

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

Case No. 8:19-cv-00886-VMC-SPF

OASIS INTERNATIONAL GROUP,  
LIMITED, ET AL.,

Defendants,

and

MAINSTREAM FUND SERVICES,  
INC., ET AL.,

Relief Defendants.

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**CONSENT ORDER OF PRELIMINARY INJUNCTION AND  
OTHER EQUITABLE RELIEF AGAINST  
DEFENDANTS OASIS INTERNATIONAL GROUP, LIMITED; OASIS  
MANAGEMENT, LLC; MICHAEL J. DACORTA; JOSEPH S. ANILE, II; AND  
FRANCISCO "FRANK" L. DURAN; AND RELIEF DEFENDANTS BOWLING  
GREEN CAPITAL MANAGEMENT, LLC; LAGOON INVESTMENTS, INC.; ROAR  
OF THE LION FITNESS, LLC; 444 GULF OF MEXICO DRIVE, LLC; 6922  
LACANTERA CIRCLE, LLC; 4064 FOUNDERS CLUB DRIVE, LLC; 13318 LOST  
KEY PLACE, LLC;  
AND 4OAKS LLC**

On April 15, 2019, Plaintiff Commodity Futures Trading Commission ("CFTC" or "Commission") filed a Complaint for Injunctive Relief, Civil Monetary Penalties, Restitution, Disgorgement and Other Equitable Relief ("Complaint") against, among others, Defendants Oasis International Group, Limited; Oasis Management, LLC; Michael J.

DaCorta; Joseph S. Anile, II; and Francisco “Frank” L. Duran (collectively, “Defendants”) and Relief Defendants Roar of the Lion Fitness, LLC; 444 Gulf of Mexico Drive, LLC; 6922 Lacantera Circle, LLC; 13318 Lost Key Place, LLC; Bowling Green Capital Management, LLC; Lagoon Investments, Inc.; 4064 Founders Club Drive, LLC; and 4Oaks LLC (collectively, “Relief Defendants”).

In the Complaint, the CFTC alleges that Defendants engaged in a fraudulent scheme to solicit and misappropriate money from over 700 U.S. residents for pooled investments in retail foreign currency contracts (“forex”). Defendants DaCorta, Anile, and Duran participated in the scheme individually and/or as control persons of Oasis International Group, Limited. Between mid-April 2014 and the present (the “Relevant Period”), the CFTC alleges that Defendants have fraudulently solicited hundreds of members of the public (“pool participants”) to invest approximately \$75 million in two commodity pools—Oasis Global FX, Limited (“Oasis Pool 1”) and Oasis Global FX, SA (“Oasis Pool 2”) (collectively, the “Oasis Pools”)—that would purportedly trade in forex. The CFTC alleges that rather than use pool participants’ funds for forex trading, however, Defendants traded only a small portion of the Oasis Pools in forex—which incurred trading losses—and instead misappropriated the majority of pool participants’ funds and issued false account statements to pool participants to conceal Defendants’ trading losses and misappropriation.

The CFTC further alleges that Defendants made numerous misrepresentations to the pool participants, and further omitted to tell these pool participants other material information, including the fact that Defendant DaCorta had been permanently banned from registering with the Commission and from soliciting U.S. residents to trade forex and from

trading forex for U.S. residents in any capacity. Certain of the Defendants also failed to register as commodity pool operators or associated persons of commodity pool operators. In addition, Defendants failed to receive pool funds in the name of the Oasis Pools and commingled those pool funds with the property of Defendants or others, both in violation of CFTC Regulations. Defendants also failed to provide pool participants with required disclosures.

Finally, the CFTC alleges that the Defendants lost all money deposited into forex trading accounts through trading in the Oasis Pools, and have misappropriated the majority of pool funds through Ponzi-like payments to other pool participants and through the purchase of real estate, luxury vehicles, and other inappropriate business and personal expenses, among other things.

On April 15, 2019, the CFTC moved the Court, pursuant to Section 6c(a) of the Commodity Exchange Act (“Act”), 7 U.S.C. § 13a-1(a) (2012), and in accordance with Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 65, for an Emergency Ex Parte Motion for a Statutory Restraining Order, Preliminary Injunction, and Other Equitable Relief (the “SRO Motion”). In the SRO Motion, the CFTC also moved the Court to enter a preliminary injunction upon the expiration of the statutory restraining order.

