

## **GIL A. MILLER**

Mr. Miller has 30 years' experience in public accounting and is the Senior Managing Member of Rocky Mountain Advisory LLC in Salt Lake City, Utah. He has been primarily involved with investigative accounting work, bankruptcy case work, troubled company workouts, breach of contract, contract claims, and fraud examinations. Mr. Miller regularly serves as a bankruptcy trustee, receiver, and arbitrator. Mr. Miller is a Certified Public Accountant, a Certified Fraud Examiner, and a Certified Insolvency and Restructuring Advisor. Mr. Miller is a member of the Commercial Panel of the American Arbitration Association and a Fellow in the American College of Bankruptcy.



### ***Employment History***

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March 2010 to present	Rocky Mountain Advisory LLC Salt Lake City, Utah
September 1988 to March 2010	PricewaterhouseCoopers, LLP Salt Lake City, Utah Forensic Services
January 1984 to September 1988	KPMG Peat Marwick (formerly Main Hurdman) Salt Lake City, Utah Litigation/Bankruptcy Services (Manager)

### ***Education***

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Brigham Young University, Provo, Utah  
Master of Accounting, MAS Specialty, 1985

Brigham Young University, Provo, Utah  
BS Accounting, 1985

### ***Professional Credentials***

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Certified Public Accountant – Licensed in Utah  
Certified Fraud Examiner (National Certification), 1991  
Certified Insolvency and Restructuring Advisor (National Certification), 1995  
American Arbitration Association, Commercial Panel member  
Fellow, American College of Bankruptcy, Class 17, 2006  
Certification in Distressed Business Valuation (CDBV), 2014

### ***Professional Memberships***

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American Institute of Certified Public Accountants  
Utah Associates of Certified Public Accountants  
National Association of Certified Fraud Examiners  
Association of Insolvency and Restructuring Advisors  
American Arbitration Association

***Boards***

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Utah Legal Services (2000-present)  
And Justice For All (2006-present)  
Rocky Mountain Innocence Center (2014 – present)  
Utah Arts Festival (1990-2005)  
Legal Aid Society of Salt Lake City (1995-1999)

***Investigations and Court Testimony as Expert Witness***

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**Fraudulent  
Financial  
Statements/  
Accounting  
Malpractice** Served as court appointed accountant to the examiner with instructions to investigate 19 different matters, including evidences of fraud and mismanagement. Discovered and disclosed evidences of potential fraudulent transactions involving off shore companies. Investigated over \$1 billion of cash transactions over a 50-day examination period.  
United States Bankruptcy Court (D. Utah).  
Reference: United States Trustees' Office, (801) 524-5734.

Served as expert witness in matter involving whether appropriate accounting standards were maintained during the course of various audits conducted by a bankrupt entity's external auditor.  
References: Peter Houtsma and Risa Wolf-Smith, Holland & Hart, (303) 295-8000.

**Investigations/  
Embezzlements** Served as expert witness on issues relating to an alleged Ponzi scheme and tracing of cash.  
Reference: Thomas Melton, Securities & Exchange Commission, (801) 524-6748.

Served as the expert witness in an investigation of inappropriate unjust enrichment by one party to a loan solicitation business.  
Reference: Jeff Gross, Burbidge Mitchell & Gross, (801) 355-6677.

Served as special investigator in a state court action to determine whether the filed derivative action had merit to go forward based on the allegations.  
References: McKay Burton & Thurman, (801) 521-4135; Thomas Karrenberg, (801) 534-1700; Jeff Gross, Burbidge Mitchell & Gross, (801) 355-6677; James Magleby, Magleby & Greenwood, (801) 359-9000.

Served as accountant to the receiver in an alleged Ponzi scheme involving multi-million dollar investments.  
References: Thomas Melton, Securities & Exchange Commission, (801) 524-6748; Lon Jenkins, Jones Waldo, (801) 521-3200.

Analyzed and provided expert witness testimony on issues relating to appropriate revenue recognition for a publicly traded company.  
Reference: Thomas Carter and Thomas Piccone, Securities & Exchange Commission, (303) 844-1016

Performed investigation and provided recommendations to Salt Lake County regarding the County vehicle fleet program, resulting in a complete revamp of the County fleet program and millions of dollars of tax savings to the public.

Reference: Salt Lake County Mayor's Office, (801) 468-2500.

Analyzed publicly funded mental health agency's executive director compensation and expense reimbursement for multi-year period to determine inappropriate and unauthorized spending.

Reference: Ralph Mabey, Stutman Treister & Glatt, (310) 228-5720.

Performed forensic investigations of one of Salt Lake City's largest mortgage company's top executives to determine inappropriate spending and theft. Reviewed thousands of credit card and cash transactions which resulted in termination and civil prosecution.

