
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 TARA C. NORGARD IN SUPPORT OF
RECEIVER'S OPPOSITION TO
TREVOR COOK'S MOTION TO PURGE CONTEMPT**

I, Tara C. Norgard, hereby declare:

1. I am an attorney with the firm of Carlson, Caspers, Vandenburg and Lindquist ("CCVL"). I work with the Receiver, R.J. Zayed, and am his designee in the above-referenced actions. I submit this declaration in support of the Receiver's Opposition to Trevor Cook's Motion to Purge Contempt. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of Cook's Plea Hearing on April 13, 2010. This exhibit is not publicly filed and therefore is being provided to the Court *in camera* and served on counsel for the parties.

3. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of Cook's Sentencing Hearing on August 24, 2010. This exhibit is not publicly filed and therefore is being provided to the Court *in camera* and served on counsel for the parties.

4. Attached hereto as Exhibit 3 is a true and correct copy of an August 25, 2010 Seizure Warrant for property in a locker at the Mall of America. This document also is entered in *USA v. Seizure Warrant*, 10-mj-343 (AJB) (D. Minn.), at Docket 1 in that case.

5. The Receiver has interviewed Trevor Cook four times. I have personally conducted the interviews, along with the Receiver and others from the Receiver's office, the SEC, and the CFTC. The Receiver's first interview of Cook was on December 14, 2010. Cook did not provide any substantive information in that session and instead asserted his Fifth Amendment right in refusing to answer questions. The second interview was on April 24, 2010. The third interview was on July 15, 2010. The fourth interview was on September 1, 2010. A Fifth interview is scheduled for October 5-6, 2010, which will be a detailed interview of Cook with the relevant financial documents that have been obtained in this case. That session is designed to elicit a full accounting of the fraud, which Cook has never provided.

6. On April 23, 2010, I participated in an interview of Trevor Cook. This was the Receiver's first interview of Cook after he had entered into the April 13, 2010 plea agreement with the government in the criminal case. That plea agreement required Cook to fully and completely disclose to the Receiver "the existence and location of any assets in which he has any right, title, or interest and the manner in which the fraud proceeds were used." (*U.S. v. Cook*, Cr. 10-75, Docket No. 7, at 7.) Cook was further required to assist the Receiver in identifying, locating, returning, and transferring assets for use in payment of restitution and fines ordered by the Court." (*Id.*) Cook also agreed to provide the Receiver "with a sworn financial statement . . . [that is] accurate, truthful and

complete.” (*Id.*) I asked Cook repeated questions at the April 23, 2010 interview about whether he had hidden any additional assets or whether anyone was holding assets for him. Cook steadfastly maintained that he did not have any hidden assets and that nobody was holding assets for him. Attached hereto as Exhibit 4 is a true and correct copy of the Statement of the Receiver Following his April 23, 2010 Meeting With Trevor Gilson Cook, which explains the results of that interview. This document also is available on the Receiver’s web site at http://www.cookkileyreceiver.com//receiver-reports_55_567599880.pdf.

7. As part of his April 13, 2010 plea agreement, Cook also agreed to submit “to a polygraph examination to determine whether he has truthfully disclosed the existence of all of his assets and the use of the fraud proceeds.” (*U.S. v. Cook*, Cr. 10-75, Docket No. 7, at 7.) As part of my work with the Receiver, I was given access to the results of Cook’s lie detector test, which indicated that Cook was deceptive in response to the question of whether he had disclosed all of his assets to the Receiver.

8. On July 15, 2010, I participated in another interview of Cook. In that interview, Cook was first advised that the Receiver was aware of the results of Cook’s lie detector test and then questioned about where he continued to hide assets. In response, Cook told the Receiver where certain additional assets had been hidden.

9. In both the April 24, 2010 and July 15, 2010 interviews, I asked Cook to explain various financial transactions with domestic and international institutions. In response to the majority of such questions, Cook stated that he needed the specific financial documents in front of him to determine whether he could recall and explain the details. Many of the documents that Cook allegedly needs to jog his memory about these transactions are not available to the Receiver because they were not in the hard copy or computer files seized by the Receiver or reside with foreign institutions that are not required to comply with this Court's Receivership and Asset Freeze Orders. Nevertheless, the Receiver continues to uncover additional documents through his ongoing investigative efforts.

10. Cook has signed various powers of attorney and related documents that the Receiver is using to contact foreign financial institutions where Cook had accounts or is believed to have accounts. Cook has not affirmatively provided the Receiver with a list of his foreign accounts. Rather, in our interviews of Cook, the Receiver has presented Cook with the names of various institutions that have been uncovered in the Receiver's investigation and queried Cook about his dealings with each of them.

11. In response to Frequently Asked Questions, which also are posted on the Receiver's web site, the Receiver has stated that Cook "has not led us to any new or significant assets." *See* Response to FAQ 2, available at <https://www.cookkileyreceiver.com/faqs.cfm>.

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

Dated: September 24, 2010

s/Tara C. Norgard
Tara C. Norgard