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ACCOUNTING MALFEASANCE: DISCERNING INTENT THROUGH RESTATEMENT ACTIVITY

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ABSTRACT

This paper examines corporate accounting malfeasance in order to reveal relationships between ethical theory, malfeasance, and the ensuing cost. While the accounting expense of malfeasance is significant, the market impact cost is nearly six times as much, totaling $857 billion amongst the 100 corporations studied. We use the theory of planned behavior to estimate the intent of decision-makers relative to the type of ethical theory employed. While ethical egoism drives explicit forms of malfeasance such as theft, bribery, and insider trading, the more subtle acts of misstating revenue, expenses, or income account for 99% of malfeasance activity. Although we can cite error in some cases, the rise in malfeasance and resulting cost indicate the likelihood of intentional fraud. The application of ethical theory suggests that utilitarianism, in contrast to principle-based thinking contributes to misstatements, malfeasance, and disproportionate expense. We propose that utilitarian thinking impacts this intent to defraud as decision-makers succumb to social pressure and subjective norms.

CONSUMER (BANKCARD) DEBT AND REGULATION – ARE THINGS WORKING?

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ABSTRACT

The author analyzes the more recent events in the consumer bankcard world which entail bankcard usage, consumer debt and whether recent regulation is actually working. This theoretical piece will serve as a springboard for a more elaborate empirical study on specific impacts of consumer use of extended credit and its implications for the economy as well as economic policy. Such consumption that has, in many cases, led to over-indebtedness has been of great concern to many in recent years. It has had economic, social, and legal impacts. The efforts at regulation in recent years will be reviewed for effectiveness. Personal consumer debt continues to be the bane of many an individual's existence. There have been drastic changes in the consumer behavior landscape since the arrival of the first revolving credit card in the 1950s. The findings in this paper intend to illustrate the relationship between regulation and recent statistics of cardholder debt. Is the regulation doing what it was designed to do? What is the understanding of the consumer on the use of credit products and accumulation of debt?

INTRODUCTION

When credit cards were first issued it can be argued that the average consumer was not ready for what was to become a new wave of relatively easy credit in a time (1950s and early 1960s) of increasing consumerism and overall desire for the good life – which the within the American social fabric increasingly dealt with material wealth. Between business and regulation there tends to be a continuous contention or even opposition. What is of prime concern to business (the market) arguably differs from the main concerns of governments whose duty it should be to protect its citizens (in this case consumers/cardholders). The key question here is the ability for the consumer to make sound decisions. The recent changes in the regulatory landscape as related to credit cards can be duly compared and contrasted to the imminent regulation that took place in the 1930s with regard to the securities industry (e.g. the formation of the SEC in 1934). It becomes a basic question of transparency. That which is abstract can tend to baffle the average person. In the case regarding this paper, the abstractness that has been dealt with by recent regulation is associated with elements world of credit cards such as minimum payments, disclosure of payment information such as that which enables a cardholder to know the impacts of certain payment levels (i.e. years remaining to payoff given different payment levels), and changing interest rates.

Prior to the "Great Recession" of 2008, consumer over-indebtedness associated with credit cards was positively correlated to the degree to which the bankcard industry was deregulated. The increased deregulation allowed card issuing banks and other organizations to

create their own rules and provide or offer certain options in an environment characterized by increasing access to credit. There was a great deal of "easy money" and spending addictions seemingly ensued. Did bankcard products defy economics in the sense that pricing would no longer deter consumers from satisfying wants due to cost inhibitions? I believe the answer to this question is, intrinsically, no – however a lack of transparency in the world of bankcards tended to make things more difficult for the average consumer to know where they were regarding spending habits. A classic anecdotal account of the person who thought they had only charged a few hundred dollars worth of goods that ends up reaching levels in the $1000s became relatively common. There are also factual cases of individual with poor credit scores applying for a credit card with a $400 credit limit but due to fees and other charges were only able to charge a few hundred dollars worth before maxing out that card – known as "fee harvesting" in the bankcard vernacular.