After considering the CFTC’s SRO Motion, including the declarations and exhibits submitted in support thereof, the Court granted the SRO Motion on April 15, 2019 and entered a statutory restraining order (Doc. # 7) prohibiting Defendants and Relief Defendants from, among other things, withdrawing, transferring, removing, dissipating or disposing of assets and from destroying, altering, or disposing of any records that relate to their business

activities or personal finances. Additionally, the Court appointed a temporary receiver to, among other things, assume control and management of the Receivership Defendants and to take exclusive custody, control and possession of the Receivership Estate. The Court set a hearing for the CFTC's Motion for Preliminary Injunction on April 29, 2019.

While Defendants and Relief Defendants neither admit nor deny the allegations in the Complaint for the purposes of Plaintiff's Motion for Preliminary Injunction, they have consented to the entry of a Preliminary Injunction as set forth herein. The CFTC, Defendants, and Relief Defendants enter into this Order voluntarily, and no promise or threat has been made by the CFTC or any member, officer, agent, or representative of the CFTC, to induce Defendants and Relief Defendants to consent to this Order.

In consideration of the foregoing, and based on the entire record in this case, the Court finds that there is good cause to believe that a preliminary injunction is proper in this case to preserve the status quo; prevent the withdrawal, transfer, removal, dissipation, or disposal of assets; prevent the destruction, alteration, or disposal of books and records and other documents; protect members of the public from loss and damage; and enable the CFTC to fulfill its statutory duties. The Court hereby grants the Motion on the terms and conditions to which the CFTC, Defendants and the Relief Defendants have stipulated, as set forth below.

**RELIEF GRANTED**

**IT IS HEREBY ORDERED** that:

**I. Jurisdiction and Venue**

1. Defendants and Relief Defendants have been properly served with a Summons

and a copy of the Complaint.<sup>1</sup> This Court has jurisdiction over the parties and over the subject matter of this case. 7 U.S.C. § 13a-1 (2012) authorizes the Court to enter a preliminary injunction against the Defendants and Relief Defendants.

2. Venue lies properly within this District under 7 U.S.C. § 13a-1(e) (2012).
3. The parties waive the entry of findings of fact and conclusions of law for purposes of this Order pursuant to Rule 52 of the Federal Rules of Civil Procedure, and the Court accepts that waiver.

## **II. Prohibitions from Violating the Act and Regulations, and From Engaging in Commodity-Related Activities**

4. Defendants and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successors thereof, who receive actual notice of this Order by personal service or otherwise, are preliminarily restrained and enjoined from directly or indirectly violating Sections 4b(a)(2)(A)-(C), 4k(2), 4m(1), 4o(1)(A)-(B), and 2(c)(2)(iii)(I)(cc) of the Act, 7 U.S.C. §§ 6b(a)(2)(A)-(C), 6k(2), 6m(1), 6o(1)(A)-(B), 2(c)(2)(iii)(I)(cc) (2012), and Regulations (“Regulations”) 4.20(b)-(c), 4.21, 5.2(b)(1)-(3), and 5.3(a)(2), 17 C.F.R. § 4.20(b)-(c), 4.21, 5.2(b)(1)-(3), 5.3(a)(2) (2018).

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<sup>1</sup> Service on Defendant Oasis Management, LLC (“OM”) and Relief Defendant Roar of the Lion Fitness, LLC (“Roar”) was attempted on their respective registered agents. After filing the proof of service for Roar (Doc. # 24), the CFTC subsequently learned that its purported registered agent in Florida was no longer acting as such. Similarly, OM’s purported registered agent in Wyoming returned the summons unexecuted because it was no longer acting as such. DaCorta represented to the CFTC that he is the only officer or director of OM and will accept service on its behalf and that he will also accept service for Roar. The CFTC is in the process of effecting service on Oasis International Group, Limited, a Cayman Islands company, pursuant to the Hague Convention.

5. Defendants and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successors thereof, who receive actual notice of this Order by personal service or otherwise, are preliminarily restrained and enjoined from, directly or indirectly:
  - a. Trading on or subject to the rules of any registered entity (as that term is defined in Section 1a(40) of the Act, 7 U.S.C. § 1a(40) (2012));
  - b. Entering into any transactions involving “commodity interests” (as that term is defined in Regulation 1.3, 17 C.F.R. § 1.3 (2018) for their own personal account or for any account in which they have a direct or indirect interest;
  - c. Having any commodity interests traded on their behalf;
  - d. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving contracts of sale for commodities in interstate commerce or commodity interests;
  - e. Soliciting, receiving, or accepting any funds from any person for the purpose of entering into contracts of sale for commodities in interstate commerce or purchasing or selling any commodity interests;
  - f. Applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the

Commission, except as provided for in Regulation 4.14(a)(9), 17

C.F.R. § 4.19(a)(9) (2018); and/or

- g. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. 3.1(a) (2018)), agent or any other officer or employee or any person (as that term is defined in Section 1a(38) of the Act, 7 U.S.C. § 1a(38) (2012)), registered, exempted from registration, or required to be registered with the Commission except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2018).

