



## Thomas J. Krysa

Shareholder

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Denver, Colorado

Tom Krysa advises clients in securities litigation and enforcement matters, government investigations, and complex commercial disputes. With more than 17 years of government experience at the forefront of securities enforcement, litigation and trials, Tom's counsel is sought by clients looking for critical thinking, unique insights and extensive expertise with regulatory challenges faced by companies, boards of directors, and individuals.

At the SEC, Tom oversaw the Denver Regional Office's enforcement efforts across seven western states. He also served as Supervisory Trial Counsel and Trial Counsel, responsible for litigating securities enforcement matters in federal district courts and before administrative law judges. Tom litigated and supervised matters involving insider trading, financial fraud, broker-dealer and investment adviser misconduct, market timing, market manipulation and auditor negligence. Prior to that, Tom was a federal prosecutor for the Department of Justice, in Washington, D.C., prosecuting criminal tax and other white-collar matters in federal district courts.

Tom represents his client's interests in matters involving the SEC, the Department of Justice (DOJ), the Financial Industry Regulatory Authority (FINRA), the Public Company Accounting Oversight Board (PCAOB), the Commodity Futures Trading Commission (CFTC), the Internal Revenue Service (IRS) and other federal and state regulators. Tom utilizes his extensive trial experience to solve his clients' problems short of government action, while at the same time preserving their interests should litigation or trial become necessary. Tom's practice includes conducting internal investigations for corporations, audit committees and boards of directors. He also represents clients in complex commercial litigation and in civil tax controversies and related litigation.

### Previous Experience

Associate Regional Director, U.S. Securities and Exchange Commission, Denver Regional Office

Supervisory Trial Counsel, U.S. Securities and Exchange Commission, Denver Regional Office

Trial Counsel, U.S. Securities and Exchange Commission, Denver Regional Office

Federal Prosecutor, U.S. Department of Justice, Tax Division, Washington, D.C.

Law Clerk, U.S. Tax Court, Washington D.C.

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### Practices

Litigation, Commercial Litigation, Government Investigations & White Collar Defense, Securities Litigation & Enforcement, Tax Litigation

### SEC and DOJ Experience

- Litigated large-scale financial fraud involving a large telecommunications company against several former executives including CEO, CFO, and COO, ultimately negotiating settlements with CEO and CFO after summary judgment briefing (lead counsel).
- Litigated disclosure fraud case relating to undisclosed perquisite compensation against two former CFOs of

an Omaha-based database marketing company, resulting in a successful four-week jury trial in Omaha, Nebraska (lead counsel).

- Litigated administrative proceeding involving auditor negligence against an audit, tax and advisory firm engagement partner and senior manager relating to audit of a thrift bank located in Lincoln, Nebraska, resulting in a successful nine-day bench trial in Denver (lead counsel).
- Litigated administrative proceeding involving market timing at a mutual fund complex against former portfolio manager, former head of marketing, and former sales employee, resulting in a partially successful ten-day bench trial in Denver, Colorado and Washington, D.C. (lead counsel).
- Litigated emergency action involving \$54 million Ponzi scheme relating to green energy scam against CEO and president of the producer of an organic waste charcoal substitute and primary salesperson, resulting in asset freeze, preliminary injunction, and appointment of receiver, with more than \$200 million in monetary relief awarded after successful summary judgment motion (lead counsel).
- Litigated disclosure fraud case involving a California-based paint manufacturer and its president, resulting in a successful two-week jury trial in Los Angeles, California (lead counsel).
- Litigated administrative proceeding involving complex unregistered distribution of securities through a Denver-based broker dealer against two brokers, three Canadian executives, and a foreign investor, resulting in a successful nine-day bench trial in Denver, Colorado (second-chair counsel).
- Prosecuted criminal case against attorney for securities fraud, wire fraud, money laundering, and tax fraud relating to pump and dump securities fraud scheme, resulting in successful five-week jury trial in Las Vegas, Nevada (second-chair counsel).
- Prosecuted criminal case against chiropractor and his wife for tax fraud, resulting in a successful three-week jury trial in Reno, Nevada (second-chair counsel).

### **Representative Matters**

- Represents chief operating officer in SEC and DOJ parallel prosecutions.
- Serves as independent fiduciary counsel to the board of directors of a \$45 billion public pension fund.
- Represents chief executive officer of public company under SEC investigation.
- Represents limited partners in complex commercial dispute involving two private equity funds.
- Represented public company in SEC investigation involving accounting restatement resulting in no government action and termination of investigation.
- Represented public company in securities fraud and commercial dispute resulting in dismissal of securities fraud claims.

### **Community**

Member, Development Committee, Tennyson Center for Children

### **Publications & Presentations**

- Identifying Investment Contracts, From Chinchillas To Crypto, Co-author, *Law360*, October 5, 2018
- SEC Signals Changing Views on Regulation of Proxy Advisory Firms, *Brownstein Client Alert*, September 18, 2018
- Three Notable Developments for Cryptocurrency Firms Portend Future Regulatory Enforcement Actions, *Brownstein Client Alert*, September 13, 2018
- Interests in Pooled Investment Entities, Such as Sports Betting Funds, Likely Constitute Securities, *Brownstein Client Alert*, September 12, 2018
- Current Trends in Securities and White Collar Defense, Panelist, 50th Annual Rocky Mountain Securities Conference, May 11, 2018

- D4C Day for Crypto, Panelist, Panel on the Current Regulatory Environment, March 10, 2018
- Shedding new light on SEC Enforcement: EB-5 Investments as Securities, Unregistered Broker-Dealers and Related Disclosures, Co-author, *EB5 Investor Magazine*, January 9, 2018
- Kokesh May Lead to Lower Monetary Sanctions in SEC Enforcement Proceedings, *Brownstein Client Alert*, June 21, 2017
- Uncertainty Remains For SEC Administrative Suits, Co-author, *Law360*, April 4, 2017
- The Year Ahead for GCs and Compliance Officers: Reporting from the Annual SIFMA Compliance & Legal Society Seminar, Co-author, *Brownstein Client Alert*, March 27, 2017

### **Education**

- J.D., 1996, University of Denver Sturm College of Law
- LL.M., 1999, Georgetown University Law Center, taxation with distinction
- B.A., 1991, Pennsylvania State University

### **Admissions**

- Colorado
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Tax Court