Prior to the recession it began to seem as if these instruments of unsecured/revolving debt hindered pricing mechanisms so that fulfillment of seemingly limitless wants and desires did not take place naturally per market forces. Were consumers truly aware of what they were doing financially with this credit product? A series of regulation leading up to these heady days of the mid 2000s (2003-2007) did exist. There was regulation such as the Truth in Lending Act-1968 (introduced difficult-to-read small-print disclosures accompanying credit cards – sometimes considered to be written in "legalese") , Fair Credit Reporting Act-1970 (while providing consumer credit rights – did not do much to help consumers make debt-related decisions), and the Fair Credit Billing Act-1975 (an amendment to the Truth In Lending Act – did not do much for the cardholder expenditure impact decision process). Such regulation did not seem to work that well in light of debt levels reached.

The role of deregulation is arguably correlated with the increasing balances experienced by cardholders. Several examples of deregulation include the 1978 Marquette decision on interest rates (a tool that essentially deregulated interest rates – extreme example at 79.9% - subprime card issuer First Premier Bank in South Dakota), the 1996 Smiley ruling on fees (states cannot limit fees when charged by national banks) and the Gramm–Leach–Bliley Act of 1999 (wider-reaching deregulation of the financial services industry).

Credit cards have enabled consumers to conduct online purchases, reserve hotel rooms and rental cars in many different countries, decrease the need to exchange currency when traveling, and reduce liabilities in losses of cash. In the 5 years leading up to the recession starting in 2008. The consumer economy had become arguably overly-compulsive during these pre-recession years yielding average balance-carrying American households ongoing card debt of $16000 compared with about half that just 7 years prior. The revolving debt in the US in 2011 reached just over $800 billion as pertaining to 50 million households revolving credit card debt. (Federal Reserve RCC, 2012).

Cards are used for a variety of expenditures such as discretionary spending, convenience and, in some cases, basic needs. The macroeconomic effects of unemployment especially influence the use of this high-priced credit product to meet basic necessities while other options aren't readily apparent. Banks that issue credit cards do so because of the potential profitability of that financial product. With interest rates that climb as high as 25-30%, (averaging between

12.5% and 15%) the industry continues to reap the benefits of consumer credit usage that has drastically increased in the last half century. In recent decades, bankcards have become a commonplace item in the possession of consumers of developed countries and usage is growing rapidly in less developed regions. Prior to deregulation of the credit card industry in terms of interest rates and fees, the credit card business tended to lose money. With deregulatory changes however, the credit card business became one of the banking industry's most lucrative businesses. This is the backdrop of the recent wave of regulation and determination of whether it is working – for the consumer, at least.

RECENT REGULATIONS ASSOCIATED WITH BANKCARDS (AN EBB AND FLOW) AND HYPOTHESES

The credit card industry has seen what could be called an ebb and flow or different phases of government intervention. Initially there was little to no regulation since it was such uncharted territory in the late 1950s and 1960s. Then a regulatory phase kicked in in the 1960s and into the mid-1970s. In the mid-1960s, for example, the practice of sending unsolicited live cards to consumers was banned. A special assistant of Consumer Affairs (to President Lyndon Johnson) is quoted as saying the unsolicited credit cards […] have been mailed off to unemployables, drunks, narcotics addicts and to compulsive debtors" a process she described as similar to "giving sugar to diabetics".

It is during the late 1970s that key deregulation takes place in the form of the Marquette case dealing with interest rates in 1978 and then the Smiley case dealing with fees in 1996. These 2 decisions really opened the deregulatory flood gates to rampant use of revolving credit by the average consumer. Of course these events are not occurring in a vacuum. There was simultaneous perceived improvement of the economy in the form of the dotcom boom in the late 1990s and then a few years later with the real estate bubble. This confluence of events seemed to set the stage for the over-leveraging of the average consumer during those years. A key component of this overleveraging has been revolving credit.

The primary regulatory forces that can effect change to the credit card industry include state entities and the Office of the Comptroller of the Currency (OCC). The OCC is a federal agency that regulates and supervises national banks to ensure a safe and competitive banking system that supports the citizens, communities and economy of the United States. Growing consumer debt and consumer spending is a central issue associated with the ubiquity of credit cards. The OCC was instrumental in the Smiley case. The OCC was given authority on deciding this case by the Supreme Court and the banks won in this case. This basically allowed for a wide array of fee-charging by issuing banks. In question with the Smiley case was a vague definition of interest. The OCC (the head of the OCC is the official charged by the National Banking Act with regulating national banks) issued a proposed regulation defining "interest" under the Act as including "any payment compensating a creditor or prospective creditor ... [for] any default or breach by a borrower of a condition upon which credit was extended" which made rampant charging of fees essentially legal.

