

# Hotel Wirecard

## About broccoli and roastbeef in Munich hotel rooms

#Wirecard #Munich

Court hearing of July 22, 2024, further statements by the former chief accountant von Erffa plus some statements by the court.

The facts listed here do not guarantee a complete record of the hearing, they serve to provide a detailed insight into the court proceeding. Minor errors may have occurred due to the complex and sometimes verbally rapid nature of the statements made. Please contact us at [news@sun24.news](mailto:news@sun24.news) if you can seriously suggest any improvements or important additions.

After the opening of the proceeding at approx. 9:15 a.m., the presiding judge explicitly points out that the defendant von Erffa is free to refuse to make statements or to consult with his lawyer. Von Erffa then begins with a further reading of his written statement, which began last week. Von Erffa starts his statements with an explanation of the so-called "Zitzmann list", a table taken up by the Financial Times (FT) with details of the third-party partners and their alleged turnover. The excel list was repeatedly discussed in court and many witnesses were questioned about it in the months before.

Von Erffa explains that the Zitzmann list had been drawn up on his initiative and that it had been created and maintained at his request. The list was forwarded by his department to the risk department, to Jan Marsalek, and also to the two CFOs Burkhard Ley and von Knoop; von Erffa was "convinced that several other people knew about the list". Von Erffa continues: "Anyone who wanted the list could have it, it was not a secret at all". The list was also stored in digital form on a drive accessible to everyone in the accounting and controlling department, where it could be viewed at any time. Von Erffa thus refutes the months-long, occasionally court-induced staging of a mysterious Zitzmann list, which miraculously found its way into the hands of the FT - possibly through whistleblower Pav Gill.

Von Erffa goes on to explain that the FT ultimately published the list sent by Mr. Zitzmann within Wirecard on 16 July 2017. Von Erffa "never had any doubt that the list was leaked by someone within Wirecard". This was also confirmed by the [testimony of Jana Hilz](#) in court months before, who stated that Dr. Braun was in contact with the Accounting Department and that he told them the document in questions had a draft status that the FT was reporting on - recognizable by the addition V1 to the filename. The judge asks whether this was definitely a draft. The list had one or more draft states, von Erffa said again, real extensions were recognizable with the file extension V2 and higher, V1 was not even considered a real draft version.

Von Erffa now explains quite comprehensibly using an example that draft versions of the Zitzmann list were provided with missing or incorrect calculations of formulas in the draft Excel tables. He then quotes some statements from the FT article of October 15, 2019, which refers to the leaked Zitzmann list in draft form. It states, as written by Dan McCrum, that Al-Alam was responsible for 265 million euros in sales and an ebitda effect of 173 million euros in 2016. This would correspond to 1/4 of Wirecard's global turnover in the year in question and more than half of its earnings before interest, taxes, depreciation and amortization.

Von Erffa now states that he considers the FT's conclusion to be objectively wrong, as it is ultimately a gross profit that is shown in these lists, even if taking an ebitda into effect. All costs, such as those incurred by Bellenhaus for software maintenance, auditing costs, trade fair costs, insurance, insurances, group allocations and those for the issue of own licenses, including the integration of Aslan Merchants, had not been taken into account. According to von Erffa, an incorrect and imprecise line labeling had led to this false statement made by the FT.

The tables were discussed everywhere at Wirecard, including at a meeting that was not completely focused. Independent scenarios and tables were drafted, there was no meeting where people sat around a table for 30 minutes to fully and with a sole focus would solve the issue. Dr. Braun was very involved in these meetings, according to von Erffa. Communication to the FT and the press also took place via third parties, and the Excel errors were also communicated to the press as part of the communication strategy. There were several press conferences. On August 16, 2019, an inquiry was even received from FT's Dan McCrum, in which he asked why the Zitzmann data was considered "inaccurate" at Wirecard.

