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Gulf Union, Suisse Security Liquidator Seeks 'Guidance' On Rule Amendments

As of Friday, March 8, 2013

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Raymond Winder

By NEIL HARTNELL

Tribune Business Editor

nhartnell@tribunemedia.net

The liquidator for Gulf Union Bank (Bahamas) and Suisse Security Bank & Trust is heading back to the Supreme Court for “guidance” on whether these cases have to “fall in line” with major changes to the Companies Act’s winding-up rules.

Raymond Winder, Deloitte & Touche (Bahamas) managing partner, said last year’s amendments to the Companies’ Liquidation Rules meant liquidators had to “be very careful” when paying creditor dividends and calculating how much it would cost to wind-up insolvent institutions.

Emphasising that these changes only impacted deposit-taking institutions, primarily licensed banks such as Suisse Security and Gulf Union, Mr Winder said their depositors were now “automatically considered” to be creditors without having to submit ‘proof of debt’ owed to them first.

EXHIBIT B-16

Under Order 16, Rule 7, the only time depositors at insolvent Bahamas-based banks will now be required to submit a 'proof of debt' is if the liquidator believes the institution's account records are "unreliable". That conclusion, too, would have to be affirmed by the Supreme Court.

Explaining the two scenarios that now followed from this, Mr Winder told Tribune Business that in cases where account records/statements were reliable, "when you [the liquidator] issue a dividend, you have to set aside an amount for depositors that have not claimed yet.

"In the case of Gulf Union Bank, if someone comes in on the fourth dividend, pops up only then and wants to receive a dividend, before I pay anyone else I have to make him whole for the previous three dividends."

In the other scenario, Mr Winder added: "If the court decides the financial records can't be relied upon, and must be admitted to proof, for those individuals that have not claimed, the liquidator has got to set aside a sum in a trust fund, separate and apart from the corpus (body) of the liquidation."

Those trust funds had to be placed in an interest-bearing account, he explained, and could not be used to finance the liquidator's work in winding-up a bank or other deposit-taking institution.

While the liquidator would earn fees for administering the trust, Mr Winder said these would either be determined by the Supreme Court or based on the value of its assets - calculated as a percentage of this sum.

Another major change, he added, was that these trust funds will no longer be available to other depositors once the liquidation is completed.

All this, when combined with Order 18, Rule 4, meant that bank liquidators would have "to be very cautious in going about making dividend distributions" to depositors/creditors, the Deloitte & Touche (Bahamas) managing partner said.

That Rule, Mr Winder said, required liquidators to account for the likely future costs incurred in completing the winding-up.

"The liquidator has to be very cautious in going about making dividend distributions," he added.

"One will have to be very careful in what the likely costs in the future are going to be, and before one makes a distribution, to ensure there are sufficient funds remaining in the liquidation to ensure matters are being dealt with on a timely basis.

"If you do a poor job estimating the costs of the liquidation, you could set aside money in trust, and that is not available to you to help bring in additional assets related to the liquidation."

As for future liquidations where account records are considered reliable, Mr Winder said the practice of paying out un-claimed funds to other depositors would also end.

Given that no 'proof of debt' will be needed, Mr Winder said monies not claimed by some depositors would no longer be available in previous dividend distributions.

"Previously you could have improved the yield of depositors who have claimed by making distributions, but now those funds must be set aside immediately once you have made the first dividend," the top accountant told Tribune Business.

Nor would these funds be available to cover the liquidator's expenses, and Mr Winder said that if they remained unclaimed by the winding-up end, they would now go to the Public Treasury.

"The big deal is that where other depositors previously received some of that distribution, under the new Rules

that distribution will more than likely end up with the Treasury. That's a shift from depositors to the Government," Mr Winder said.

"We always had concerns as to the surplus balance that's left in the liquidation at completion. There's now clarity that any monies left over go to the Treasury."

All these changes have implications for Mr Winder's existing two bank liquidations, and he told Tribune Business: "We're going to the courts to look for guidance on whether they fall under Order 16, Rule 7.

"Suisse Security more than Gulf Union. Gulf will be slightly different. Gulf is a bit more complex."

Tribune Business understands that the Rule changes have already caused Mr Winder to delay a first dividend to Suisse Security depositors and creditors.

And he added: "The real issue for liquidations that existed prior to this issue is how will they fall into line with these rules, and will certain aspects of these rules not apply to them."

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Harajchi Creditors To 'Soon' Get First 10% Dividend Payout

As of Wednesday, August 27, 2014

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By NEIL HARTNELL

Tribune Business Editor

nhartnell@tribunemedia.net

Creditors of Mohammed Harajchi's long-defunct Suisse Security Bank & Trust will "soon" receive their first payout, equivalent to 10 per cent of their total claim, following two key Supreme Court decisions.

Acting Justice Ian Winder, in a May 27, 2014, Order, ruled that claims by Suisse Security depositors "shall not be automatically" accepted and paid by the liquidator because a key provision in the new Companies Liquidation Rules did not apply to this particular winding-up.

The court backed assertion's by Raymond Winder, the Deloitte & Touche (Bahamas) managing partner and Suisse Security liquidator, that Order 16, Rule 7 did not apply because the bank's accounting and record-keeping were so bad.

Under Order 16, Rule 7, the only time depositors at insolvent Bahamas-based banks are now required to submit a 'proof of debt' is if the liquidator believes the institution's account records are "unreliable" - a description that fits the Suisse Security case.

"A number of depositors that applied, the balances they were claiming were different from what the bank had in its records," Mr Winder told Tribune Business.

"Those disagreements went back and forth. We had a number of people who applied who did not have deposit balances, and for others the amounts they were claiming did not agree with the bank's records."

Mr Winder said a key factor in some of the discrepancies was that Suisse Security had instructed depositors to place funds with two International Business Companies (IBCs), Suisse Security Investments and Suisse Security Holdings, rather than the bank. These monies 'topped up' deposit levels at the bank as necessary.

"That created a challenge," Mr Winder said. "If they hadn't created those two front companies, it would have

been a lot easier. Things were not as clear as they ought to have been.

“Notwithstanding that, we will be declaring a 10 per cent dividend any time soon. We’ve already gone through the process of court approval and so forth. We are making sure only those individuals who we have been able to verify and agree their claim will be paid.”

This impending dividend payment represents the first recovery for Suisse Security and Mr Harajchi’s creditors since the bank was placed into voluntary liquidation in 2001 - some 13 years ago.

Mr Winder became the official liquidator some four years later, and he yesterday said returns to Suisse Security creditors could “potentially be very attractive” if he is able to recover the funds the bank’s ownership and management transferred from the two IBCs, and out of the Bahamas, before he could bring them under his control.

Mr Winder’s last report to the Supreme Court, in 2011, said creditors were still staring at a collective \$19.217 million “potential loss”.

The main reason they continue to face such a sizeable ‘black hole’ is because he has been unable to recover the \$17.717 million from the two IBCs.

Yet Mr Winder still has a Supreme Court injunction preventing Mr Harajchi from selling his Paradise Island-based real estate assets.

These include six land parcels on Paradise Island’s southern shore, plus a condominium in Cloisters Estates. Harajchi senior and his son, Michel, had been attempting to realise \$25 million from selling those real estate assets, and if the deal had successfully closed they would likely have transferred those funds out of the Bahamas immediately and ceased all connection with this jurisdiction.

Mr Winder’s is still engaged in something of a ‘Mexican stand-off’ with the Harajchis, and yesterday said he was “still pursuing” the \$17.717 million - both via the real estate liens “and some other things we’re looking at”.

The Deloitte & Touche executive said Justice Winder’s May 27 Order meant he also did not have to set aside funds for future claims by Suisse Security depositors, although those able to subsequently prove their claims would receive any dividends missed out on.

And, in an earlier May 19, 2014, Order, Justice Winder ruled that Suisse Security depositors who paid their monies into the IBCs would be accepted as creditors, provided these transactions happened prior to the liquidation.

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NOTICE TO INMATES: Initiative on Executive Clemency

On April 23, 2014, the Department of Justice announced an initiative to encourage appropriate candidates to petition for executive clemency, seeking to have their sentences commuted, or reduced, by the President of the United States. In this notice, the Bureau of Prisons (BOP) provides you with information regarding the scope and intent of this new initiative.

Commutation of sentence remains unusual and extraordinarily rare. This initiative, however, invites petitions from non-violent federal inmates who would not pose a threat to public safety if released. In particular, this initiative is limited to inmates who:

- Are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today¹;
- Are non-violent, low-level offenders without significant ties to large-scale criminal organizations, gangs, or cartels;
- Have served at least 10 years of their sentence;
- Do not have a significant criminal history;
- Have demonstrated good conduct in prison; and
- Have no history of violence prior to or during their current term of imprisonment.

You may choose to have an attorney to assist you in preparing a petition for clemency. You have the option of retaining counsel of your choice. We have also been asked to inform you that the Clemency Project 2014, a group of experienced criminal defense and non-profit lawyers, has offered to assist qualifying inmates with their petitions at no cost to you. If you would like to request that an attorney from the Clemency Project 2014 assist you with your clemency petition, please complete the Executive Clemency Survey via the TRULINCS Survey Service. At your request, we will forward your survey responses to the Clemency Project 2014. Once they receive the survey, it will be up to the Clemency Project 2014 to determine whether they will provide you with pro bono representation after considering whether or not you meet the criteria for this initiative.

Please note, if you submit the Executive Clemency Survey via TRULINCS, you should *not* submit your responses to the Clemency Project 2014 in writing as well.

¹ You may have received a substantially lower sentence today if, for example, you were sentenced to a mandatory minimum sentence for a crack cocaine offense that has since been lowered by the Fair Sentencing Act of 2010. Another example is if the sentencing guidelines were mandatory in your case and there is evidence that, if the judge was not constrained by the mandatory sentencing guidelines, he or she likely would have sentenced you to a lesser sentence.

If you do not wish to have an attorney assist you with your clemency petition and believe you meet the criteria outlined above, you should contact your unit team for the appropriate forms to complete. In addition to the clemency petition, you should also complete the Executive Clemency Survey by filling in the responses manually (not via the TRULINCS Survey).

If you meet the above-described criteria and have already submitted a petition for commutation of sentence to the Pardon Attorney, which is still under review, your application will be reviewed as part of this initiative. You are not required to submit a new application, but you may supplement your pending application if you wish to do so.