It is in light of the most recent regulation of this industry that the author poses the titular question – "are things working?" Over the course of the phases of regulation/deregulation and then re-regulation there have been strengths and weaknesses in what has been somewhat of a process of trial and error. The key recent examples of regulation in the US for the credit card industry has come about in 2 steps. The first, in 2009, in the form of the
Credit CARD Act of 2009 (the all caps CARD stands for "Card Accountability Responsibility and Disclosure" which is part of the official full name). This legislation has as its main focus to "establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes" (From H.R. 627 – House of Rep. Bill # 627, 111th Congress). Some of the more salient provisions of this bill on the surface appears to offer some hope for the deeply indebted consumer and also as a preventive measure for those more vulnerable to getting caught in the revolving credit web.

Specific changes brought about by this legislation primarily deal with interest rates, disclosures, and fees associated with credit cards. Prior to the CARD Act, interest rates could be raised at any time, and that new rate would apply to prior balances even if the cardholder was not late on payments. Now the cardholder is essentially
immune from rate increases during the 1st year, and there is now a mandatory 45 day notification for rate changes. It should be noted that there are still no caps on rates – but there is a seemingly bona fide effort to allow cardholder more information on which to make decisions. Disclosures both in the agreements and on the bill itself were either perceivably too complex to understand or not present. As of the CARD Act the cardholders see how many months it will take to pay off given different scenarios, for example what payment amount would be required to payoff a balance within 3 years. It is also required to communicate how long it would take to pay off the balance by only making the minimum payments. Prior to the CARD Act, most cardholders likely had no idea of the amount of time or the financial impact of only making the minimum payments. Another sticking point with the way credit card companies worked dealt with the service fees (e.g. late fees). Prior to the ACT there was a practice undertaken by issuing banks known as "fee harvesting". The banks charged as much as they liked, (e.g. an extreme example of a popular card, the Premier Bankcard, charged $256 in first-year fees for a $250 credit line.). The typical targets of fee harvesting were those consumers with bad credit or no credit history. The card's limit averaged $500. The CARD Act imposed a 25% cap (25% of the credit limit) on fees during the 1st year of possession of the card. Another type of fee dealt with by this act were the over-the-limit fees. Before the cardholder was allowed to go over cred limit and then hit with a $39 charge. Now, the cardholder must agree to being allowed to spend over the limit (interest/other charges can't trigger the fee – only purchases). The CARD Act of 2009 was also an attempt to end what had been decade of ambiguity of who should regulate the credit card industry. It is notable, however, that in spite of this recent regulation – that the Marquette and Smiley decisions are essentially still safe. The fundamental change brought about by the CARD Act is that of transparency and making available increased information to the consumer so that more informed decisions can be made.

A few years later brought about further change in the formation of the Consumer Financial Protection Bureau in the summer of 2011. Although more of a general reform of Wall

Street, this federal agency holds primary responsibility for regulating consumer protection with regards to financial products and services in the United States. (CFPB – consumerfinance.gov). Among other activities, the CFPB makes "markets for consumer financial products and services work for Americans—whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products." (consumerfinance.gov) The bureau is tasked with the responsibility to "promote fairness and transparency for mortgages, credit cards, and other consumer financial products and services." An example of this agency's policies having teeth is evident in the Capital One case of July 2012 in which the card issuer (Capital One) was found guilty of deceptive practices toward consumers. Hefty fines were paid out and this was viewed as evidence that the agency was functioning as it was designed to. Capital One even apologized for their actions.

IMPLICATIONS/CONCLUSIONS

The recent regulation of the credit card industry is still young in nature, promulgated during times of great economic and financial stress in the country that is the Great Recession starting in 2008. This research has conceptualized the question of whether or not improvements have been made in the consumer revolving debt landscape as a result of recent federal legislation trying to limit the negative impacts of consumer spending trends.