**III. Prohibition on the Withdrawal, Transfer, Removal, Dissipation, and Disposal of Assets**

6. Except to the extent modified in this Order or by further order of this Court, Defendants and Relief Defendants continue to be restrained and enjoined from directly or indirectly withdrawing, transferring, removing, dissipating, or otherwise disposing of any assets wherever located including Defendants and Relief Defendants' assets held outside the United States, except as provided otherwise in Sections IV, V, VI, and VII of the Statutory Restraining Order.

**IV. Prohibition on the Destruction, Alteration, or Disposal of Books, Records, and Other Documents**

7. The prohibition in paragraph 24 of the Order Granting Plaintiffs' Ex Parte Emergency Motion for Statutory Restraining Order (Doc. # 7) on Defendants' and Relief Defendants' destruction, alteration, or disposing of, in any manner, any books, records, or other documents that relate to or refer to the business activities or business or personal finances of Defendants or Relief Defendants

shall continue in full force and effect.

**V. Continuation of Asset Freeze**

8. Defendants and Relief Defendants are restrained and enjoined from directly or indirectly transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including assets held outside the United States, except as otherwise ordered by the Court. This Order shall apply to any of Defendants' or Relief Defendants' assets derived from or otherwise related to the activities alleged in the Complaint, regardless of when the asset is obtained.
9. Any financial or brokerage institution, business entity, or person that holds, controls, or maintains custody of any account or asset titled in the name of, held for the benefit of, or otherwise under the control of Defendants or Relief Defendants, or which has held, controlled, or maintained custody of any such account or assets of Defendants or Relief Defendants since April 15, 2014, who receives notice of this Order by personal service or otherwise, is hereby notified that this Order prohibits Defendants and Relief Defendants from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or otherwise disposing of Defendants' and Relief Defendants' assets, except as directed by further order of the Court; provided, however, nothing in this Order shall limit the discretion of any compliance official of any retail foreign exchange dealer or



futures commission merchant with which Defendants maintain an account to liquidate, or close out, any and all open positions in Defendants' accounts, in a prompt and orderly fashion in order to avoid losses due to the terms of the restraining order continued in effect by this Order.

**VI. Stay of Actions**

10. Except by leave of the Court, Defendants and Relief Defendants are hereby stayed from taking any action to establish or enforce any claim, right or interest for, against, on behalf of, or in their names, including but not limited to, the following actions:
  - a. Commencing, prosecuting, litigation or enforcing any suit, except that actions may be filed to toll any applicable statute of limitations;
  - b. Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, real and/or personal property of Defendants or Relief Defendants, or any real and/or personal property claimed by Defendants or Relief Defendants, or attempting to foreclose, forfeit, alter, or terminate Defendants' or Relief Defendants' interest(s) in real and/or personal property, whether such acts are part of a judicial proceeding or otherwise;
  - c. Using self-help or executing or issuing, or causing the execution or issuance of, any court attachment, subpoena, replevin, execution, or other process for the purpose of impounding or taking possession of or

interfering with, or creating or enforcing a lien upon any property, wherever located, owned by or in the possession of Defendants or Relief Defendants; and

- d. Doing any act or thing to interfere with the exclusive jurisdiction of this Court over the real and/or personal property and assets of Defendants and Relief Defendants. This paragraph does not stay the commencement or continuation of any action or proceeding by any governmental unit to enforce such governmental unit's police or regulatory power.

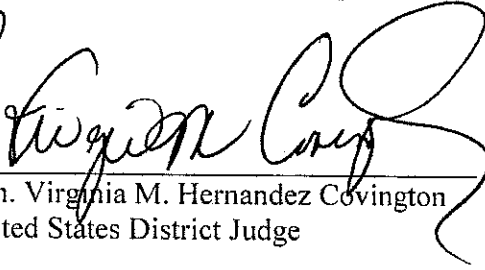
**VII. Bond Not Required**

11. Plaintiff CFTC is an agency of the United States, and therefore pursuant to Section 6c(b) of the Act, 7 U.S.C. § 13a-1(b) (2012), no bond is required prior to entry of this Order.

**VIII. Force and Effect**

12. This Consent Order shall remain in full force and effect until further order of the Court, and the Court retains jurisdiction of this matter for all purposes. Any party may petition this Court upon proper notice to amend or lift the Preliminary Injunction or Consent Order.

IT IS SO ORDERED, at Tampa, Florida on this 30<sup>th</sup> day of April 2019, at 2:03  
a.m./p.m.



Hon. Virginia M. Hernandez Covington  
United States District Judge