THERE IS NO GUARANTEE THAT PETITIONS SUBMITTED WILL BE GRANTED. This initiative creates no legal rights for petitioners. The rules governing petitions for commutation of sentence (see Title 28, Code of Federal Regulations Part 1, Sections 1.1 – 1.11) apply to all inmates regardless of the Department's new initiative. Petitions for commutation are not generally accepted from inmates who are presently challenging their convictions or sentences. Applicants are expected to be candid in their petitions. The Department may consult the sentencing judge and prosecuting authorities involved in the petitioner's case when considering the appropriateness of each petition. To learn more about these and other issues, you can review BOP Program Statement 1330.15, Petition for Commutation of Sentence.

Ample evidence already on the record proves
Geron lied to obtain an arrest warrant
for "non-appearance" as there was no personal
service or certified mail sent. I was "kidnapped"
on bogus "charges" on a "private action"
from a "private court". Prior back x-rays
currently held in a safe location will prove
I was battered by U.S. Marshals, a
"violent felony", along with the currently withheld
court videotapes and the admission of Steve
Hetherington, Deputy U.S. Marshal, who admitted
to me on July 7, 2005, that it was he who
acted against me on November 9, 2004, but it
was at Ellen Carmody's command! The
multiple violations of Item C are already heavily
documented on the court's record.

For the record, I did not threaten
to physically harm Robert Holmes Bell and the
accusation is simply ludicrous. As already
indicated, "fat boy" is Robert W. Plaster,
the only person too fat to fit in the witness
seat, and it is not this court's "place"
to prevent my civil litigation against this
unindicted "protected" thief and perjurer. It
is bad enough this court "protected" this
criminal from prosecution in this matter.
Further, for the U.S. Marshals to automatically
"assume" that "fat boy" was Robert Holmes

Bell was remarkably insulting to their
"boss", besides being grossly incompetent
"investigative" work. It is more likely
to be a pathetic attempt to trump up
more bogus charges in an effort to
claim "rewards" of up to \$25,000
under 18 U.S.C. 3059. Even Mr. Kaczor
immediately KNEW "fat boy" was Robert
W. Plaster.

Sincerely,

Janet Mavis Marcus

Janet Mavis Marcusse, Stranger to the Forum

cc: David Kaczor

1 THE DEPUTY MARSHAL: Turn around.

2 DEFENDANT BESSER: Can I have your name?

3 THE DEPUTY MARSHAL: Turn around.

4 THE COURT: Turn around.

5 DEFENDANT BESSER: Can I have your name?

6 THE DEPUTY MARSHAL: Turn around and face the Judge.

7 THE COURT: Turn around, Mr. Besser. I'm not
8 through with you yet.

9 Anything you'd like to say, Mr. Gezon?

10 MR. GEZON: Your Honor, I believe Mrs. Jager would
11 like to speak for the victims again. She has a statement to
12 read.

13 THE COURT: Not unless she reads a statement,
14 finishes it, and sits down. No ad-libbing, no carrying on.
15 Read the statement, sit down, or I will cut her off. Is she
16 clear on that?

17 MR. GEZON: I understand. I believe she is, Your
18 Honor. She's written it out.

19 THE COURT: Okay.

20 DEFENDANT BESSER: You have deprived me of the
21 privilege of -- the pleasure of walking out of your court.

22 THE COURT: You'll keep your mouth shut. You'll
23 keep your mouth shut, Mr. Besser, for the next little while.

24 DEFENDANT BESSER: I am a sovereign American.

25 THE COURT: Keep your mouth shut.

9-7-06

EXHIBIT 1 G-12

Federal prison guard pleads guilty

Man was charged in sex-with-prisoners conspiracy

By Chitra Subramanyam
DEMOCRAT STAFF WRITER

Vincent Johnson, one of six Federal Correctional Institution guards charged in connection with a sex-with-prisoners conspiracy, pleaded guilty Wednesday in federal court.

He pleaded guilty to mail-fraud conspiracy involving the deprivation of

honest services, specifically his services as a correctional officer. He faces a maximum sentence of 20 years in prison, a \$250,000 fine and three years supervised release. His sentencing is scheduled for Nov. 17.

Johnson, Alfred Barnes, Gregory Dixon, Alan Moore and E. Lavon Spence were lined

would have been presented had Johnson gone to trial. The documents stated he was aware his "co-defendants were engaging in prohibited sexual contact with inmates and were providing contraband to inmates, and he did not report these violations." He also asked the inmate to "sit down and tell me the whole story" of a group sexual encounter Inmate No. 2

document. He also asked the inmate to "sit down and tell me the whole story" of a group sexual encounter Inmate No. 2

Please see Page 1A

FCI

From Page 1A

had with another inmate and Hill, according to the document.

Johnson told another inmate not to "cooperate with law enforcement by telling her to refuse to provide a DNA sample if asked to do so," according to the document. He showed her how certain inmates could be tracked within the prison system to "discourage her from cooperating with law enforcement."

In another recorded

conversation, the document stated, Johnson advised another inmate against cooperating in an investigation. When the inmate asked Johnson if she was doing the right thing, he said, "Um-huh" and stated, "If you roll on him (the correctional officer), they won't do nothing for you anyway."

Johnson initially was charged with witness tampering. Alex Morris, Johnson's attorney, said that charge would be dismissed. He said Johnson decided to plead guilty based on an analysis of the evidence against him. Johnson also wanted to "accept responsibility" for his actions and "put this

"If the truth be known, the plea will not affect our case at all."

Robert A. Harper
Alan Moore's attorney, reacting to Vincent Johnson's guilty plea

behind him," Morris said. Morris said the plea agreement requires that Johnson "provide truthful testimony" to prosecutors. It is possible, Morris said, that Johnson will testify against the other defendants.

Reacting to Johnson's

guilty plea, Robert A. Harper, Moore's attorney, said, "If the truth be known, the plea will not affect our case at all."

Moore, Dixon and Spence were charged with bribery and witness tampering and Barnes with mail fraud. An indictment also charged the four with taking sexual favors from inmates in exchange for bringing the inmates items that are not allowed in the prison. They are scheduled to go on trial in federal court on Oct. 30.

Contact reporter
Chitra Subramanyam at
(850) 599-2304 or csbramanyam@tallahassee.com.



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Wednesday November 9, 2005

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Friday, November 4, 2005

Man sentenced for selling fake Rolexes on eBay

By PATRICK REVERE Staff writer
A Hamilton man was sentenced to three years in federal prison for running an Internet scheme selling imitation Rolex timepieces.

David Paul Rendleman Jr., 34, was sentenced Thursday morning in the United States District Court for the Western District of Michigan in Grand Rapids. He pleaded guilty in July to charges of wire fraud and failing to show for a hearing.

Judge Robert Holmes Bell also ordered that Rendleman pay \$4,875 in restitution to the victims in the case, undergo a mental health evaluation, agree to take any prescribed medication, take a substance abuse evaluation and serve three years of court supervised parole upon release.

Richard S. Murray, the assistant U.S. attorney handling the case, said Rendleman was responsible for using eBay, the popular online marketplace, to sell Taiwan-made watches that were presented as high-end Rolexes. Court records show that Rendleman pocketed \$19,225 from eight victims in the 2004 case.

Rendleman faced a maximum of five years for the two charges, and also could have been charged with other felonies related to collecting money from eBay shoppers for electronics equipment and other consumer goods he either never had or never sent to the buyer.

The Department of Justice and federal courts eliminated charges and reduced the sentencing guidelines because Rendleman helped bring three other federal felons to justice, defense attorney Jeff O'Hara said.

O'Hara said two of the people for which Rendleman helped the government gain convictions were Jeffery A. Visser, 41, of Wyoming, and George T. Besser, 67, of Detroit. The two were among eight people convicted in the Access Financial "Ponzi" scam that allegedly collected more than \$20 million from more than 570 victims.

The so-called ringleader of the scam, Janet M. Marcusse, 49, formerly of Grand Rapids, was sentenced to 25 years in prison and held accountable for more than \$12 million in repayment to the victims late last month, prosecutors said.

He also helped authorities track down Dawn M. Termeer, 39, also of Hamilton, who authorities believe was making physical threats against Allegan County judges, Murray said. She has pleaded guilty to making false statements to a firearms dealer

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and disposing of firearms to a felon or fugitive.

Sentencing in her case is set in the Grand Rapids federal court Nov. 30, court records show.

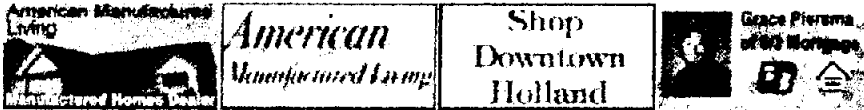
Rendleman, who was arrested in Zeeland June 9, stood cuffed before Bell and said he was sorry to the victims, was ready "to be a man" and pay for his crimes. He also vowed to get a job following his release and stay away from the Internet.

He said much of the trouble he caused since his crimes began in 2000 could be attributed to a group of "anti-government" people he met in Minnesota.

"What are you, a sheep?" Bell asked the defendant. "Do you just follow along?"

"Well, yeah, sort of," Rendleman answered. "These people just sort of fill your head with all this stuff and it got pretty muddled up."

Contact Patrick Revere at patrick.revere@hollandsentinel.com or (616) 546-4280.



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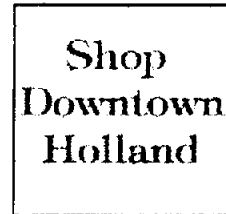
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:03-CR-294-01

Case No. 1:04-CR-265-01

v.

Hon. Robert Holmes Bell

Chief U.S. District Judge

DAVID PAUL RENDLEMAN,

Defendant.

RICHARD S. MURRAY (P26889)
Assistant US Attorney
Western District of Michigan
The Law Building
330 Ionia, N.W., Suite 501
P.O. Box 208
Grand Rapids, Michigan 49501
(616)456-2404

JEFFREY J. O HARA (P38789)
Attorney for Defendant Rendleman
303 Waters Building
161 Ottawa Avenue, N.W.
Grand Rapids, Michigan 49503
(616) 235-2000

DEFENDANT S OBJECTIONS TO THE PSIR AND SENTENCING MEMORANDUM

A. PSIR Objections

1. Objections re: Loss and Number of Victims. Defendant, David Paul Rendleman, stands before this Honorable Court after having been convicted in Docket No. 1:03-CR-294-01 by way of a guilty plea to Conspiracy to Commit Wire Fraud and Mail Fraud in violation of 18

ordered.

B. Other Sentencing Considerations

Although the government has indicated that it does not intend to make a motion for a reduction in sentence, the parties have agreed to inform the Court of Mr. Rendleman's cooperation. This cooperation has assisted the government in the investigation and prosecution of others. It is the parties' intent to inform the Court of Mr. Rendleman's efforts and to have the Court determine a fair and just sentence based upon Mr. Rendleman's assistance.

