

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:19-cr-605-WFJ-CPT

MICHAEL J. DACORTA


**UNITED STATES' NOTICE OF FILING SWORN WITNESS
STATEMENT OF CUSTODIAN OF RECORDS CONCERNING
FOREIGN REGULARLY CONDUCTED ACTIVITY**

The United States of America, by and through the undersigned, pursuant to 18 U.S.C. § 3505, hereby files a sworn witness statement of the custodian of records or otherwise qualified witness concerning records of ATC Brokers Limited. The sworn witness statement of Jennifer Cruz Claudio, Director and Chief Operating Officer at ATC Brokers Limited, dated December 5, 2019, is attached hereto as "Attachment A."

In filing this notice and attached sworn witness statement, and serving same upon the defendant in this case, the government hereby provides notice that the government may offer one or more of the records identified in the sworn witness statement into evidence at trial in this case. Said records are in the government's possession, were made available in installments of discovery in January 2020, June 2020, and February 2021, and bear the Bates Stamp(s) reflected on "Attachment B" to this notice.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

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U.S. v. DaCorta

Case No. 8:19-cr-605-WFJ-CPT

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:



Adam B. Allen, Esq.
Sylvia A. Irvin, Esq.
Russel K. Rosenthal, Esq.



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Attachment A

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WITNESS STATEMENT				
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9				
	URN			
Statement of: JENNIFER CLAUDIO				
Age if under 18: Over 18 (if over 18 insert 'over 18')				
Occupation: Director and Chief Operating Officer				
This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.				
Signature: 		(witness)		
Date: 5 th December 2019				

I, Jennifer Cruz Claudio, hold the position of Director and Chief Operating Officer at ATC Brokers Limited, based at 1 Fore Street Avenue, London EC2Y 9DT. I have been employed by ATC Brokers Limited since August 2016. My duties include oversight of: Money Laundering Reporting Officer duties; oversight of client onboarding; regulatory filings; legal and human resources; complaints handling; staff compliance training; and facilitating client money transfers.

I have been asked by Martine Jays an officer of the United Kingdom National Crime Agency (NCA) to provide information relating to ATC Brokers Limited's business relationship with Oasis entities and specifically to address seven questions.

ATC Brokers Limited (ATC) began onboarding Oasis Global FX Limited (OGFX) in April 2015 and Oasis Global FX SA (OGSA) in December 2016 (in this witness statement, I refer to OGFX and OGSA together Oasis) as clients, following extensive customer due diligence checks as part of our regular on-boarding process. As part of this process, I have examined records held by ATC and email communications received from Joseph S Anile and Michael Da Corta. I can confirm a substantial amount of material was received within those emails and these were examined by ATC which I can itemise as follows:

Oasis Documents

- Certificate of Incorporation of Oasis Global FX Limited dated 8 May 2012;
- Constitution of FX Direct Capital Limited dated 23 July 2012;
- Notarized copies of identification documents (passport and driver's licence) of Joseph Anile, notarized by Michael A Tedeschi on 28 July 2014;
- Notarized copies of identification documents (passport and driver's licence) of Michael Da Corta, notarized by Joseph Anile on 8 January 2015;
- Utility bill from AT&T for period 4 Nov - 3 Dec 2014 in respect of Joseph Anile showing address (27 June Avenue, Bayville, NY 11709-2336);
- Utility bill from Royal Catering Service Co for period 1 Dec 2014 - 31 Jan 2015 in respect of Michael Da Corta showing address (5 Pat Dr, Poughkeepsie, NY 12603-5626)
- Company extract of Oasis Global FX Limited as of 15 April 2015;

Signature:  Signature witnessed by: 

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Continuation Sheet of: Jennifer Claudio

