

## Jersey Business Crime and the Weaponisation of White-Collar Enforcement – are you prepared?



### Two Comsure 2-hour breakfast CPD masterclasses

11th February & 17th March 2020

#### WHAT IS THE ISSUE?

- Following MONEYVAL recommendations IN 2015, Jersey enforcement agencies (EG ECCU, JFCU, and JFSC) are starting to prioritise the enforcement of economic crime in the hope of increasing incentives for companies and their officers to take affirmative steps to prevent money laundering, fraud and other malfeasance.

#### TRAINING OBJECTIVE

- Two Comsure 2-hour breakfast CPD masterclasses will address the focus of the Jersey authorities along with some case analysis to provide a current perspective.

## OVERVIEW

- Jersey like many other offshore Jurisdictions is portrayed by the media and law enforcement agencies as places where illegally obtained assets can be hidden under the guise of 'secrecy' and that it is a 'black hole' into which ill-gotten gains may be poured (see Krohn - v - Varna 1997 JLR 194 at 202).
- Also, there is MONEVALS 2015 observation about Jersey's disproportionate low-level enforcement of **MONEY LAUNDERING**

## JERSEY ENFORCEMENT

- With the criticisms above, Jersey is taking a more aggressive intervention policy through, inter alia, the newly formed **ECONOMIC CRIME AND CONFISCATION UNIT [ECCU]** along with the **JERSEY FINANCIAL SERVICES COMMISSION'S [JFSC]** introduction of and amendments to the **CIVIL PENALTIES law**;
- It is clear that white-collar crime has been pushed up the agenda of many board and risk committees. And as some commentators have observed "**the WEAPONISATION of white-collar enforcement**" is a game-changer in 2020.

## Who and what are the Economic Crime and Confiscation Unit [ECCU]

- Following the 2015 Jersey MONEYVAL Mutual Evaluation report by the Council Europe (published in 2016), The ECCU was set up in 2017
- By way of reminder, the MONEYVAL report recommended that the Jersey authorities consider enhancing the resourcing of financial crime, with a view to increasing the number of money laundering investigations and prosecutions in Jersey. The ECCU provides complex specialist case investigative capability within the Attorney-General's Department.
- These roles will specifically focus on significant economic crime risks to Jersey, and there will be a regular review of the effectiveness of the overall financial crime enforcement process in Jersey.
- Since 2017 the ECCU has started bringing cases to court, some are being discussed at this Comsure 11th February masterclass.

### Expert Speakers From Preston Legal

- **IAN C JONES – ADVOCATE**
- **FRANCESCA PINEL – ADVOCATE**

(Bios and pictures below)

### Preston Legal

Preston Legal is a Jersey Law Firm with expertise in all aspects of litigation and regularly appear before the Courts of Jersey.

In particular, they have extensive experience of contentious trust matters, commercial disputes, negligence and personal injury claims, wills and probate, criminal and regulatory work

READ BELOW ABOUT BOTH WORKSHOPS AND BOOKING INSTRUCTIONS

## **Jersey Business Crime and the Weaponisation of White-Collar Enforcement – are you prepared?**

### **Masterclass 1 = 11th February**

Comsure's expert speakers in this first of 2 Masterclass seminars will consider the following cases illustrating the recent focus of Economic Crime and Confiscation Unit [ECCU]:

1. Christopher Byrne – financial advisor – fraudulent inducement to invest money and providing false information to the JFSC - guilty
2. Kevin Manning - lawyer – fraud and money laundering - guilty
3. Joanne Jones – a local business owner - hiding and laundering drugs money - not guilty
4. Michelle Yuksel – a local business owner - fraudulent conversion – not guilty

In hearing about the above cases, delegates will learn about and have the following takeaways:-

- a. The wide variety of “fraud” offences within the Crown's armoury
- b. The perception of an increase in the Crown's appetite to pursue such cases.

## **Jersey Business Crime and the Weaponisation of White-Collar Enforcement – are you prepared?**

### **Masterclass 2 = 17th March 2020**

Comsure's expert speakers in this second of 2 Masterclass seminars will consider the cases of AG v Arthur and AG v King as well as other decisions of the Royal Court in this area

In hearing about the above case, delegates will learn about and have the following takeaways:-

- a. The vulnerability of individuals within regulated entities to criminal prosecution as opposed to regulatory oversight
- b. What the future may hold in this area for those operating in the regulated environment

## EXPERT SPEAKERS FROM PRESTON LEGAL



Ian is a litigator with expertise in all forms of dispute resolution. His practice focusses on trust and regulatory disputes, contractual disputes, shareholder actions and restructuring / insolvency. Ian is also an expert in criminal litigation and regularly accepts instructions to appear for defendants or as Amicus Curiae. An experienced courtroom Advocate, Ian appears regularly at all levels of the Jersey Court and Tribunal system and enjoys a reputation as a robust, effective and reliable advocate for his clients.



Francesca is a litigator with broad experience and particular expertise in criminal law and has dealt with cases across the criminal spectrum, including; fraud, serious sexual offences, drug offences, offences of violence, driving offences and health and safety cases. Many of the cases she has been involved in have been reported. Francesca has experience of Trust disputes, as well as involvement in commercial litigation concerning contract and negligence claims. She is known to have a fearless approach to the most challenging of matters.

## EVENT BOOKING AND ADMIN MATTERS

- WHERE**
- Royal yacht
- &**
- 11th February & 17th March 2020
- WHEN**
- Timings
- &**
- Registration 08.00 – Each event will start at 08.30 – event finish is at 10.30
- HOW**
- 2 hours CPD
- MUCH**
- £60 per event if booked through Eventbrite
  - £50 per event if booked through Comsure
  - Masterclass 1
    - <https://training.comsuregroup.com/event-registration/?ee=453>
  - Masterclass 2
    - <https://training.comsuregroup.com/event-registration/?ee=454>
  - If you have booked for both events through Comsure email [Training@comsuregroup.com](mailto:Training@comsuregroup.com) and receive an additional 10% discount.