

Charles D. Niemeier

Partner

Charles D. Niemeier represents public companies, audit committees and special committees, broker-dealers, asset managers, and individuals in connection with matters involving civil and criminal securities law enforcement and compliance. He has conducted numerous internal, audit and special Committee investigations, including the audit committee investigation of one of the largest restatements in U.S. corporate history. Charley has also represented various companies and individuals before the SEC in regards to securities enforcement and related matters.

Charley previously served with the Securities and Exchange Commission Division of Enforcement in Washington, D.C. as the co-head of the SEC's Financial Fraud Task Force and as Chief Accountant for the Division of Enforcement. Upon the adoption of Sarbanes-Oxley, Charley was appointed a founding Board member of the Public Accounting Oversight Board, serving as the Board's first Acting Chair.

Charley is recognized as a leading attorney in the area of securities law enforcement and regulation. He was selected to *The National Law Journal's* 2014 List of 50 'Governance, Risk & Compliance Trailblazers and Pioneers,' and is currently the Chair of the Securities Law Section of the Federal Bar Association and related Executive Council.

Charley is experienced in handling difficult and complex matters, especially investigations and representations involving financial reporting or auditing issues. Charley's years of experience as a securities attorney, regulator and practicing certified accountant make him particularly suited to address such situations.

In 2000, Charley joined the Securities & Exchange Commission to form the SEC's Financial Fraud Task Force, where he concurrently held the positions of co-chair of the SEC's Financial Fraud Task Force and Chief Accountant of the Division of Enforcement. In these positions, he was responsible for aspects of virtually every financial fraud investigation conducted by the SEC, as well as:

- supervising investigative staff of both Chief Accountant's office and the SEC's Financial Fraud Task Force
- providing advice and assistance to the Division of Enforcement on financial reporting and accounting and auditing matters
- working with criminal law enforcement agencies in matters involving violations of federal securities laws



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Education

Georgetown University Law Center,
J.D., 1995

Baylor University, B.B.A., 1979

Practice Focus

Securities Enforcement
Corporate Governance and
Compliance
Directors and Officers Liability
Foreign Corrupt Practices Act
("FCPA")
Accountant Liability

Recognitions

Section and Division Outstanding
Leader Award, Federal Bar
Association, 2017

"Governance, Risk & Compliance
Trailblazers & Pioneers," *The National
Law Journal*, 2014

Admissions

District of Columbia
Virginia
United States Court of Appeals for the
Fourth Circuit

- developing and conducting training sessions
- public outreach

During Charley's term at the SEC, the agency conducted an unprecedented number of financial fraud investigations, probes that were also unprecedented for the size of the companies they targeted. In spite of the heavy caseload, Charley was able to achieve several key improvements in enforcement processes, including the creation of a tracking system for financial fraud investigations, the establishment of procedures for processing whistleblower complaints, and the reorganization of the assignment system for cases. While at the SEC, he received the Chairman's Award for Excellence twice, once as a member of the Independence Team and the second time as a member of the Real-Time Enforcement Effort.

After passage of the Sarbanes-Oxley Act, the SEC appointed Charles to be a founding Board member of the Public Company Accounting Oversight Board ("PCAOB"), where he was instrumental in the development and administration of the organization, serving as the Acting Chairman during the critical first 6 months of the organization, and subsequently as a Board member. During his tenure, the PCAOB grew from having no operations to an organization with over 600 employees, 14 offices, and an annual budget of over \$150 million with oversight of approximately 2,500 accounting firms located in 87 different countries.

While at the PCAOB, Charley was actively engaged in all aspects of the oversight of the audit profession, including rulemaking, standard-setting, inspection, and enforcement. He devoted special attention to international issues and the establishment of the Office of Research and Analysis, which tracks and analyzes risks in financial reporting.

Charley was born and raised in a small town in central Texas, where most of his family continues to live today. He and his wife, Theresa, reside in Virginia.

Charley is a frequent speaker and panelist on issues related to securities enforcement and regulation, regulatory policy, ethics, and financial reporting and auditing.

Representative Experience

- Representation of the Audit Committee of Fortune 100 Company in regards to two separate restatements of the company's financial statements and related internal investigation and representation before the SEC
- Representation of Fortune 50 Company in regards to various Whistleblower complaints and related internal investigations and

Government Service

Co-Chair, United States Securities and Exchange Commission, Financial Fraud Task Force, 2000-2002

Chief Accountant, United States Securities and Exchange Commission, Division of Enforcement, 2000-2002

Board Member, Public Company Accounting Oversight Board, 2003-2011

representation before the SEC

- Various representations of Audit Committees in regards to Whistleblower complaints and related investigations and where required representation before the SEC
- Representation of CFO of public company in regards to SEC investigation
- Representation of Investment Advisor/Broker Dealer in regards to SEC investigation
- Representation of CEO of public company in regards to SEC investigation
- Representation of public company in regards to SEC investigation
- Representation of Fortune 100 company in regards to DOJ/SEC FCPA investigation