- Certificate of Incorporation (1 March 2013), register of members (5 July 2013), register of directors (5 March 2013), certificate of incumbency (5 November 2013) and amended and restated memorandum and articles (25 June 2013) of Oasis International Group, Ltd;
- Financial Institution Questionnaire in respect of an application by Oasis Global FX Limited for an foreign exchange trading account with ATC Brokers Limited signed by Joseph Anile and dated 24/04/2015;
- Utility bill from AT&T for period 4 March 2015-3 April 2015 in respect of Joseph Anile showing address (27 June Avenue, Bayville, NY 11709-2336);
- Utility bill from Central Hudson for period 20 Feb 2015 – 20 April 2015 in respect of Michael Da Corta and Carolyn Da Corta showing address (5 Pat Dr, Poughkeepsie, NY 12603-5626);
- Notarized copies of identification documents (passport and driver's licence) of Raymond Paul Montie III, notarized by Joseph Anile on 8 January 2015;
- Utility bill from PPL for period Jan 8 2015 – Feb 5 2015 in respect of Goose Pond Consulting LLC (Ray Montie) showing address (1221 Goose Pond Rd, Lake Ariel, PA 18436);
- Notice of Treatment as a Professional Client of ATC Brokers signed by Joseph Anile on 24 April 2015.
- Endorsement Certificate of Oasis Global (Nevis) Limited dated 9 July 2015;
- Formation documents of Oasis Global (Nevis) Limited dated 9 July 2015;
- Resolution of Incorporator of Oasis Global (Nevis) Limited (Wendy Webbe) dated 9 July 2015, appointing Michael Da Corta and Joseph Anile as directors;
- First meeting of the board of directors of Oasis Global (Nevis) Limited dated 9 July 2015;
- Stock certificate of Oasis Global (Nevis) Limited dated 9 July 2015 certifying Oasis International Group Limited as the holder of 100,000 shares of \$1.00 each;
- Certificate of Incorporation of Oasis Global (Belize), S.A. dated 1 July 2015;
- Formation documents of Oasis Global (Belize), S.A. dated 1 July 2015;
- Resolution of Subscriber of Oasis Global (Belize), S.A. (Vanessa Hertular, for and on behalf of Belize Incorporation Services Ltd.) appointing Joseph Anile as director;
- Director resolution of Oasis Global (Belize), S.A. resolving to issue shares;
- Share certificate of Oasis Global (Belize), S.A. certifying Joseph Anile as the holder of 100,000 of \$1.00 each; and
- First meeting of the board of directors of Oasis Global (Belize), S.A. dated 1 July 2015.


ATC sought and received a considerable amount of information from Oasis and I attach the following documents created in the course of our business, which I today produce and exhibit. Furthermore I can confirm the following:-

1. Records were made at or near the time of the occurrence of the matters, by (or from information transmitted by) a person with knowledge of those matters;
2. Such records were kept in the course of a regular conducted business activity.
3. The business activity made the records as regular practice; and
4. If any of such records in not original, such record is a duplicate of the original.

OGFX

- JC/01/05/12/2019 – Financial Institution Questionnaire
- JC/02/05/12/2019 – AML Questionnaire
- JC/03/05/12/2019 – Omnibus Agreement
- JC/04/05/12/2019 – Notice for professional client
- JC/05/05/12/2019 – Account application

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OGSA

- JC/06/05/12/2019 – Financial Institution Questionnaire
- JC/07/05/12/2019 – AML Questionnaire
- JC/08/05/12/2019 – Omnibus Agreement
- JC/09/05/12/2019 – Notice for professional client
- JC/10/05/12/2019 – Account application

I have been asked by NCA Officer Jays, seven questions in relation to the business relationship between ATC and Oasis. I respond as follows:-

1. What representations did Michael DaCorta make to ATC Brokers Ltd. regarding the Oasis entities when setting up accounts with ATC Brokers Ltd. including the corporate structure, the nature of the business, and the source of the funds provided.

I can confirm that as part of ATC’s onboarding process, each Oasis entity had to complete and provide a Financial Institution Questionnaire (see exhibits JC/01/05/12/2019 and JC/06/05/12/2019). In this Financial Institution Questionnaire, the relevant Oasis entity made various representations including that:

- the entity was a corporation (paragraph 1.1);
- OGFX was regulated in New Zealand by the Financial Markets Authority as a “Financial Service Provider” (2.1);
- OGSA was regulated in Belize by International Financial Services Commission (2.1);
- the purpose of opening the account was the “trading of financial products or foreign exchange” in the case of OGFX and “Trading securities, financial products, or foreign exchange” in the case of OGSA (6.2); and
- “funds may be proprietary or belong to third parties” (6.3).

Oasis also made other statements and representations in the other account opening documents listed above. All forms were either signed by Mr DaCorta or Mr Joseph S Anile II and which I produce as exhibits.

2. Did ATC Brokers Ltd. talk with any other representatives from the Oasis entities besides Michael DaCorta, such as Raymond Montie, III, or Stephen Dribusch?

I can confirm that Michael DaCorta was ATC’s main point of contact for the duration of the relationship with Oasis and the majority of ATC’s communications with Oasis were with Mr DaCorta. However, from records held I can also confirm that ATC had brief communications with:

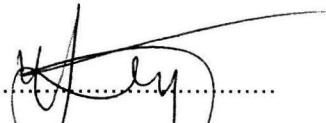
- Joseph Anile regarding account login details, company structure and licensing; and
- Joseph Paniagua in relation to technical support related matters.