Specifically, on September 23, 2004, Mr. Rendleman and defense counsel met with the government and gave a proffer providing information regarding two fugitives the government was interested in, specifically, George Besser and Jeffrey Visser.

In October of 2004, Defendant traveled to Houston, Texas in order to assist Special Agent Sam Moore and the FBI in an unrelated investigation involving fugitive George Besser who was wanted for federal financial offenses. Mr. Besser was in Mexico at the time. Through Mr. Rendleman's efforts, he assisted the FBI by providing information as to where Mr. Besser was which resulted in his capture and prosecution. Without Mr. Rendleman's assistance, Mr. Besser would have remained a fugitive.

Mr. Rendleman also assisted Special Agent Moore and the FBI in locating and capturing another fugitive, Jeffrey Visser, who is also wanted for federal financial offenses. Through Mr. Rendleman's efforts, Mr. Visser was captured in Florida in October, 2004.

Both individuals were prosecuted and convicted in the United States District Court for

the Western District of Michigan earlier this year. The government concedes it did not know where either of these fugitives were located and were able to apprehend them solely as a result of the assistance of Mr. Rendleman.

This Court is well familiar with these defendants because the Access Financial case was tried before this Court. Mr. Besser received a 20 year sentence. Mr. Visser is scheduled to be sentenced today.

Mr. Rendleman also assisted the government in the investigation and prosecution of Dawn TerMeer. Following his arrest in June 2005, Mr. Rendleman informed federal authorities of an assassination plot on three judges: two Allegan judges and United States District Court Chief Judge Robert Holmes Bell. For the next several weeks Mr. Rendleman cooperated and truthfully informed the federal authorities of this plan by Dawn TerMeer, her husband, Gerald TerMeer, and others in the Allegan County area involved in the militia movement. Mr. Rendleman who was incarcerated at the time did everything he possibly could to assist the government and prevent a tragedy. Mr. Rendleman provided law enforcement with the name of the gun store in which Dawn TerMeer purchased two rifles in January 2005. This information was corroborated by the federal authorities. Mr. Rendleman also described both rifles purchased by Ms. TerMeer: one being a Cetme .308 military rifle and the other an AK 47. This information was corroborated by law enforcement. The AK 47 had been snuck out by Mr. Rendleman, disassembled, and stored in a secure location which was turned over to the government. The AK 47 provided by Mr. Rendleman was verified as being purchased by Ms. TerMeer at the above-referenced gun store. Next, Mr. Rendleman engaged in several monitored telephone calls from the jail with the assistance of the FBI with Dawn TerMeer. Additionally,

Mr. Rendleman s wife wore a wire two times and met with Dawn TerMeer and also made several monitored telephone calls under the direction of the FBI.

This cooperation and these efforts put the government in a position to arrest and prosecute Dawn TerMeer to eliminate the threat against Chief Judge Bell and the other Judges. Dawn TerMeer was prosecuted in the United States District Court for the Western District of Michigan in 2005 regarding these facts. Mr. Rendleman was subpoenaed and willing to testify against Ms. Termeer. Mr. Rendleman maintains one of the reasons Ms. TerMeer pled guilty was her knowledge that Mr. Rendleman was going to testify against her. Ms. TerMeer s case is assigned to Judge Quist, and she is scheduled to be sentenced on November 30, 2005.

For all of Mr. Rendleman s poor decisions these past couple of years, he did in fact assist the government by helping the government locate two fugitives. These fugitives were prosecuted and convicted for being participants in a fraud that cost investors millions of dollars.

He also assisted by bringing to its attention the assassination plot on the three Judges. It is not surprising that the individuals implicated in this plot have denied any knowledge or involvement. Obviously, anyone accused of such a serious offense would deny involvement and claim the other party as lying. It would make no sense that the party implicated would admit that they were in fact involved in an assassination plot. Nonetheless, Mr. Rendleman had no reason to lie to the government regarding this plot exposing himself to those he has implicated. It is not a stretch of the imagination that he could jeopardize himself or his family. Mr. Rendleman s *commitment was to cooperate and truthfully answer all questions and that is exactly what he has done.* It is Mr. Rendleman s belief that his disclosure of this plot exposed the individuals involved and thwarted any attempts on any of the three Judge s lives. This is a similar scenario

as to concerns for terrorism in our country at the present time. We have heard of terrorist threats against the LA Airport, the City of Seattle, the City of Las Vegas and the New York subway system. The fact that none of these events actually took place can be attributed to law enforcement working together with cooperating individuals to provide assistance to thwart any such acts.

As the Court is aware, Mr. Rendleman was diagnosed in the 1990's with paranoid schizophrenia. He is requesting mental health counseling. He is also seeking substance abuse counseling and education to address his marijuana problem. Defense counsel believes he would benefit from the 500 hour drug program offered by the Bureau of Prisons.

In sum, Mr. Rendleman is requesting a sentence that is fair and just.

Respectfully submitted,

Dated: October 27, 2005

By: /s/ Jeffrey J. O Hara (P38789)
Attorney for Defendant Rendleman

United States District Court
Western District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

DAWN MARIE TERMEER

Case Number: 1:05-cr-169-01

USM Number: 12351-040

Raymond S. Kent
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to Count One and Two.
- pleaded nolo contendere to Count(s) which was accepted by the court.
- was found guilty on Count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense:</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(a)(6) 18 U.S.C. § 924(a)(2)	Making False Statement to a Firearms Dealer	June 9, 2005	One
18 U.S.C. § 922(d)(1) and (2) 18 U.S.C. § 924(a)(2)	Disposing of Firearms to a Felon and Fugitive	June 9, 2005	Two

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Judgment: December 14, 2005

Dated: December 15, 2005

/s/Gordon J. Quist
Gordon J. Quist
United States District Judge

Judgment--Page 2 of 6

Defendant: DAWN MARIE TERMEER

Case Number: 1:05-cr-169-01

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **five (5) months** on each of Counts One and Two, to be served concurrently.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district

at a.m./p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

before 2 p.m. on

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

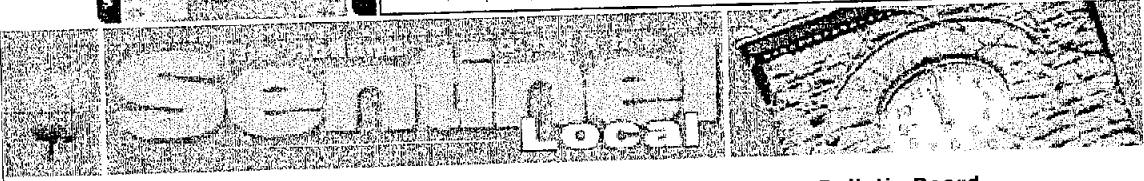
I have executed this judgment as follows:

Defendant delivered on _____ to _____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy United States Marshal

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Wednesday November 9, 2005

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Web posted Saturday, October 30, 2004

In Brief - Local

Railroad work will close River Avenue

- Email the editor
- Send to a friend
- Discuss this article
- Print friendly
- Got a scoop/event?

Another railroad crossing on a busy Holland area road is set to be spruced up, and motor vehicle traffic will be impacted beginning next week.

The Ottawa County Road Commission has been notified that CSX Railroad is scheduled to resurface the railroad grade crossing at River Avenue north of Douglas Avenue in Holland Township.

The work is expected to start on Monday, and last through Wednesday weather permitting.

The work will require lane closures, according to the road commission.

CSX is responsible for all of the work on this project, as it was for a larger rail rebuild nearby on Lakewood Boulevard. That project resulted in a complete closure of Lakewood for a week.

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Hamilton

Man fails to show for hearing

A Hamilton man expected to plead guilty in federal court on Friday for his role in an Internet scam that sold fake Rolex watches as the real item failed to show up for his hearing.

U.S. District Judge Robert Holmes Bell issued a bench warrant for David Paul Rendleman's arrest.

Rendleman was to be the last of three men charged in the scam to settle his case with a plea agreement. Rendleman reached the agreement

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with federal prosecutors in Grand Rapids on Oct. 18 and signed the agreement.

The agreement states that Rendleman will plead guilty to one count of conspiracy to commit mail fraud, a conviction that carries a potential five-year sentence in federal prison.

According to the agreement, Rendleman agreed to "fully cooperate" with federal authorities in a continuing investigation. The U.S. Attorney's office also agreed to not bring additional charges against Rendleman for activities the continuing investigation reveals so long as he cooperates.

A trial had been scheduled for Monday in U.S. District Court in Grand Rapids, but that has been adjourned.

Two others have already been convicted through pleas and sentenced in connection with the case -- Craig Warden of West Olive and Daniel Lemmen of Holland.

Grand Haven Twp.

Road through park opens

A drive through Duncans' woods can be made this weekend for the first time in about 30 years.

The trustees of the 50-acre public park, located in the middle of Grand Haven, recently decided to temporarily remove the barriers that block vehicles from making a complete drive through it.

"Many people reminisce about the days when the public could drive through this beautiful park," said Duncan Memorial Park Trustee Ed Lystra.

The drive will provide for one-way traffic. Vehicles may enter from the park's Sheldon Road entrance, continue past the picnic area parking lot -- where traffic is normally stopped -- and proceed along the road to the park's exit onto Lake Avenue.

The drive will be open from 8 a.m. to 5 p.m. today and Sunday.

-- By staff and Grand Haven Tribune reports.

ad info American Manufactured Living

ad info American Manufactured Living

ad info Lakeshore Memorial Services

ad info Grace Programs of 513 Mortgage

501 Capital Circle, NE
Tallahassee, FL 32301

July 2, 2014

Peter Munoz
U.S. Marshals
744 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

Re: Freedom of Information Act Requests
Janet Marcusse

To Whom It May Concern:

It has recently come to my attention that I am being classified as a "violent" offender, which is, to be blunt, absurd, and could only have been derived from false and fabricated files, some of which are in your possession that are being requested under the Freedom of Information Act.

Specifically, on or about July 7, 2005, two of your employees, Steve Hetherington, and a second man, whose name I do not recall, interviewed me at the Calhoun County Jail in regards to my comments on the recorded Newaygo County Jail phone, on or about June 29, 2005, in a collect call placed to my fiance, Christopher Milson, where I asked him to sic "Pointman" on "fat boy". The next morning I was moved to Calhoun County Jail and placed in segregation. After Milson calls your office and demands my release from segregation, I am immediately placed in general population.

