

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,**

v.

Case No. 09-cv-3333 (MJD/FLN)

**TREVOR G. COOK, et al.,
Defendants,**

**R.J. ZAYED,
Receiver.**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,**

v.

Case No. 11-cv-574 (MJD/FLN)

**JASON BO-ALAN BECKMAN, et al.,
Defendants,**

**R.J. ZAYED,
Receiver.**

DECLARATION OF LUZ M. AGUILAR

I, Luz M. Aguilar, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Senior Accountant with the United States Securities and Exchange Commission (“SEC”) in its Chicago Regional Office, located at 175 West Jackson Boulevard, Suite 900, Chicago, Illinois, 60604. I have been employed as an accountant

by the SEC since November 1991. My official duties with the SEC include participating in fact-finding inquiries and investigations to determine whether the federal securities laws have been, are presently being, or are about to be violated, and assisting in the SEC's litigation of enforcement actions.

2. I received a BS Degree in Accounting from the University of Illinois at Chicago. I am a registered Certified Public Accountant.

3. As part of my duties, I was assigned to participate in the SEC's investigation regarding Trevor Cook ("Cook"), Patrick Kiley ("Kiley"), Jason Bo-Alan Beckman ("Beckman") and certain entities associated with them (collectively, the "Defendants"). In connection with this assignment, I have reviewed the SEC's files concerning the offer and sale of investments by the Defendants for the purpose of trading in foreign currency transactions. Those files include, among other things, documents from various banks and brokerage firms, documents from the Defendants, and other documents obtained by the SEC in its investigation. I have also participated in interviews of and testimony of various individuals, including interviews and testimony of Defendants Cook and Beckman on several occasions.

4. In connection with this assignment, I have analyzed certain financial records concerning the flow of funds through accounts held by the Defendants and other entities and individuals. I have personally reviewed and summarized available bank and brokerage records (collectively "financial records") provided by various financial institutions and by individuals. The financial records are so voluminous that they cannot be conveniently entered into evidence. Accordingly, I prepared the

accompanying Exhibits to summarize the financial information. Those summary Exhibits are fair, accurate and complete summaries of the documents and information that I personally reviewed. The documents underlying the attached summaries will be made available for examination and copying at a reasonable place and time.

5. The financial records that I have reviewed and summarized include account-opening documents, monthly statements, cancelled checks, check stubs, cashier's checks, wire transfers, deposit slips and deposit items, among others.

6. The financial records that I reviewed include, but are not limited to, all activity in the following accounts since July 2006:

- a. One account in the name of Oxford FX Growth, LP held at Wells Fargo Bank, #XXX-5572. The authorized signatories on the account were Beckman and Christopher Pettengill ("Pettengill"). The account was open from October 1, 2007 through November 30, 2009;
- b. Three accounts in the name of Oxford Global Advisors, LLC held at Wells Fargo Bank, #XXX-5598; #XXX-5606; and #XXX-5614. The authorized signatories on the accounts were Beckman, Trevor Cook ("Cook"), Pettengill and Gerald Durand ("Durand"). Cook was removed as signatory on July 9, 2008 and Pettengill and Durand were removed on August 22, 2008. The accounts were open from October 1, 2007 through November 30, 2009;
- c. One account in the name of Oxford Global Advisors, LLC held at Voyager Bank, #XXX-5289. The authorized signatory on the account was Beckman. The account was open from April 2008 to December 2009;
- d. One account in the name of Oxford Global Holdings, LLC held at Wells Fargo Bank, #XXX-5580. The authorized signatories on the account were Beckman, Pettengill and Durand. The account was open from October 1, 2007 through October 31, 2008;
- e. Two accounts in the name of Oxford Global Investments, Inc. held at Associated Bank, #XXX-1812 and #XXX-1838. The authorized

signatories on one of the accounts were Beckman, Cook, and Pettengill, and Beckman, Cook, Mary Dingman and Leo Domenchetti in the other account. Both accounts were open from July 2008 through October 31, 2008;

- f. One account in the name of Oxford Global Partners, LLC held at Associated Bank, #XXX-2356. The authorized signatories on the account were Beckman, Cook, and Hollie Beckman. The account was open from September 1, 2008 through December 2009;
- g. Two accounts in the name of Oxford Private Client Group, LLC held at Wells Fargo Bank, #XXX-5689 and #XXX-7077. The authorized signatories on the accounts were Beckman, Pettengill and Eric Erickson. The accounts were open from June 2006 through December 31, 2008;
- h. One account in the name of Oxford Private Client Group, LLC held at Voyager Bank, #XXX-9222. The authorized signatory on the account is Beckman. The account was opened in June 30, 2008 and held a balance of \$21,700 as of June 30, 2010;
- i. One account in the name of Oxford PCG, LLC held at Western International Securities, Inc., #XXX-6280. The authorized signatory on the account is Beckman. The account was active before August 2006 and held a balance of \$335 as of July 30, 2010;
- j. Several accounts in the name of Oxford FX Growth, LP held at PFG Best for the purpose of trading in futures and currency. The authorized signatory in the accounts was Beckman. One account was opened in November 2007, two accounts were opened in February 2008, and five accounts were opened in July 2008. All accounts were closed in November 2008. The accounts incurred a \$21.6 million loss from trading in currency (\$20.8 million) and futures (\$800,000);
- k. One account in the name of BH Beckman Family, LLC held at Voyager Bank, #XXX-5115. The authorized signatories on the account are Beckman and his wife Hollie Beckman. The account was opened in March 2008 and held a balance of \$1,382 as of June 30, 2010;
- l. One account in the name of Jason and Hollie Beckman held at Wells Fargo Bank, #XXX-7893. The account was active before August 2006 and held a balance of \$2,694 as of December 20, 2010;

