

Corporate branches in Durban, Cape Town & Johannesburg – Satellite branches elsewhere – Tracer Field Agents in all Magisterial Districts
FSG is the founder member of the CSS Network | FSG is a LEVEL 4 BEE contributor

Members: M Nxumalo (Chairperson); Director: Corporate Business | W Jardine (CEO); Director: National Operations | S Deghaye (Company Secretary); Director: Admin & Finance

FSG COMPANY & SERVICES PROFILE

1. OPENING COMMENTS

- a. FSG is a <u>national service provider</u> and an accredited LEVEL FOUR B-BBEE CONTRIBUTOR. The entity is 50% 'black owned', 25% 'women owned' and 25% 'white male owned'. Our Broad Based BEE efforts extend beyond ownership to include:
 - i. The creation of a management structure that mirrors the demographic of South Africa.
 - ii. A job creation Social Responsibility project
- b. A comprehensive introduction to the business, culture and services of FSG can be viewed on our website at www.fohlasecurity.co.za. (Each time you visit the website please click REFRESH after loading the page to ensure you have the latest version of the website, as it is constantly updated.)
- c. FSG has corporate offices in Durban, Johannesburg and Cape Town, satellite offices in Pietermaritzburg (KZN), Bloemfontein (Free State), East London and Port Elizabeth (Eastern Cape), George (Western Cape), Pretoria (Gauteng) and Hazeyview (Mpumalanga), agency agreements with numerous service providers across South Africa, and Tracer Field Agents/RAF Claim Defence Investigators in all Magisterial Districts.
- d. The entity that trades as FSG was founded in 2003 to incorporate the private/forensic investigation practice established by our incumbent CEO, <u>Willem Jardine</u>, in **1985**.
- e. While FSG's target markets are LEGAL PRACTICES, FINANCIAL SERVICE PROVIDERS, REGISTERED DEBT COLLECTORS, CORPORATE BUSINESS and GOVERNMENT, we will consider accepting instructions from anyone
- f. Detailed <u>service profiles</u> are available for every service offered by FSG. FSG does not merely sell forensic investigation & auditing, tracing, risk management and guarding services. We have developed specific forensic investigation & auditing, tracing, risk management and guarding PRODUCTS for a variety of applications, which find expression in SERVICE PROFILES.

2. CLIENT CONFIDENTIALITY, CLIENT EXCLUSIVITY, ANONYMITY, AND MARKETING PRACTICES

- a. FSG has developed and implemented specific strategies to ensure that all aspects of our relationships with clients are <u>confidential</u>:
 - Instructions/queries are accepted in confidence and are <u>never</u> revealed to another party, but FSG reserves the right to decline any instruction without explanation.
 - ii. FSG never discloses the identity of its clients, for reference or other purposes, without first obtaining permission to do so.
- b. FSG will never accept an instruction if there is a risk of conflict of interest.
- c. Anonymity is a priority for the performance of our services. We maintain a low public profile, limit the content of advertising in public media, never comment to the media (unless instructed to do so by a client), signage on our premises does not advertise what we do, and we primarily market ourselves directly contact to persons identified as relevant decision-makers in our target markets. We have developed extensive databases of the details of identified decision-makers and distribute two emails monthly:
 - i. One is an extract from our CEO's <u>Investigator's Diary</u>, in which he shares a particular experience of FSG. Diary extracts are intentionally entertaining and brief.
 - ii. The other is simply labeled a <u>Communiqué</u> and provides information about FSG and our services. Brevity is a priority.

3. <u>IDEOLOLOGY</u>

- a. The point of departure for every service of FSG is that <u>loss</u> is the consequence of risk that is <u>unmanaged</u>, <u>inadequately managed</u>, <u>or unmanageable</u> (although the consequences of unmanageable risk can be mitigated by appropriate interventions).
- b. "Loss" is anything that results in, or has the potential to result in any form of loss. Examples include loss of time, human resources and capacity, a debt that is unrecoverable, a marriage that is failing, a death, the consequences of a theft or other criminal acts, the loss of moveable, liquid or intellectual property, accident, a civil judgement, a criminal conviction, the consequences of so-called Acts of God, and so on.
- c. Every service of FSG has to do with <u>the management of risk</u>; detection, analysis, investigation, prosecution, intervention, recovery and prevention, and the mitigation of the consequences of unmanageable risk.



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d. FSG employs the methodology of SCIENTIFIC METHOD in the performance of all forensic investigations, audits, traces and risk-management tasks. SCIENTIFIC METHOD is the construction of conclusions from the examination of empirical facts reached by the application of INDUCTIVE LOGIC and DECUTIVE LOGIC. It has been the

international standard of research methodology from the commencement of the Industrial Age.

4. FSG'S SERVICES ARE FORENSIC

- a. The word FORENSIC derives from the Latin word forensic, which literally means of legal proceedings.
- b. FSG's services are FORENSIC for three reasons:
 - i. Every instruction to FSG is either given in the context of a civil or criminal litigation process, or is attended to *as if it were* the subject of a civil or criminal litigation process.
 - ii. FSG applies whatever professional and/or scientific expertise that is indicated by an instruction to satisfy that instruction in terms of the indicated burden of proof of the court that has/would have jurisdiction. FSG's forensic investigators include persons who have graduate and post graduate qualifications in the areas of law, accountancy, auditing, economics, bookkeeping, business administration, public administration, police administration, forensic investigation, IT and computer forensics, engineering, questioned document analysis, truth verification and many more.
 - iii. Forensic investigations, audits, tracing and risk management task similarly adopt the approach of SCIENTIFIC METHOD.