When Hetherington and his compadre came to visit me, he explained it was due to my threat against Judge Bell where I had asked "Pointman" be sicced on "fat boy", and that his companion was there to take notes on the interview. I told Hetherington his allegation was ludicrous and was some kind of scam to invent violent activity on my behalf to increase my sentence from the unjust trial conducted by Judge Bell from May 16 to June 14 where I was denied necessary witnesses, bank record evidence to ponzi scheme charges, and in general, any kind of a legitimate defense. In any event, Hetherington, who was in attendance throughout this farce of a trial, should have had cause to know that one of the witnesses I was denied was attorney David Pointer, a/k/a "Pointman", that is, if he had done any kind of legitimate investigation whatsoever. Pointer was requested as a defense witness because, as a practitioner in Missouri, he was familiar with the corrupt business practices of Robert Plaster, a friend of the U.S. Attorney General, John Ashcroft, who had been in power at the time of my indictment that with the blessing of the U.S. Dept. of Justice, was allowed to keep investor funds and not be charged so that I could be in his stead (See Ex Parte Request for Payment of Witness Fees dated May 24, 2005, including request for attorney David Pointer and picture of Robert W. Plaster showing he was indeed very "fat"). Hetherington would also have had cause to know that Plaster was so fat that he couldn't fit in the witness box and a special chair had to be brought in by the Marshals so he could testify for the government on June 3, 2005. Thus, the reference to "fat boy" was not to Judge Bell, but Plaster.

I explained that I had not wanted to directly ask Milson to call Pointer to initiate litigation on behalf of the investors against Plaster, because the federal

EXHIBIT L-16

government had previously interfered and obstructed with litigation I had initiated against Diane and Wesley Boss, who had embezzled \$1.5 million of investor funds, causing, as AUSA Thomas Gezon admitted, the first liens I had placed against them to be released, allowing them to cash out all of the equity in their assets and the investors unnecessarily cheated (Dkt. No. 501-1, p. 6(f), Case No. 1:04-cr-165).

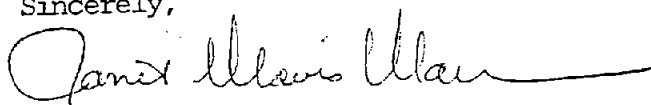
Afterwards, for my own protection against misrepresentations, I filed a document on the public record of the criminal case, with a copy to your office, where I recounted my conversation with Steve Hetherington in which he admitted he had assaulted me in court at arraignment on November 9, 2004, but excusing it because he had done so at the magistrate's command. I made it clear that, "I did not threaten to physically harm Robert Holmes Bell", and that "'fat boy' is Robert W. Plaster, the only person too fat to fit in the witness seat" (Dkt. No. 479-1, p. 10).

This should have been the end of the matter, except it now appears I am being grossly and unjustly prejudiced by this nonsense, unless there is some kind of red flag on my file, which would go a long ways towards explaining why no member of the judiciary has addressed my issues on the honest merits on direct appeal or in collateral proceedings.

Evidence of such red flags include the October 27, 2005 Sentencing Memorandum for Defendant David Paul Rendleman, in an unrelated case, No. 1:04-cr-265, but also conducted by Judge Bell, where Rendleman attests to an "assassination plot on three judges", including Robert Holmes Bell, that Rendleman claims to have foiled. The next day at my sentencing hearing, on October 28, 2005, investor victim spokesperson, Sue Jager, states from her "script" provided by prosecutors, "Do you think she [Marcusse] is capable of real harm to anyone? Oh, yes, she is. She's had contracts out on people's lives before, and even charged with that offense" (Dkt. No. 639, TR 42, Case No. 1:04-cr-165).

Clearly, some federal agency has some egregiously erroneous "information" in a file somewhere, and it appears in this case, it originated with Steve Hetherington, your employee, who has refused to conduct an honest investigation. As the result, there is no question that this information exists in your files, therefore, I would appreciate your prompt response providing me with these documents so that it may be corrected and the injustice to me properly remedied.

Sincerely,



Janet Mavis Marcusse
 #17128-045
 Federal Correctional Institution
 501 Capital Circle, NE
 Tallahassee, FL 32301

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FREEDOM OF INFORMATION REQUEST

TO: Freedom of Information Section

DATE: July 2, 2014

Peter Munoz
U.S. Marshal Office
744 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

This is a noncommercial request under the Freedom of Information Act as amended **5 U.S.C.A.** in conjunction with the **Privacy Act 5 U.S.C.A. §552a**. I understand that I am entitled to at least 100 pages of free copying and a maximum of two (2) hours of free research time.

I request a complete and thorough search of all filing systems and locations for all my records maintained by your agency; including, all documents and where appropriate "main" files and "See References". I wish to make it clear that I am requesting "ALL" records in your office "identifiable with my request".

If documents are denied in whole or in part, please specify which exemptions are claimed for each passage or whole document denied. Give the number of pages pertaining to this request and the dates documents are withheld. I am also making a request for any "reasonable segregable portion" of my records; specifically, I am asking for an index of the withheld records and portions of documents at issue in this request. (VAUGHN INDEX) (see **Vaughn vs. Rosen, 484 F. 2d 820**).

I expect a response to this request within ten (10) working days as provided by **§552 (a)(6)(A)(I)**. I will appeal any denials regarding my request in this matter. If denied, please specify the office and address to which an "APPEAL LETTER" should be directed.

NAME: Janet Marcusse FEDERAL ID# 17128-045
ADDRESS: Federal Correctional Institution
501 Capital Circle, NE Tallahassee, FL 32301
PLACE OF BIRTH: Belmond, Iowa
SOCIAL SECURITY# _____

DECLARATION

I swear and affirm under penalty of perjury that I am, Janet Marcusse, DATE OF BIRTH October 15, 1956. This declaration is submitted in lieu of my notarized signature pursuant to **Title 28 U.S.C. Section 1746**. I hereby certify that I am the person named above and understand that any falsification of this statement is punishable under the provisions of **Title 18 U.S.C. Section 1001**.

SIGNATURE Janet Marcusse DATE July 2, 2014
EXHIBIT L-16

FREEDOM OF INFORMATION ACT REQUEST

REQUESTOR: Janet Marcusse
REG. NO: 17128-045
ADDRESS: Federal Correctional
Institution
501 Capital Circle, NE
Tallahassee, FL 32301

DATE OF BIRTH: October 15, 1956
PLACE OF BIRTH: Belmond, Iowa
CRIMINAL CASE NO: 1:04-cr-165
U.S. DIST. COURT: Western District
of Michigan

BRANCH OR AGENCY FROM WHICH REQUESTED:

Attn: Peter Munoz
U.S. Marshals
744 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

DEAR SIR:

I hereby request that you furnish to me within 10 days provided by law: (See Title 5 U.S.C. §552(a)(6)(A)), copies of the following specified documents or information:

1. Any and all directives, notes, emails, letters, reports, profiling, classification regarding profiling Janet Marcusse as a "constitutionalist";
2. Any and all directives, notes, emails, letters, reports, profiling, classification regarding profiling Janet Marcusse as an "economic terrorist";
3. Any and all directives, notes, emails, letters, reports, profiling, classification regarding profiling Janet Marcusse as a "white supremacist";
4. Any and all directives, notes, emails, letters, reports, orders, by judiciary, prosecutors, IRS agents, FBI agents, or any other federal agency to physically assault, attack, break fingers or thumbs, harass, heckle, call names such as "whore", pull hair, mistreat, drug, or otherwise torture Janet Marcusse at any time she was in custody of the U.S. Marshals in Grand Rapids, Michigan;
5. Any and all investigative reports, transcripts, emails, notes, call slips, regarding assault and injury to Janet Marcusse at Newaygo County Jail on or about July 24, 2004; the Ford Federal Court-house on or about November 9, 2004, May 16 through June 14, 2005, and October 28, 2005;
6. Any and all investigative reports, transcripts, notes, emails, directives, orders, regarding the interview with Janet Marcusse by U.S. Marshal Steve Hetherington and unnamed associate;
7. Any and all investigative reports, transcripts, emails, notes, regarding collect call by Janet Marcusse to Christopher Milson on or about June 29, 2005, which was alleged to be a threat against Judge Robert Holmes Bell;

EXHIBIT L-16


FREEDOM OF INFORMATION ACT REQUEST (CONT.)

8. Any and all investigative reports, transcripts, emails, notes, regarding the alleged investigation and prosecution of those individuals involved in "an assassination plot on three judges: two Allegan judges and United States District Court Chief Judge Robert Holmes Bell", which according to David Paul Rendleman "[f]ollowing his arrest in June 2005", wherein for "the next several weeks Mr. Rendleman cooperated and truthfully informed the federal authorities of this plan by Dawn TerMeer, her husband, Gerald TerMeer, and others in the Allegan County area involved in the militia movement", in which Dawn TerMeer "purchased two rifles in January 2005" (Dkt. No. 23, p. 10, 1:04-cr-265-RHB);
9. Any and all investigative reports, transcripts, emails, notes, regarding the origin of the investor victim spokesperson Sue Jager's statement at Janet Marcusse's October 28, 2005 sentencing: "Do we think she is capable of real harm to anyone? Oh, yes, she is. She's had contracts out on people's lives before, and even charged with that offense" (Dkt. No. 639, TR 42, 1:04-cr-165-RHB);
10. Directives, notes, emails, letters, call slips, in regards to confiscating Janet Marcusse's legal papers on and after September 13, 2005, to prevent written objections to the Presentence Report

My request is not limited to the above. It includes all documents, reports, pictures, exhibits, memorandums, letters, summaries, handwritten notes, recordings, and all other information concerning the above specified items, as well as all information concerning Janet Marcusse, which is contained in your offices under the supervision and administration of the above-stated agency or branch of government.

My above request is made pursuant to the provisions of the Freedom of Information and Privacy Act, Title 5 U.S.C.A. § 552, 552a.

Submitted this 2nd day of July, 2014.


Janet Mavis Marcusse



U.S. Department of Justice
United States Marshals Service
Office of General Counsel

2604 Jefferson Davis Highway
Alexandria, VA 22301-1025

JUL 18 2014

Janet Marcusse
Reg. No. 17128-045
FCI, 501 Capital Circle, NE
Tallahassee, FL 32301

Re: **Freedom of Information/Privacy Act Request No. 2014USMS26364**
Subject of Request: **Self**

Dear Ms. Ly-Nelson:

The United States Marshals Service is in receipt of your Freedom of Information/Privacy Act request for records maintained by this Bureau. We have commenced a search for documents responsive to your request and will contact you when our processing is complete.

If you wish to obtain records from other state or federal agencies, you should direct your request to the appropriate state or federal agency.

