José Fernandes LLB FCA MAE ACIArb BA

Professional Qualifications

LLB (Hons) Bachelor of Law 2:1
Fellow of the Institute of Chartered Accountants in England and Wales ("ICAEW")
Accredited Forensic Accountant by the ICAEW
Member of The Academy of Experts
Associate of the Chartered Institute of Arbitrators (CIArb)

Professional Background

José graduated in Law, and joined the London office of Lee & Allen Consulting in 2001, qualifying as a Chartered Accountant in 2004. Between 2001 and 2007, José was employed as a forensic accountant at Lee & Allen Consulting, working on a wide range of commercial litigation and fraud investigation cases.

In 2005, José was seconded for 18 months to assist the Enforcement division of the Financial Services Authority ("FSA") with a large investigation into an alleged insider dealing ring.

In 2007, José joined the Fraud Services Unit of BDO Stoy Hayward LLP, London, working on a number of fraud and forensic investigations.

José joined Ballamy Woodhouse in early 2009 and he has been working at Ballamy LLP since April 2013 and in April 2015, he was promoted to Partner.

Professional Experience

Commercial litigation

José was recently engaged as an expert witness to draft an expert report to be used in respect of a claim for consequential losses arising from the mis-sale of an interest rate hedging product by a large bank. His report detailed the quantification of the alleged consequential loss arising from the claimant being forced to sell properties in order to liquidate funds to meet the increasing liabilities due under the mis-sold swap.

José has been acting for a client facing charges for abuse of office whilst in the positions of Chairman and Chief Executive Officer of a large overseas corporation. A claim for loss of profits in excess of US$300m has been made with the principal allegation being that preferential treatment was offered to key customers with the inference being that the individual had instigated and benefitted from this arrangement. The case quickly evolved into the negotiation of a financial settlement between the overseas corporation and the former Chairman and Chief Executive Officer. José's work has involved reviewing a substantial amount of documentation to assess the veracity of the claims levied against his client. He has drafted a number of reports to assist in the financial settlement and attended a significant number of meetings with Counsel, clients and the overseas corporation.

José was engaged to prepare an expert report on a tracing assignment to ascertain how a large deposit of US$18.75m that was received into an escrow account in 2007 was dissipated over the course of the following three years. The focus of this work was to identify amounts received by defendants and individuals and entities connected to the defendants by tracing the dissipated funds as far as possible to identify the ultimate beneficiary.

José was instructed to prepare an expert report on behalf of a property developer for prime real estate. The property developer took out a series of loans with the bank which were renewed for several years before the bank demanded two loans to be repaid. In response to bankruptcy proceedings issued against the property developer, José was engaged to examine whether the amount demanded by the bank was in accordance with the facility agreements governing the loans and to identify any anomalies or inconsistencies in the terms of the facility agreements, in particular with respect of the level of the bank charges, which we understand increased significantly over the lifetimes of the facilities.

José assisted in the preparation of an expert report and a joint statement relating to a dispute between business partners arising from the development costs incurred in the setting up of a salon. José's work on this case involved identifying and quantifying the costs incurred in the building and completing the development of the Salon and determining the financial position and performance of the salon at a number of relevant dates.

José has previously assisted an international software manufacturing company in respect of a claim for breach of contract and loss of profits arising from the contract. His work involved a calculation of the quantum of damages with a substantial amount of the work completed on six month secondment in Hong Kong.

José has assisted a major listed aerospace manufacturing company claiming damages from a customer for termination of a supply contract and associated counter claim.

José has assisted a national client in connection with a series of major product liability claims relating to chemicals produced by the clients and used in uPVC products.

Financial Investigations – Civil

José assisted a major law firm with a large scale review to ascertain the nature and amount of assets owned by a wealthy client and his family. This work involved obtaining the bank statements for in excess of 200 bank accounts covering a period of three years and assessing the extent to which the balances had substantially changed. Where substantial changes were identified between the balances, José traced payments and receipts from accounts in order to gain a more detailed understanding of the reasons behind any difference. This work also involved considering the extent to which assets owned by the client and/or his family had been dissipated in the three year period.

José assisted a manufacturing company in an investigation into suspicions that their Finance Director had misappropriated sums in excess of £3m from the company over a number of years. This exercise initially involved tracing a large number of payments from the company's bank accounts to an account in the name of the Finance Director. The second part of this exercise focussed on understanding how the Finance Director had been able to conceal these transfers within the company's accounting books and records and involved a detailed review of the bank statements, ledgers and accounts of the company. The Finance Director was later sentenced to seven years in jail.