5. THE SERVICE BOUQUET OF FSG - INTRODUCTORY COMMENTS

- a. Our TARIFF LIST is available upon request by email or fax.
- b. While many services are rendered against a fixed fee, our fee for forensic investigation, auditing and risk management services is based on a minimum tariff of R 600.00/hour/investigator/auditor/consultant simultaneously assigned to the same task, plus VAT, plus authorized costs and disbursement. However, FSG reserves the right to vary this hourly tariff subject to:
 - i. Our assessment of our risk in rendering a particular service.
 - ii. The variable market-related rates commanded by different types of forensic experts.
- c. The acceptance of investigation, audit and risk management instructions is subject to client's acceptance of the SERVICE PROPOSAL produced by FSG at our expense in response to an investigation, audit and risk management service enquiry/instruction. The SERVICE PROPOSAL sets out the anticipated scope of work, puts time-lines and fee estimates to each component of the scope of work, and seeks client's approval of the scope of work and the budget proposed for the exercise.
 - i. In this manner, client is always in control of what FSG's fee will be.
 - ii. FSG cannot guarantee that the proposed budget will be adequate to complete the task, but we undertake to not perform any work in excess of that permitted by any agreed budget without first reverting with a detailed report and accounting, for client's assessment and further instructions.
 - iii. FSG requires advance payment of a retainer equivalent of 50% of any budget agreed to <u>before work commences</u>.
 - iv. In addition to the retainer, FSG reserves the right to also call for advance payment of any significant costs/disbursements we shall need to incur to satisfy an instruction.

6. SERVICES: FORENSIC INVESTIGATIONS – LITIGATION SUPPORT

a. LITIGATION SUPPORT - GENERAL

- FSG, in conjunction with its predecessor entity, has traded since <u>1985</u>, and the legal profession has always been one of FSG's primary target markets. Today, FSG counts hundreds of legal practices across South Africa and abroad as clients.
- ii. With the expertise gained from more than 25 years experience:
 - 1. It is probable that we have lent forensic investigative support to just about every issue that can be the subject of civil and criminal litigation.
 - 2. We do not claim to be legal experts, but every instruction to FSG is an opportunity for FSG to research relevant legislation and case law. Consequently we state with confidence that we have acquired a wealth of knowledge in respect of:



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- a. Legal research.
- b. Legislation, associated regulations, and case law.
- c. Court rules and procedures.
- d. The Criminal Procedures Act.
- e. Police procedures.
- f. The rules of evidence.
- g. The bureaucracy of the judiciary in particular and of government in general.
- Some of FSG's areas of forensic investigative expertise in support of CIVIL LITIGATION include:
 - a. Debt recovery (especially large debts from savvy debtors). Note that <u>FSG does not collect debt</u>; we merely facilitate the process.
 - b. All nature of civil dispute, including breach of contract; contracts of employment, credit agreements, partnership agreements, restraints of trade, agreements with suppliers/service providers, territorial agreements, franchise agreements, trade agreements, performance agreements and many more.
 - c. Labour disputes, disciplinary codes, procedures and action.
 - d. Alternative dispute resolution.
 - e. Compliance investigations.
 - f. Financial profiling/assessments. FSG has developed a unique Financial Assessment Investigation, for individuals and for entities.
 - g. The unbundling of corporate structures.
 - h. Deceased estates; tracing beneficiaries; disputed wills, etc.
 - i. Locating missing/sought persons.
 - j. Vehicle accident reconstruction.
 - Family law; divorce, forfeiture, infidelity, the Children's Act (care, contact, parental rights and responsibilities), domestic violence, maintenance etc.
 - I. Sequestrations and insolvencies.
 - m. Investigations arising from FINANCIAL FORENSIC AUDITS.
 - n. Disputed/repudiated insurance claims.
 - o. Tender/procurement irregularities.
 - p. Detailed background checks on individuals and entities.
- 4. Some of FSG's areas of forensic investigative expertise in support of **CRIMINAL LITIGATION** include:
 - a. <u>White collar crime</u> (theft, fraud, graft, bribery, corruption, embezzlement), and financial/commercial crimes.
 - b. Corruption.
 - c. Common law crimes such as murder, assault, theft. We have enjoyed particular successes investigating assassinations and murders. It is to be noted that success is a factor of working closely with the assigned SAPS detective, taking the role of (gently) suggesting relevant areas of investigation and providing investigative and resource support to SAPS.
 - d. Child abuse/neglect.
 - e. Missing persons as a consequence of criminal acts.
 - f. Criminal offences defined by statute, including:
 - i. Intellectual property/counterfeiting law.
 - ii. Insolvency law.
 - iii. Trust law.
 - iv. Company law.
 - v. Estate law.
 - vi. The Children's Act.
 - vii. The Divorce Act.
 - viii. The Private Security Industry Regulatory Act.
 - ix. Occupational health and safety law.
 - x. The Domestic Violence Act.
 - xi. The Sexual Offences and Related Matters Act.
 - xii. Tax laws.



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- xiii. The Mental Health Care Act.
- xiv. The Electoral Commissions Act.
- xv. The Executive Members Ethics Act.
- xvi. The Preferential Procurement Policy Framework Act.
- xvii. The Prevention and Combating of Corrupt Activities Act.
- xviii. The Promotion of Administrative Justice Act.
- xix. The Protected Disclosures Act.
- xx. The Public Finance Management Act.
- xxi. The Public Protector Act.

b. LITIGATION SUPPORT – THE ROAD ACCIDENT FUND ('RAF')