Although we are unable to determine at this time the amount of fees to be charged to you, if any, the filing of your request constitutes your agreement to pay all applicable fees that may be charged under 28 C.F.R. § 16.11 or § 16.49, up to \$25.00. You will be notified as soon as practicable if the estimated or actual fee for satisfying your request exceeds \$25.00.

If you have any questions regarding the processing of your request, please contact Margaret Woods at the address indicated above or call 202-307-9490.

Sincerely,

WILLIAM E. BORDLEY
Associate General Counsel/FOIPA Officer
Office of General Counsel

EXHIBIT M-16

Congress is not (a)(8)(A)(i) and the Secretary of the Treasury in 26 CFR 1.601-61(a)(2)(iii). Withholding provisions of 3405 can only apply to those making "gross income". The law states at 3405(f) that the amounts withheld from are to be treated as "Wages" under 3401(a) of the Code. Under 3401(a) "Wages" are only paid to U.S. Citizens from U.S. sources when they are subject to being claimed, or designated, as "gross income" under 911. 3401(a)(8)(A)(i) states that only amounts within "gross income" under 911 paid to a U.S. Citizen by an employer are included in the definition of "wages" in 3401(a). All other portions of 3401(a)(8) specifically deal with remuneration earned from either foreign or possession sources, and (8)(A)(i) does not specify any location or source, the tax home is ultimately the primary factor for the applicability of 911, and the exception under 3401(a)(8)(i) does not just apply only to sources without the U.S. but those within as well. The Secretary of the Treasury has stated the form to be filed by a U.S. Citizen pursuant to Section 1 of the Code was the Form carrying the OMB Control Number 1545-0067, which is the form 2555, Foreign Earned Income. It is this Form, which is also required to be filed pursuant to Section 911 and Section 6012.

According to our understanding of the Code, there was no lawful authority to withhold taxes on qualified distributions. It also is apparent that no distributions from qualified funds were taxable, i.e., under 26 U.S.C. 3405(e)(1)(B)(ii) listed above.

The power to tax any particular thing must be clearly set forth by the words employed in the statutes. The Secretary has no power to expand the meaning, purpose, intent or function of the statute and its specific language with his authority to promulgate and enact regulations. "The provisions of the act are unambiguous, and its direction specific, there is no power to amend it by regulation." *Koshland v. Helvering* (1936) 298 U.S. 441, 80 L Ed 1268 56 S. Ct. 7678.

That which is stated in a law is not always the only thing that is important. Frequently what is not stated in a law is equally or more important. Especially if you are ASSUMING something is in a law when it clearly is NOT there.

Definitions per Black's Law Dictionary, 7th Edition:

Money Laundering: The federal crime of transferring illegally obtained money through legitimate persons or accounts so that its original source cannot be traced.

Comment: This term is bandied around by law enforcement to scare people or to be inflammatory, but most people, including law enforcement, don't know what it actually means. Let us investigate the facts. Checks to a church from law-abiding people do not and cannot constitute illegally obtained money. Checks to a corporation from law-abiding people, even though it was against my policy, still do not constitute illegally obtained money. To my knowledge, none of you were involved with illegal drugs, prostitution, or other criminal activities. I know we weren't. The embezzlers are responsible for their own actions, and I understand are pleading guilty to fraud, money laundering, and tax evasion. I have not committed fraud or tax evasion according to the law, and therefore will not plead guilty to something I did not do. They did do something very wrong by stealing so much from Access and thankfully have decided to become more responsible for their actions. It was time. I have already shown my lawful position on any qualified funds. We have functioned in a lawful state of tax exclusion recognized under 508(c). My religious convictions are such that I am convinced by many years of study and reading of the law that the IRS is an illegal racketeering organization backed by no lawful statutes and no lawfully delegated authority, however, in spite of that conviction, rather than completely thumbing my nose at them, as I would also be within my rights and the law to do so if I were to choose to fight it that way, I have instead chosen to adhere to the legal and lawful exclusions as allowed by the Code. Just because the Government doesn't like it when people find legal loopholes, is not my or your problem until the Government breaks the law trying to collect or prosecute on something they legally cannot. The removal of references to the 508 from the IRS website several years ago tells me they don't want people to know about it, but they cannot legally turn any of us into criminals or collect unlawful tax based simply on their likes or dislikes. We have nothing to hide so far as the "original source" is concerned, and I'm assuming none of you do either. The humorous part of a charge like this would be the part that states "legitimate persons or accounts". The U.S. Government would have then just proved my position based on law and the facts that we were "legitimate persons or accounts."

I have a great deal more by way of law, Supreme Court case precedent and other information in regards to all of the above topics as well as others, but in the interest of brevity as this is long enough already, you may request additional information from us on any topic which interests or concerns you personally.

In conclusion, Justice Louis Brandeis offers this view, "Decency, security and liberty alike demand that government officials shall be subjected to the rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, omnipresent teacher, for good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law, it invites every man to become a law unto himself. It invites anarchy."

FILED

05 MAY -5 PM 3: 12

RONALD J. ... CLERK
WESTERN DISTRICT OF MICH

BY

:Janet-Mavis: Marcusse
c/o 300 Williams Street
White Cloud, Michigan [49349]
(231) 689-7024

In Propria Persona
Under Protest, Duress, Necessity
Restricted and By Special Visitation Only

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA

v.

Case No: 1:04-cr-165

:Janet-Mavis: Marcusse, Sui Juris
_____ /

Robert Holmes Bell
Chief District Judge

CLAIM FOR MOTION IN LIMINE

California public Count Records prove that Claimant was a sizeable victim of Invest America per Case No.: 91-cr-673-ALL. Court records also prove that Claimant was the main reason that the Dept. of Justice had a winnable case against the real perpetrator, Bernhard Dohrmann. If the Office of U.S. Attorney wishes to pursue the slander that Claimant played any culpable part in the "Invest America fraudulent scheme" as anything other than that of a victim of it as the facts clearly demonstrate and as the U.S. Attorney's Office in San Francisco can

testify, than Claimant will find it necessary to burden Mark Zanides of the San Francisco U.S. Attorney's Office with a subpoena to travel here as a rebuttal witness in full defense of this Claimant in this matter. If Claimant had been at all responsible, Claimant would have been charged in this case. Claimant was not, therefore Claimant requests that the Office of U.S. Attorney be prevented from in any way, shape, or form from mentioning this matter. Per *United States v. Sumner*, 119 F. 3d. 658 (8th Cir. 1997) "When defendant denied the crime occurred, prior acts to prove intent were not admissible."

Date: May 5, 2005

By: 

Janet Mavis Marcusse, Sui Juris

Docket as of May 31, 2002 9:12 pm

Web PACER (v2.3)

U.S. District Court

U.S. District for the Northern District of California (S.F.)

CRIMINAL DOCKET FOR CASE #: 91-CR-673-ALL

USA v. Dohrmann

Filed: 12/13/91
Dkt# in other court: None

Case Assigned to: Judge Fern M. Smith

BERNHARD DOHRMANN (1)
defendant
[term 11/22/95]

Doron Weinberg
[term 11/22/95]
[COR LD NTC cja]
Weinberg & Wilder
523 Octavia St.
San Francisco, CA 94102
(415) 431-3472

Frank O. Bell
[term 05/20/92]
415/553-8986
[COR LD NTC cja]
Bovet Professional Center
177 Bovet Rd Ste 600
San Mateo, CA 94402-3191
(415) 341-3362

Mark Rosenbush
[term 11/22/95]
(415) 861-3555
[COR LD NTC cja]
214 Duboce Avenue
San Francisco, CA 94103

Judy Wheat

US v Dohrmann Docket

Page 1 of 57

Claim for Motion in Limine

EXHIBIT

EXHIBIT O-16

[COR LD NTC ret]
Venable Baetjer Howard &
Civiletti
1201 New York Ave N.W.
Ste 1000
Washington, DC 20005-3917
202-216-8165

Patricia A. Murphy
[COR LD NTC cja]
Patricia A. Murphy Law Offices
275 Battery St
Ste 1450
San Francisco, CA 94111
(415) 434-3633

Arthur Pirelli

[term 07/21/95]
(415) 474-1211
[COR LD NTC cja]
Arthur Pirelli Law Offices
507 Polk St Ste 320
San Francisco, CA 94102
(415)474-1211

Bernhard Dohrmann
86741-011
[COR LD NTC pse] [PRO SE]
200 Lime Quarry Road
Madison, AL 35758

Pending Counts:

Disposition

18:401 Criminal contempt
(1s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (1s)

18:401 Criminal contempt
(2s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (2s)

18:401 Criminal contempt
(3s - 6s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,

special assessment \$800.00,
etc. (3s - 6s)

18:401 Criminal contempt
(7s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (7s)

18:401 Criminal contempt
(8s - 10s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (8s - 10s)

18:401 Criminal contempt
(11s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (11s)

18:401 Criminal contempt
(12s - 15s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (12s - 15s)

18:401: CRIMINAL CONTEMPT
(16s - 17s)

Custody A.G. 27 months,
supervised release 36 months,
restitution \$1,034,000.00,
special assessment \$800.00,
etc. (16s - 17s)

Offense Level (opening): 4

Terminated Counts:

Disposition

18:1341 Mail Fraud
(1 - 10)

deft sentenced on superseding
charge
(1 - 10)

18:401 Criminal CONTEMPT
(11)

deft sentenced on superseding
charge
(11)

Offense Level (disposition): 4

Complaints:

NONE

U. S. Attorneys:

Robert L. Dondero
[term 11/22/95]
(415) 556-4227
Rm 204
[COR LD NTC]
Miranda Kane
[COR LD NTC]
U S Attorney's Office
Criminal Division
450 Golden Gate Ave
San Francisco, CA 94102

Mark Zanides
[COR LD NTC]
U.S. Attorney's Office

1301 Clay Street
Oakland, CA 94612
510-637-3740

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
12/13/91	1	INDICTMENT by AUSA Robert L. Dondero. Counts filed against Bernhard Dohrmann (1) count(s) 1-10, 11 (jm) [Entry date 12/16/91]
12/16/91	--	SUMMONS issued as to Bernhard Dohrmann ;arraignment set for 9:30 1/3/91 for Bernhard Dohrmann (jm) [Entry date 12/16/91]
12/19/91	2	SUMMONS executed upon Bernhard Dohrmann on 12/18/91 (jm)

US v Dohrmann Docket Page 4 of 57

Claim for Motion in Limine

EXHIBIT

1 anyone except for Diane Boss. Diane Boss is a relative of Jan
2 Marcusse.

