

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. Zayed, In His Capacity
As Court-Appointed Receiver
For Oxford Global Partners, LLC,
Universal Brokerage FX, and Other
Receiver Entities,

Plaintiff

Case No: 013-cv-1896 SRN/ SER

v.

David and Dao Allen, Judith Averett, Patricia and
Jasper Calandra, Rose Furner, Mark Hanby, Adel
("A.K.") Hilal, Geraldine Jackman, Norma Johnson,
Willis Wayne King, Don and Pamela Labbee,
Andrew Lyon, Jeffrey Lyon, Jeffrey Maki, Steven
Perkins, Richard Plantan, Douglas Reed, David
Sherman, John Sterback, Mark Stoltenberg, Jane
Wamsley as trustee for the Glen Van Lehn Living
Trust, Michael ("Bruce") Wu, Robert and Dianne
Birk, Margaret Anderson, Mary Francoeur, George
and Shirley Janssen, Joseph Koehnen, and Katherine
Sobieck,

Defendants.

DECLARATION OF JOSEPH M. KACZROWSKI
IN SUPPORT OF RECEIVER'S MOTION FOR SUMMARY JUDGMENT

I, Joseph M. Kaczowski, hereby declare:

1. I am an attorney for Plaintiff R.J. Zayed, the Court-appointed Receiver in the civil cases of *United States Securities and Exchange Commission v. Trevor Cook et al.*, 09-cv-3333 (D. Minn. 2009), *United States Commodity Futures Trading Commission v. Trevor Cook et al.*, 09-cv-3332 (D. Minn. 2009), and *United States Securities and*

Exchange Commission v. Jason Bo-Alan Beckman et al., 11-cv-574 (D. Minn. 2011)

(“Receiver”). I submit this declaration in support of the Receiver’s Motion for Summary Judgment. This declaration is submitted on my personal knowledge except as otherwise indicated.

Stoltenberg

2. Defendant Mark Stoltenberg received one transfer from a Receiver Estate in the amount of \$3,500.00. Attached hereto as **Exhibit 1** is a true and correct (redacted) copy of check number 1423 drawn on Wells Fargo account ending 2710 held in the name of UBS Diversified Growth LLC.

- a. Exhibit 1 is from documents that were produced to the Receiver in response to subpoenas issued by the Receiver under the authority granted him in the Court’s Orders of appointment.

Hilal

3. Defendant Adel Hilal received one transfer from a Receiver Estate in the amount of \$56,201.14. Attached hereto as **Exhibit 2** is a true and correct (redacted) copy of a wire from Wells Fargo account ending 2710 held in the name of UBS Diversified Growth LLC to Millennium Trust for the benefit of A. K. Hilal.

- a. Exhibit 2 is from documents that were produced to the Receiver in response to subpoenas issued by the Receiver under the authority granted him in the Court’s Orders of appointment.

4. Attached hereto as **Exhibit 3** are true and correct (redacted) documents pertaining to Defendant Hilal's purported investment account.

a. All pages of Exhibit 3 are from electronic files seized by the Receiver.

5. One deposit was made to a Receiver Estate on behalf of Defendant Hilal in the amount of \$49,000.00. Attached hereto as **Exhibit 4** is a true and correct (redacted) copy of a wire from Millennium Trust to Wells Fargo account ending 2710 held in the name of UBS Diversified Growth LLC for the benefit of "A K Hilal Rollover Roth IRA."

a. Exhibit 4 is from documents that were produced to the Receiver in response to subpoenas issued by the Receiver under the authority granted him in the Court's Orders of appointment.

Janssen

6. Defendants George and Shirley Janssen received six transfers from Receiver Estates totaling \$60,250.00. Attached hereto as **Exhibit 5** are true and correct (redacted) copies of bank records for accounts held in the name of UBS Diversified Growth LLC and Oxford Global Advisors LLC showing transfers to Defendants Janssen.

a. Pages 1-3 of Exhibit 5 are from documents that were produced to the Receiver by the SEC from documents obtained through its investigation.

b. Pages 4-6 of Exhibit 5 are from documents that were produced to the Receiver in response to subpoenas issued by the Receiver under the authority granted him in the Court's Orders of appointment.

