

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

Case No.: 8:19-CV-886-T-VMC-33SPF

OASIS INTERNATIONAL GROUP,  
LIMITED; OASIS MANAGEMENT, LLC;  
SATELLITE HOLDINGS COMPANY;  
MICHAEL J. DACORTA; JOSEPH S.  
ANILE, II; RAYMOND P. MONTIE, III;  
FRANCISCO "FRANK" L. DURAN; and  
JOHN J. HAAS,

Defendants;

and

MAINSTREAM FUND SERVICES, INC.;  
BOWLING GREEN CAPITAL  
MANAGEMENT LLC; LAGOON  
INVESTMENTS, INC.; ROAR OF THE  
LION FITNESS, LLC; 444 GULF OF  
MEXICO DRIVE, LLC; 4064 FOUNDERS  
CLUB DRIVE, LLC; 6922 LACANTERA  
CIRCLE, LLC; 13318 LOST KEY PLACE,  
LLC; and 4OAKS LLC,

Relief Defendants.

---

**RECEIVER'S MOTION TO APPROVE RETENTION OF PROFESSIONALS**

Burton W. Wiand, as receiver over the assets of the above-captioned defendants and relief defendants (the "**Receiver**" and the "**Receivership**"), moves the Court to approve his engagement of the following legal, accounting, and other professionals: (1) Wiand Guerra King P.A. ("**WGK**"), a law firm; (2) KapilaMukamal, LLP ("**KM**"), a forensic accounting firm;

(3) PDR CPAs (“**PDR**”), a tax accounting firm; (4) RWJ Group, LLC (“**RWJ**”), an asset management and investigations firm; and (5) E-Hounds, Inc. (“**E-Hounds**”), a technology and computer forensics firm. As explained below, the Receiver seeks assistance from these professionals because this Receivership involves complex facts and circumstances, including at least 700 investors; foreign transactions and entities; non-cash assets like real estate, luxury cars, and precious metals; and interests in operating businesses.

### **BACKGROUND**

In March 2019, counsel for the Commodity Futures Trading Commission (“**CFTC**”) contacted Mr. Wiand to determine his willingness to serve as Receiver in this matter. On March 14, 2019, Mr. Wiand sent the CFTC a letter outlining his experience acting as a federal equity receiver and attaching biographical information about professionals he intended to retain should the CTFC recommend and the Court approve his appointment. A copy of this letter is attached as **Exhibit A**.

On April 15, 2019, the Court appointed Mr. Wiand as Receiver and directed him, in relevant part, to “[t]ake exclusive custody, control, and possession of the Receivership Estate,” which includes “all the funds, properties, premises, accounts, income, now or hereafter due or owing to the Receivership Defendants, and other assets directly or indirectly owned, beneficially or otherwise, by the Receivership Defendants.” *See* Order Granting Plaintiff’s Motion For An Ex Parte Statutory Restraining Order, Appointment Of A Temporary Receiver, And Other Equitable Relief, (Doc. 7 at p. 14, ¶ 32 & p. 15, ¶ 30.b.) (the “**Temporary Order**”).

The Court has since made the Receiver’s appointment permanent absent further order of the Court with respect to certain defendants. *See* Order Appointing Receiver And Staying

Litigation (Doc. 44) (collectively with the Temporary Order, the “**Receivership Orders**”); *see also* Doc. 85 (consent order of preliminary injunction by relief defendant Mainstream Fund Services, Inc.). The Receivership Orders authorize the Receiver to retain professionals to assist him in carrying out his mandate, but they also require the Court to approve the pertinent engagements.

