

Curriculum Vitae (CV)



Susan Breytenbach
Partner
Forensic & Integrity Services

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- ▶ Susan is a partner in EY's Forensic & Integrity Services practice in Johannesburg. She is also the Quality leader for EY's Forensic & Integrity Services practice across Europe, Middle East, India, and Africa.
- ▶ Susan has over 26 years' experience in preparing forensic investigation and expert accountant reports for use in disciplinary hearings, criminal action, and civil litigation. Her skills include leading large and complex engagements and those that require the analysis of large volumes of financial documents and data, including transactional analysis and the reconciliation of various data sources. Susan has also provided testimony in court.
- ▶ Susan has led various expert witness engagements in respect of disputes dealing with financial issues and measurement of damages. She has also led several expert determination engagements. Her expert accountant experience includes fact finding, analyses and damages quantification in disputes relating to financial transactions, profit/performance thresholds, breach of contract claims and quantification of losses as a result of business interruption and fraud.
- ▶ Her fraud and investigation experience include leading investigations into: financial mismanagement, fraudulent financial reporting, misappropriation of company funds and assets, procurement fraud, conflicts of interest, as well as non-compliance with contracts.
- ▶ Her regulatory investigation experience includes appointments by the South African Reserve Bank to investigate non-compliance with banking laws and regulations. She has also conducted investigations related to suspected non-compliance with anti-bribery and corruption legislation which included analyses to identify potentially irregular transactions and third-party business relationships.
- ▶ She has also provided forensic accounting support in insolvency enquiries, which included working closely with curators of insolvent estates and investigating misappropriation of funds and assets and preferential treatment of creditors.
- ▶ Susan has also assisted the EY audit practice in relation to identifying and responding to the risk of material fraud.

Education, certifications, and professional memberships

- ▶ Bachelor of Accounting, University of Stellenbosch (1990)
- ▶ Bachelor of Accounting (Honours), University of Stellenbosch (1991)
- ▶ CA (SA), member of the South African Institute of Chartered Accountants (1995)
- ▶ Certified Fraud Examiner, member of the Association of Certified Fraud Examiners (2007)
- ▶ (FP)SA, Member of the South African Institute of Commercial Forensic Practitioners (2012)

Employment Record

Employers	Dates	Department	Last position held	Locations
Ernst & Young Advisory Services (Pty) Ltd	Sep 2005 – present	Forensic & Integrity Services	Director / Partner	Johannesburg, RSA
PricewaterhouseCoopers	Sep 1998 – Aug 2005	Forensic Services	Associate Director	Cape Town, RSA
Coopers & Lybrand	Nov 1995 – 31 Aug 1998	Audit (with 2 secondments to Forensic Services)	Manager	London, UK
Coopers & Lybrand	Jan 1992 – Oct 1995	Audit	Supervisor	Cape Town, RSA

Languages

Language	Reading	Writing	Speaking
English	Fluent	Fluent	Fluent
Afrikaans	Mother tongue	Mother tongue	Mother tongue
French	Fair	Basic	Basic
German	Fair	Basic	Basic

Speeches and presentations

- ▶ Training to EY's Forensic & Integrity Services practice on quality and risk management relating to forensic investigation and forensic accounting engagements (2016-2021)
- ▶ "The step change from conventional accountant/auditor to forensic accountant", South African Institute of Chartered Accounts and Association of Certified Fraud Examiners conference, March 2013
- ▶ "Using financial records to prove your case", Association of Certified Fraud Examiners regional training event, May 2013

Professional experience

Disputes and litigation support

► Examples of relevant experience include:

Description
On behalf of the Plaintiff, quantified the amount by which a mobile network operator over-invoiced a service provider for advance subscription fees in respect of cell-phone numbers previously ported off the mobile network operator's network to a third-party operator's network. The scope of work entailed detailed forensic data analytics on underlying transaction records and pricing tables, reconciliations to invoices and recalculation of discounts granted. The matter was settled in favour of the Plaintiff.
Provided litigation support to a client to defend a claim by an agent who subscribed to mobile telephone provided by our client and in turn the agent undertook to provide the services to end-users. Our work entailed analyses to demonstrate that a substantial part of the services has not been provided to bona fide end-users. The scope covered data analyses on subscriber call behaviour patterns and relationships between devices and MDISDNs. Supporting documentation and other relevant information contained in the discovery were also considered. It was identified that a substantial number of MSISDN's did not comply with the client's expectations for a bona fide end-user and as a result the agent withdrew its claim.
Led buyer-side expert witness services pertaining to a share purchase agreement (SPA) dispute, which related to the accounting treatment of revenue in the seller's accounts in respect of a software licensing agreement, as well as certain items in the working capital calculation. The work entailed providing a considered expert opinion on the accounting treatment of software licensing and annual maintenance fees, in particular the application of IAS 18 - Revenue to the provisions of the software licensing agreement. The work also entailed providing an expert opinion on the treatment of a cash dividend payment as part of the working capital calculation in terms of the SPA. The reports were submitted as evidence at the arbitration proceedings and a senior member of Susan's team provided expert witness testimony for the first time. The arbitrator ruled in favour of our client.
For the Plaintiff in the technology industry, verified a substantial claim by the Defendant (a former agent of the Plaintiff) for unpaid invoices, as well as the counterclaims that the agent instituted in relation to alleged rebates due by the Plaintiff. The work comprised a detailed account of the outstanding balance in dispute with reference to supporting documentation, as well as a detailed rebate calculation based on historical rebate rates paid to the Defendant and related payments made by the Plaintiff. Prepared an expert witness report. Following pre-trial meeting between the experts, the matter was settled in favour of the Plaintiff.
Forensic accounting analysis related to a damage claim as a result of repudiation of a services agreement for the establishment of a call centre. The damages related to a recurring service fee that the claimant would have earned had the agreement been performed by both parties. Work entailed identifying documents required in support of the damages claim to enable better discovery, analysing documents provided by the claimant and respondent and provide a view on where the damage quantification by the claimant can be challenged.
Assessment of voice cost savings calculation and related matters with reference to undertakings and related bonus and penalty clauses contained in an outsourced IT service agreement. The work entailed considering the raw data used in the calculations, relevant financial records, the factual basis for assumptions underlying the calculations and the impact of cost adjustments, as well as recalculating revised unit cost, cost savings and penalties due based on revisions and adjustments identified.
Quantification of lost profit and increased cost of alternative supply for a Plaintiff in the pharmaceutical industry after the Defendant (a key supplier) stopped supply due to the suspension of its manufacturing licence. The engagement entailed formulating an appropriate model to calculate both past and future losses in supply and the associated loss of profits, as well as the cost of alternative supply during past and future periods. The matter was settled for a considerable amount in favour of the Plaintiff.
Led an expert witness engagement to opine on whether the deductions claimed by the client for obsolete stock were reasonable based on trading history and post balance sheet experience. The work entailed a detailed analysis of stock movements per provision category for a 2-year period before and a 6-year period after the provision was raised. The trial for the appeal was heard in the South African Tax Court and the client was successful in its appeal.
Quantification of damages suffered by a foreign wine distributor as a result of a supplier repudiating a Memorandum of Agreement between the parties. Damages quantified comprised the loss of profit for a 3-year period, interest thereon and present value of future profits for 2 years till end of contract.

Description
Forensic accounting litigation support to a bank to ascertain whether certain divisional revenue thresholds as stipulated in a consulting agreement had been attained. The work entailed analysis of general ledgers and supporting documents for transactions, a reconciliation of divisional general ledgers to the annual financial statements of the group, as well as a detailed statement of account. Delivered expert witness testimony in the High Court. The judge ruled in favour of the bank.

Expert determination

- Examples of relevant experience include:

Description
Led an expert determination in respect of a dispute between a seller and a buyer in the agricultural industry over an inventory valuation in the effective date accounts in terms of the sale and purchase agreement. The scope of work covered considering submissions by both parties, analysing available financial and other records, conducting market research, interviewing role-players, and considering the assumptions made and arguments put forward with reference to technical resources, IFRS and the information at hand. The parties settled based on the expert determination.
Led an expert determination in respect of a dispute between a seller and a buyer in the manufacturing and retail industry over an inventory valuation in the effective date accounts in terms of the sale and purchase agreement. The scope of work covered considering submissions by both parties, analysing available financial and other records, conducting market research, interviewing role-players, and considering the assumptions made and arguments put forward with reference to IFRS and the information at hand. The parties settled based on the expert determination.
Led an expert determination of the fair market value of the shares and/or value of the claims of a property company for purposes of implementing a settlement agreement in a drawn-out dispute between the seller and purchaser. The scope of work covered considering submissions by both parties, a detailed analysis of the accounting records, including payment records and loan accounts of the shareholders and funder, adjusting the financial records on which the valuation was based, and working closely with valuation experts. Final settlement of the dispute was reached based on the determination.
Pursuant to a settlement agreement and court order, led an expert determination into certain financial items in dispute, which included a recalculation of amounts owing between the parties. The scope of work entailed obtaining submissions by both parties and analysing those, analysing available financial and other records, and considering the assumptions made and arguments put forward with reference to technical resources. Final settlement of the dispute was reached based on the determination.
Performed an expert determination on behalf of a Seller and a Buyer to assess certain amounts under dispute, impacting on Net Surplus and Net Liability calculations in terms of the SPA, as well as assess the calculation of the Net Surplus and movement in net book values between yearend and effective date accounts.

Other transaction related disputes and warranty claims

- Examples of relevant experience include:

Description
For a buyer that acquired a target, with subsidiaries operating in South America, USA, North Africa and Europe, quantification of warranty claims in terms of the Sale and Purchase Agreement (SPA) against its insurers and the Seller. The warranty claim had specific reference to whether provisions ought to have been made against the Inventory and/or the Accounts Receivable in the Group and Management Accounts (as defined in the SPA) as at completion date. The scope of work entailed an analysis and consideration of relevant financial and other information. Prepared an expert witness report for submission to the court in Geneva Switzerland, which was used as the basis for settlement between the seller and the buyer.

Description
For a provider of automated cash management services, led an investigation to establish the extent of and how a significant cash shortfall arose over several years. The scope of work entailed understanding the applicable modules of the financial system and identifying, analysing relevant transactions and systems, and quantifying the issues identified and impact thereof. The result was used to adjust the purchase consideration payable by the new owners.

Insurance claims

- Examples of relevant experience include:

Description
Led an investigation into facts relating to claims for benefits payable in terms of an Income Continuation Benefit Policy. Scope of work entailed an analysis of documents submitted to the insurer as part of the policy application, the policyholder's historical and current financial records, bank statements and tax returns, interviews with role players and preparation of a forensic accountant report.
Led an investigation and insurance claim quantification of misappropriation of funds, masked as reinsurance premiums, by a financial manager at an insurance broker. The scope of work entailed analyses of banking records, financial records and accounting entries, interviews with role players, background checks and the preparation of a report for submission to the insurer. The claim quantified was settled in full by the re-insurer.
For a short-term insurer, investigating and restatement of loss of support claims in conjunction with actuaries.
Investigating and re-quantifying a business interruption claim submitted by a manufacturer of soups and cook-in sauces following an explosion in its factory. Part of the analysis included the extent to which the explosion contributed to the delay in the launch of new products lines and attributing loss of profit.
For a telco, investigation of fraudulent migration of MSISDNs from prepaid to post-paid packages by a syndicate and quantification of related insurance claim. Work performed included the identification of relevant systems and data sources, analysis of call data records, MSISDN migration life cycle data and local and international interconnect data, as well as analysis of communication and other information contained on laptops and handsets seized from syndicate members.

Regulatory investigations

- Examples of relevant experience include:

Description
Various appointments by the South African Reserve Bank as Inspector in terms of the Banks Act to investigate alleged pyramid and/or Ponzi schemes. The scope of work entailed searches and seizures to obtain relevant information, analysing nature of business with reference to relevant agreements, flow of funds and other information, tracing bank accounts and assets, solvency assessments, liaising with legal counsel and detailed reporting. Regulatory action was taken based on the reports. Also provided testimony in subsequent criminal proceedings.
Led a multi-disciplinary team who performed an investigation at the instruction of the Prudential Authority in South Africa in terms of Section 7(1)(b) of the Banks Act, in respect of a bank's exchange control and related processes. The forensic investigation team included forensic accountants, forensic technology experts, exchange control specialists, and anti-money laundering specialists. The scope of work entailed an investigation into foreign exchange transactions facilitated by the Authorised Dealer (Bank) and adherence to the Exchange Control Regulations and CEMAD.
Led a multi-disciplinary investigation at instruction of the Prudential Authority in terms of Section 7(1)(b) of the Banks Act, in respect of a bank's loan book and loan impairment practices, as well as related disclosures in the regulatory returns.