José assisted a large international medical technology group with an in-house investigation following a complaint by one of their leading suppliers. The complaint revolved around an employee that was accused of siphoning off funds to a connected party to the detriment of both the supplier and his employer. José performed a critical review of the contracts that the employee had been involved with over the relevant period, identified areas where the employee's behaviour did not meet the employer's expectations and provided the employer with a list of recommendations to improve the control environment and restrict the opportunity for such behaviour to be repeated.

José provided technical expertise for a global broking house with an investigation into alleged instances of misstatement resulting in large trading losses. Work involved preparing detailed profit and loss schedules of daily trade positions.

José was part of a team that acted on behalf of a FTSE 100 company with an investigation into alleged overcharging by a major printing supplier. A detailed review was undertaken of the information received to assess the extent to which documentary evidence was available to support and quantify the allegations.

José assisted a food processing company in an investigation into an employee who had manipulated company ledgers and diverted company funds into his personal accounts.

José provided assistance to a UK listed company following the acquisition of a travel company to identify potential warranty claims. He identified instances of fraud and accounts manipulation following a review of invoices, agreements and audit working papers.

José assisted a large global semi-conductor business with an internal investigation into alleged frauds, including the manipulation of restructuring costs and the processing of fraudulent sales in order to meet profit targets.

Financial Investigations – Regulatory

José provided assistance to a regulatory body in a statutory investigation into the alleged mismanagement of financial resources of a registered provider of social housing. His work included managing the forensic analysis of £14m expenditure of public money and undertaking a considered assessment of a number of allegations made by whistleblowers. A detailed review of senior management e-mails and other electronic documentation provided further useful information, supplementing the information proffered by interviews of the key individuals. Work culminated in the drafting of a report summarising our findings and this report was submitted to the regulatory body to assess what action should be taken.

José has provided assistance to the Department for Business, Innovation and Skills, and conducted a detailed examination of a company's accounting policies, disclosures and associated supporting documentation to assess the extent to which liabilities and provisions had been understated and inappropriately disclosed in the company's statutory financial statements.

José has previously assisted the Enforcement Division of the FSA with an investigation into an alleged insider dealing ring operating within the City of London. He managed the forensic accounting phase of the investigation during an 18 month secondment at the FSA, specifically investigating instances of suspicious trading activity, money laundering and tracing the trading profits through numerous bank accounts in various jurisdictions. Further detailed work included a critical analysis of the share trading activity and the movement of monies resulting from the trades placed, with specific attention paid to taped telephone discussions between the pertinent parties about their activity and publicly available information. José prepared a number of reports for internal and external review and assisted in the interviewing of pertinent parties and liaised with City of London Police and HM Customs & Excise.

José has also assisted in the successful prosecution of various insider dealing offences. Work involved preparing detailed analyses of share price data, market data and the trading activity of the parties concerned.

Financial investigations – Criminal

José provided assistance to the FCA in an investigation into an individual who had allegedly been making false representations to investors and promoting a collective investment scheme. A large number of investors had transferred in excess of £5.5 m to the individual due to those investors being misled that he would trade successfully on the foreign exchange markets. José's work included the preparation of a detailed trading analysis, a critical analysis of how the £5.5m had been spent and the preparation of illustrative schedules and graphs to be presented before the jury. The individual pleaded guilty to the operation of a collective investment scheme without authorisation and was convicted of fraud by a jury. He was sentenced to a total of 7 years' imprisonment for defrauding investors of significant sums and operating a collective investment scheme without authorisation.

José provided assistance to the Special Investigation and Prosecution Team, on behalf of the Government of the Turks & Caicos Islands and conducted a limited investigation into the affairs of two companies registered in the TCI amidst allegations that they were operating a pyramid scheme. His work centred on preparing a detailed tracing analysis of the monies received by the two companies and payments made by those companies, and other connected companies, primarily with a view to establishing monies received from and redemptions paid to investors, the extent of investments with connected and unconnected companies and any profits and/or losses arising from those investments.

José performed a large amount of work on behalf of the directors of a large scrap metal trader in criminal proceedings in respect of allegations of dealing with stolen material. This work involved preparing a detailed analysis of the extent and nature of trading between the scrap metal trader and the 11 companies that were the subject of the indictment.

José has also provided assistance on a number of cases where individuals have been charges with fraud by false representation as a result of allegedly submitting false and fraudulent VAT returns. Similarly, he has assisted with cases where individuals have been charged with paying insufficient income tax.