

## WHITE COLLAR CRIMINAL REGISTRY — PILING ON BY POLITICIANS AND PROSECUTORS

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As if the collateral consequences of a white collar felony conviction and possible imprisonment were not enough, the State of Utah has taken matters a step further. Recent legislation passed by Utah legislators approved a measure that will require an online registry of individuals convicted of a white collar crime. This legislation, the first of its kind in the country, would be replete with “a recent photograph, their date of birth, height, weight and eye and hair color.”

Sean Reyes, Utah’s Attorney General who formulated the idea, proclaimed that “white collar crime is an epidemic in Utah.” Reyes, the legislative sponsor, is the president-elect of the National Conference of State Legislatures and stated that the registry could become “a best practices for other states.”

Really?

Having spent 38 years with white collar defendants and their families, the collateral consequences of their plea or conviction are all too painful. Ranging from estrangement in their communities, loss of licensure and related bans on working in their respective profession, lifetime loss of reputation, financial devastation and other permanent penalties, the idea of a registry is simply a political reaction that may garner some votes, but at what expense? I have seen careers ended and families destroyed because of the rampant publicity surrounding a white collar arrest.

There is no real need, other than political pandering, for such a registry. In addition to extended local coverage, Google and other search engines do a remarkable job at providing information about arrests and convictions. Websites like Fraud Digest and others spend their weeks putting out information on arrests of white collar defendants — and they don’t issue retractions when there are acquittals.

Supporters of the legislation state it would help investors in vetting their financial advisors. It never mentions the “greed factor” to which many investors succumb. When an investment advisor is promising and sending returns of 15-20% — and the checks are being cashed without question — why is one surprised when the Ponzi scheme comes undone? Government regulators and prosecutors are notorious for changing and enforcing rules and regulations without much notice and criminalizing what heretofore were civil sanctions. Look no farther than the FDIC and the savings and loan banks in the late 1980s, or the current controversy on insider trading.

The registry in Utah is being advanced to further the political ambition of Utah attorney general Sean Reyes, a former disc jockey whom Michael Bloomberg called the “Rapping Republican Rising Star.” It began in Utah and it should end there.

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