CHAPTER 1

Fraud and Accounting Manipulations

A gray area where the accounting is being perverted; where managers are cutting corners; and where earnings reports reflect the desires of management rather than the underlying financial performance of the company.

—Arthur Levitt, Chairman of the SEC (Securities and Exchange Commission, US stock market regulator and supervisor), 1998

1.1 FRAUD AND ITS EFFECTS

A fraud is the action of deceiving someone to obtain an unjust or illegal benefit. According to the Association of Certified Fraud Examiners (ACFE—the international reference organization in relation to fraud detection), the main types of business frauds are:

- Theft of assets: cash, overpriced merchandise, inflated expenses, employees who are paid but aren't working.
- Corruption: conflict of interests, bribery, illegal gifts, extortion.
- Accounting manipulation: overvaluation (or undervaluation) of assets, liabilities, expenses, and income. (ACFE 2016)

In recent years, the relevance of cybercrime or computer crime, which is fraud done through information technology (IT) tools or with the aim to destroy and damage computers, electronic media, and internet networks, has been increasing. Thus, according to a PricewaterhouseCoopers (PwC) global survey regarding business fraud, cybercrimes are already the second most frequent type of crime behind assets theft (PwC 2016).

Continuing with the ACFE (2016), the different types of fraud cost companies around 5% of their sales figure. This is a very relevant loss if we compare it, for example, to the average profit of companies, which in good years is around 3% of sales (ACCID, 2016). This loss is caused by accounting manipulations (68%), asset theft (21%), and corruption (11%) of the total losses caused by business frauds.

In another study (KPMG, 2010) referring to Europe, 34.5% of executives surveyed indicated that their companies had been subject to some form of fraud in the past 12 months. Of all frauds, 11% were accounting manipulations, the third most important behind theft (28%) and bribery and corruption (13%). These data show that accounting manipulation is a very important issue due to its frequency and the losses it generates.

Accounting manipulation consists in intervening in the process of preparation of the financial information in order to ensure that the accounts present a different image than the one it would offer if the manipulation hadn't been done. It is a serious problem, because it affects the reliability of the accounts. Manipulations are done so the accounts reflect what executives and managers want them to. This way, the reality isn't reported and users of the accounts are deceived.

1.2 MODIFYING COMPANIES' FINANCIAL INFORMATION

Accounts can be modified through accounting notes or real transactions, which can be legal or illegal (see Figure 1.1):

- **Legal accounting manipulations:** These are postings that, in principle, do not infringe the accounting regulations, since they take advantage of the alternatives established in the legislation, the possibilities of making

	Accounting Manipulations	Actual Transactions
Legal	These are manipulations (see Chapter 5) that take advantage of: • The alternatives provided in the legislation • The possibilities of performing more or less optimistic forecasts • The legal gaps in aspects not regulated by the regulations	Perform actual transactions that affect companies' accounts (for example, advance or delay a transaction; or sell to clients with low credit rating).
Illegal	Accounting manipulations that violate the legislation (see Chapter 6). For example, conceal or inflate assets, debts, sales, or expenses.	Actual operations that aren't authorized by current legislation (for example, illegal transactions with companies located in tax havens).

FIGURE 1.1 Classification of account manipulation practices

more or less optimistic estimations and the legal gaps. Many authors call this type of manipulation *creative accounting*, although there isn't unanimity, as some people use this denomination to refer to illegal accounting manipulations. This topic is expanded on in Chapter 5.

- **Illegal accounting manipulations:** These are practices not allowed by current legislation (concealing sales or expenses, posting fictitious sales or expenses, concealing assets or debts, and so on). By violating the current legislation they can have legal consequences as they are accounting offenses. It is a topic that is expanded on in Chapter 6.
- **Legal real transactions:** These are real and legal operations designed to make the accounts show the image of interest. Examples of this are:
  - Selling properties to generate exceptional results in the desired moment.
  - Selling assets and then repurchasing them to materialize results.
  - Delaying the delivery of merchandise so it enters the next accounting year.
  - Advancing or delaying investments.
  - Increasing or reducing expenses easily modifiable by the company, such as training or advertising.
  - Invoicing between companies of a group to transfer results among themselves.
  - Increasing the sale of products to distributors (increasing excessively their warehouses) with the aim to improve results.
- **Illegal actual transactions:** These are actual operations that are not legal. Examples would be sales at prices different from market prices through third companies or subsidiaries in tax havens, which alter the company's profits, assets, or liabilities.

