



## Brian S. Cromwell

Partner, Charlotte Office Development Partner

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t 704.335.9511



Brian Cromwell counsels clients on regulatory enforcement issues, white collar criminal defense, civil litigation, fintech, and internal investigations. He also advises corporate and individual clients under investigation by consumer protection agencies that include the Consumer Financial Protection Bureau (CFPB) and Federal Trade Commission (FTC). In addition, he is a member of the Public Company Growth & Compliance group. He is admitted to the United States Court of Appeals for the Fourth Circuit, as well as the United States District Courts for the Western, Middle, and Eastern Districts of North Carolina.

Prior to entering private practice, Brian was both a state and federal prosecutor. From 1997 to 2000, he served as an Assistant District Attorney for Mecklenburg County, North Carolina, where he gained substantial investigative and trial experience in a variety of matters. From 2000 to 2004, he served as an Assistant United States Attorney for the Department of Justice, Western District of North Carolina.

Prior to attending law school, Brian gained valuable experience as a financial analyst and a tax consultant, which sparked his practical and legal insight into complex corporate criminal issues.

### REPRESENTATIVE EXPERIENCE

- Represented an American subsidiary of a Japanese company in an investigation conducted by the Antitrust Division of the Department of Justice which resulted in declination of prosecution.
- Represented a large regional hospital during a wide-scale state insurance investigation where no substantive sanctions were levied against the health care facility.
- Represented a bank executive in a CFPB investigation that resulted in no enforcement action being taken.
- Represented a municipality, police force and others in a racially divisive 42 U.S.C. §1983 excessive use of force case in which 55 of 59 claims were dismissed by the close of summary judgment, and was able to negotiate a settlement at a fraction the plaintiff's initial demand.



#### CHARLOTTE OFFICE



#### PRACTICE AREAS

Government Investigations & White Collar Defense Litigation  
 Public Company Growth & Compliance  
 False Claims Act Investigations & Whistleblower Defense  
 Fintech



#### EDUCATION

Fordham University  
 JD, 1995  
 Fairleigh Dickinson University  
 BA, 1987



#### ADMISSIONS

North Carolina, 1996



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- Represented a sports/entertainment conglomerate in an SEC investigation, resulting in no enforcement action being taken.
- Represented an asset management firm and its principals in an SEC investigation that resulted in no enforcement action being taken despite criminal sentences being levied against alleged co-conspirators.
- Represented a CPA in an IRS-CID investigation, which resulted in no formal charges being filed.
- Acted as pool counsel for executives of a government-sponsored enterprise in a protracted SEC investigation.
- Represented a mortgage company regarding an investigation conducted by the North Carolina Commissioner of Banks, which resulted in no formal charges being filed.
- Conducted internal investigations for corporations in various industries including chemical manufacturing, medical provision, insurance, banking, energy and food processing.
- Represented the CEO of a textile corporation investigated by the SEC, resulting in no enforcement action being taken.
- Represented a Fortune 100 manufacturing company in response to law enforcement subpoenas and requests for information.
- Represented medical professionals in various criminal investigations.
- Defended, pro bono in a high-profile trial, an individual who was charged with a homicide offense; trial concluded in a dismissal at the close of the government's evidence.

### CLIENT ALERTS

- "Mild, Medium or Spicy? Unwrapping the Chipotle Investigation," January 2016
- "New DOJ Corporate Prosecution Guidelines," October 2015
- "The SEC Justifies its Home Court Advantage," June 2015



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### PUBLICATIONS

- "A Brave New World: Cryptocurrency, Blockchain, and the Complex and Ever-Changing Regulatory Framework," *The Banking Law Journal*, September 2018
- "The Legal Risks of Crowdfunding," *Development Magazine*, June 2018
- "Regulatory Considerations as Cryptocurrencies Enter the Mainstream," *BlockTribune*, July 2017
- "At the Intersection of Real Estate and Securities Fraud," *GlobeSt.com*, July 2017
- "Internal Investigations: When the Government Comes Calling," November 2015
- "Inside the Minds: Managing White Collar Legal Issues," Co-Author, December 2014

### SPEAKING ENGAGEMENTS

- "Best Practices for Effective Trial Advocacy in White Collar Criminal Cases: Perspectives From the Defense, Prosecution, and the Bench," American Bar Association, National Institute on White Collar Crime, March 2019
- "Defense and Government Perspective on Cooperating Defendants," Presenter, June 2016
- "Effective Grounds for Downward Variances in White Collar Cases," Co-presenter, NCBA White Collar CLE, May 2016
- "Keeping Fraud at Bay: Addressing Fraud Prevention & Detection in Your Organization," Co-presenter, May 2016
- "Government Investigations: A Practical Guide," Co-presenter, Criminal and Regulatory Law for your Corporate Practice: Practical Advice for Companies to Avoid or Deal with Federal Investigations, September 2014
- "Corporate Sentencing and Plea Negotiations," Panelist, 22nd Annual National Seminar on the Federal Sentencing Guidelines, May 2013



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- "What to Do When the Government Comes Calling," Presenter, Commercial Finance Association (CFA) – Carolinas Chapter, November 2012
- "Corporate Sentencing and Plea Negotiations," Panelist, 21st Annual National Seminar on the Federal Sentencing Guidelines, National Association of Criminal Defense Lawyers and Criminal Justice Section of the American Bar Association, May 2012
- "The Corporate Toolbox – Responding to Governmental Investigations," Presenter, CLE, Association of Corporate Counsel – South Carolina Chapter, March 2012
- "American Bar Association, 23rd Annual National Institute on White Collar Crime," Panelist, March 2008
- "Healthcare Fraud and Abuse Investigations," Speaker, Cooperation after *McNulty*, North Carolina Bar Association Annual Meeting, April 2007

## HONORS

- Woodward/White's *The Best Lawyers in America* in Criminal Defense: White Collar, 2010-2019
- *Business North Carolina* magazine's "Legal Elite" in Criminal Law, 2011, 2013, 2018
- *North Carolina Lawyers Weekly*, Leaders in the Law Honoree, 2016

## MEMBERSHIPS

- N.C. Commission on Indigent Defense Services, Commissioner, 2016-present
- Mecklenburg County Teen Court, Judge and Lawyer Trainer, 1998-present
- Charlotte Symphony Orchestra, Board of Directors, 2008-2018; Chairman of the Board, 2014-2016



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- Mecklenburg County Bar, Board of Directors, 2012-2014
- Western District of North Carolina, Federal Defender, Board of Directors, 2008-2012
- United Family Services, Board of Directors, 2002-2008; Chairman of the Board, 2007