The economic effects on society from the short term revolving credit card usage have been pronounced since cards were first introduced many decades ago. As innovation and technology continue to generate new discoveries in terms of efficiency and process streamlining, it remains essential to harness the industry's potential with social responsibility. A logical segue of this study is research on how the debit card or stored value card may proliferate and consumer education be expanded to harness the wayward trajectory of consumer behavior in terms of spending habits. Perhaps the real need is in financial education for all ages - from elementary kids up through adults, perhaps especially in college, where so many students had been deluged with credit card offers for the first time. This may, in fact, be a good outreach for credit card companies - sort of the way beer or cigarette companies encourage people to consume their product responsibly. There is some level of disclosure of the harmful effects of overconsumption of the companies' products. How would such a campaign look for the credit card industry toward cardholders? Is the bankcard industry lobby too strong? While regulation such as the CARD Act and the formation of the Consumer Financial Protection Bureau are instrumental forms of regulation and enforcement, more action will be needed in terms of changing the wide demographic selection of those suffering from over-indebtedness. This presentation should serve to stimulate further research and methodology discovery in order to increase consumer protection and strive toward decreasing the epidemic of over-indebtedness.

The credit card industry, while improved, still may have to prove itself over time. There are an array of interdisciplinary studies that can be conducted and possibly fused to determine the best way to manage the potential of the return of rampant over indebtedness (not that there is consumer freedom from debt at present. The efforts of the Federal Government have been worthy in trying to tackle this issue. Bipartisan support for most bills passing through Congress

these days is not easy to come by so the fact that the CARD Act was passed with strong on support on from both sides of the aisle speaks to its promise of success and agreement on a problem being present.

Has the regulatory response been sufficient up to this point? It seems that different goals of the recent regulations of the credit card industry have been met. Will the CFPB be that type of regulatory agency that can quickly respond to changes in the industry or to innovations that may even circumvent recent regulations? So far the signs point to this being possible.

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ETHICAL IMPLICATIONS OF THE LANCE ARMSTRONG'S PERFORMANCE-ENHANCING\ DRUG CASE

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ABSTRACT

From his first big race win in 1993 to his seventh Tour de France (TdF) win in 2005, Lance Armstrong was a champion. In 1996, prior to winning the TdF, Armstrong was ranked as the top cyclist in the world (Martin & Rowen, 2013). He battled testicular cancer later that year, yet he recovered and went on to break records. But according to Goff (2013), "extraordinary success invites extraordinary scrutiny." From 1999 to 2012, Armstrong denied any use of PEDs, however, on Jan. 17 and 18, 2013, Armstrong was finally admitting to the use of PEDs on Oprah and Lance Armstrong. His seven TdF wins had been stripped from him by the United States Anti-Doping Agency (USADA) in August 2012, but many people continued to believe in his innocence.

In October 2012, the USADA released a 202-page document detailing the agency's evidence against him, and that report caused the International Cycling Union (UCI) to choose not to appeal the USADA's decision to ban Armstrong for life (Macur, 2012). The president of UCI, Pat McQuaid, said, "Lance Armstrong has no place in cycling; he deserves to be forgotten in cycling" (Macur, 2012, para. 3). Not long after that decision, Armstrong removed himself from leadership of his foundation, LIVESTRONG. Founded in 1997, LIVESTRONG, has raised almost $500 million and has helped more than 2.5 million people dealing with cancer (McLane, 2012).

LITERATURE REVIEW

The Role of Competition

Sports are about performance and the quality of such performance. The quality of the performance drives the popularity of athletes and elevates their celebrity status. History shows that great athletes are also the most popular athletes globally. The common thread running through the careers of these athletes is the fact that they excelled in their sports and consistently competed to the best of their abilities. Volkwein (1995) sees society's performance demands driving the development of modern elite sport. Prominent within the socio-cultural context for

elite sport development are conditions such as winning at all costs and the emphasis on success driven by financial and material considerations (Volkwein, 1995).

Ethics, Sports, and Performance-Enhancing Drugs

Ethics are rules and guidelines in place within communities, families and organizations to aid in our everyday personal and professional decision-making. Farmer, Farmer, & Burrow (2008) describe ethics as individuals and groups decisions and actions in relation to their understanding of right and wrong. Ethics transcend all professions and are important components of everyday life and decisions worldwide. In order for organizations to be on the same page concerning acceptable and unacceptable behaviors, organizations, groups, and communities develop ethical standards and guidelines to guide the decision-making of its members (Black & Roberts, 2011; Peck & Reel, 2013).

Sports organizations as a result of the above have established codes of ethics by which athletes, coaches, and other stakeholders are expected to abide. Components of such codes of ethics range from public appearances or clothing choice to the use of banned substances and performance-enhancing drugs. Violations of any part of such codes are considered unethical. Additionally, regulatory agencies can impose hefty fines and strip athletes of major awards as has been done with Lance Armstrong. Organizations such as USADA and the World Anti-Doping Agency (WADA) have increased investigations of PED use because of the danger they impose. Another argument is that ignoring or breaking the rules governing a sport is cheating, and cheating is wrong. WADA (2009) argues that athletes threaten the "spirit of sport" when they use PEDs.