Description
Appointments by the Northwest Gambling Board to conduct investigations relating to applications for gambling licenses. The scope of work entailed the investigation of various elements related to the applications to assist the Northwest Gambling Board in considering the suitability and financial viability of the applicants.
Investigation related to suspected non-compliance with anti-bribery and corruption legislation, which included analyses to identify potentially irregular transactions and third-party business relationships, and subsequent investigation thereof. The detailed scope of work entailed background checks, focused forensic data analytics on procurement, payment and expense claim data, and investigation of supporting documents.

Investigations

- Examples of relevant experience include:

Description
Assisted a bank with an investigation into incidents involving unauthorised access to the core banking system and manipulation of EFT transactions impacting an employee's bank account.
Investigation on behalf of the NPA into a kite-flying scheme at a large bank perpetrated by a group of related retail banking customers. The scope of work entailed detailed flow of funds analyses, analysing and collating supporting documents and preparing reports and affidavits for use in criminal proceedings.
In relation to loan and overdraft balances in dispute, verifying the underlying transactions, interest charges and fees with reference to amongst others underlying agreements, facility offer letters, central bank regulations and our interest recalculations.
Led a multi-disciplinary investigation into a Credit Card Fraud attack. The scope of work included an analysis of the BIN based transaction flow from the merchant through to the card management system, and the alert management processes, as well as considering remedial actions taken based on the nature of attack.
In respect of a loan provided by a bank to a developer of an upmarket hotel and penthouses, which fell into breach of the loan agreement, investigated suspicions of irregular conduct by the developer and/or its directors. The investigation identified irregularities relating to the pre-sales of luxury penthouses as disclosed in the prospectus, which included undisclosed resale agreements and related party transactions. The investigation also identified irregularities relating to breach of loan covenants, undisclosed interests in management contracts, non-arm's length transactions and mismanagement of funds. The investigation report was used by the bank and its lawyers in litigation related proceedings with the former chairman of the developer.
Led an investigation in respect of an irregular retirement annuity pay-out because of certain documentation being intercepted and banking details changed by an outside party. The investigation, which covered analyses of electronic communications and related information, uncovered evidence that documentation was intercepted, changed, and sent back to the client using an email domain similar to that of the client. The results of our investigation were reported to the Chief Audit Executive to consider further investigative procedures, including liaising with the South African Police Services.
Investigation into the short-term insurance function at a municipality, which moved from a traditional insurance product to self-insurance. The investigation covered the procurement process followed in respect of appointing a new the insurance provider, performance of appointed insurance broker in terms of its contractual commitments and the municipality's tender specifications, claims and risk management processes followed by municipality's Insurance department, and root-causes of factors that gave rise to increased insurance premiums. The investigation identified that the introduction of self-insurance before the implementation of the broker's risk management recommendations, contributed to various issues the investigation uncovered in relation to the factors that gave rise to the municipality's insurance costs.
For a large cellular phone service provider, coordinated an investigation of cybercrime and related network breaches that resulted amongst others in compromise of prepaid airtime vouchers. The investigation team comprised network security specialists, forensic data analysts, computer forensic experts and forensic accountants. The investigation entailed analyses of network traffic, call data records, 3G connection logs, location data, communication content and forensic images to ascertain the modus operandi and profile MSISDNs, parties and locations involved. The evidence obtained was used by the South African Police Services and a suspect was arrested.