The Zitzmann lists were again added to the daily list of issues during the KPMG special audit. On December 3, 2019, there was a meeting with the Compliance Department, with Dagmar Schneider attending. It was clear that the leaked file came from Wirecard, probably from Group Controlling. It was not possible to find out exactly how it reached the Financial Times. The leaked documents were not final documents and therefore not the bases within the Accounting Department. Von Erffa continues: "I did not say that the file came from Controlling, only that it had been forwarded to them".

With regard to the SoftBank investment into Wirecard in 2019, which was worth almost 1 billion euros, von Erffa explains that he was not involved in the contract negotiations. The contract was signed, it was very extensive, only the signature page was presented to him. Intensive negotiations with SoftBank continued until the negotiations were concluded.

The law firm Noerr prepared the contract. Von Erffa: "I have not seen the final version of the contract, nor have I checked it. I think I saw the contract once in the legal department. There was nothing in there regarding the Zitzmann list, it was nowhere to be found. It was also not necessary, nor appropriate for

me to examine these contracts in detail. Mr. Küster had also not said anything about a corresponding clause or informed me about such".

At meetings regarding the KPMG special audit, Oliver Bellenhaus is said to have taken part in a meeting with von Erffa, Jan Marsalek and Markus Braun. Von Erffa: "I would like to make it clear that this meeting did not take place, at least not with me. Bellenhaus states what I am supposed to have said. Even in matters related to Germany, I regularly contacted only our legal department. A law firm in Asia was completely unknown to me, and I had no contacts abroad. Bellenhaus invented stories that KPMG wanted to adopt what we had discussed together". Bellenhaus also stated that there would be a forensic audit, which raised increased concerns, and that he and von Erffa had discussed this together, hence it was early on about specific requests from KPMG.

Von Erffa goes on explaining that a request for the very first meeting with KPMG had already been made on September 5, 2019. Two months later, on November 5, an email from von Erffa to von Knoop followed, stating, quote: "There are initial requests for a meeting with KPMG regarding a special audit. Since I don't know their assignment and also do not have any information about such an audit, it makes no sense for me to attend a meeting with them currently". Von Knoop's response: "Makes sense, thanks for pointing that out". Von Erffa went on to say that he had not been informed about the special audit mandate by November 5, 2019 either, and that Bellenhaus was distorting reality. Von Erffa had one last contact with KPMG in October 2019. The meeting he was initially intended to attend was regarding the Globill project - it was first postponed and then canceled entirely. The new date was October 28, 2019. Von Erffa: "I didn't attend. I wasn't at the meeting". There are several emails regarding this matter, Bellenhaus had made up the entire alleged meeting with von Erffa's participation, he states.

Von Erffa reports on another meeting at which Bellenhaus intended to submit his resignation. According to Bellenhaus, Dr. Braun came out of the office to convince him that he should not resign. Von Erffa contradicts this, saying that the meeting took place without Markus Braun. The day on which he finally re-signed was the last day of the consolidated financial statements. The reason given by Oliver Bellenhaus for his intended resignation was that he earned relatively little money and had a lot of work. Bellenhaus compared himself to Wirecard's Head of Banking Rainer Wexeler, who did not care about the Group's turnover but at the same time earned much more. Bellenhaus complained also that the overall complexity at Wirecard had increased, while the technology was not capable of scaling it accordingly. According to Bellenhaus, Ms. Steidl and her team needed to perform much better. They also talked about the Hadoop database, which Erffa had never heard of before. The growth rates of the TPA and MCA business were not discussed.

Von Erffa continues and explains that his relationship with Bellenhaus was also in no way considered to be a friendship. Braun had not been present at several alleged conversations with Bellenhaus and von Erffa, as Bellenhaus had stated in court. The office of the former CEO was located in building 35. To get into building 33, one would have had to go from the fourth floor of building 35 to the stairwell, then to the third floor, then over the bridge from building 35 to building 33, then back to the stairwell there, then back up to the fourth floor and ring the bell there, because this door was secured with a security card reader lock.