7. Defendants Janssen made one transfer to a Receiver Estate in the amount of \$50,000.00. Attached hereto as **Exhibit 6** is a true and correct (redacted) copy of a check from an account held in the name of George and Shirley Janssen and dated February 15, 2007, deposited in Wells Fargo account ending 2710 held in the name of UBS Diversified Growth LLC.

- a. Exhibit 6 is from documents that were produced to the Receiver by the SEC from documents obtained through its investigation.

Birk

8. Defendant Dianne Birk testified at the criminal trial of her son-in-law, Ponzi Felon Beckman. Attached hereto as **Exhibit 7** is a true and correct copy of Defendant Birk's testimony excerpted from the transcript filed in criminal case number 11-cr-228 at docket 520.

9. During that criminal trial, Ponzi Felon Beckman and the government stipulated that Defendants Robert and Dianne Birk received \$286,305.04 from Beckman (or entities or individuals acting on his behalf), which was \$99,525.68 more than any transfers Defendants Birk made to Receiver Estates. (*See Exhibit 7 at 31.*)

10. Attached hereto as **Exhibit 8** is a true and correct copy of the subpoena from the Receiver to Defendants Robert and Dianne Birk for documents dated March 21, 2011.

11. Attached hereto as **Exhibit 9** is a true and correct (redacted) copy of bank account statements produced to the Receiver by Defendants Birk, with annotations by the Birks, in response to Exhibit 8.

12. Defendants Birk received at least 115 transfers from Receiver Estates totaling \$300,459.65. Attached hereto as **Exhibit 10** is a table listing these transfers.

13. Attached hereto as **Exhibit 11** are true and correct (redacted) copies of bank records for accounts held in the name of Hollie J and Jason B Beckman, Oxford Global Advisors LLC, Oxford Global Partners LLC, and The Oxford Private Client Group LLC showing transfers to Defendants Birk. These records show 111 of the 115 transfers identified in Exhibit 10. Three of the remaining transfers are identified by Defendants Birk in Exhibit 9 (pages 37, 43, and 118). The final transfer listed in Exhibit 10 is a payment from the U.S. Treasury Department for criminal restitution in *United States v. Trevor Cook*, 10-cr-75 (D. Minn. 2010) (*see also* page 111 of Exhibit 9).

- a. Pages 1-85 of Exhibit 11 from documents that were produced to the Receiver by the SEC from documents obtained through its investigation.
- b. Pages 86-91 of Exhibit 11 are from electronic files seized by the Receiver.

14. Five transfers were made by or on behalf of Defendants Birk to Receiver Estates totaling \$187,779.36. Attached hereto as **Exhibit 12** are true and correct (redacted) copies of bank records showing deposits made to accounts held in the name of Hollie J and Jason B Beckman and Crown Forex LLC.

- a. Pages 1-3 of Exhibit 12 are from documents that were produced to the Receiver by the SEC from documents obtained through its investigation.
- b. Pages 4-5 of Exhibit 12 are from electronic files seized by the Receiver.

15. During that criminal trial, Ponzi Felon Beckman and the government stipulated that Defendants Robert and Dianne Birk received medical and dental coverage paid for by Beckman (or entities or individuals acting on his behalf) from approximately June or July 2008 through August 2009. (*See* Exhibit 7 at 30.) From documents that were produced to the Receiver in response to subpoenas issued by the Receiver under the authority granted him in the Court's Orders of appointment, the Receiver identified payments for coverage totaling \$19,917.20 benefitting Defendants Birk.

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

Dated: April 18, 2014

s/ Joseph M. Kaczrowski
Joseph M. Kaczrowski