Reference: Val Antczak, Antczak Polich Law, (801) 521-4409.

Performed forensic investigation of Salt Lake County planetarium's management. Analyzed numerous allegations presented by the Salt Lake County Commission and publicly reported our findings to the Commission.

Reference: David Marshall, Chief Administrative Officer, Salt Lake County Mayor's Office, (801) 468-3658; Dr. Sarah George, University of Utah, (801) 581-4889.

Retained by counsel of former Salt Lake Olympic Organizing Committee (SLOC) executives to investigate bribery charges brought by the federal government. Investigated and analyzed expenditures and gifts made to International Olympic Committee members and their families. Performed investigation of personal financial records of various SLOC executives.

Reference: Alan Funk, Alan V. Funk PC, (801) 428-1620.

Investigated the financial practices of the operating entity jointly owned by Salt Lake City's two largest newspapers. Prepared findings and opinions in federal lawsuit between the two newspapers.

Reference: David Jordan, Stoel Rives, (801) 328-3131.

Analyzed 28,000 transactions involving 1,400 timeshare investment contracts to investigate and document a \$1.7 million theft by the president and owner of a title company.

Reference: Ray G. Martineau, (801) 486-0200.

### **Check Kiting**

Investigated various financial transactions involving the election and re-election campaigns of U.S. Congresswoman Enid Greene. Determined nature of check kiting scheme perpetrated by Ms. Greene's former husband and campaign manager and reported findings to appropriate federal entities.

Reference: Charles Roistacher and Brett Kappel, Powell, Goldstein, Frazer & Murphy, (202) 347-0066.

Determined the existence of check kiting and measured its impact on the victims of the scheme.

Reference: John Harrington, Holland & Hart, (801) 595-7800.

### **Kickback Scheme**

Traced cash flow of kickback scheme involving the director of corporate security of a major electrical utility and its outside security guard service.

Reference: Suzanne M. Dallimore, (801) 466-6660.

**Fraudulent Conveyances**

Assisted trustee in investigating cash sources and uses in a \$13 million diamond investment scam.

Reference: Carolyn Montgomery, Callister Nebeker & McCullough, (801) 530-7300.

Assisted various Chapter 7 trustees with all types of fraudulent conveyance expert testimony and report work.

References: Gary Jubber, Fabian & Clendenin, (801) 323-2245; Steven Rupp, McKay Burton & Thurman, (801) 521-4135; George Hofmann, Parsons Kinghorn & Harris, (801) 363-4300; Kevin Bird, Bird & Fugal, (801) 426-4700; Mike Thomson, Dorsey & Whitney, (801) 933-7360.

**Arbitration**

Served as Arbitrator in an asset purchase agreement dispute. Dispute involved earn-out provisions and payments to be made based on future performance of the business.

References: Matt Lalli, Snell & Wilmer, (801) 257-1929; Sam Straight, Ray Quinney & Nebeker, (801) 323-3390.

Served as Arbitrator in a contract dispute involving non-payment of franchise fees of national copy store chain.

References: Mark Hindley, Stoel Rives, (801) 328-3131.

**Special Master**

Served as Special Master in a state court dispute involving owners of a dissolved alarm company business.

References: Troy Aramburu, Jones Waldo, (801) 534-7488; Craig Parry, Parr Brown, (801) 532-7840.

**Economic Damages**

Calculated economic damages in a bankruptcy litigation matter involving damages incurred by an estate as a result of alleged executive malfeasance prior to the bankruptcy trustee being appointed.

Reference: James Markus, Markus Williams Young & Zimmerman LLC, (303) 830-0880.

Served as a rebuttal expert in regards to the alleged destruction of a business due to monopolistic control in the marketplace.

Reference: Alan Sullivan, Snell & Wilmer, (801) 257-1955.

Analyzed and testified in a Daubert setting as to the qualifications and conclusions of an expert in federal court, District of Wyoming. Expert was disqualified based on testimony given.

Reference: Willis Orton, Kirton & McConkie, (801) 321-4816.

Prepared a valuation analysis of a partnership interest in a dispute involving alleged partner wrongdoing.

Reference: Brad Bearnson, (435) 787-9700

Assisted counsel in an arbitration dispute involving debt and equity security holders, representing guarantors of \$1 billion financing obligation arising from the construction and operation of an Eastern Utah power plant.

Reference: Thomas J. Beckett, Parsons Behle & Latimer, (801) 532-1234.

Assisted counsel in joint operating agreement dispute between two regional newspapers. Provided both investigative and lost profit analyses.  
Reference: David Jordan, Stoel Rives, (801) 328-3131.

Worked on contract dispute involving lost profits for national ski glove manufacturer.  
Reference: Snow Christensen & Martineau, (801) 521-9000.