Von Erffa goes on to say that Oliver Bellenhaus's testimony during the prosecution's questioning was also remarkable when he answered yes to the question of whether he had allowed himself to be persuaded not to resign at the time. However, in response to the follow-up question as to whether he had been offered a salary increase, he replied, quote, "no, not at the time". During his questioning from November 26, 2020, Bellenhaus also stated that the TPA income from Globebill transferred to his foundation at the end of 2015 was supposed to be his salary increase for the past and future, which he had agreed with Jan Marsalek around the turn of the year 2016/17. Von Erffa states that Bellenhaus had himself even contradicted one of his previous statements, according to which a salary increase had not even been discussed at that time.

Von Erffa now wants to report on the meeting at the Andaz Hotel in Munich, at which, according to Oliver Bellenhaus, he and Marsalek allegedly falsified invoices together with von Erffa. Before von Erffa can elaborate on this, the judge interrupts him and orders a short break. He has all the defense lawyers come forward to the judge's desk and briefly enters a short discussion with them that was not communicated to the public. Bellenhaus had stated in court a few months ago, in response to an explicit question from the judge, that he remembered a bill at the Hotel Andraz for a meal they had eaten in the hotel room.

According to Bellenhaus, he, von Erffa and Marsalek had happily falsified bills together at the Hotel Andaz. This is absolutely false, according to von Erffa. Bellenhaus himself says that they were not well made. As we know today, Jan Marsalek's unofficial office was only a few minutes away from the hotel location near the English Garden in Munich. For date-related reasons alone, it would not have been possible to falsify the invoices, as the fairly new hotel at Schwabinger Tor did not open its doors before February 25, 2019 - von Erffa throws the corresponding evidence onto the projector. After having been asked by the judge, Bellenhaus had stated in court a few months ago that he remembered a meal that had allegedly been explicitly brought to the hotel room, plus the bill for it. The hotel employee, however, stated that it was a meal taken in the restaurant.

According to the judge/Bellenhaus, they had eaten roast beef at the Andaz Hotel in Munich at Schwabinger Tor and falsified bills together in the hotel room. This was completely false and fabricated, von Erffa reiterated, neither the date nor the meal match the invoice submitted by Bellenhaus. This was an invoice that had been explicitly issued by the hotel's affiliated restaurant Brokkoli and not by room service.

According to von Erffa, there was a meeting at the hotel, approx. 30 minutes long. Nothing had been eaten there, neither by von Erffa nor by anyone else present, and no bills had been discussed or falsified.

The general question also arises as to why von Erffa did not immediately deny during his interrogation by the police that he had ever been in the oh-so-secret Marsalek and Bellenhaus circle in the hotel room - instead the chief accountant openly admitted beforehand that a brief meeting had taken place in the Andaz Hotel.

Von Erffa now provides information about contracts relating to the MCA business in Brazil. Companies that were assigned to Henry O'Sullivan were to be transferred around 100 million real (approx. 165,000 euros) to Brazil. The contract was signed by Marsalek and Ley, a signature from the Management Board was still missing due to the amount of the contract. Von Erffa wrote an e-mail to Dr. Braun and Marsalek in this regard and also asked head of banking Rainer Wexeler for a release of the payment. "I had nothing to do with the payment," says von Erffa, who also had no access to Wirecard Bank's payment systems. The balance confirmations were requested. Ms. Görres had also been placed on the distribution list for communication regarding the approval of M&A contracts, as had the members of the Management Board. Von Erffa had also spoken to Ms. Görres about the contract.

Von Erffa is now disclosing important facts surrounding the date of Dr. Braun's dismissal and the appointment of interim CEO James Freis. On June 18, 2020, von Erffa spoke with the legal department of the law firm Noerr and with the treasury department, he asked whether and when which payments had been made. Work continued on June 19, 2020. Von Erffa now states that he already wanted to ensure around this time that, quote, "everything was correct under insolvency law". Meaning that an immediate, hard Wirecard insolvency was already in sight directly after June 18, 2020 without particularly considering alternatives. This was communicated to him by Mr. Küster on Saturday, June 20, 2020, the day on which Supervisory Board Chairman Thomas Eichelmann also began working intensively on developing a new business plan, according to von Erffa.