- i. Prior to 1994, FSG's predecessor entity (<u>Jardine Investigations</u>) took instructions from virtually every legal practice in what was then Natal who represented the RAF. Over a period of approximately eight years, we estimate that our efforts reduced claims against RAF (first known as the Third Party Fund) by more than R 150 million.
- ii. Since receiving our formal BEE accreditation, FSG is again a registered vendor of the RAF (Vendor no.: 31-2908) FSG has developed a RAF CLAIM DEFENCE FORENSIC INVESTIGATION that standardizes the scope of work for claims assessment investigations undertaken on the instructions of the RAF and/or the attorneys on the RAF Panel of Attorneys.
- iii. FSG understands that its role in providing investigation services to the RAF/attorneys appointed to the RAF Panel of Attorneys extends from merely gathering documentation, to accident scene reconstruction, to verifying the basis for claims for loss of income, to seeking our circumstances that can mitigate or void the quantum of a claim, to demonstrating that a claim is fraudulent.
- v. FSG is able to offer the most cost effective investigation service to the RAF/attorneys appointed to the RAF Panel of Attorneys because, through our **TFA/RAFI MENTORSHIP PROGRAM** social responsibility project, we train and deploy previously disadvantaged persons IN EVERY MAGISTERIAL DISCTRICT to perform two roles:
 - That of "Tracer Field Agents", for the purpose of servicing LOD, Section 129 (of the National Credit Act) Notices and the conclusion of Section 57/58 and 65(J) (of the Magistrate's Court Act) AOD with defaulted debtors, and
 - 2. To perform FSG's RAF CLAIM DEFENCE FORENSIC INVESTIGATION.
- v. Service providers who provide the equivalent of FSG's RAF CLAIM DEFENCE FORENSIC INVESTIGATION are primarily based in the major urban areas, whilst the majority of Claimants are located in rural/remote areas. FSG's TFA/RAFI infrastructure permanently deploys investigators in the rural/remote areas where Claimant's live/work, eliminating the travelling and out-of-town expenses that comprise as much as 33% of the fee of such service providers.

c. LITIGATION SUPPORT – DIVORCE, FORFEITURE, CARE AND CONTACT, AND PARENTAL RIGHTS AND RESPONSIBILITIES IRO CHILDREN.

- i. Persons intending to divorce often approach FSG directly to investigate their spouses' to seek proof of suspected wrongdoings, and are most often under the false impression that such proof is necessary to sue for divorce. Most are also unaware that the division of the marital estate is largely dependant on the marital regime, the number and ages of minor children born of the marriage and, if applicable, forfaiture.
- ii. Consequently FSG's default response is to direct such persons to consult an attorney and, if investigation is required, to only instruct FSG through an attorney.
- iii. FSG's most significant contribution to divorce actions is the performance of Financial Assessment Investigations to locate and identify income and/or assets that have been hidden to avoid division/forfeiture claims.



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d. LITIGATION SUPPORT - INVESTIGATIVE SURVEILLANCE

- i. In respect of divorce, parental suitability, and just about every other type of criminal or civil litigation-related investigation, it will always be the case that surveillance is required to satisfy an instruction.
- ii. Surveillance can be physical, electronic, or both.
- iii. Generally, electronic surveillance techniques in the absence of a court order authorizing same, is illegal and evidence gathered cannot be used in legal proceedings.
- iv. This Company and Service Profile is an inadequate platform to provide a detailed explanation of surveillance techniques. However, both physical and electronic surveillance require:
 - 1. Assessment, planning and strategizing before execution.
 - The application of special skills and tradecraft.
- v. FSG has successfully performed covert physical and electronic surveillance since 1985.

e. LITIGATION SUPPORT - THE PUBLIC PROTECTOR

- i. In recent years FSG has successfully detected, investigated and prosecuted instances of corruption.
- ii. FSG has recently been appointed AN OUTSOURCED INVESTIGATIVE RESOURCE of the PUBLIC PROTECTOR, South Africa. Legislatively, the Public Protector is:
 - 1. An individual (with a national support infrastructure).
 - 2. An advocate with the standing of a High Court Judge.
 - 3. An ombat.
 - 4. Accountable to the National Assembly.
 - 5. Mandated to:
 - a. Uphold constitutional democracy.
 - b. Resolve every complaint of non-performance, non-service delivery, maladministration, non-statutory compliance and criminal statutory offenses (including CORRUPT PRACTICES) on the part of politicians and civil servants from MEC's to the most junior employee of a local municipality.
- iii. We regard this appointment as perhaps the most significant achievement of FSG, given:
 - 1. The expanse of the mandate of the Public Protector.
 - The vast legislative powers of the Public Protector (subpoena, seizure, arrest, dispute
 resolution, criminal sanction), which the Public Protector has the right to delegate to
 whosoever she pleases of which FSG has been made a beneficiary.
 - 3. The intensive scrutiny (including security clearance to the level of TOP SECRET, the qualifications of the forensic investigators in our employ, and our infrastructure and resources) to which FSG had to be subjected to qualify for this appointment.
- iv. If there was every anything about FSG that warranted your consideration of our services, it is the appointment of FSG by the PUBLIC PROTECTOR.

7. SERVICES: FORENSIC INVESTIGATIONS – MISSING/SOUGHT PERSONS

- a. Missing/sought persons must not be confused with persons that FSG is instructed to trace for the purposes of debt recovery. By 'missing/sought' persons we mean persons whose whereabouts are unaccounted for as the result of the likes of criminal acts, incapacitating accidents, mental illness/dementia, and desertion, the beneficiaries of deceased estates/pension fund surpluses and the shareholders of public companies whose whereabouts are unknown given that records are considerably dated or inaccurate, biological parents seeking children given up for adoption and adopted children seeking their biological parents, etc.
- b. FSG has developed effective strategies for locating different categories of missing/sought persons.
- c. FSG has always maintained that there is no-one who cannot be found as long as our client has the capacity to resource us financially to do all that has to be done. FSG has NEVER failed to locate a missing/sought person under circumstance that our client has provided the financial resources to do so.