Assisted counsel in their defense of an international network marketing company regarding a contract dispute with their internet web page designer.  
Reference: Alan Bradshaw, Manning Curtis Bradshaw & Bednar, (801) 363-5678.

Reviewed and critiqued breach of contract damages analysis against a national computer chip manufacturer.  
Reference: Alan Bradshaw, Manning Curtis Bradshaw & Bednar, (801) 363-5678.

Analyzed and critiqued an expert report involving the alleged destruction and valuation of a wireless telecommunication business.  
Reference: Amy Sorensen, Snell & Wilmer, (801) 257-1907.

**Misrepresentation  
In Sale Of  
Business**

Investigated the alleged financial losses associated with misrepresentations to the materials used in the construction of outdoor mausoleum crypts and misrepresentations of sales persons.  
Reference: Arthur Nielsen, Nielsen & Senior, (801) 532-1900.

**Examiner**

Served as examiner in an oil and gasoline company. Reviewed accounting records and environmental issues to determine whether appointment of trustee was necessary.

**Custodian**

Served as Custodian of network marketing company under the direction of a state court judge. Assisting owners with liquidation and assignment of assets.  
Reference: Michael Hansen, Esq., (801) 532-2131; Sean Egan, Esq., (801) 363-5181.

Served as state court appointed custodian for landscape maintenance firm. Assisted owners with amicable separation and buy out.  
Reference: Willis Orton, Kirton & McConkie, (801) 328-3600.

**Receiver**

Serving as federal receiver in SEC v. John Scott Clark, Impact Cash LLC, and Impact Payment Systems. Assisting hundreds of investors recover losses associated with a payday loan business and alleged Ponzi scheme.  
Reference: Thomas Melton, Securities & Exchange Commission, (801) 524-6748.

Serving as state court receiver of a manufacturing and retail operation. Assisting creditors recover their loans through asset sales and liquidation of the ongoing business enterprise.

Reference: Sam Jeppson, Zions First National Bank, (801) 844-8569.

Served as state court receiver for distributor of petroleum products in Magna, Utah. Assisted creditor in winding down operations and selling of assets.

Reference: Sherilyn Olsen, Holland & Hart, (801) 799-5818.

Served as state court appointed receiver for retail entity in Park City, Utah, assigned with liquidating its Main Street property and paying creditors.

Reference: Bruce R. Baird, Baird & Jones, (801) 328-1400.

Served as state court appointed receiver for apartment complex in rural Utah. Operated over 200 apartment units until creditor foreclosure.

Reference: Daniel Anderson, Fabian & Clendenin, (801) 531-8900.

Served as state court appointed receiver for the Ben Lomond Hotel & Suites until a successful sale of the property.

Reference: Willis Orton, Kirton & McConkie, (801) 328-3600.

Served as state court appointed receiver for a Lake Powell convenience store and boat storage facility.

Reference: Matt Boley, Parsons Kinghorn Harris, (801) 363-4300.

Served as state court appointed receiver for industrial property located in the Salt Lake Valley. Managed facility, collected rents, and made necessary repairs until foreclosure of property was completed by the secured lender.

Reference: Willis Orton, Kirton & McConkie, (801) 328-3600.

Served as state court appointed receiver for a conglomerate of apartment complexes in the Salt Lake Valley. Collected rents, managed maintenance and tenant issues, and secured real and personal property.

Reference: David Leta, Snell & Wilmer, (801) 257-1900.

**Accountant  
to Receiver**

Assisted in the receivership of an indoor amusement facility. Work included overseeing daily management, cash receipts and disbursement activity, and all other aspects of the facility.

Served as accountant to the Receiver in SEC vs. Novus involving Ponzi schemes and alleged security fraud.

Reference: Lon Jenkins, Jones Waldo, (801) 521-3200.

Served as accountant to the Receiver in SEC vs. Vescor involving Ponzi scheme and security fraud.

Reference: Robert Wing, Prince Yeates & Geldzahler (801) 524-1000.

Served as accountant to the Receiver for a multi-million dollar financial services firm, SEC vs. Merrill Scott. Performed cash tracing investigation for multi-year operation.

Reference: David Broadbent, Holland & Hart, (801) 595-7800.

**Bankruptcy**

Serving as chapter 11 trustee for one of Utah's largest Ponzi schemes. Responsible for liquidation of assets, avoidable action recoveries, forensic accounting investigation and claims analysis.

Reference: Vincent Cameron, U.S. Trustees' Office, (801) 524-5105.

Serving as chapter 11 trustee of a multi-state real estate development company that was also operating with the characteristics of a Ponzi scheme.

Reference: Laurie Cayton, United States Trustees' Office, (801) 524-3031.

Served as chapter 11 Chief Restructuring Officer ("CRO") of a beverage dealer and distributor.

