

TAKING ACTION:

Investment Fraud Victim Recovery Checklist

Financial fraud is real and can be devastating. If you are a victim, you may be coping with the aftermath of a compromised identity, damaged credit, and financial loss, as well as a painful range of emotions including anger, fear, and frustration.

Full financial recovery may be difficult to achieve; however, it is critical that you report the crime as quickly as possible. Reporting any financial fraud, no matter how small, helps law enforcement, regulators, and government agencies put a stop to the fraud, prevent the victimization of more consumers, and pursue the criminals committing the fraud.

Very often perpetrators will dispose of your money immediately after taking it. You may never get your money back. That said, your recovery is about more than lost money. It's about protecting your future financial health and assets and finding ways for you to recover emotionally from the crime.

We recommend taking the steps below to reclaim power from the fraudsters and help you move forward.

□ STEP 1 – Create an Investment Fraud File

Start by collecting all relevant documentation concerning the fraud in one file that's kept in a secure location. The file should include:

- a contact sheet of the perpetrator's name, mail and email addresses, telephone numbers, and website address, as well as any of the fraudster's purported regulatory registration numbers;
- a timeline of events, which may span many years;
- the police report, if any;
- your most recent credit report from all three credit reporting companies (See box);
- any evidence of the fraud or deception;
- logs of any phone conversations, with dates, names and phone numbers of any representatives with whom you spoke, and notes on what information they gave you; and
- any other relevant documentation concerning the fraud.

CREDIT REPORTING COMPANIES

All consumers are entitled to receive one free credit report every 12 months from each of the following companies:

EQUIFAX
(800) 685-1111
www.equifax.com

EXPERIAN
(888) 397-3742
www.experian.com

TRANSUNION
(800) 680-7289
www.transunion.com

□ STEP 2 – Know Your Rights

You have rights imparted by federal and, in some cases, state law. Learn about your rights to better protect yourself.

- For federal victim rights, the U.S. Department of Justice provides information on victim rights and financial fraud at www.justice.gov/usao-wdwa/victim-witness/victim-info/financial-fraud.
- For state victim rights, check with your state Attorney General, whose contact information is available at www.naag.org.
- The North American Securities Administrators Association (NASAA) publishes the following “Investor Bill of Rights”: www.nasaa.org/2715/investor-bill-of-rights.

□ STEP 3 – Report to Regulators

The entities below are the national, federal, and state regulatory agencies for investment products and professionals. You may benefit from reporting the fraud to as many agencies as apply.

> Financial Industry Regulatory Authority

9509 Key West Avenue

Rockville, MD 20850-3329

Phone: (301) 590-6500 – for all investors

Toll Free: (844) 57-HELPS / (844) 574-3577 – FINRA Securities Helpline for Senior Investors™

www.finra.org/seniorhelpline – for senior investors

www.finra.org/complaint – for complaints against brokers or brokerage firms

www.finra.org/fileatip – for tips related to suspected fraud

> U.S. Securities and Exchange Commission

Office of Investor Education and Advocacy

100 F Street, NE

Washington, DC 20549-5631

(800) SEC-0330

Fax: (202) 772-9295

www.sec.gov/complaint.shtml

> North American Securities Administrators Association

(202) 737-0900

www.nasaa.org – search for state-specific contact information

> National Association of Insurance Commissioners

www.naic.org/index_consumer.htm – search for state-specific contact information

<https://eapps.naic.org/cis/fileComplaintMap.do> – for reporting fraud or filing a complaint

› **National Futures Association**

Compliance Department – Customer Complaints

300 South Riverside Plaza, Suite 1800

Chicago, IL 60606

(312) 781-1467

Fax: (312) 559-3599

www.nfa.futures.org/basicnet/Complaint.aspx

› **U.S. Commodity Futures Trading Commission**

Office of Cooperative Enforcement

1155 21 Street, NW

Washington, DC 20581

(866) FON-CFTC / (866) 366-2382

www.cftc.gov/TipOrComplaint

› **Internet Crime Complaint Center**

A partnership between the FBI and the National White Collar Crime Center

www.ic3.gov

□ **STEP 4 – Report the Fraud to Law Enforcement**

Reporting the investment fraud to law enforcement is important to begin the recovery process, ensure the responsible parties are investigated, and prevent further damage to other individuals.

