

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

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.  
SPF

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

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  
DEFENDANT RAYMOND P. MONTIE, III**

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 (Doc. #1) and on June 12, 2019 filed a First Amended Complaint (Doc. #110) (“Complaint”) against, among others, Defendant Raymond P. Montie, III (“Montie”).

In the Complaint, the CFTC alleges that the Defendant Montie, along with other the Defendants named in the Complaint (“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”). The CFTC alleges that Defendants 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 Defendants DaCorta, Anile, and Haas misappropriated the majority of pool participants’ funds and Defendant DaCorta issued false account statements to pool participants to conceal Defendants’ trading losses and misappropriation.

The CFTC further alleges that Defendants, including Defendant Montie, 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. The CFTC alleges that certain of the Defendants also failed to register as commodity pool operators or associated persons of commodity pool operators. In addition, the CFTC alleges that Defendants, including Defendant Montie, 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, including Defendant Montie, 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 Defendants DaCorta, Anile, and Haas 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 65, for an Emergency Ex Parte Motion for a Statutory Restraining Order, Preliminary Injunction, and Other Equitable Relief (the “SRO Motion”). Doc. #4. 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 (the “SRO,” Doc. # 7) prohibiting Defendants, including Defendant Montie, 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 (as defined in the SRO at page 14, ¶32) and to take exclusive custody, control and possession of the Receivership Estate (as defined in the SRO at page 14,

¶32).

The Court set a hearing for the CFTC's Motion for Preliminary Injunction on April 29, 2019 (Doc. #9), and Defendant Montie moved to continue that hearing on April 26, 2019. Doc. #33. The Court granted Defendant Montie's motion for a continuance. Doc. #34. The Court subsequently rescheduled the preliminary injunction hearing for May 30, 2019 at 1:00 p.m. Doc. #40. The CFTC then moved for an extension of the SRO as to Defendant Montie. Doc. #41. The Court granted the CFTC's motion and extended the terms of the SRO as to Defendant Montie until May 30, 2019. Doc. #42. On May 21, 2019, Defendant Montie again moved to continue the preliminary injunction hearing to July 1, 2019. Doc. #57. The Court granted Defendant Montie's motion for a continuance (Doc. #63) and again rescheduled the preliminary injunction hearing for July 1, 2019. Doc. #79. On June 24, 2019, Defendant Montie filed an opposition to the CFTC's request for a preliminary injunction against him. Doc. #142. On June 25, 2019, the CFTC moved the Court for leave to file a reply brief. Doc. #146. After a hearing on the CFTC's motion on June 26, 2019, the Court granted the CFTC's motion for leave to file a reply brief, ordering that such brief be filed by July 2, 2019, that Defendant Montie could file a sur-reply brief by July 9, 2019, and rescheduling the preliminary injunction hearing to July 12, 2019. Doc. ##151, 152.

On May 22, 2019, Defendant Montie filed a motion to dismiss the Complaint. Doc. #58. In response, the CFTC filed its First Amended Complaint. Doc. #110. Defendant Montie's answer to the First Amended Complaint is due on or before July 26. Doc. ##130, 132.

While Defendant Montie neither admits nor denies the allegations in the Complaint or

in the First Amended Complaint, for purposes of Plaintiff's Motion for Preliminary Injunction, he has consented to the entry of a Preliminary Injunction as set forth herein. In so doing, Defendant Montie is not admitting the allegations in the Original Complaint or in the First Amended Complaint. Further, Defendant Montie is not waiving any defenses which may be raised in a motion to dismiss the First Amended Complaint or in an answer to the First Amended Complaint, except as to jurisdiction and venue, which are admitted and waived (see Section I below). Plaintiff and Defendant Montie 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 Defendant Montie 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 and Defendant Montie have stipulated, as set forth below.

**RELIEF GRANTED**

**IT IS HEREBY ORDERED** that:

**I. Jurisdiction and Venue**

1. Defendant Montie has been properly served with a Summons and a copy of the Complaint. Doc. #23. 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 Defendant.

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. Defendant Montie and his agents, servants, employees, assigns, attorneys, and persons in active concert or participation with him, 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 Commission 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).
5. Defendant Montie and his agents, servants, employees, assigns, attorneys, and persons in active concert or participation with him, 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. Defendant Montie is restrained and enjoined from directly or indirectly transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting, directly or indirectly withdrawing, removing, dissipating 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 Defendant Montie's assets, regardless of when the asset is obtained, except as set forth below and in Sections III and IV of the Consolidated Receivership Order.
7. 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 Defendant Montie, or which has held, controlled, or maintained custody of any such account or assets of Defendant Montie since April 15, 2014, who receives notice of this Order by personal service or otherwise, is hereby notified that this Order prohibits Defendant Montie from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or otherwise disposing of, in any manner, any funds, assets or property of Defendant Montie, wherever situated, including, but not limited to, all funds, personal property, money, or securities in safes, safety deposit boxes, and all funds on deposit in any financial institution, bank, or savings and loan



account, including funds or property of customers, wherever located, whether held in the name of Defendant Montie or otherwise.