RESEARCH QUESTIONS

The research questions for this study are as follows:

RQ1: Will there be significant difference in views regarding PED usage and reporting based on (a) gender, (b) age, and (c) cycling participation of respondents?

RQ2: Will there be significant difference in views regarding appropriate consequences for athletes accused of PED usage based on (a) gender, (b) age, and (c) cycling participation of respondents?

RQ3: Will there be significant differences in attitude toward the LIVESTRONG Foundation based on (a) gender, (b) age, and (c) cycling participation of respondents?

The ethical implications on behavioral intentions to donate to LIVESTRONG are viewed through the lens of the theory of planned behavior (TPB; Azjen, 1980) as adapted by Shaw and Shui (2007).

METHOD

A nationwide online survey was administered in February 2013, soon after the broadcast confession Lance Armstrong shared with Oprah Winfrey. The survey asked whether respondents

thought PED use was wrong, what types of consequences they deemed appropriate for athletes caught using PEDs, and what impacts they saw from Armstrong's use of PEDs and eventual confession. The sample was recruited via Mechanical Turk; a total of 399 usable surveys was collected. The volunteer sample attracted more males (60%) than females (40%), with a mean age of 32. The largest concentrations of respondents were in California (15%), Texas (6%) and New York (6%).

Scale items in the TPB survey were adapted to fit the Armstrong/Livestrong scenario. Desire (DES) to avoid donating to Livestrong was measured on a scale that included two-items. Behavioral intentions (INT) (e.g., Ajzen & Fishbein, 1980; Ajzen & Madden, 1986; Shaw et al., 2007) were measured with two items. Participants were asked to indicate their likelihood of avoiding donating to Livestrong, as well as intent of avoiding donating to Livestrong.

RESULTS

T-tests for independent means (equal variances assumed) were calculated using three criterion variables, Gender, Age (<32 or >=32) and Cycling Affinity (whether the respondent had some connection to the sport, or not). The results indicate that gender differences exist with regard to four of the five PED-related questions. Males were significantly more likely to be more forgiving of PED usage, while males and females were fairly equal in their assessment of most professional athletes using such substances.

There were no significant differences reported using Cycling Affinity as a criterion. Younger respondents tended to be more dismissive of problems using PEDs than were older respondents. It was only with regard to turning in PED-using teammates that there was no significant difference vis-à-vis older respondents. Age was also used to compare mean scores along the four summated TPB subscales. Younger respondents had significantly more favorable views toward Livestrong than did older respondents.

DISCUSSION

The results are interesting in that gender was only important with regard to the actions that Armstrong (and others in general) took regarding PEDs, but age was important with regard to both Armstrong-related activities and views toward Livestrong. It is possible there has been a cultural shift within the US, especially in the recent era of PEDs in sport. That Armstrong was a professional cyclist may be immaterial. Perhaps younger adults have become inured to this practice, and pass off drug usage as just another aspect of being a professional athlete.

Older respondents and their tendency to be less forgiving of Armstrong, as well as having a dimmer view of Livestrong, perhaps are reflective of an earlier cultural milieu in which ethics were not relative, but in fact black and white. The results reveal significant differences among the respondents with regard to age. Younger respondents were far more likely to be forgiving of Lance Armstrong and have favorable attitudes and other behavioral dimensions toward Livestrong.

LIMITATIONS

This study is limited in that it is but a snapshot of the general public's views toward Lance Armstrong and their planned giving to the Livestrong Foundation. Additionally, it is possible that, although the sample had good geographic and gender representation, it skewed somewhat young.

AREAS FOR FUTURE RESEARCH

A longitudinal, or at minimum, follow-up, study may yield more clarification into respondent's planned and actual giving. If emotions do subside and forgetting and/or forgiving occur, it is possible that a change in giving could result. Finally, it would be interesting to compare and contrast the Armstrong/Livestrong scenario to crises endured by other charitable organizations.