On the following day, Sunday, June 21, 2020, von Erffa was not in his office but with his godchild. On Monday, June 22, 2020, von Erffa drove to the company headquarters in Aschheim, where he was on site at around 8:30 am. His access card was blocked and he immediately contacted Alexander von Knopp, who did not reply. He called several assistants, including that of James Freis, and finally received a call back from an HR assistant at around 9:30 am, where he was informed that he had been released from his job duties. Von Erffa: "I didn't understand why I was let go. Important appointments were due, things had to be done and an orderly handover of work had to be made possible. I then drove home".

Von Erffa goes on explaining how, after returning from the inaccessible Wirecard headquarters in Aschheim, he called his brother and lawyer, who also happens to be familiar with insolvency law. He told his brother that he was not being informed about legal matters by the new management at Wirecard. His brother advised him to resign his position as managing director immediately due to the situation. At 12:58 pm, von Erffa received a sample letter regarding this, which he used to put his resignation in writing. Technically speaking, von Erffa was still the payment representative during these hours, others could theoretically have continued to utilise his name to command things in his name. After all, he also had insurance documents sent to him on June 22, 2020.

Von Erffa is now investigating further regarding the return of his electronic devices. The date for this was set for July 20, 2020. He drove to Aschheim and was escorted to his office there, where he emptied drawers and sideboards of his private, personal belongings, such as photos of his family. He insisted on taking a single report with him, as it was of a personal nature. There was a brief discussion in his office as to whether this was private or official, but he was finally allowed to make a copy and take it with him. Von Erffa: "I said goodbye to my team accompanied by various compliance employees". At home, he initially collected copies of statements and documents and placed them near the dining table. He then contacted his lawyer Ms. Stetter for the first time and informed her at that time that he would be happy to share all his findings to help clarify the matter.



Von Erffa goes on to explain how he voluntarily approached Senior Public Prosecutor Hildegard Baumler-Hoesl, Senior Public Prosecutor Buehring and a Chief Superintendent of Criminal Investigation at Munich's Prosecutor's Office on June 25, 2020. He had prepared a description of the TPA model for his lawyer and explained related accounting issues to her using the TPA statements; von Erffa had copies of statements and balance confirmations with him. Two days later, a police search was carried out at his home, during which financial statements were confiscated - a total of six officers arrived. Von Erffa: "I handed over all my electronic devices with passwords. I was then arrested and taken away in front of my wife and children. That was an enormous, traumatic shock for the entire family".

Von Erffa has now finished reading out his statement, which began last week. The audience is now eagerly awaiting the first reactions of the presiding judge. Significantly, he begins with a few questions about the expert witness, i.e. the autism expert, and now seriously wants to question von Erffa personally in this situation. The judge now wants to know whether everything that Mr. von Erffa is supposed to have said in the expert report is true. Von Erffa says that he had not prepared himself for the expert report and did not know what was in it and what exactly he had said.

Von Erffa's two lawyers are not particularly pleased about this and contradict the judge. It is requested that the judge should hear statement after statement so that von Erffa can say specifically whether a statement is true or not. The judge now records in the minutes that von Erffa refuses to testify in this regard. Von Erffa then intervenes and explains that what the expert had said was generally correct, but not everything that had been stated there - things such as the place of residence and some substantive matters were not correctly stated. However, he did not know in detail what exactly was in the expert report. Von Erffa's lawyer intervenes after that and asks the judge via microphone what would now be in the minutes after these brief explanations from Erffa, whereupon the judge corrects the minutes.