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8. SERVICES: FORENSIC INVESTIGATIONS - WHITE COLLAR/COMMERCIAL CRIME & CORRUPTION

- a. One of FSG's areas of specialty is the investigation, prosecution and prevention of so-called 'white collar crime', which we have found to be variously described as 'a crime committed by a person of respectability and high social status in the course of his/her occupation; white-collar crime, therefore, overlaps with corporate crime because the opportunity for fraud, bribery, insider trading, embezzlement, computer crime, copyright infringement, money laundering, identity theft, forgery, etc. are more available to white-collar employees'], and as those illegal acts which are characterized by deceit, concealment, or violation of trust and which are not dependent upon the application or threat of physical force or violence.
- b. While FSG is available to investigate, prosecute and prevent ALL TYPES of white collar crime, it is the investigation, prosecution and prevention of **CORRUPTION** that is our <u>unique interest</u>.
- c. The investigation, prosecution and prevention of white collar/financial/commercial crime, including corruption, often requires the application of our forensic investigation and forensic auditing and risk management services.

9. SERVICES: FORENSIC INVESTIGATIONS - FINANCIAL ASSESSMENT INVESTIGATIONS ('FAI')

- a. FSG has amassed an arsenal of tools, resources and informants to covertly produce comprehensive FAIs for natural persons and entities. The primary applications of the FAI product of FSG include:
 - i. Intelligence-driven litigation such that a natural person or entity that is the subject of litigation intended to result in financial restitution/compensation is subjected to a comprehensive (and covert) FAI to identify income and expenditure, and assets and liabilities, and to physically locate (and point out) moveable property, including stolen property.
 - ii. Due diligence exercises, to assess, for example:
 - 1. The risk of concluding a business/financial transaction or agreement.
 - What civil action (eg. attachment of assets, insolvency proceedings) is likely to yield the greater sum to satisfy a judgement.
 - iii. Dealing with savvy debtors:
 - To identify the liquid, moveable and immoveable property hidden/disguised to avoid attachment, so that these can be attached to satisfy a judgement. This includes the likes of proving that the 'corporate veil has been pierced' so that a debt incurred by an entity can be recovered from the individual/s that comprise that entity and vice versa.
 - 2. To lend investigative support to insolvency and sequestration proceedings.
- b. FSG's FAI SERVICE PROFILES permit client to instruct FSG by merely checking tick boxes, alongside which is a description of the scope of work and an estimation of FSG's fee to perform that component of the scope of work of an FAI. (Client can therefore cost the exercise for himself.)

10. SERVICES: FORENSIC INVESTIGATIONS - DATABASE INTELLIGENCE

- a. FSG's DATABASE INTELLIGENCE service is the sale of intelligence gleaned from public access, subscriber-only access and confidential databases. DATABASE INTELLIGENCE is also used as an investigative resource.
- b. We have on-line access to a multitude of databases, including:
 - i. All credit bureaus.
 - ii. Deeds registries.
 - iii. CIPC (formally CIPRO).
 - iv. Government Gazette libraries.
 - v. A number of 'spider-search engines' that vacuum raw data from hundreds of databases that store personal information.
 - vi. Membership databases of professional associations.
 - vii. Court records.
 - viii. Valuation rolls.
 - ix. Property valuations.
 - x. Numerous databases that permit the calculation of the market value of a variety of moveable assets.
 - xi. And many more.
- c. We have informants who reliably provide us with access to the databases of (but not limited to):
 - i. Banks (identifying the bank accounts of a person/entity, balances, detailed statements).
 - ii. Telkom (identifying an address where a number is installed, identifying ownership, detailed billing).



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- iii. Cellphone service providers (ownership, detailed billing; triangulation of the location of cellphones; SIM card and IMEI profiling which has the effect of turning a stolen cellphone into a tracking device).
- iv. SAPS databases (especially CAS, CRIM, NATIS and the FIREARMS REGISTER).
- v. Government departments and government owned databases, including:
 - Home Affairs (births, deaths, marriages, population register, border movement register).
 - SASSA (state grant beneficiaries).
 - 3. RICA.
 - 4. SARS.
- d. We are legally able to obtain records from eNATIS (to establish registered ownership of vehicles, whether a vehicle is subject to a finance agreement, to identify all the vehicular assets of an individual or an entity) that includes PRINTOUTS from the eNATIS database.
- Intelligence/records supplied from confidential databases are supplied for information purposes only and may not be used as evidence in either informal or formal proceedings unless subsequently subpoenaed.

11. SERVICES: FORENSIC INVESTIGATIONS - BACKGROUND CHECK INVESTIGATIONS ('BCI')

FSG will conduct a thorough BCI of any person or entity, for whatever reason. Applications include:

- a. Pre-employment assessments.
- b. Due diligence assessments.
- c. Educational qualifications assessments.
- d. Criminal and credit history assessments.
- e. Cross border movement assessments.
- f. Tax history assessments.
- g. Agreement compliance assessments.
- h. Personal relationships histories.
- i. Uncovering practices that (if revealed) may persuade an evasive debtor to settle a debt, etc.

12. SERVICES: FORENSIC INVESTIGATIONS - UNDERCOVER INVESTIGATORS ('U/I')

- a. There will always be instances when the evidence necessary for a successful investigation cannot be obtained without the assistance of someone within the loss/risk environment that is associated with/the subject of a forensic investigation. The forensic investigator then has two options:
 - i. To recruitment someone inside the loss/risk environment as an informer. However, this process is time consuming, risky and operationally complex.
 - ii. The infiltration of a trained U/I into the loss/risk environment. The role of the U/I is to monitor, observe and report back to FSG. Successful infiltration is dependant on three factors:
 - 1. Creating a sustainable, verifiable cover identity ('legend') for the U/I.
 - 2. The trade craft of the U/I.
 - 3. The skill of the 'handler' of the U/I, which finds expression in the capacity of the handler:
 - a. To debrief the U/I.
 - b. To direct the actions of the U/I.
 - iii. FSG has supplied and handled U/I for more than 25 years.