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POSSIBLE EFFECTS OF THE MILLENIAL GENERATION'S TRAITS ON PHYSICIAN APOLOGIES IN MEDICAL MALPRACTICE CASES

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ABSTRACT

Volumes of studies, assessments and opinion pieces have been written during the past fifteen years or more regarding what has colloquially been referred to as America's "Medical Malpractice Crisis". Much of the debate was triggered by the 1999 report of the Institute of Medicine which posited that between 44,000 and 98,000 deaths each year occurred as a result of medical errors (Mayes, 2005). Notwithstanding a 54,000 death "spread" between the high and low figures, commentators, the media and, of course, attorneys focused on the higher of the two numbers. The effect of this estimate is only compounded by the Center for Disease Control and Prevention's report that 2 million hospital patients die every year from preventable infections; and the Journal of the American Medical Association's vivid assessment that physician negligence is equivalent to one jumbo jet crash every three days. (Harasim, 2004).

Various health care interests and professions have proposed clinical and organizational initiatives to improve risk management and ensure patient safety (Rosenthal and Sutcliffe, 2002). Other efforts have been made by both the public and their elected representatives to reform elements of the legal system by "capping" jury awards for punitive damages and a patient's "pain and suffering" (Harasim, 2004). One of the most significant and widespread tort reforms in the area of medical malpractice has been the increasingly widespread proactive "policy" of physcians apologizing to patients for medical errors they may have committed and explaining to the patient "what went wrong". (Mayes, 2005).

This paper will further elaborate on the success of the "disclose, aplogize and compensate" phenomenon (Tanner, 2004) and will then endeavor to measure and project how well this apology approach to managing the burgeoning costs of medical malpractice will be received by Generation "Y", the Millenials, born between 1977 and 1993 (Zickhur & Pew Research Center, 2011).

THE FIRST AMENDMENT PROHIBITS CRIMINAL PENALTIES FOR SOME LIES

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ABSTRACT

Last year the United States Supreme Court heard a criminal appeal of a man who had pled guilty to violating a federal statute (Stolen Valor Act) which made it a crime to falsely claim to be the holder of the Congressional Medal of Honor (U.S. v. Alvarez). Alvarez claimed the statute violated the First Amendment. A majority of the court agreed.

INTRODUCTION

Mr. Alvarez was a new board member of a water district in California. He introduced himself to the board as a retired marine of twenty-five years who was awarded the Congressional Medal of Honor. None of his assertions were true. He was indicted for lying about being a recipient of the medal under the Stolen Valor Act. He did not dispute he lied. He claimed the act violated his First Amendment rights under the United States Constitution. Because one court of appeals found the act invalid (Alvarez) and another found it constitutional (United States v. Strandlof , 10th Cir.), the court took up the matter to settle the conflict between the two circuits.

DECISION

Because the statute regulated content-based speech, the court applied strict scrutiny (Alvarez, 2543). The court noted those speech restrictions which it had held did not violate the First Amendment. They included inciting imminent lawless action, obscenity, defamation, child pornography, fraud, and perjury (Alvarez, 2544) The court found that the government had not shown that all lies should be declared a category of unprotected speech (Alvarez, 2547). However, where lies are made to affect a fraud, acquire money or other things of value, the government may restrict such speech without violating the First Amendment. Clearly, the federal statutes dealing with securities fraud are not protected (Securities Act of 1933, Securities Exchange Act of 1934, Securities Enforcement Remedies and Penny Stock Reform Act of 1990, Sarbanes-Oxley Act of 2002).

CONCLUSION

The Supreme Court in ruling the Stolen Valor Act unconstitutional because it violated the protections of the First Amendment noted that Alvarez did not gain anything of value by his statement. But what if Alvarez had been running in an election for a board seat which paid a salary as members of federal elected office receive? Could a lie told to achieve that office which

clearly had a monetary benefit be protected by the First Amendment? Or might the court believe that there were other ways to remove that person from office, such as party pressure.

REFERENCES

First Amendment, U.S.C.A. Const. Amend. 1.

Sarbanes-Oxley Act of 2002, 15 U.S.C. 78.

Securities Act of 1933, 18 U.S.C. 371.

Securities Enforcement Remedies and Penny Stock Reform Act of 1990, 15 U.S.C. 7246.

Securities Exchange Act of 1934, 18 U.S.C. 1348.

Stolen Valor Act, 18 U.S.C.704.

United States v. Strandlof, 667 F.3d 1146 (10Cir., 2012).

U.S. v. Alvarez, 132 S.Ct. 2537(2012).