**Wiand Guerra King P.A.**

WGK is a law firm with expertise in complex commercial litigation, securities litigation, regulatory proceedings, white-collar criminal litigation, and arbitration. The Receiver included information about WGK in his submission to the CFTC. *See* Ex. A. Additional information is available at [www.wiandlaw.com](http://www.wiandlaw.com). The undersigned is employed by WGK and will serve as the Receiver’s primary counsel. Exhibit A also contains biographical information about the undersigned. As an accommodation to the Receiver and to conserve the resources of the Receivership Estate, WGK’s attorneys and paralegals have agreed to reduce their standard rates by as much as 30 percent. *See* Ex. A at p. 7. The undersigned and other WGK attorneys have substantial experience representing court-appointed receivers in matters brought by the CFTC, the Securities and Exchange Commission, the Federal Trade Commission, the Florida Office of Financial Regulation, and the Florida Attorney General’s Office. *See* Ex. A at pp. 4-5, 8.

**KapilaMukamal, LLP**

KM is a forensic accounting firm that specializes in insolvency and restructuring, Ponzi schemes, fraud investigations, insolvency taxation, business valuation, and litigation support. The Receiver included information about KM in his submission to the CFTC. *See* Ex. A at 10-22. Additional information is available at [www.kapilamukamal.com](http://www.kapilamukamal.com). Soneet Kapila is a

principal of KM, and Exhibit A contains biographical information about Mr. Kapila and several other members of his firm. As an accommodation to the Receiver and to conserve the resources of the Receivership Estate, Mr. Kapila has agreed to reduce his hourly billing rate and to discount all other forensic accounting work by 15 percent. The Receiver seeks the assistance of Mr. Kapila and his firm because this Receivership involves at least 700 individuals who invested more than \$70 million through multiple entities. In most (if not all) cases, the investments included a monthly rollover option, which allowed purported investment income to compound (on paper, if not in truth), and the ability to earn referral fees for introducing other investors. These matters complicate the cash-in/cash-out analysis the Receiver needs to perform to establish a claims process and for other purposes. The alleged scheme also involves foreign transactions and currency trading. As such, the Receiver requires the assistance of Mr. Kapila and KM's forensic accountants.

#### **PDR CPAs**

PDR is an accounting firm that specializes in tax matters, and Bill Price is one of its principals. Mr. Price's biographical information is attached as **Exhibit B**, and additional information about PDR is available at [www.pdr-cpa.com](http://www.pdr-cpa.com). As distinct from the forensic accounting work the Receiver expects KM to perform, PDR's role will involve internal Receivership accounting, financial reporting, and tax preparation and filing. Mr. Price and his firm have extensive experience with the tax treatment of settlement funds, as required by the Receivership Orders. *See, e.g.*, Doc. 44 ¶ 40. Because PDR's proposed role is relatively discrete, the Receiver has not requested Mr. Price or the firm's other accountants to discount their standard rates.

**RWJ Group, LLC**

RWJ is an asset management and investigation firm, and its principal is Roger Jernigan. The Receiver included information about RWJ in his submission to the CFTC. *See* Ex. A at p. 3. Additional information is attached as **Exhibit C**. In receivership matters, WGK retains Mr. Jernigan as an independent contractor at a rate of \$90 per hour to provide asset management and investigative services and, if necessary, to operate any viable business in the Receivership Estate. Although the Receiver's investigation is only just beginning, he has already determined that the Receivership Estate contains significant non-cash assets, including real estate, vehicles, and other personal property, as well as at least one potentially viable business. Mr. Jernigan's services will be necessary to secure, manage, and liquidate those assets in an economical manner.

**E-Hounds, Inc.**

E-Hounds is a computer forensics firm that specializes in serving the legal industry. Information about E-Hounds is available at [www.ehounds.com](http://www.ehounds.com). Certain defendants and relief defendants operated investor portals and other public-facing websites. They also operated CRM or customer-relationship management software that contains important details about the investors and their related transactions. The Receiver seeks E-Hounds' assistance to analyze and manage these issues. The Receiver also seeks E-Hounds' assistance to image computers and other electronic devices (or to process images created by law enforcement) and to retrieve documents relevant to the Receiver's investigation. E-Hounds has significant experience conducting these activities and has provided similar services to the Receiver in connection with other state and federal receiverships.