3 Now, Mr. Gezon when he had that big chart this
4 morning that involved my client, one of the items on there
5 was, Knew Jan Marcusse's past. Well, that's the way he would
6 like to characterize it, that he must have known that she got
7 hauled out of this one place in handcuffs or whatever that was
8 or asked to leave Invest America with guards. He must have
9 known she had a bankruptcy in her past. He must have known a
10 lot of negative things about her. There is no evidence in
11 this case, none whatsoever, that he knew those things.

12 We also know about Jan Marcusse, as Mr. Kaczor just
13 told you a few moments ago, that she had six or seven
14 licenses, that she was an investment broker, that she had
15 worked for Comerica. She had worked for Invest America. She
16 had worked for this other company that did investments and
17 also insurance work. I can't recall the name of it, but it's
18 the place where there were some problems with the employees
19 and she was asked to leave, that kind of thing. So at least
20 we know about three of them.

21 We also know that Ms. Marcusse prepared tax returns,
22 had done my client's tax returns for a number of years. She
23 told you that, or he told you -- yeah, she told you that when
24 she testified.

25 Mr. Buffin was an independent insurance agent, still

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

05 JUN 14 AM 11:10
WESTERN DISTRICT MICH
BY: [Signature]

UNITED STATES OF AMERICA

v.

Janet Maris Marcusse,
Swiss

OBJECTION TO INFERENCE DEFENDANT
HAD BEEN PREVIOUSLY ARRESTED AS MADE
BY DEFENSE LAWYER DEBOER

Attorney DeBoer stated in his closing that Janet Marcusse had been taken from a previous job in handcuffs. This statement was untrue, inflammatory and prejudicial. Defendant requests the jury be instructed that she has never been arrested prior to this case.

Date: June 14, 2005

By: [Signature]
Janet Maris Marcusse,
Swiss

1 for her, yes.

2 THE COURT: And you knew at the time you went to
3 work for her, you knew or you had a pretty good idea of her
4 background, didn't you?

5 DEFENDANT BOSS: Yes.

6 THE COURT: And you knew what she'd been doing the
7 previous ten years to that, didn't you?

8 DEFENDANT BOSS: I knew she was in insurance and I
9 knew she had worked for B. C. Zeigler. Other than that I
10 really didn't -- I knew she was a tax preparer, and that is
11 the amount I knew what she was doing. We were not really
12 close after the divorce. We would see each other maybe a time
13 or two a year.

14 THE COURT: But you had reason to believe, did you
15 not, that she was involved in two previous scams before this
16 one and her securities license was pulled?

17 DEFENDANT BOSS: I did not know that, Your Honor.

18 THE COURT: You did not know that?

19 DEFENDANT BOSS: I did not know that. I thought she
20 had her securities -- she told me she had her securities
21 license.

22 THE COURT: And you believed her?

23 DEFENDANT BOSS: Pardon?

24 THE COURT: And you believed her?

25 DEFENDANT BOSS: Yes, I did.

1 THE COURT: How well did you know her?

2 DEFENDANT BOSS: Obviously not at all. She is
3 not the person I knew. The person that she was, she was not
4 this person, not that I knew of. She has always helped me.

5 THE COURT: Well, people manipulate other people.

6 DEFENDANT BOSS: I understand.

7 THE COURT: So I've got to separate that. But what
8 I have in front of me now is a presentence report which talks
9 about a history of scheming, a history of running from man to
10 man, from scheme to scheme until she started her own scheme.
11 You didn't know anything about that?

12 DEFENDANT BOSS: I did not know anything about that.

13 THE COURT: Okay. All right.

14 Well, there are some -- I put a column down my
15 yellow sheet here. I don't often do this, but I put a column
16 down my yellow sheet that says the good and the bad and I kind
17 of went through this in the last day or two to say what was
18 the good part and what was the bad part to your involvement
19 here.

20 Obviously, you entered a guilty plea and you told
21 the Court that in fact you were a party to the conspiracy to
22 defraud other people both through the mails and through taxes
23 and through the money laundering. And that obviously not only
24 evidenced the fact that you and your lawyer had concluded that
25 you would not prevail, but it also from what you told the

Notice

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Reportable Information: Information that is required to be reported on the current version of the uniform registration forms.

Non-Reportable Information: Information that is not currently reportable on a uniform registration form. Information typically is not reportable because it is out-of-date; it was reported in error; or some change occurred either in the disposition of the underlying event after it was reported or in the question on the form that elicited the information. Although not currently reportable, this information was once reported on a uniform form and, consequently, may have become a state record. Users of this information should recognize that filers have no obligation to update non-reportable data; accordingly, it may not reflect changes that have occurred since it was reported.

 Individual 1390277 - MARCUSSE, JANET MAVIS

Administrative Information**Composite Information**

Full Legal Name MARCUSSE, JANET MAVIS
State of Residence MI
Active Employments <<No Current Active Employments found for this Individual.>>
Reportable Disclosures? Yes
Statutory Disqualification? BLNK
Registered With Multiple Firms? No
Material Difference in Disclosure? No

Registrations with Current Employer(s)

<<No Registrations with Current Employer(s) found for this Individual.>>

Registrations with Previous Employer(s)

From 09/03/1997 To 09/06/2000 RAIKE FINANCIAL GROUP INC.(38095)

Reason for Termination Voluntary**Termination Comment**

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AR	AG	09/06/2000	TERMED	08/21/1998
FINRA	GP	09/06/2000	TERMED	09/03/1997
FINRA	GS	09/06/2000	TERMED	09/03/1997
MI	AG	09/06/2000	TERMED	09/03/1997
UT	AG	09/06/2000	TERMED	08/20/1998
WI	AG	09/06/2000	TERMED	02/24/1999

From 03/12/1996 To 09/02/1997 COMERICA SECURITIES(17079)

Reason for Termination Voluntary**Termination Comment**

Regulator	Registration Category	Status Date	Registration Status	Approval Date
FINRA	GP	09/18/1997	TERMED	03/20/1996
FINRA	GS	09/18/1997	TERMED	03/20/1996
FL	AG	09/18/1997	TERMED	03/21/1996
MI	AG	09/18/1997	TERMED	03/21/1996

From 05/12/1993 To 01/26/1996 B. C. ZIEGLER AND COMPANY(61)

Reason for Termination Other**Termination Comment** corporate decision to close branch office

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AZ	AG	01/30/1996	TERMED	08/03/1994
FINRA	GP	01/30/1996	TERMED	05/21/1993
FINRA	GS	01/30/1996	TERMED	05/21/1993
FL	AG	01/30/1996	TERMED	05/25/1993
IL	AG	01/30/1996	TERMED	05/21/1993
KY	AG	01/30/1996	TERMED	08/10/1994
MI	AG	01/30/1996	TERMED	05/24/1993

Individual 1390277 - MARCUSSE, JANET MAVIS

Administrative Information

Registrations with Previous Employer(s)

Regulator	Registration Category	Status Date	Registration Status	Approval Date
NM	AG	01/30/1996	TERMED	08/10/1994
OH	AG	01/30/1996	TERMED	02/10/1995
TN	AG	01/30/1996	TERMED	08/11/1994

From 07/25/1990 To 12/31/1991 SECURITIES AMERICA, INC.(10205)

Reason for Termination Voluntary

Termination Comment Voluntary

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AZ	AG	10/02/1991	TERMED	09/20/1990
FINRA	GP	12/31/1991	TERMED	08/02/1990
FINRA	GS	12/31/1991	TERMED	08/02/1990
MI	AG	12/31/1991	TERMED	08/02/1990

Individual 1390277 - MARCUSSE, JANET MAVIS

Administrative Information
Professional Designations

<<No Professional Designations found for this Individual.>>

Employment History

From	09/1997	To	Present	Name	RAIKE FINANCIAL GROUP INC.
				Location	GRAND RAPIDS, MI
				Position	NOT PROVIDED
				Investment Related	Yes
From	03/1996	To	09/1997	Name	COMERICA SECURITIES
				Location	GRAND RAPIDS, MI
				Position	NOT PROVIDED
				Investment Related	Yes
From	05/1993	To	01/1996	Name	B. C. ZIEGLER AND COMPANY
				Location	GRAND RAPIDS, MI
				Position	NOT PROVIDED
				Investment Related	Yes
From	07/1989	To	05/1993	Name	NATIONAL GROUP MAKETING
				Location	LANSING, MI
				Position	OTHER - INSURANCE SALES
				Investment Related	No
From	07/1990	To	12/1991	Name	SECURITIES AMERICA, INC.
				Location	OMAHA, NE
				Position	NOT PROVIDED
				Investment Related	Yes

Office of Employment History

From 09/1997 To 09/2000
 Name RAIKE FINANCIAL GROUP INC.(38095)

Independent Contractor No

Office of Employment Address

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
			No	No	09/03/1997	09/06/2000	Located At
Address 228 SWEET N.E. GRAND RAPIDS, MI 49505							

From 03/1996 To 09/1997
 Name COMERICA SECURITIES(17079)

Individual 1390277 - MARCUSSE, JANET MAVIS

Administrative Information

Office of Employment History

Independent Contractor No

Office of Employment Address

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
			No	No	03/12/1996	09/02/1997	Located At
Address 99 MONROE AVE NW STE 500 GRAND RAPIDS, MI 49503							

From 05/1993 To 01/1996

Name B. C. ZIEGLER AND COMPANY(61)

Independent Contractor No

Office of Employment Address

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
			No	No	05/12/1993	01/26/1996	Located At
Address EASTLAKE OFFICE BLDG STE 340, 3501 LAKE EASTBROOK BLVD S.E. GRAND RAPIDS, MI 49546-5941							

From 07/1990 To 12/1991

Name SECURITIES AMERICA, INC.(10205)

Independent Contractor No

Office of Employment Address

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
			No	No	07/25/1990	12/31/1991	Located At
Address 7100 WEST CENTER ROAD SUITE 500 OMAHA, NE 68106							

Other Business

<<No Other Business found for this Individual.>>

Exam Appointments

<<No Exam Appointments found for this Individual.>>

Exam History

Exam	Enrollment ID	Exam Status	Status Date	Exam Date	Grade	Score	Window Dates
S6	18480958	Official Result	07/24/1985	07/24/1985	Passed	90	-
S7	18480961	Official Result	10/17/1987	10/17/1987	Passed	79	-
S7	18480960	Window Expired	10/28/1985			0	-
S22	18480956	Window Expired	05/26/1986			0	-
S22	18480955	Official Result	04/11/1986	04/11/1986	Passed	86	-
S24	18480957	Official Result	07/07/1988	07/07/1988	Passed	87	-