Description
Investigation of subscriber and roaming fraud by a syndicate. Work performed included identifying patterns of behaviour via analyses of Fraud Management System alerts and audit trails of high usage reports, billing and payment history data, SIM and customer history data and Call Data Records. Information contained in account and line application forms, and the results of background checks, were also analysed, as well as email correspondence of syndicate members. The results of the aforementioned were compared and integrated to identify commonalities or relationships between the accounts under investigation.
For a telecommunications company, investigation to establish the fact pattern in relation to alleged unauthorised changes in certain SMS premium rates, which entailed considering the practice pertaining to the manual process to change SMS premium rates for short codes and long codes, interviewing relevant persons, relevant agreements and documents, relevant audit trails, as well as securing and analysing relevant email files.
On behalf of a large technology investor, reviewed international production accounts. The work included considering the supporting documentation for production costs incurred and allocated to various production accounts to identify costs not allowed in terms of production contracts' stipulations and policies and procedures. The project also entailed a detailed analysis of complex production intercompany loan accounts to consider cost allocations and to quantify disallowed, non-approved and irregular and/or wasteful expenditure reflected in the production accounts.
Investigation at a mining company into widespread irregularities and non-compliance with laws and regulations applicable to mining industry. The investigation also uncovered evidence relating to non-compliance with and irregularities related to prospecting and mining rights, reckless trading by the directors, fraudulent financial accounting in relation to mining activities, irregular loans to directors and bribes paid to counterparty and government officials.
Investigated suspected manipulation of debtor receipts. Large scale stock theft, debtor fraud and related corruption by a syndicate comprising the debtor controller, a sales representative, and a retail site owner, were uncovered. The debtor controller and sales representative were dismissed, and the matter was handed over to the Ghanaian police for further investigation.
Investigation at an aviation company into financial irregularities and mismanagement, which covered the acquisition of various business interests, loans granted, the violation of exchange control regulations, contradictory and missing documents and the entering into transactions in violation of a preference share agreement. The matter was handed to the Department of Trade and Industry for further action.
On behalf of a private infrastructure development client, investigated allegations of irregularities in respect of the processes followed in awarding an Engineering, Procurement, and Construction Management (EPCM) contract. The project also entailed investigating whether charges levied by the developer and various sub-contractors were consistent with relevant contracts and addenda thereto. The work included analysing complex calculations relating to amounts invoiced with reference to the contract and other supporting documents.
Led a multi-disciplinary investigation into a compromise of the online banking profiles of senior client employees which enabled irregular transfers funds out of the company's bank account. Scope of work included establishing the fact pattern related to the compromise and subsequent irregular transfer of funds, with reference to the records of the company (including email and mobile phone communications, event logs, etc.) as well as interactions between the bank's call centre and the perpetrators which allowed the latter to gain unauthorised access to online banking profiles.

Compliance and related investigations

- Examples of relevant experience include:

Description
Led an investigation of over 100 retirement funds and investments. The scope of work broadly entailed analysing the history of the retirement funds and/or related investments, with reference to various internal and external sources of information, to assess the origin and nature of balances reflected in the financial records. The sources of information interrogated included financial and operating systems, hard copy files, the Financial Services Conduct Authority, brokers, administrators, principal officers, employers, auditors, etc. The nature of the investigations covered the following: transactional analysis covering deposits, premiums, return on investment, fees, disinvestments, etc. with reference to available supporting documents, using available member information to perform member reconciliations, contacting third parties, investigating asset and liability mismatches, as well as assessing and reconciling balances reflected on various internal systems.
Led an investigation at a retirement fund administrator to identify funds under its administration where there is a high risk of potential non-compliance with the Pension Fund Act, the Financial Advisory and Intermediary Services Act and/or internal controls. The scope of work entailed preparing a consolidated list of funds/ products that are/were administered by the client over a 3-year period with reference to various internal and external sources of information. The potential risk associated with the funds/products were considered based on criteria such as fund status, date of last Annual Financial Statements submission, existence of a fully constituted board of trustees or S26 appointment, whether a trial balance was available and the type of audit relevant to the fund/ product. The funds/products were then categorised based on relevant priority/ risks.
For a property management subsidiary of a large insurance company, led investigations annually for a period of 4 years into compliance with retail lease agreements by shopping centre tenants, focusing on turnover declarations, including the recording of cash sales and related recordkeeping in relation to cash payments. Our findings uncovered under-declared turnover and resulted in turnover rental recoveries for the client.

Insolvency related

- Example of relevant experience include:

Description
Acted as a Receiver for a South African Retail Bank that was placed into Receivership as part of a Scheme of Arrangement in terms of section 311 of the Companies Act. Role included preparing Realisation and Distribution accounts for each distribution declared to depositors and other creditors, distributing nett proceeds of realisation to depositors and other creditors, tracing and/or verifying the individual beneficiaries' claims to distributions especially in instances of long outstanding unclaimed dividends and / or where beneficiaries changed due to the discontinuation of entities and individuals passing away prior to the distribution of realised assets. The total distributions over the lifecycle of the scheme equated to a recovery for the depositors and other creditors equivalent to 94% in the Rand.