
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff(s)

Case No: 09-cv-3332 MJD/FLN

v.

TREVOR COOK d/b/a CROWN
FOREX, LLC, PATRICK KILEY d/b/a
CROWN FOREX, LLC, UNIVERSAL
BROKERAGE FX and UNIVERSAL
BROKERAGE FX DIVERSIFIED, OXFORD
GLOBAL PARTNERS, LLC, OXFORD
GLOBAL ADVISORS, LLC, UNIVERAL
BROKERAGE FX ADVISORS, LLC f/k/a
UBS DIVERSIFIED FX ADVISORS, LLC,
UNIVERSAL BROKERAGE FX
GROWTH, L.P. f/k/a UBS DIVERSIFIED FX
GROWTH L.P., UNIVERSAL BROKERAGE
FX MANAGEMENT, LLC f/k/a UBS
DIVERSIFIED FX MANAGEMENT, LLC
and UBS DIVERSIFIED GROWTH, LLC,

Defendant(s)

R.J. ZAYED,

Receiver.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Case No: 09-cv-3333 MJD/FLN

Plaintiff(s)

v.

TREVOR G. COOK,
PATRICK J. KILEY,
UBS DIVERSIFIED GROWTH, LLC,
UNIVERSAL BROKERAGE FX
MANAGEMENT, LLC,
OXFORD GLOBAL ADVISORS, LLC,
and OXFORD GLOBAL PARTNERS, LLC,

Defendants

and

BASEL GROUP, LLC,
CROWN FOREX, LLC,
MARKET SHOT, LLC,
PFG COIN AND BULLION,
OXFORD DEVELOPERS, S.A.,
OXFORD FX GROWTH, L.P.,
OXFORD GLOBAL MANAGED
FUTURES FUND, L.P., UBS DIVERSIFIED
FX ADVISORS, LLC, UBS DIVERSIFIED
FX GROWTH, L.P., UBS DIVERSIFIED
FX MANAGEMENT, LLC, CLIFFORD
BERG, and ELLEN BERG,

Relief Defendants.

R.J. ZAYED,

Receiver.

**DECLARATION OF BRIAN HAYES IN SUPPORT OF RECEIVER’S MOTION
FOR SALE OF CERTAIN PERSONAL PROPERTY IN HIS POSSESSION**

I, Brian W. Hayes, hereby declare:

1. I am an attorney with the Court-appointed Receiver R.J. Zayed (“the Receiver”) in the law firm of Carlson, Caspers, Vandenburg and Lindquist (“CCVL”). I submit this declaration in support of the Receiver’s Motion for Sale of Certain Personal Property in His Possession. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. On November 23, 2009, the Court entered an order appointing R.J. Zayed as Receiver in this matter for (1) the estates of Defendants Trevor G. Cook, Patrick J. Kiley; (2) Defendants UBS Diversified Growth LLC, Universal Brokerage FX Management, LLC, Oxford Global Advisors, LLC, Oxford Global Partners, LLC; (3) Relief Defendants Basel Group, LLC, Crown Forex, LLC, Market Shot, LLC, PFG Coin and Bullion, Oxford Developers, S.A., Oxford FX Growth, L.P., Oxford Global Managed Futures Fund, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management LLC; (4) all funds, accounts, and other assets held by or for Relief Defendants Clifford Berg and Ellen Berg, which were received, directly or indirectly, from the Defendants or were acquired with funds or other assets received, directly or indirectly, from the Defendants; and (5) every other corporation, partnership, trust and/or other entity (regardless of form) which is directly or indirectly owned by or under the direct or indirect control of Cook and Kiley (collectively the “Receiver Estates”). *Order Appointing Receiver*, Docket No. 13, at 4 (Nov. 23, 2009); *see also*

Amended Order Appointing Receiver, Docket No. 18, at 4 (Nov. 24, 2009); *Second Amended Order Appointing Receiver*, Docket No. 68 (Dec. 11, 2009).