INFLATING THE BENEFITS OF COCA-COLA IN JAPAN WITH ACTUAL TRANSACTIONS

Between 1997 and 1999, Coca-Cola Japan modified the commercial conditions to its distributors so they would buy more, although it excessively increased their warehouse inventories. At the end of 1999, the distributors' warehouse levels had increased by 60% and were unsustainable. Coca-Cola told the SEC that it would modify its policy to reduce the distributors' warehouse, but the SEC described this whole operation as "misleading" and that it had been done to fictitiously inflate profits to meet the analysts' profit estimates.

1.3 CALLING THINGS BY THEIR NAME: FROM CREATIVE ACCOUNTING TO BIG BATHS

There are several names for accounting manipulations. Thus, in the United Kingdom, when referring to accounting manipulations the expression *creative accounting* is used. The term creative accounting is also used by many authors to refer to accounting manipulations done without violating current legislation. *Aggressive accounting* refers to manipulations done to increase profits.

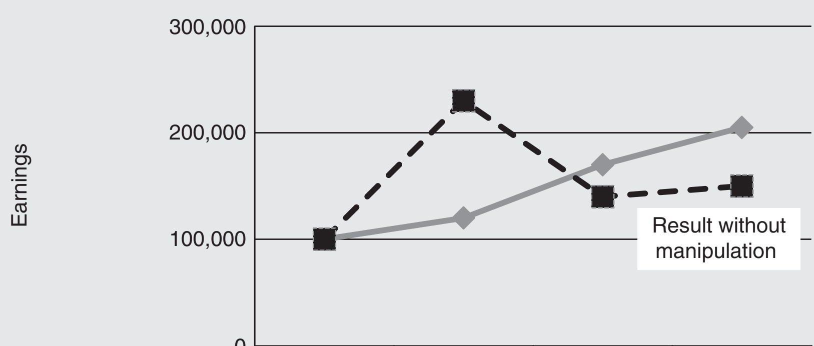
The term *earnings management* is predominant in the United States and usually refers to legal accounting manipulations. On the other hand, when the manipulations are illegal, they are called *earnings manipulations*. Although these denominations seem to refer only to manipulations that affect earnings, in practice, they are used for all types of accounting manipulations.

In the United States, terms like *accounting shenanigans* and *income smoothing* are also used. Income smoothing aims to avoid the negative effects of the volatility of the results. It is a variant of earnings management that consists in transferring results from one year to another, reducing the earnings in good years and thus being able to increase them in following years. This transfer is done, for example, by recording significant deteriorations in one year, which are annulled in a future year. This way, the profit of the first year is reduced and, instead, it increases in the future.

Income smoothing can be done with three types of practices:

1. Year in which the transaction takes place. For example, a property can be sold at the end of December or, at the beginning of January and, therefore, in the following accounting year. By choosing the specific moment in which the transaction is done, we can determine the result of each year.
2. Allocation of expenses and income throughout different years. For example, depreciations and provisions are items that can be distributed over a greater or a lesser number of years.
3. Place where an item is classified. For example, an item of expenses or income can be included in ordinary or exceptional results (or results of continued or discontinued operations) according to the interest, thus varying the image offered by the accounts.

The two examples in Figure 1.2 show the difference in the earnings caused by the income smoothing practice.



	Year 1	Year 2	Year 3	Year 4
Official result	100,050	120,000	170,000	205,000
Result without manipulation	100,050	230,000	140,000	150,000

FIGURE 1.2 A bank's result with and without income smoothing

Income Smoothing at Nortel

In 2007, Nortel Networks, an American company of telecommunications and IT, was accused by the Securities and Exchange Commission (SEC) of accounting fraud for fraudulently reducing (with an excess of provisions) the earnings of 2002 by 350 million dollars. This accounting fraud allowed transforming the losses of 2003 into profits by annulling the excess of provisions of the previous year.

Income Smoothing at a Bank

A real bank, in year 2, considerably raised the goodwill's impairment of several subsidiaries, with the aim of reducing that year's earnings that had been very high. This manipulation (see Figure 1.2), consisting of some extremely pessimistic estimates regarding the future of the subsidiaries, enabled increasing the profits of years 3 and 4. On the other hand, the declared earnings (see continuous line) increase every year, which presents a more favorable situation. Income smoothing gives those who do it an additional advantage that allows making use of privileged information. For example, if a company lowers its profits aiming to increase them in the future, it is information that allows anticipating that in the future, the price of the company's shares will increase (when the increase in profit is reported).