**MEMORANDUM OF LAW**

The Court’s power to supervise an equity receivership and to determine the appropriate actions to be taken in the administration of the receivership is extremely broad. *See, e.g., S.E.C. v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992); *S.E.C. v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986). The Court’s wide discretion derives from the inherent powers of an equity court to fashion relief. *Elliott*, 953 F.2d at 1566; *S.E.C. v. Safety Finance Service, Inc.*, 674 F.2d 368, 372 (5th Cir. 1982).

As noted above, the Receivership Orders authorize the Receiver to retain professionals to assist him in carrying out his mandate, but they require the Receiver to seek the Court’s approval of the pertinent engagements. The Receiver thus seeks the Court’s approval of his retention of WGK, KM, PDR, RWJ, and E-Hounds (collectively, the “**Professionals**”) to provide the above-described services. As demonstrated by the exhibits attached to this motion, the Professionals have extensive experience in their respective industries, and they all have prior experience with federal equity receiverships. Because of the size and complexity of this Receivership, the Receiver seeks the Professional’s assistance to accomplish his mandate, as set forth in the Receivership Orders.

**LOCAL RULE 3.01(G) CERTIFICATION**

Undersigned counsel for the Receiver has conferred with counsel for the CFTC and is authorized to represent to the Court that the CFTC does not oppose the relief requested in this motion. Undersigned counsel has also conferred with counsel for (1) defendants John Haas and Satellite Holdings Company; (2) defendants and relief defendants Joseph S. Anile, II, Bowling Green Capital Management LLC (Doc. 71), 4064 Founders Club Drive, LLC (Doc. 75), Lagoon

Investments, Inc. (Doc. 72), and 4 Oaks LLC (Doc. 78); (3) relief defendant Mainstream Fund Services, Inc.; (4) defendant Raymond P. Montie, III; and (5) defendant Michael DaCorta and is authorized to represent to the Court that these parties not oppose the relief requested in this motion. Defendants Francisco “Frank” Duran (Doc. 70) and Oasis Management Group, LLC (Doc. 69) have defaulted, and the latter (along with defendant Oasis International Group Limited) is under the Receiver’s control pursuant to this Court’s orders. Relief defendants Roar of the Loan Fitness, LLC (Doc. 73); 444 Gulf of Mexico Drive, LLC (Doc. 74); 6922 Lacertera Circle, LLC (Doc. 76); and 13318 Lost Key Place, LLC (Doc. 77) have also defaulted and are under the Receiver’s control pursuant to the Court’s orders. As such, the Receiver believes this motion is unopposed by all parties participating in this action.

Respectfully submitted,

**s/Jared J. Perez**

Jared J. Perez, FBN 0085192

[jperez@wiandlaw.com](mailto:jperez@wiandlaw.com)

WIAND GUERRA KING P.A.

5505 West Gray Street

Tampa, Florida 33609

Tel.: (813) 347-5100

Fax: (813) 347-5198

*Attorney for Burton W. Wiand, Receiver*

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on May 30, 2019, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court, which served counsel for record. I have also provided the following non-CM/ECF participants with a true and correct copy of the foregoing by electronic mail and US mail to:

Gerard Marrone  
Law Office of Gerard Marrone, P.C.  
66-85 73<sup>rd</sup> Place  
Second Floor  
Middle Village, NY 11379  
[gmarronelaw@gmail.com](mailto:gmarronelaw@gmail.com)  
*Counsel for Defendant Joseph S. Anile, II*

Francisco “Frank” L. Duran  
7312 Desert Ridge Glen  
Lakewood Ranch, FL 34202  
[fduran@oasisig.com](mailto:fduran@oasisig.com)

**s/Jared J. Perez**  
Jared J. Perez, FBN 0085192