3. R.J. Zayed has also been appointed Receiver in the case of *CFTC v. Cook*, No. 09-cv-3332 MJD/JJK (D. Minn. Nov. 23, 2009). *Ex Parte Statutory Restraining Order*, Docket No. 21, at 7; *see also Order Continuing Appointment of Temporary Receiver*, Docket No. 96 (Dec. 11, 2009). As the Receiver Estates in this case largely overlap with the Receivership assets in *CFTC v. Cook*, the Receiver has filed a parallel motion in *CFTC v. Cook*. Although the Receiver is filing parallel motions, it seeks only a single Order in this motion.

4. By August 3, 2010, the United States Internal Revenue Service, Criminal Investigation Division, with the assistance of security at the Mall of America, the Bloomington Police Department and the Federal Bureau of Investigation, had seized from Jon Greco 118 gold and platinum coins and various denominations of Iraqi, Turkish, Canadian, Chinese, Russian, and Dominican Republic currencies, all of which originated with Trevor Cook and are now part of the Receiver Estates. Jon Greco is a friend of Graham Cook, brother of Defendant Trevor Cook.

5. Attached hereto as **Exhibit 1** is a true and correct copy of the Seizure Warrants and incorporated Affidavit of John Tschida, Special Agent with the Internal Revenue Service, Criminal Investigation Division, detailing the recovery of the Receiver assets from Jon Greco as he attempted to remove them from a Mall of America storage locker and then mislead investigators as to their true source.

6. On January 11, 2011 the Internal Revenue Service administratively forfeited to the Receiver all of the coins and currency inventoried in Exhibit 1.

7. Attached hereto as **Exhibit 2** is a true and correct redacted copy of the Custody Receipt for Retained or Seized Property, executed by Special Agent Teri Schultz with the Internal Revenue Service and Tara Norgard, attorney and designee for the Receiver, describing the seizure on August 3, 2010 and transfer of the assets to the Receiver on January 11, 2011.

8. On January 11, 2011, the Receiver and his agents began inspecting, cataloguing and photographing the coins and currency seized by agents for the Government and subsequently transferred to the Receiver.

9. Attached hereto as **Exhibit 3** is a document prepared by the Receiver detailing the coins referenced in Exhibits 1 and 2. The Receiver intends to sell or exchange the currency at a later date, when a suitable buyer is obtained.

10. Following the January 11, 2011 transfer, the Receiver and his agents began contacting numismatists, coin and collectible dealers in order to obtain appraisals and bids on the coins detailed in Exhibit 3.

11. The Receiver has obtained two independent bids for the entire set of coins detailed in Exhibit 3. Based on these bids, the Receiver has determined that the greatest benefit to the Receivership, and ultimately the hundreds of defrauded investors, is to sell the collection to one dealer.

12. Gold and platinum are frequently traded commodities, and the per ounce prices for each varies from day to day. In order to account for market fluctuations, and make the process as fair as possible, the Receiver requested that all bids be based on benchmark spot prices at the United States market close on Thursday, February 10, 2011.

13. In total, the Receiver obtained two bids to purchase the entire set of coins detailed in Exhibit 3. Because these bids are confidential, the Receiver is submitting them to the Court under separate correspondence for *in camera* review.

14. The Receiver has determined that the bid which best satisfies the Receiver's objectives and the Court's directive is the offer from American Rare Coin and Collectibles, LLC ("ARCC"). ARCC submitted a comprehensive and timely bid for the coins, and because ARCC has maintained a successful and professional relationship with the Receiver throughout these proceedings, the Receiver has determined that the sale of the coins to ARCC is the option which best satisfies the Receiver's duty and obligations to this Court, and ultimately the defrauded investor.

15. ARCC will pay the Receiver by bank wire on the date of sale and base said payment on the current spot price of gold and platinum on that date. ARCC will receive the merchandise at a location of the Receiver's choosing, and ARCC is responsible for transportation of the coins from the point of sale.

16. To assure the arms-length nature of this transaction, and insure against any Receiver person or entity regaining possession of the coins, the Receiver will require that

ARCC execute a certificate stating they have no affiliation or relation with any persons associated with Cook's scheme.

I state under penalty of perjury that the foregoing is true and correct.

Dated: February 25, 2011

s/ Brian Hayes
Brian Hayes