- **Local Law Enforcement** – Contact any local law enforcement office to file a police report.
- **District Attorney** – Contact your local District Attorney’s Office.
- **Attorney General** – Contact your Attorney General’s Consumer Protection unit and the prosecution unit to report the fraud. Find contact information at www.naag.org.
- **Federal Law Enforcement** – Contact your local FBI Field Office or submit an online tip at <http://tips.fbi.gov>. Look up your local field office at www.fbi.gov/contact-us/field.

□ **STEP 5 – Report the Fraud to the Federal Trade Commission**

To file a report with the Federal Trade Commission (FTC), contact the FTC’s Complaint Assistant. Lodging a complaint will also enter the fraud into the Consumer Sentinel Network so that law enforcement can stop ongoing fraud and track these crimes. *This process will not initiate a criminal investigation of your case.*

› **Federal Trade Commission Complaint Assistant**

(877) FTC-HELP

www.ftccomplaintassistant.gov

□ **STEP 6 – Consider Civil Remedies**

You may be able to recover some of your lost assets through arbitration, mediation, or a civil lawsuit. If a securities broker is involved in the fraud, you may file an arbitration claim with or without an attorney. FINRA offers an overview of the dispute resolution process (www.finra.org/optionsforinvestors).

In some cases, the best potential for recovery of lost assets is through civil suits. Civil attorneys who work for victims of financial fraud can analyze the particular facts and circumstances of your case and counsel you on the available civil remedies. You should be aware that civil lawsuits take time, and even if you prevail, it can be difficult to collect on a judgment, especially if money or other assets have disappeared.

The National Crime Victim Bar Association and the Public Investors Arbitration Bar Association (www.piaba.org) can provide referrals to attorneys who litigate on behalf of victims of crime or injured investors, respectively, who may offer you an initial consultation at no cost or obligation.

> **National Crime Victim Bar Association**

2000 M Street, NW, Suite 480

Washington, DC 20036

(202) 467-8716 or (844) LAW-HELP/(844) 529-4357

Referral line is open from 8:30 a.m. - 5:30 p.m. (ET), Monday through Friday.

Questions can also be emailed to victimbar@ncvc.org.

In addition, some law schools provide services to victims in the form of investor advocacy or securities arbitration clinics. Search the FINRA (www.finra.org/FindAnAttorney) or SEC (www.sec.gov/answers/arbclin.htm) website for a list of clinics.

ATTEND TO YOUR HEALTH

The toll of financial fraud may extend well beyond lost money. FINRA Foundation research indicates that nearly **two-thirds of fraud victims experience at least one severe emotional consequence**—including stress, anxiety, insomnia, and depression.

If you are suffering in the aftermath of a financial crime, seek help. Many mental health professionals offer services on a sliding-fee scale.

□ **STEP 7 – Follow Up**

Review the steps you've taken and follow up after 30 days with any law enforcement agencies or organizations that serve victims.

PREVENTION TIPS

Once you have been a victim of investment fraud, you may be targeted more frequently for other scams, especially if your information or identity has been compromised. To help protect yourself from further fraud:

- Be cautious of sales pitches, particularly those you did not solicit or initiate.
- Reduce your exposure to sales pitches by signing up for the “Do Not Call” Registry at www.donotcall.gov and limiting mail marketing at www.dmachoice.org.
- Learn to recognize red flags of persuasion in sales pitches at www.SaveAndInvest.org.
- Before working with a financial salesperson such as a broker or buying an investment product, always ask and check:
 - » Ask if the salesperson is registered, and if the investment is registered with the SEC.
 - » Verify that the salesperson is registered using FINRA BrokerCheck at www.finra.org/brokercheck or the U.S. Commodity Futures Trading Commission’s www.smartcheck.cftc.gov. Learn more at www.SaveAndInvest.org/FraudCenter.
 - » Verify that the investment is registered with the U.S. Securities and Exchange Commission at www.investor.gov.