Reference: Matt Boley, Parsons Kinghorn Harris, (801) 363-4300.

Served as accountant to the trustee in the chapter 11 bankruptcy of Utah's largest steel mill and manufacturer. Responsible for tracing of estate cash, insolvency analyses, and claims litigation.

Reference: James T. Markus, Block Markus & Williams, (303) 830-0800.

Serving as chapter 11 bankruptcy trustee for one of Utah's largest dairy farms. Responsible for liquidation of all assets, avoidable action recoveries, and claims analysis.

Reference: George Pratt, Jones Waldo, (801) 521-3200.

Served as the creditors' trustee in a chapter 11 bankruptcy of a Utah-based snack food and potato chip company. Responsible for liquidating remaining assets, litigating outstanding claim issues, and making final distributions to creditors.

Reference: Peter Billings, Fabian & Clendenin, (801) 232-2201.

Served as accountant to the unsecured creditors' committee for the chapter 11 bankruptcy of a Utah-based snack food and potato chip company. Responsible for analyzing feasibility of debtor's plan of reorganization and disclosure statement, debtor's purchase agreement of virtually all assets of the estate, and negotiation of purchase price adjustment.

Reference: Peter Billings, Fabian & Clendenin, (801) 232-2201.

Served as accountant to the unsecured creditors' committee for the chapter 11 proceeding of the nation's largest air medical carrier. Served as accountant to the liquidating trustee in the same matter.

Reference: Parsons Kinghorn & Harris, (801) 363-4300; Danny C. Kelly, Stoel Rives, (801) 328-3131.

Served as accountant to the trustee for a \$50 million real estate development company and managed the day-to-day operations of the business.

Reference: David Bird, McKay Burton & Thurman, (801) 521-4135.

Served as accountant to the trustee of this chapter 11/7 national trucking company. Audited contracts and contract wage claims and prepared computerization of all chapter 11/7 claims.

Reference: United States Trustees' Office, (801) 524-5734.

Served as accountant to the trustee in a chapter 11 case involving a large scale Ponzi scheme. Located debtor cash reserves, proved nature of Ponzi scheme, and recovered estate assets through numerous avoidance actions.

Reference: Carolyn Montgomery, Callister Nebeker & McCullough, (801) 530-7300.

Served as Accountant to the Creditors Committee and as Distribution Agent in the Chapter 11 proceedings of a multi-state oil distribution and convenience store chain.

Reference: George Hofmann, Parsons Kinghorn & Harris (801) 363-4300.

### **Workouts**

Has worked with several companies that have experienced cash flow and other management problems in restructuring debt instruments, managing revenues and costs, implementing budgets, and evaluating accounting systems and management personnel.

References: Robert Boyd, Zions First National Bank, (801) 844-7550; Sam Jeppson, Zions First National Bank, (801) 844-8569; Scott Deeds, Zions First National Bank, (801) 844-7176; Bruce Bates, Key Bank, (801) 297-5877; Vicki Perkins, Wells Fargo, (801) 246-1572; Eric Ruple, Wells Fargo, (801) 246-1578.

### **Sample Testimony**

Securities and Exchange Commission vs. TenFold Corporation, et al.  
Official Committee of Unsecured Creditors v. Thermo King SVC  
In re: Tesco, Inc.

Securities and Exchange Commission vs. Merrill Scott & Associates, Ltd.  
Smile Inc. Asia Pte. Ltd. vs. Britesmile Management, Inc., et al.

United States of America v. Magnesium Corporation of America, et al.  
In re: Michael J. Cherniske dba Gunhill West Dairy

Crocker Companies vs. Mayberry

In re: Sevea International

Tooele Associates vs. Tooele City Corporation

In re: Eneco, Inc.

In re: Bishop v. Reminderband, et al.

Eleutian Technology, LLC v. Global Education Technologies, LLC

In re: Geneva Steel, LLC, et al. James Markus, Trustee v. Albert Fried, Jr., et al.

TruGreen Companies, LLC, et al. v. Mower Brothers, Inc., et al.

Robert G. Wing, Receiver for VesCor Capital Corp, et al. v. William J. Hammons, et al.

Robert G. Wing, Receiver for VesCor Capital Corp, et al. v. Grubb & Ellis  
Robert G. Wing, Receiver for VesCor Capital Corp, et al. v. Kaye Scholer, LLP

McGillis Investment Company v. First Interstate Financial Utah, LLC, et al.  
Robert G. Wing, Receiver for VesCor Capital Corp, et al. v. Fulbright & Jaworski, LLP, et al.

Memdata, LLC vs. Intermountain Healthcare, Inc., et al.

Robert G. Wing, Receiver for VesCor Capital Corp, et al. v. Dwight Williams, et al.

State of Utah v. William J. Hammons



