation of an action under s994 Companies Act 2006 (Pharmacy)
- Acted as Expert Witness in the French Courts in a matter that involved the investigation of misleading disclosure to the stock market and an investigation of the actions of the directors (Medical Research Industry).
- Expert witness for the defence in a prosecution for wrongful trading (Food Industry).
- Investigation, on behalf of the liquidator, of allegations of wrongful trading at an engineering company, including obtaining missing financial information (Engineering Industry).
- Investigation, on behalf of the liquidator, of the illegal solicitation of a commercial mortgage, including obtaining missing financial information (Property Sector).
- Expert witness for the defence in a claim under The Proceeds of Crime Act brought by Birmingham Trading Standards for trademark offences. The claim was reduced from £9.8 million to £1,335 (Clothing Industry).
- Expert witness for the defence in a money laundering case, arising from a drugs investigation, which resulted in an acquittal.
- Expert witness for the prosecution in a money laundering case, arising from a drugs investigation, which resulted in a conviction.
- Expert witness for the defence in a case instigated by DEFRA in relation to the labelling of organic eggs (Agricultural Sector).
- Investigation into unexplained gross margin losses at a supplier of goods to motor racing industry (Automotive Sector).

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- Acted as expert witness in a partnership dispute which involved the reconstruction of accounting records in order to establish a robust capital account balance (Property Sector).
- Acted as shadow expert in the valuation of a business where the Single Joint Expert has significantly over- valued a business based on inadequate information. (Engineering Sector)
- Acted as Single Joint Expert in the valuation of a business where the directors had given a disproportionate proportion of the value of the business to a retiring director (Engineering Business)
- Reconstructed the accounting records of a share and lottery syndicate in order to establish potential losses (Aviation Sector).
- Valuation of a farm and associated property business in relation to a shareholders dispute (Agricultural Sector).
- Acted as Single Joint Expert in a Commercial Agents' dispute. This case is in the process of bringing about modification of existing case law on the use of experts (**McQuillan v McCormick** [2010] EWHC 1112 (QB)).
- Acted as expert witness in a dispute over the value of a business acquired from an overseas government agency (Water Industry).
- Acted as expert witness for individuals who had wrongfully suffered asset restraint by HMRC. Prepared an expert report in support of the quantum of loss (Transport Industry).
- Valuation of a garden centre in a matrimonial dispute and assessment of liquidity in an asset rich, cash poor group (Retail Sector).
- Investigated the conduct of company auditors at a business where there had been a material fraud (Chemical industry).
- Acted as Expert to a planning enquiry in relation to the financial viability of a business (Agricultural Sector)