Individual 1390277 - MARCUSSE, JANET MAVIS

Administrative Information

Exam History

Exam	Enrollment ID	Exam Status	Status Date	Exam Date	Grade	Score	Window Dates
S63	18480959	Official Result	07/24/1985	07/24/1985	Passed	92	-

CE Regulatory Element Status

Current CE Status NOCESTATUS

CE Base Date

CE Appointments

<<No CE Appointments found for this Individual.>>

Current CE

<<No Current CE found for this Individual.>>

Next CE

<<No Next CE found for this Individual.>>

CE Directed Sequence History

<<No CE Directed Sequence History found for this Individual.>>

Inactive CE History Dates

<<No Inactive CE History Dates found for this Individual.>>

Previous CE Requirement Status

Requirement Type	Session	Status	Status Date	Window Dates	Result
Anniversary	201	SATISFIED	10/05/1999	08/01/1999-11/28/1999	10/05/1999 - CMPLT
Anniversary	201	REQUIRED	08/01/1999	08/01/1999-11/28/1999	
Anniversary	101			08/01/1996-11/28/1996	
Anniversary	101		08/25/1995	08/01/1995-11/28/1995	08/25/1995 - CMPLT
Anniversary	101			08/01/1993-11/28/1993	
Anniversary	101			08/01/1990-11/28/1990	
Anniversary	101			08/01/1990-11/28/1990	
Anniversary	101			08/01/1987-11/28/1987	
Anniversary	101			08/01/1987-11/28/1987	

Filing History

Filing Date	Form Type	Filing type	Source
01/18/2002	U5	Amendment	WOODSTOCK FINANCIAL GROUP, INC. (38095)
09/06/2000	U5	Full	WOODSTOCK FINANCIAL GROUP, INC. (38095)
07/05/1999	U4	Conversion	WOODSTOCK FINANCIAL GROUP, INC. (38095)
07/05/1999	U5	Conversion	COMERICA SECURITIES (17079)
07/05/1999	U4	Conversion	COMERICA SECURITIES (17079)
07/05/1999	U5	Conversion	B. C. ZIEGLER AND COMPANY (61)
07/05/1999	U4	Conversion	B. C. ZIEGLER AND COMPANY (61)
07/05/1999	U5	Conversion	SECURITIES AMERICA, INC. (10205)
07/05/1999	U4	Conversion	SECURITIES AMERICA, INC. (10205)

Individual 1390277 - MARCUSSE, JANET MAVIS

Reportable Events

Number of Reportable Events

Bankruptcy	0
Bond	0
Civil Judicial	0
Criminal	0
Customer Complaint	1
Internal Review	0
Investigation	0
Judgement/Lien	0
Regulatory Action	0
Termination	0

Occurrence#	1054116	Disclosure Type	Customer Complaint
FINRA Public Disclosable	Yes	Reportable	Yes
Material Difference in Disclosure	No		

Filing ID	9348917	Form (Form Version)	U5 (08/1999)
Filing Date	01/18/2002		
Source	38095 - WOODSTOCK FINANCIAL GROUP, INC.		
Disclosure Questions Answered	18A(1)		

Customer Complaint DRP **DRP Version** 10/2005

1. Customer name(s): SANDRA FEDDES
2. Customer(s) state of residence: Michigan
Other state(s) of residence/Detail:
3. Employing firm: RAIKE FINANCIAL GROUP INC
4. Allegation(s): CUSTOMER ALLEGES FRAUD CONCERNING DEPOSIT OF IRA CHECKS FROM PUTNAM INVESTMENTS & AMERICAN FUNDS GROUP INTO ACCOUNTS THAT WERE NOT HER IRA ACCOUNTS. ACTIVITIES OCCURRED IN MAY 1998.
5. Principal product type: *Mutual Fund(s)*
Other product types:
6. Alleged compensatory damages: \$24,148.23
7. Date complaint received/Explanation: 11/15/2001
8. Currently pending: No
9. Status: Litigation
10. Status date/Explanation: 10/30/2001
11. Settlement amount:
12. Individual contribution amount:

Individual 1390277 - MARCUSSE, JANET MAVIS

Reportable Events

Customer Complaint DRP

DRP Version 10/2005

13. Arbitration/Reparation claim filed with, Docket/Case#:

14. Date notice served/ Explanation:

15. Arbitration/Reparation pending:

16. Disposition:

17. Disposition date/Explanation:

18. Compensation amount:

19. Individual contribution amount:

20. Court, Docket/Case#: STATE OF MICHIGAN, DISTRICT COURT FOR THE 61ST JUDICIAL DISTRICT - GRAND RAPIDS, MI CASE NO:01-GC-1585

21. Date/Explanation: 10/30/2001

22. Litigation pending: Yes

23. Disposition:

24. Date/Explanation:

25. Compensation amount:

26. Individual contribution amount:

27. Appeal date/Explanation:

28. Comment: SANDRA FEDDES NEVER HELD AN ACCOUNT AT RAIKE FINANCIAL GROUP INC.



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2736

Office of FOIA Services

July 25, 2014

Ms. Janet Marcusse
Reg. No: 17128-045
FCI Tallahassee
525 Capital Cir NE
Tallahassee, FL 32301

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 14-08103-FOIA

Dear Ms. Marcusse:

This letter is in response to your request dated July 3, 2014, and received in this office on July 15, 2014, for all information and records regarding Access International Inc. and related name John Schreur.

Based on the information you provided in your letter, we conducted a thorough search of the SEC's various systems of records, but did not locate or identify any information for Access International Inc. If you still have reason to believe that the SEC maintains the type of information you seek, please provide us with additional information, which could prompt another search.

Research in our database index indicates that a John Schreur was listed in the search results in the matter of Invest America which opened in June 1986 and closed in February 1994. This information should not be interpreted to indicate that the subject of your request was the subject of a Commission matter. Should you require the actual records in this matter, please submit a request indicating the name of the matter and a description of the records requested.

EXHIBIT T-16

Ms. Janet Marcusse
July 25, 2014
Page 2

14-08103-FOIA

You have the right to appeal the adequacy of our search or finding of no responsive information, to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6). Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

Send your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2736, Washington, D.C. 20549, or deliver it to Room 1120 at that address. Also, send a copy to the SEC Office of the General Counsel, Mail Stop 9612, or deliver it to Room 1120 at the Station Place address.

If you have any questions, please contact me at jacksonw@sec.gov or (202) 551-8312. You may also contact me at foiapa@sec.gov or (202) 551-7900.

Sincerely,



Warren E. Jackson
FOIA Research Specialist

Search for Businesses

Is this your Business?

Nu Skin Enterprises, Inc (Headquarters)

Phone: (800) 487-1000

Fax: (801) 345-2689
75 W Center St, Provo, UT 84601-4432
Send email to Nu Skin Enterprises, Inc
www.nuskin.com



On a scale of A+ to F
Reason for Rating
BBB Ratings System
Overview

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BBB Accredited Business

A BBB Accredited Business since 01/01/1986

BBB has determined that Nu Skin Enterprises, Inc meets BBB accreditation standards, which include a commitment to make a good faith effort to resolve any consumer complaints. BBB Accredited Businesses pay a fee for accreditation review/monitoring and for support of BBB services to the public.

BBB accreditation does not mean that the business' products or services have been evaluated or endorsed by BBB, or that BBB has made a determination as to the business' product quality or competency in performing services.

BBB Rating Factors

BBB rating is based on 16 factors. Get the details about the factors considered.

Factors that *raised* Nu Skin Enterprises, Inc's rating include:

- Length of time business has been operating.
- Complaint volume filed with BBB for business of this size.
- Response to 16 complaint(s) filed against business.
- Resolution of complaint(s) filed against business.
- BBB has sufficient background information on this business.

16 complaints closed with BBB in last 3 years | 3 closed in last 12 months

[Read complaint details](#)

16 complaints closed with BBB in last 3 years | 3 closed in last 12 months

Complaint Type	Total Closed Complaints
Advertising / Sales Issues	2
Delivery Issues	0
Guarantee / Warranty Issues	3

Problems with Product / Service	8
Billing / Collection Issues	0
Total Closed Complaints	10

Government Actions

BBB knows of no significant government actions involving Nu Skin Enterprises, Inc.

What government actions does BBB report on?

Advertising

BBB has nothing to report concerning Nu Skin Enterprises, Inc's advertising at this time.

What is BBB Advertising Review?

Charitable Solicitation

Nourish the Children is not a soliciting charitable organization. They sell VitaMeal, an ideal food for malnourished children which can be purchased for personal consumption or donated to Feed The Children, a national charity.

BBB file opened: 11/01/1984
Business started: 10/01/1984

Type of Entity

Corporation

Incorporated: November 1996, DE

Contact Information

Principal: Mr. Truman Hunt (President, CEO)
Customer Contact: Mr. Brian Muir (Director)
Mr. Joseph Chang (VP)
Mr. Daniel Chard (VP)
Mr. Scott Schwerdt (VP)
Mr. Ritch Wood (CFO)

Business Category

Multi-Level Selling Companies, Body Care Products, Services
- General, Skin Care, Vitamins & Food Supplements

Products & Services

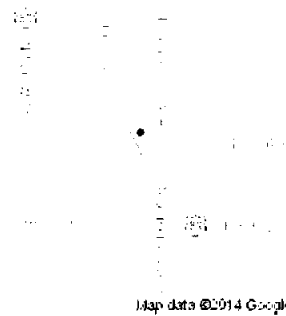
Nu Skin Enterprises, Inc. is a global direct selling company operating in more than 45 markets throughout Asia, the Americas and Europe. The company markets premium quality personal care products under the Nu Skin brand, science-based nutritional supplements under the Pharmanex brand, business service and home care products under the Big Planet brand and VitaMeal, an ideal food for malnourished children, through the Nourish the Children initiative.

Alternate Business Names

Nu Skin Enterprises, In..., Nu Skin International, Inc., Big Planet, Inc., Pharmanex, LLC, Nourish the Children Initiative, Nu Skin Enterprises United States, Inc.

Industry Tips

MULTI-LEVEL MARKETING





Ziegler

CAPITAL :: INVESTMENTS :: ADVICE

735 N Water Street
Suite 1000
Milwaukee, WI 53202

Phone: 414 978 6438
Toll-Free: 800 797 4272
Fax: 414 978 6437

www.Ziegler.com

July 2, 2014

Janet Marcusse #17128-045
Federal Correctional Institution
501 Capital Circle, NE
Tallahassee, FL 32301

Re: Request for Information

Dear Janet,

Thank you for your letter. Unfortunately the data retention requirement for all personnel and benefits files for terminated associates from that time period has long since passed, and subsequently we are no longer able to provide most of the information you have requested. I can only confirm your dates of employment.