- m. One account in the name of Jason and Hollie Beckman held at Western International, #XXX-6300. The account was active before August 2006 but held a balance of less than \$769 as of July 30, 2010, which was transferred to the Beckmans' joint account at Wells Fargo Bank in November 2010;
- n. Six accounts in the name of Oxford FX Growth, LP held at Saxo Bank. The accounts were opened in June 2008 and held \$440 combined as of November 2009. The accounts incurred losses of \$4.2 million from currency trading activities;
- o. One account in the name of Oxford FX Growth, LP held at Newedge Group (UK Branch), #XXX-G058. The account was opened in December 2007 and held a negative balance of \$570 as of October 2008. The account incurred losses of \$2.5 million from currency trading activities;
- p. One account in the name of Crown Forex, LLC held at Associated Bank. The authorized signatories on the account were Patrick Kiley ("Kiley") and Julia Smith ("Smith");
- q. One account in the name of UBS Diversified FX Growth, LP held at Wells Fargo Bank. Kiley was the sole authorized signatory on the account;
- r. One account in the name of UBS Diversified Growth, LLC held at Wells Fargo Bank. Kiley was the sole authorized signatory on the account;
- s. One account in the name of Universal Brokerage FX Management, LLC held at Associated Bank. The authorized signatories on the account were Kiley and Smith;
- t. Several accounts held at PFG Best for the purpose of trading in futures and currency. Those accounts were opened by Cook in the following names: two accounts in the name of Oxford Global FX, LLC, both currency accounts; two in the name of UBS Diversified, LLC, both currency accounts; three accounts in the name of Market Shot, LLC, three currency and two futures accounts; and four accounts in Cook's name, two currency and two futures accounts; and

- u. Several other accounts held at Wells Fargo Bank, Associated Bank and JPMorgan Chase held in the names of entities associated to the Defendants.

7. Exhibits 1 through 5 are based on my review of the financial records described in Paragraph 6 above. I prepared Exhibits 1 through 5 in the following manner: (a) for each account, I prepared a computer file listing of all the transactions, which included over 10,000 transactions analyzed; (b) using the bank statements, I entered the account number, the dates of transactions, the amounts of withdrawals or deposits, and the check numbers for all transactions in the account into the file; (c) after reviewing the underlying documents for each transaction listed in the file, I entered the name of the source of the deposit or the recipient of the withdrawal into the description column; (d) after the available information for the transactions in the account was entered, I categorized the transactions according to the description column to prepare a summary of the sources and uses for each account.

8. After all accounts were analyzed, I selected accounts in which investor funds were deposited, withdrawn or transferred into. I combined the summaries of those accounts and eliminated the transfers between accounts to avoid double counting certain deposits. Those transfers totaled over \$158 million. Using the information in the financial records, I prepared a combined sources and uses statement, including funds from investors and payments to investors.

9. After the SEC filed its complaints on these cases, I continued to update my summaries as new information and documents became available. For example, in November 2009, at the time the SEC filed its first complaint, the funds raised from

investors was approximately \$190 million. See Exhibit 1. By March 2011, at the time the SEC filed its second complaint, the funds raised from investors was approximately \$194 million based on information obtained on a deposit of approximately \$3.7 million that was previously unavailable. See Exhibit 2. In addition, after the March 2011 complaint, the funds raised from investors was approximately \$193.1 million based on information obtained on \$1.5 million deposited from an individual that was later determined not to have been deposited for investment purposes. See Exhibit 3.

10. Using the results of the combined sources and uses statement, I prepared a list of investors, meaning all investors in the foreign currency trading program (“Currency Program”).

11. Based upon my review of the financial records available, I calculated that, from July 2006 through July 2009, the Defendants raised approximately \$193.1 million from investors for the Currency Program and used approximately \$49.9 million as payments to investors, for a net of approximately \$143.2 million from investors. See Exhibit 4.

12. I calculated prejudgment interest on the sum that Defendant received from investors less the amounts paid to investors. The prejudgment interest was calculated applying the interest rate, adjusted quarterly, used by the IRS for computation of interest on underpayment of taxes. Interest was compounded quarterly beginning on the end of the first month in which Defendants received funds from investors and ending in October 2009, the month before the first temporary restraining order was entered in this case.

13. As of October 2009, prejudgment interest on the \$193,103,061 Defendants raised from investors less the \$49,874,319 paid to investors by Defendants (net of \$143,228,742) is \$12,699,781. See Exhibit 5.

I, Luz M. Aguilar, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on the 9th day of February 2015.


LUZ M. AGUILAR