Now the judge looks at von Erffa and asks him if he knows what Exhibit 431 is. Von Erffa replies that this is a judicial container for all his email copies, plus some folders from Group Accounting. The judge asked whether he knew how this evidence had come about. Von Erffa replies that this had already begun to be compiled on June 18, 2020, on his behalf to safeguard against a possible insolvency. Von Erffa is asked whether anything has been subsequently deleted. "Not that I know of, maybe some in the spam folder", otherwise it should be possible to find everything there. "So all the emails you communicated about the business can be found there, right?" the judge asks. "Actually, yes," replies von Erffa.

After these explanations on Exhibit 431, the judge has a document thrown onto the projector in which the preliminary(!) quarterly report dates from 2015 onwards are listed in tabular form in columns on the one hand, and the emails sent or allegedly not sent by Erffa for forwarding the important third-party partner figures on the other. The dates for the last email appointments were listed by the court in either red or black color, each categorized according to provisional(!) quarterly report dates. Of the 20 or so email dates, around seven are listed black, the vast majority are red. The judge explains to the court that the red numbers are email dates for which von Erffa has not submitted any figures. He looks at von Erffa for a long time and says urgently: "This list here does not match what you are saying".

There is now some silence in the room, von Erffa looks somewhat perplexed and doesn't really know what to say. The judge goes on to say that without this information, it would not have been possible to publish the provisional figures. According to the files, he would not have had the TPA partners' accounts at the time the provisional figures were published. Mr. Franke was not the only one to say this. Von Erffa replied that he had always forwarded the data if he had received it. The judge intervenes again and says that this does not fit with von Erffa's statement that he "did not take care of the TPA business".

Von Erffa replies that there were several TPA tasks, but that he had certainly not made any in-depth error analyses with regard to the TPA figures, he had not posted the figures himself, but had merely endeavored to obtain the figures in the first place. That was his task. The judge is still not satisfied with this, he now asks von Erffa "why he did not document this then". After all it was "a huge responsibility", the judge says somewhat pathetically - he continues to refer to preliminary(!) quarterly reports whose final reports were published around 14 days later on verified documents.

The judge goes on stating that if von Erffa considered everything to be a proper transaction, why did he not prepare any documentation in this regard? He now questions whether von Erffa even knew "what the consequences would be if something was added incorrectly". All of this "does not fit the image of a chief accountant who goes off on about a travel expense report by the chairman of the supervisory board", the presiding supervisory judge suddenly states. Von Erffa slowly collects himself after this attack and says that he had not booked the TPA figures. Mr. Franke had given him the TPA figures from the accounting department; after all, it was for the preliminary quarterly reports, not the final ones.

The judge does not let up and continues to say that von Erffa was ultimately the only one who could confirm that the TPA figures were correct. Von Erffa replies that Mr. Zitzmann could have done the same. "On what basis", asks the judge. "These are settlements", von Erffa continues, saying that he had "checked whether the figures were ok and felt right". The judge is not satisfied with "feeling right" and is visibly angry with von Erffa for some reason. After a short break, von Erffa's lawyer clarifies that a distinction must be made between the detailed accounts and internal reports of TPA turnover on the one hand, and the results from the IT and accounting systems on the other. The turnover and results had always been available, as von Erffa had stated in his court submissions days before. These were sufficient for the preliminary figures. The final figures were always based on the actual TPA partners' accounts.

Von Erffa's lawyer once again refers to a sentence from last week's court hearing. Specifically, von Erffa testified in court on July 18, 2024: "As a rule, we first had the statements of the TPA partners as mentioned above. If these could not be submitted in time for the publications through Mr. Bellenhaus, then he communicated the figures divided up among the partners, some of these in form of screenshots. He sent them by cell phone (Telegram)". The judge then looks at von Erffa and asks him whether he fully agrees with these statements. Von Erffa affirms.

After some further explanations by the judge about the upcoming summer break until August 19, 2024 and the distribution of self-reading lists with allegedly "very expensive English translations", the main hearing is adjourned at approx. 11:40 am.

<https://www.sun24.news/en/hotel-wirecard-about-broccoli-and-roastbeef-in-munich-hotel-rooms.html>