Associate's Name:

Janet Marcusse

Dates of Employment:

May 12, 1993 to January 26, 1996

As for your requests surrounding your securities licensing, the **Central Registration Depository (CRD)** was implemented by the NASD (now known as FINRA) in 2000. While they did populate some legacy data at that time, a compiled version would only be available in hardcopy format. You are the only one who can request this information since you are not currently associated with any Broker/Dealer.

For your convenience I have enclosed the *Web CRD/LARD Snapshot Request Form*. **You should note on the form that you would like them to include your legacy information.** You will need to mail or fax the form directly to FINRA to the address/fax number listed on that form. There is no cost associated with these requests.

I hope this information is helpful.

Sincerely,

Susan Lemke
Assistant Vice President, Human Resources Manager

Enclosure: 1

CC: Gary Engle, SMD, Head of Human Resources
Angelique David, SMD, General Counsel

control or authority over other culpable participants in the offense. Instead, the probation officer and the government has relied on the fact the Defendant held a position as office “manager” at Access Financial Group for six to seven months in 2001. This is an incorrect reason to apply the enhancement. See, § 3B1.1 App. N. 1 & 2. The government has not demonstrated that the Defendant controlled or directed other criminally culpable participants in the offense and the mere fact that the Defendant served as office manager for a period of time does not result in a three level managerial enhancement. See, § 3B1.1, App. N. 4

In the present case, the PSI recommends a four level increase based on nothing more than bald allegations that the Defendant was a leader of the importation conspiracy. However, no direct or reliable evidence is offered demonstrating that the Defendant controlled or directed the actions of another culpable participant in the crime within the meaning of § 3B1.1. It is not the Defendant’s burden to prove that he was not an organizer/leader. Instead, it is the government’s burden to prove that the enhancement applies and the government has not supported their burden of proof. The Defendant respectfully submits that the information in the PSI is wholly insufficient to impose an enhancement under § 3B1.1. Therefore, the Defendant respectfully requests this Honorable Court remove the erroneous enhancement from the calculations in the PSI.

III. THE DEFENDANT SHOULD NOT RECEIVE A § 3C1.1 OBSTRUCTION OF JUSTICE ENHANCEMENT.

In the event this Court elects to apply the remedy portion of Booker and apply the Guidelines, the Defendant still should not receive an obstruction of justice enhancement. The government has the burden of proving that a § 3C1.1 enhancement applies to the Defendant,

reason all circuits, including the Sixth, recognized in the early 1990s that any retroactive increase in the guideline range would be an impermissible *ex post facto* violation. See United States v. Nagi, 947 F.2d 211, 213 n.1 (6th Cir. 1991). Although those cases all involved guideline amendments by the Sentencing Commission, the *ex post facto* and fair notice principles are the same, regardless of whether the increase in the guideline range is brought about by the Supreme Court or a legislative entity.

The instant offense was committed prior to Booker when the Guidelines were mandatory and binding on the district court. Thus, the statutory maximum for his offense should be determined based on the long standing rule that a defendant's maximum punishment can only be increased based on facts reflected in a jury verdict or the defendant's admissions. See, Jones v. United States, 526 U.S. 227 (1999); Apprendi v. New Jersey, 530 U.S. 466 (2000); Blakely v. Washington, 124 S. Ct. 2531 (2004).

In the instant case, the jury verdict and the Defendant's admissions reflect an offense involving \$250,000. The corresponding base offense level for five kilograms of cocaine is 20. See §§ 2B1.1(a)(2), 2B1.1(b)(1)(G) and 2S1.1(b)(2)(B). Based on a level 20 and a criminal history category I, the range of imprisonment is 33 to 41 months. Because the Guidelines were binding on sentencing courts at the time the instant offense was committed, the "statutory maximum" reflected by the jury verdict is 41 months imprisonment. The PSI recommends that he receive LIFE imprisonment, obviously above the top end of this penalty range. Applying the remedial decision in Booker making the Guidelines advisory results in a retroactive increase in the statutory maximum to LIFE imprisonment. Because the Defendant's potential sentence LIFE imprisonment exceeds the statutory maximum sentence permitted at the time of the instant

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

File No. 1:04-CR-165

DONALD MAYNARD BUFFIN, JR.,

Defendant.

Sentencing

Before

THE HONORABLE ROBERT HOLMES BELL
Chief United States District Judge
October 14, 2005

APPEARANCES

THOMAS J. GEZON
MICHAEL L. SCHIPPER
Assistant U.S. Attorneys
P.O. Box 208
Grand Rapids, MI 49501
Attorneys for Plaintiff

KENNETH G. DEBOER
615 N. Capitol Ave.
Lansing, MI 48933
Attorney for Defendant

Also Present: Sue Jager and Joycelyn Stinger
Victim Spokespersons

Kevin W. Gaugier, CSR-3065
U.S. District Court Reporter

1 and the same thing, I don't know, somebody told me what to
2 sign. So I'm trying to figure out where are we here? What
3 horse are we riding? I don't know.

4 MR. DEBOER: I just wanted to fill in just a bit
5 what I was talking about before. There is a reference on Page
6 29 of the document that I filed entitled motion and objections
7 and so forth, not the letters that I sent to Mr. Williams, the
8 other document that I filed before I filed the sentencing
9 memorandum. Page 29 talks about a level 20 for five kilograms
10 of cocaine, and that should not have been in there. It was
11 something that was boilerplated from another pleading, and I
12 missed it when I proofread it and signed that document.

13 That document went to Mr. Buffin, and when he saw
14 that, he thought that somehow I was involved in proposing to
15 the Court or suggesting to the Court that there were drugs
16 involved in this case, and he tried to get ahold of me to get
17 that corrected or explained and was not able to get ahold of
18 me. Monday was a holiday. His family called me all weekend
19 when I was out of town with my family in Chicago.

20 We got it resolved over the phone on Tuesday
21 morning, and I tried to -- and it was in reaction to that
22 information in there as I understand it that Mr. Buffin felt
23 that he had to file something because he had a certain number
24 of days within which to object to what I had filed on his
25 behalf or that wouldn't be heard. So he filed it himself on

1 Friday. When we talked Tuesday, it all got worked out. He
2 understood. He said, Could you please pull that back? I
3 don't even want the Court to have that because it shouldn't
4 have been filed. That's what happened.

5 THE COURT: Well, Mr. DeBoer, you don't have to fall
6 on your sword. You were comparing the defendant's admission
7 of an offense involving \$250,000 with a corresponding base
8 level for five kilograms of cocaine, which is 20 points under
9 our guidelines. You were comparing. You weren't saying --
10 there's nothing in this -- I read this and I remember
11 thinking, What does this relate to? And as I read it
12 carefully, you were comparing your client's position as
13 evidenced by the scoring with a position that would have five
14 kilograms of cocaine and you were saying they're the same
15 corresponding amount, and then you went further and said based
16 upon a level 20, criminal history level I, da-da-da, the
17 guidelines are not binding and da-da-da-da-da. You didn't say
18 your client had cocaine. You were making a comparison. That
19 happens all the time.

20 MR. DEBOER: I know that.

21 THE COURT: So don't fall on your sword on this
22 one. You don't have to.

23 MR. DEBOER: The point I want to make on behalf of
24 Mr. Buffin is that he and I are together, I'm representing
25 him, and he's been very cooperative with me since about the

1 church people. I'm talking about people that carry crosses
2 around their necks. I'm talking about people that say "God
3 bless" to everybody. The true analysis of their character is
4 many times what kind of income tax returns they file. That's
5 where the rubber hits the road.

6 Mr. Newman came in, he was called. He was huge man
7 as I recall. Big man, big man. Big, big man, and I recall
8 him distinctly, and not a particularly flashy guy. He
9 answered the questions that were put to him by the government
10 in cross-examination, and essentially he said this in response
11 to Exhibit 141-A: that he was not aware of the fact that Mr.
12 Buffin had remarried on December 11th, 1999; that Mr. Buffin
13 came in on Exhibit 115 and Exhibit 116 and filed 2000 and 2001
14 tax returns and he filed them as a single person with a
15 daughter, and he received low income tax credit of \$2,300 in
16 2000, and on an income of \$24,135 in 2001 received a low
17 income tax credit of \$2,000. That wasn't true. That wasn't
18 true at all. He signed it. He signed for it. He signed
19 these income tax returns. That wasn't true at all.

20 And then we have in response to the exigencies and
21 the stresses of preparing for sentencing and having been
22 convicted and remanded this little parade here of I'm a living
23 man over the age of 21 and I do hereby notice that I do not
24 consent to the motions and I hereby rescind my objections and
25 I do not consent to your offer to contract. Back we go

Defendant Firth further submits that the following facts with respect to another company known to trade commodity futures cannot, with any credibility, be contested by Plaintiff:

- 1) That the EDGAR reporting system found on the SEC's web site reveals that an SB-2 filing dated July 6, 2001 for just one of the Commodity Trading Advisors previously referred to in Shasta's first PPM shows a yearly performance number for one of the various funds under management by that particular CTA to be 258.02% for the year 2000;
- 2) That, for that particular CPA audited fund the above yearly performance number for calendar year 2000 was the result of the following monthly performance numbers reported during that year: For February 2000: 18.75%; For March, 2000: 47.77%; For April, 2000: 52.11%; For July, 2000: 9.60%; For November, 2000: 15.50%; and for December, 2000: 10.84%;
- 3) That the same SB-2 filing for the above referenced CTA reflects a return for that same fund in the month of January, 2001 of 10.40%;
- 4) That a separate pooled fund managed by the same group and reflected on the same SB-2 filing shows a return for calendar year 2001 of 181.48%; for calendar year 1998: 293.08%; and for calendar year 1996: 93.05%;
- 5) That two other separate pool funds also managed by that same group and reflected on that same SB-2 filing show a return for calendar year 1996 of 157.19% and 105.56% respectively;

Defendant Firth further submits to the Court that the following facts with respect to Shimer's efforts to ascertain whether or not Shimer's clients Equity and Shasta were required to register with Plaintiff cannot be contested by Plaintiff with any credibility:

- 1) That Defendant Shimer, before any funds were received by Shasta, prepared a memorandum in the fall of 2001 in which he specifically examined the issue of whether or not either of his clients Shasta or Equity qualified as either a CTA or CPO under the CFTC's regulations and concluded that neither of his clients were a CTA or CPO;
- 2) That Shimer received, in the fall of 2001 through a legal colleague, confirmation of this opinion by Shimer when that legal colleague advised Shimer by telephone that a certain client of that legal colleague had forwarded Shimer's Memorandum on the issue of whether or not Shasta