13. SERVICES: FORENSIC INVESTIGATIONS - ENTRAPMENTS

- a. Entrapping persons suspected of illicit activity is sometimes the only way of harvesting evidence that will satisfy the requisite burden of proof for a successful criminal/civil prosecution.
- b. The line between **ENTRAPMENT** and **SOLICITATION** is thin. The impropriety of <u>solicitation</u> must unequivocally be avoided if entrapment is to be an act of forensic investigation that results in admissible evidence.
- c. It is the understanding of FSG that the line between entrapment and solicitation is the satisfaction of the requirement that there exists prior *prima facie* evidence that the subject of an entrapment exercise was previously involved in the activity that is the subject of the entrapment exercise.
- d. Subject to establishing *prima facie* evidence of prior involvement, FSG is available to execute <u>entrapments</u> on condition that client will cover any legal costs incurred by FSG to defend the legal claims/charges that may be brought (albeit without substance) against FSG as a consequence.



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14. SERVICES: TRACING

- a. FSG has a **TRACING DIVISION** that offers various tracing services.
- b. FSG employs two types of tracers; Desk-Bound Tracers ('DBT') and Tracer Field Agents ('TFA'). FSG has DBT deployed at its corporate offices in Durban, Johannesburg and Cape Town, and TFA deployed in all Magisterial Districts in South Africa. However, all trace instructions must be addressed to our Durban head office.
- c. FSG has developed comprehensive DBT and TFA training programs.
- d. FSG has developed comprehensive trace procedures for each of our <u>five categories of tracing services</u>, each of which are based on FSG's STANDARD TRACE PROCEDURE ('STP'). These provide FSG the capacity to audit the performance of DBT and TFA so that we ensure that every instruction is subjected to the full STP to maintain the highest possible success rate.
- e. FSG ALWAYS maintains an abundant tracing capacity so that we are able to accept as many instructions IN ALL FIVE CATEGORIES OF TRACING SERVICE as what clients elect to give us.
- f. FSG's forensic investigators also perform all categories of tracing services. We use tracing instructions to keep all revenue-generating employees busy in the event of a period when our FORENSIC INVESTIGATION instruction load is insufficient to keep our team of forensic investigators busy. Clients benefit from highly qualified staff attending to trace instructions, and FSG benefits from maintaining a base service that provides FSG a sustained revenue stream. Consequently, we seek as many trace instructions as possible and continuously strive to grow our trace instruction client base.
- g. All trace instructions are received on a <u>no trace, no fee</u> basis (subject to certain exceptions for some categories of tracing services).
- h. <u>Although neither DBT nor TFA or FSG actually collect debt</u>, it is argued that what their work is part of the legal debt recovery process and consequently, they should be regulated in terms of Debt Collectors Act, Act 114 of 1998. As matters stand:
 - i. The DBT of FSG are accredited with the Private Security Industry Regulatory Authority, the statutory body founded by the Private Security Industry Regulations Act that includes *investigator* in the definition of *security service provider*.
 - ii. The TFA of FSG are accredited with the Counsel for Debt Collectors, the statutory body founded by the Debt Collectors Act to enforce this Act.
- i. A comprehensive Service Profile, which sets out the detailed terms and conditions of service, is available upon request for each category of tracing service provided by FSG.
- j. <u>STANDARD DEBTOR TRACING ('SDT')</u> is the first of FSG's five tracing services:
 - i. SDT services are utilized by attorneys with a debt collections practice, and registered debt collectors.
 - ii. SDT is performed from behind a desk, working with a telephone, access to online databases, and an informer network that provides access to all nature of confidential databases.
 - iii. SDT is conducted in accordance with the scope of work set out in FSG's STP. No trace report leaves FSG unless it has been audited for compliance with our STP. As a consequence, for SDT instructions:
 - 1. Statistically, we produce positive trace reports for at least 75% of instructions received.
 - 2. Statistically, less than 3% of first-time positive trace reports issued result in a Return of Non-Service from the Sheriff of the Court, and analysis of Returns of Non-Service indicate that for 75% of Returns of Non-Service the cause rests with the Sheriff of the Court.
 - 3. Statistically, 90% of 're-trace instructions' received result in a positive Return of Service.
 - iv. FSG is unique in qualifying positive trace reports for SDT instructions in two ways:
 - We independently verify the accuracy of the traced particulars of a debtor, and our trace report includes an explanation of how traced particulars were independently verified. And if we are unable to do so, our report will state this.
 - 2. We establish the best time of the day and the day of the week for the Sheriff to serve process at a given address, and if we are unable to do so, our report will say so.
 - v. STD instructions:
 - 1. Are received on a no trace, no fee basis.
 - 2. Are guaranteed to be accurate for 60 days from date of issue.
 - 3. Will be re-traced for no additional fee if:
 - a. Service was attempted in accordance with the report qualifiers.
 - b. Service was attempted within the 60 day guarantee period.
 - c. A copy of the Sheriff's Return of Non-Service accompanies the re-trace instruction.
 - vi. We request a 30 day mandate period, but our objective is to turn-around SDT instructions in 14 days.