8. Nothing in this Order shall prevent Defendant Montie from earning an income from a legitimate business purpose or employment. Subject to reporting requirements of this Order, Defendant Montie may use money from legitimate sources of income earned after April 15, 2019 that are not related to this case and are obtained after the effective date of the Statutory Restraining Order (Doc. #7) for his reasonable Ambit Energy (“Ambit”) business expenses, reasonable living expenses, and reasonable attorneys’ fees.
9. Notwithstanding the terms of the asset freeze contained herein, Defendant Montie is permitted to retain his current American Express credit card -4007 (“Amex Card”) for the purpose of incurring reasonable Ambit business and living expenses, as well as two bank accounts. One bank account will be opened at a New Hampshire branch of TD Bank (“TD Account”) for the purpose of depositing, withdrawing, or transferring funds earned or liabilities incurred after the date of this Order from activities unrelated to the allegations contained in the Complaint in this matter, including making mortgage, property tax and insurance payments on two residences Defendant Montie owns as outlined below in Paragraph 9.i. The second account is Federal Savings Bank account number XXXXXX8414 (“FSB Account”), which will be used to make mortgage, property tax and insurance payments on one residence Defendant Montie owns as outlined below in Paragraph 9.j.

Regarding the Amex Card and the TD and FSB Accounts, Defendant Montie shall be required to abide by the following conditions:

- a. The accounts shall be in Defendant Montie's name only.
- b. Defendant Montie shall deposit into the TD Account income earned from Ambit Energy between April 15, 2019 and the effective date of this Order.
- c. Defendant Montie shall deposit income obtained after the effective date of this Order from legitimate sources that are not related to this case into the TD Account to use for his reasonable living and Ambit business expenses and reasonable attorneys' fees.
- d. Defendant Montie shall not open any safety deposit boxes.
- e. Defendant Montie is prohibited from providing any other entity or individual any control, direct or indirect beneficial interest, discretionary authority, or power of attorney over the account.
- f. For the TD Account, Defendant Montie shall immediately provide the Commission and Receiver the type of account (i.e., checking, savings, etc.), the account number, and the name on the account.
- g. Defendant Montie shall provide to the Commission and Receiver, on a monthly basis, copies of the monthly account statements for the TD and FSB Accounts and for the AmEx Card. Further, Defendant Montie shall provide information to the Receiver and Commission on a monthly basis to confirm that any activity in the TD Account and

AmEx Card, including deposits, withdrawals or fund transfers, was the result of lawful activities, reasonable living and Ambit business expenses, or reasonable attorneys' fees.

- h. If the accounts are closed, either by Defendant Montie or the banks, then Defendant Montie shall immediately notify the Commission and provide copies of documents relating to the closing of the accounts, including close-out statements and all documents reflecting the reason the accounts were closed.
- i. From the TD Account, Defendant Montie is responsible for making mortgage, property tax, and insurance payments and for the general upkeep of his two residences located on Goose Pond Road in Lake Aerial, Pennsylvania; and on MacArthur Boulevard in Hauppauge, New York.
- j. Defendant Montie is responsible for making mortgage, property tax, and insurance payments and for the general upkeep of his residence on New Hampshire Road in Jackson, New Hampshire ("New Hampshire Residence"). Defendant Montie shall be allowed to transfer from the TD Account \$4,188 each month to the FSB Account and use the FSB Account to make monthly mortgage payments for the New Hampshire Residence and shall be allowed to pay for property tax, insurance payments, and for the general upkeep of the New Hampshire Residence from the TD Account.

10. Nothing in this order shall exempt any after-acquired assets from fraudulent transfer or other claims brought by the Receiver or any other entity or individual pursuant to pertinent legal and equitable principles.

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

11. The prohibition in paragraph 24 of the Order Granting Plaintiffs' Ex Parte Emergency Motion for Statutory Restraining Order (Doc. #7) on Defendant Montie's 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 Defendant Montie shall continue in full force and effect.

**V. Stay of Actions**

12. Except by leave of the Court, Defendant Montie is hereby stayed from taking any action to establish or enforce any claim, right or interest for, against, on behalf of, or in his name, 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 limitation (with at least ten days' prior notice to the Commission and Receiver);
  - 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 Defendant Montie, or any real and/or personal property claimed by Defendant Montie, or attempting to foreclose, forfeit, alter, or terminate

- Defendant Montie's 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 Defendant Montie; 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 Defendant Montie. 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.

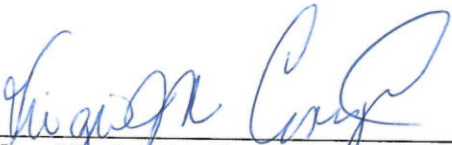
**VI. Bond Not Required**

- 13. 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.

**VII. Force and Effect**

- 14. 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 11<sup>th</sup> day of July 2019, at 6:46 a.m./p.m.

  
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Hon. Virginia M. Hernandez Covington  
United States District Judge

Hon. Sean P. Flynn  
United States Magistrate Judge