On 28th February 2018, ATC also received a request from Mr DaCorta to set up a demonstration account for Stephen Dribusch. ATC sent the details of that demonstration account to Mr Dribusch by email. From records held I can confirm that this was the full extent of ATC’s direct communication with Mr Dribusch.

3. Did ATC Brokers Ltd. approach Michael DaCorta or other Oasis representatives about trading losses? If so, what and how did ATC Brokers Ltd communicate to Michael DaCorta or other Oasis representatives, and what response did they receive?

I have spoken with Mr. Dave Manoukian, also a Director of ATC, who has confirmed that he did contact Mr DaCorta to discuss Oasis’ trading losses and express his concern (albeit that execution only clients remain solely responsible for their own trading activity and investment decisions). Mr Manoukian has confirmed to me that Mr DaCorta acknowledged that Oasis had lost money on its silver trades, however, Mr DaCorta noted that Oasis’ outlook regarding silver was bullish (meaning market price would increase) and that his intention was to take a longer term

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Continuation Sheet of: Jennifer Claudio

view. Mr DaCorta added that, based on Oasis' analysis of various economic conditions, they felt strongly that silver was ready to rally and that they did not want to miss the long run by closing any positions.

Having examined historic spot price for silver, I note that silver did begin to rally only one month after the Oasis account was ordered to be liquidated and reached a new three year high.

- 4. **Did Mr. Manoukian (or other employees at ATC Brokers Ltd.) approach Michael DaCorta or other Oasis representatives about the fact that Oasis was operating as a broker but Michael DaCorta was the only person who was making any trades? If so, what and how did Mr. Manoukian (or other employees at ATC Brokers, Ltd.) communicate to Michael DaCorta or other Oasis representatives, and what response did he/they receive?**

From records held I can confirm that ATC did not make any enquiries regarding this issue and did not have concerns that Mr DaCorta remained the key point of contact.

ATC issued one user name and password for the platform (**Master Login ID**) to Oasis and Oasis could have authorised any number of individuals at Oasis to use the Master Login ID. As such ATC would not have been sure which individual was accessing the platform at any one time.

- 5. **Did Mr. Manoukian (or other employees at ATC Brokers Ltd.) approach Michael DaCorta or other Oasis representatives about the legitimacy of the Oasis entities? If so, what was Oasis' response?**

I can confirm from the examination of Oasis' business records that ATC had no reason to doubt the legitimacy of those entities. The Oasis entities had been onboarded following extensive checks that were carried out as part of ATC's standard on-boarding process. No concerns arose during that process. In addition, ATC derived comfort from the fact that OGFY was regulated in New Zealand by the Financial Markets Authority as a "Financial Service Provider" and that OGSA was regulated in Belize by the International Financial Services Commission.

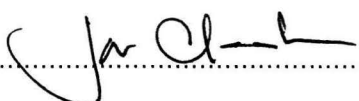
- 6. **Who at the Oasis entities had access to the trading accounts with ATC Brokers Ltd.?**

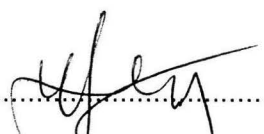
I can confirm that there was one Master Login ID for each of the Oasis accounts. However, ATC would be unable to identify which individuals at Oasis might have been using the Master Login. Similarly ATC does not facilitate nor assist with the onboarding by Omnibus Clients (such as Oasis) of their own underlying customers and is unable to be certain if any such underlying customers have been given direct access to the back office. As such, ATC does not have a list of the individuals at Oasis (or at Oasis' clients) who had access to the Oasis trading accounts.

- 7. **Did ATC Brokers Ltd discuss the October 2018 subpoena from the U.S. Commodities Futures Trading Commission with any Oasis representatives, including Michael DaCorta, Joseph Anile, and/or Joseph Paniagua? If so, what was the conversation and what representations were made by the Oasis representative(s)?**

I have spoken to Mr Dave Manoukian and can confirm that he spoke briefly to Mr DaCorta (and no others) on the telephone and told Mr DaCorta that, in view of the US subpoena and having received an Account Freezing Order granted by a UK Magistrate's Court, ATC had been instructed by the National Crime Agency to liquidate all of Oasis' positions and suspend the account. Mr Manoukian has confirmed to me that the conversation was brief and factual and did not include any discussion.



Signature: 

Signature witnessed by: 

ATTACHMENT B

Bates Stamp Ranges

SOURCE	BATES STAMP RANGE
ATC Brokers Limited	MLAT-ATC-00007 – MLAT-ATC-00065; INVEST-076665 – INVEST-086395; INVEST-393590 – INVEST-394634