The expression *window dressing* is also used to refer to manipulations done to make the figures at end of year the best possible. Examples of this type of manipulations are, delay payments to providers at the end of the year to make the cash balance higher, offer high discounts to clients to increase December's sales, postpone posting the expenses until after the closing of the year, and so forth.

Another variant of manipulation is the *big bath*, which consists in increasing losses one year to reverse them in the future and thus improve future earnings. This situation occurs more frequently when there is a change in the leadership of the company and the incoming management formulates the accounts immediately after its incorporation. In many cases the big bath allows generating excessive provisions, called *cookie jar*, that can be reverted in future years and, as a result, increase the profits of the years in which they are reverted.

EXAMPLE OF PROJECTION OF LOSSES COINCIDING WITH THE CHANGE IN THE BOARD OF DIRECTORS

Figure 1.3 shows the example of the result of a real company where, in the years of renewal of the board of directors (2008 and 2014), significant negative results occurred in the first accounts formulated by the new board of directors.

	2007	2008 Year with change of board of directors	2009	2009	2010	2011	2012	2013	2014 Year with change of board of directors	2015	2016
Result	+16	–72	+9	+35	+23	+15	+31	+167	–65	+14	+49

FIGURE 1.3 Results of a company in millions of euros. The accounts of 2008 and 2014 were drawn up by the incoming board of directors

Another term associated to manipulation is *impression management*, which consists in presenting the accounts with data and graphs that highlight the positive aspects and hide the negative. This way, they are able to favorably impress shareholders and the media.

Key Topics of the Chapter

- A fraud is the action of deceiving someone to obtain an unfair or illegal benefit.
- The main types of business frauds are corruption, asset theft, and accounting manipulation.
- Frauds cost companies around 5% of their sales figure. This loss is caused mainly by accounting manipulations.
- Accounting manipulations are done mainly to modify the profit and/or debt.
- Accounts can be modified through accounting manipulations (legal or illegal) and actual transactions (legal or illegal).
- Accounting manipulations have several denominations:

  Creative accounting is the most-used expression in the United Kingdom.

  Earnings management is predominant in the United States and usually refers to legal accounting manipulations that seek to increase or reduce earnings. However, when manipulations are illegal they are called *earnings manipulations*.

  Accounting shenanigans.

  Income smoothing is an earnings management variant that transfers earnings (or losses) from one year to another.

  Big bath is another variant of earnings management that consists in increasing losses (or reducing profits) significantly in a year to reverse them in the future and thus, improve future profits.

REFERENCES

ACCID. (2016). *Ratios sectoriales 2015: Balances de situación, cuentas de resultados y ratios de 166 sectores, Barcelona*.

ACFE. (2016). *The 2016 ACFE Report to the Nations on Occupational Fraud and Abuse*. Austin: Association of Certified Fraud Examiners.

Amat, O., and Blake, J. (1996). *Contabilidad Creativa*. Barcelona: Gestión 2000.

Black, E.L., Sellers, K.F., and Manly, T.S. (1998). Earnings management using asset sales: An international study of countries allowing noncurrent asset revaluation. *Journal of Business Finance & Accounting* (November–December): 1287–1317.

Elvira, O., and Amat, O. (2008). La manipulación contable: Tipología y técnicas. *Partida Doble* 203 (October): 48–59.

Gay, J.M. (2013). Escándalos contables y financieros: de Banesto a Bankia, *Revista de Contabilidad y Dirección* (16): 63–108.

KPMG. (2010). *Informe sobre los delitos económicos y fraude empresarial*.

Laínez, J.A., and Callao, S. (1999). *Contabilidad Creativa*. Madrid: Ed. Civitas.

National Commission on Fraudulent Financial Reporting. (1987). *Report of the National Commission on Fraudulent Financial Reporting*. https://www.coso.org/Documents/NCFFR.pdf.

Paris, J. (2016): *Estudio de las prácticas de alisamiento de resultados. Perfil de la empresa alisadora*. Tesis Doctoral, Universitat Abat Oliba CEU, Barcelona.

PricewaterhouseCoopers. (2016). *Global Economic Crime Survey 2016*. https://www.pwc.com/gx/en/economic-crime-survey/pdf/GlobalEconomicCrimeSurvey2016.pdf.

Saurinas, J. (1999). Existe alisamiento del beneficio en las cajas de ahorros españolas. *Moneda y Crédito* (209): 161–193.

Stolowy, H., and Breton, G. (2000). A framework for the classification of accounts manipulations. *Les cahiers de recherche*. Chambre de Commerce et d'industrie de Paris (28 June).