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- k. THIRD PARTY TRACING ('TPT') is the second of FSG's five categories of tracing services:
 - i. TPT instructions are mostly received from the recoveries/legal function of short term insurers (especially motor vehicle-related loss insurers) who require FSG to:
 - Trace the current residential and employment addresses of the third party ('TP'), to an
 insured loss incident, often in the case of motor vehicle accident ('MVA') losses from only
 the registration number of the TP vehicle to the incident that caused the insured party ('IP')
 to claim from his insurer, to:
 - Ascertain whether TP was insured against the loss, and if so, to obtain details of the TP's insurer, or
 - b. If the TP was uninsured, to:
 - Establish TP's attitude towards our instructing insurer's position that the TP was responsible for the incident that caused the loss, and/or
 - ii. Establish what apportionment of the loss TP will accept, and/or
 - iii. Assess TP's financial capacity to settle the claim and/or
 - iv. If TP accepts responsibility for the loss, and/or if the insurer accepts TP's apportionment of responsibility for the loss, to obtain from TP an <u>Acknowledgement of Debt</u> ('AOD') that includes an installment payment plan after conducting a <u>Means Affordability Test</u> ('MAT') and consents to Judgement and an Emoluments Attachment Order in terms of Sec 57/58 and 65(J) of the Magistrate's Court Act
 - ii. FSG may also be instructed to:
 - 1. Identify, interview and depose witnesses to the insured MVA loss incident, and otherwise reconstruct the MVA to determine who was responsible.
 - Conduct a <u>Basic Financial Assessment Investigation</u> ('BFAI') of the party/parties alleged to be responsible for the loss, to assess the acceptability of the quantum of the installment offered for inclusion in an AOD; alternatively to establish the viability of prosecuting the TP to recover the quantum of the loss for which TP is assessed to be liable.
 - iii. FSG does not raise a fee to the insurer if we are unable to trace TP.
- I. <u>CONSENT SIGNING SERVICES ('CSS SERVICES')</u> is the third of FSG's five categories of tracing services:
 - i. <u>CSS Services</u> is a term uniquely introduced by FSG to describe the services of <u>tracing agencies</u> who:
 - 1. Trace debtors, and
 - 2. Meet with traced debtors to:
 - a. Deliver LOD and (National Credit Act) Section 129 Notices ('Notices'), and obtain proof of receipt of same. .
 - b. Negotiate the conclusion of AOD. To this end FSG has developed a MAT that also takes into account the likes of the marital regime of the debtor and the value of a debtor's equity in juristic persons/entities.
 - ii. We refer to paragraph l.i and sub-paragraphs as the CSS Services method of legal debt recovery.
 - iii. To give full expression to the service and to make it <u>reliably available in every place in South Africa</u>, FSG founded the <u>CSS Network</u> ('Network'). This is a network of <u>tracer field agents</u> ('TFA') and other tracing agencies who employ their own TFA, such that every member of the network through a reciprocal agreement between Network members has the resources to meet with debtors in any place in South Africa for the purposes of delivering LOD and Notices, and concluding AOD.
 - iv. FSG receives CSS Service instructions from attorneys with a debt collections practice, registered debt collectors, registered financial service providers who attempt to collect their own arrear debt using the CSS Services method before instructing an attorney, and the recoveries function of short term insurers to facilitate recoveries from TP.
 - v. <u>FSG has commenced a campaign to motivate attorneys with a debt recovery practice</u> to *first* attempt to recover a debt using the <u>CSS Services method</u> *before* resorting to issuing a Summons Commencing Action because:
 - FSG has created the Network, which <u>rivals that of the infrastructure of the Sheriffs' of the Court</u>, so that this service is reliably available in all places in South Africa.
 - In respect of debtors who are prepared to cooperate with this CSS Services method, the result is:
 - a. More immediate cash flow from debt recovery instructions.
 - b. Shorter debt recovery periods.

HEAD OFFICE



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- The reduction of wasted costs as a result of the likes of Returns of Non-Service from the Sheriff of the Court.
- d. Lower initial disbursements. This is valuable for attorneys who accept large volumes of debt recovery instructions on a contingency basis such that they are required to fund initial disbursements, and can only recover their disbursements and collect their fees from money recovered from debtors.
- A less expensive and faster litigation process if a debtor defaults i.t.o. an AOD, than if litigation commenced with the issuing of a Summons Commencing Action.
- vi. CSS Services are offered by FSG for a limited fixed fee, and on a no success, no fee basis.
- m. TRACING SERVICES SECOND PHASE TRACING ('2-PT') is the fourth of FSG's five categories of tracing services.
 - i. There are habitual bad debtors who are savvy at evading the legal recovery process by means of:
 - Making themselves untraceable and/or
 - 2. Successfully hiding their income and assets.
 - ii. '<u>Untraceable</u>' does not mean a debtor cannot be traced. Instead, it means that <u>it is not financially viable for a tracing agency to trace a savvy debtor by employing the limited scope of work permitted by the limited, fixed fee that clients will pay for a SDT, and then only subject to success.</u>
 - iii. When clients (especially attorneys) instruct tracing agencies they do so in terms of a SDT <u>regardless of the quantum of the debt</u>. However, when the quantum is significant, the creditor is often prepared to risk a greater sum than the fee a SDT to successfully trace a debtor.
 - iv. Recognizing 14.m.i 14.m.iii, FSG has introduced its 2-PT service:
 - 2-PTs are performed by the forensic investigators employed by FSG's <u>Investigation Division</u>.
 The scope of work of a 2-PT mirrors that of a missing/sought person investigation, although its objective is the same as a STP.
 - When our Tracing Division produces a 'no trace' report consequent to an unsuccessful SDT, our 'no trace' report includes an offer to conduct a 2-TP.
 - v. 2-TPs are performed against our investigation tariff. 2-PT instructions are accepted on condition that client agrees to:
 - A minimum budget equivalent to three hours of our time against our base investigation tariff. We do not warrant that this sum is adequate to complete the task, but we do undertake to not do any work in excess of this budget without first reverting, accounting, and seeking a further mandate.
 - 2. If we are unsuccessful in locating the debtor, to pay our <u>disbursements only</u>, which could include (but may not be limited to):
 - a. Our fee to search various databases.
 - b. Our fee to obtain records from confidential databases through informants.
 - c. Vehicular travelling.
 - vi. FSG is aware that our 2-PT service can be misjudged as a scheme devised to make quick money for minimal effort, but we encourage clients to draw confidence from the following:
 - Our relatively new 2-PT service will only succeed if clients believe in it, and the only way to secure the confidence of clients is to persistently return successful results.
 - 2. We carry the bulk of the risk by limiting our fee to our disbursements if are unsuccessful.
- n. FOREIGN PENSIONER TRACING ('FPT') is FSG's fifth category of tracing service:
 - i. The German State Pension Fund retains FSG to make enquiries about their beneficiaries who reside in South Africa. We are to trace them and establish that they are still living or are deceased.
 - ii. In the event that a beneficiary is deceased, our mandate is to identify the executor of the deceased's estate and to facilitate the recovery of any pension installments that may have been paid after the death of the deceased.
 - ii. FSG is currently communicating with the state pension funds of other countries that have significant numbers of beneficiaries who reside in South Africa, to offer to them the same service.

15. **FORENSIC AUDITS**

a. FSG has developed several forensic audit processes that have as their objective the measurement of the efficacy of various of processes and procedures, for the purpose of gathering, interpreting and preparing evidence that satisfies both the measure of what is admissible as evidence in the court that has jurisdiction over the issue that is the subject of legal proceedings or that may become the subject of legal proceedings, and the applicable burden of proof.



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- b. It follows that for FSG, a <u>forensic audit</u> is one expression of a <u>forensic investigation</u>; furthermore it employs the methodology of SCIENTIFIC METHOD.
- c. Forensic audits are offered as a stand-alone service, usually under circumstance that client's objective is to assess his risk to loss, or to identity the cause of actual loss. However, forensic audits are also almost always a component of forensic investigations, especially those involving corruption, white collar/financial/commercial crime, to quantify the value of losses resulting from such criminal activity and to identify the methods employed to execute such crimes.
- d. For the purpose of FSG's FORENSIC AUDITING services, "loss" is defined as anything that unnecessarily increases the costs of an entity, or that has the capacity to do so.
- e. FSG's has developed several specific forensic audits:
 - FINANCIAL FORENSIC AUDITS. A Financial Forensic Audit audits the financial records of an individual
 or an entity to track the source, destination and flow of money. It also makes an assessment as to
 whether a set of financial records accurately reflects the financial transactions of the individual or
 entity concerned.
 - ii. OPERATIONS LOSS RISK AUDITS. The objective of an Operations Loss Risk Audit is to subject an entity to scrutiny to assess its potential risk to loss or to quantify actual losses experienced, but for which the cause is unknown. The Operations Risk Audit can be conducted for the entire operations of an entity, or a specific aspect of its operations, as directed by client.
 - iii. SECURITY RISK AUDITS. Security Risk Audits seek to quantify the security risks of an entity and to assess the efficacy of such security measures that have been implemented. They take into account the statutory obligations placed on security services providers and the consumers of their services.
 - iv. LIFSTYLE AUDITS. A lifestyle audit examines the <u>standard of living</u> of an individual compared to his declared means and sources of revenue. By performing a lifestyle audit in conjunction with FSG's FAI, it is possible to identify the source of, and to quantify, the sources and value of revenue not declared.
 - v. COMPLIANCE AUDITS. FSG has developed several compliance audits for various applications:
 - 1. Applications include:
 - a. The DISCIPLINARY PROCEDURE RISK AUDIT.
 - b. The ELECTRONICS RISK AUDIT.
 - c. The CORPORATE GOVERANCE RISK AUDIT.
 - 2. Although FSG has developed several specific compliance audits, the particular benefit of the service is the capacity of FSG to develop requirement-specific compliance audits, to assist clients manage the risks associated with their particular risk/loss environments.

16. RISK MANAGEMENT SERVICES

- a. Put simply, FSG's risk management services are the "flip-side of the coin" for forensic audits, or the means to manage the risks identified by risk audits, through the introduction of appropriate risk management mechanisms, which in turn can be expressed in the form of a compliance forensic audit to ensure that future practices comply with the risk management mechanisms introduced.
- b. The contents of 16.a are, in reality, an over-simplification, as every loss/risk environment is dynamic. Consequently, it is necessary to regularly audit the efficacy of a compliance audit in relation to the loss/risk environment it seeks to protect.
- c. It can be said that every service of FSG has as its objective the management of risk:
 - i. If FSG is instructed to trace a debtor, the objective is to manage the risk of not recovering a debt.
 - ii. If FSG is instructed to conduct a forensic investigation of an alleged criminal act:
 - If FSG is instructed in the context of the defence of the accused, the objective is to manage the risk of a conviction/the severity of a sentence.
 - If FSG is instruct in the context of the prosecution of the accused, the objective is to manage the risk that the accused could repeat the criminal act and again cause the complainant to incur losses
 - iii. ... and so on in respect of all the forensic investigation, auditing, risk management and tracing, and guarding services of FSG.
- d. The performance of a FORENSIC AUDIT is itself an exercise in RISK MANAGEMENT as it signals those persons who are part of the risk environment (the employees of an entity, the officials of bodies corporate, a limited group of employees that populate a particular department/division/function of an entity, the learners/students



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- of an educational facility, the members of a club, etc.) that their actions and behaviour and the procedures they follow in their performance are the subject of scrutiny.
- e. Properly, forensic audits and risk management exercises should be integrated into the overall RISK MANAGEMENT PROGRAM of the subject entity.
- f. It should be self-evident that the process of a risk management exercise stays the same, whilst the specific subject matter and the specific risk environment changes. Consequently, the process of forensic auditing and the evolution of risk management exercises, can be adapted and adopted to manage the risks of any loss/risk environment. It is both the process and the creativity of applying that process to appropriately address different loss/risk environments that is the skill f FSG.

17. SECURITY GUARDING SERVICES

- a. FSG is accredited by the <u>Private Security Industry Regulatory Authority</u> as a 'security service provider' and *inter alia* renders a <u>security guarding service</u>.
- b. FSG supplies all grades of security guards in full compliance with applicable regulatory legislation.
- c. The competitive advantage of FSG's guarding services is that we strive to provide guarding services <u>always in</u> the context of lending support to client's <u>overall risk management objectives</u>, in a manner that derives <u>maximum risk management benefit</u> from the guarding service.
- d. FSG constructs a <u>security function job description</u> specific to client's loss/risk environment after first conducting a security risk audit at our cost. We then explore all possible tasks that can be prescribed to the security function to support client's overall risk management objectives. The security function job description is then given expression in job descriptions for each guard posting.
- e. Guard posting job descriptions are constructed in a manner that makes <u>performance measurable</u>, so that excellence can be rewarded and poor performance sanctioned.
- f. An integral component of this approach to rendering a guarding service is that FSG's security guards are trained to <u>understand the risk management implications</u> of the tasks prescribed to the security function. The result is an <u>intelligent security guarding solution</u> that focuses on the unique requirements of a client's risk environment.
- g. For clients who require a 24/7 guarding solution, FSG employs a full third shift guard complement that is dedicated to that client. In this manner, the staff complement of one shift is always off-duty. This serves two purposes:
 - i. Guards dedicated to the premises of a particular client are assured of adequate rest periods so that risk of guards sleeping on duty, and absenteeism due to fatigue, is significantly reduced because we post guards on a 'three day on, three night on, three day/night off' roster.
 - ii. In the event of absenteeism we always have a pool of guards to draw from who are intimate with the security function and guard posting job descriptions of the client to who they are dedicated.
- h. FSG's guards (and all other employees) are employed subject to a contract of employment in which they *inter* alia agree that continued employment is subject to:
 - i. Compliance with our comprehensive <u>Disciplinary and Grievance Procedure and Disciplinary Code</u>.
 - ii. Consenting to a polygraph examination if <u>for any reason</u> FSG or client has reason to doubt a guard's statements or question a guard's actions.
 - ii. The right of FSG to monitor performance by whatever means FSG deems necessary.
- Our guarding division is managed by a competent Operations Manager who has adequate resources to deliver comprehensive supervision of guards deployed to our clients' premises.

18. SERVICES: ELECTONICS - INVESTIGATION, RISK MANAGEMENT-RELATED & SECURITY

- a. FSG supplies and installs a range of electronic equipment that have investigation, risk management and security- related applications.
- b. Such devices are supplied either as tools that we use to assist a forensic investigation or risk management exercise, or they can be purchased outright by clients for their own applications. These include:
 - i. Covert or overt CCTV systems that are either installed temporarily or permanently.
 - ii. Covert stand-alone CCTV cameras and audio recording devices with internal memory capacity so that they do not have to be attached to anything to operate, that are built into a variety of 'everyday use' items so that they can covertly be infiltrated into any environment. These video, audio and audiovideo covert monitoring/recording devices are built into the likes of eye-glasses, pens, calculations, clocks, brief cases, etc.



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- iii. Covert tracking devices that are battery operated and take seconds to install, that enables the tracking of an asset (including vehicles) in real-time from any remote location, using a combination of GPS and GSM technologies, by simply logging on to a live GPS tracking website.
- iv. Covert telephone and room audio monitoring devices.
- c. FSG also supplies a range of software applications to monitor communication over cellphones, and computer activity (including email communication and internet browsing), both in real time and out of real time
- d. Using various technologies FSG is also able to:
 - Identify the owner of a cellphone or a SIM card (ie. cellphone number), regardless of whether the service is pre-paid or contracted.
 - ii. Poll the location of a cellphone in real time.
- e We caution that:
 - i. All of these technologies have limitations.
 - ii. These technologies can be expensive.
 - iii. While we can always supply these devices and deploy these technologies in theory, we cannot guarantee delivery without first assessing the circumstances.
- f. The range of devices and technologies that are available internationally is staggering! If a client has a unique requirement, FSG has the capacity, experience and networks to conduct the necessary research to establish whether a unique requirement can be met.

19. SHAREHOLDERS AND BOARD OF DIRECTORS

Each Executive Director of FSG is a shareholder and has an active role in the daily affairs of FSG. They are:

- a. <u>Mutshutshu Nxumalo</u> the incumbent Chairperson of FSG's Board, and FSG's National Director: Corporate Business. Nxumalo is a 50% shareholder of FSG. Nxumalo is an engineer and a risk management consultant by profession.
- b. <u>Willem Jardine</u>, who founded FSG and the predecessor entity of FSG, and who has been at the operational helm of the company since its inception in 1985. Jardine is FSG's incumbent CEO and National Director: Operations. Jardine retains a 25% shareholding of FSG.
- c. <u>Shelley Deghaye</u>, who joined the predecessor entity of FSG in 1998 as a bookkeeper, who over the years was promoted to the position of National Manager: Administration and Finance. In 2011 she acquired a 25% shareholding of FSG and was appointed as FSG's National Director: Administration and Finance.

20. CONCLUDING REMARKS

It is not possible to provide a detailed introduction to the business and expansive services of FSG in this limited medium.

- a. Our website at www.fohalsecurity.co.za contains a more detailed introduction.
- b. Please email us at fohladbn@yebo.co.za should you require further information about FSG' services, require a SERVICE PROFILE, or have a related requirement that is not specifically provided for in this PROFILE. Consequent to our lengthy trading history, capacity and extensive expertise, the greater probability is that we will be able to propose a solution or direct you to a service provider who can better service your requirement.