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1	Sanjay Bhandari (SBN 181920) McNamara Smith LLP 655 West Broadway, Suite 1600 San Diego, California 92101		
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3	Telephone: 619-269-0400 Facsimile: 619-269-0401		
4	Email: sbhandari@mcnamarallp.com		
5	Attorneys for Court-appointed Receiver, Thomas W. McNamara		
6	Thomas W. McIvanara		
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8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
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11	FEDERAL TRADE COMMISSION,	Case No. 4:18-cv-00806-SBA	
12	Plaintiff,	DECLARATION OF THOMAS W.	
13	VS.	MCNAMARA IN SUPPORT OF RECEIVER'S <i>EX PARTE</i> APPLICATION	
14	AMERICAN FINANCIAL BENEFITS	SEEKING COMPLIANCE WITH PRELIMINARY INJUNCTION AND	
15	CENTER, a corporation, also d/b/a AFB and AF STUDENT SERVICES; AMERITECH FINANCIAL, a corporation; FINANCIAL	ORDER TO SHOW CAUSE AS TO WHY DEFENDANT BRANDON FRERE	
16	EDUCATION BENEFITS CENTER, a corporation; and BRANDON DEMOND	SHOULD NOT BE HELD IN CIVIL CONTEMPT	
17	FRERE, individually and as an officer of AMERICAN FINANCIAL BENEFITS	JUDGE: Hon. Saundra Brown Armstrong	
18	CENTER, AMERITECH FINANCIAL, and FINANCIAL EDUCATION BENEFITS		
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20	Defendants.		
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27 28 I, Thomas W. McNamara, hereby declare as follows:

- 1. I am the Receiver in this case and I have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify to the facts stated herein.
- 2. I make this Declaration in support of the Receiver's Ex Parte Application Seeking Compliance with Preliminary Injunction and Order to Show Cause as to Why Defendant Brandon Frere Should Not Be Held in Civil Contempt.
- 3. I have spoken to counsel for both Defendant Brandon Frere ("Frere") and Plaintiff. I understand that counsel for both parties were informed at approximately 11:00 a.m. PT on November 29, 2018, by the Court clerk that the Initial Case Management Conference, then set for 2:45 p.m. that afternoon, would be continued in anticipation of a forthcoming Order on the FTC's Motion for Preliminary Injunction.
- 4. I further understand that the Clerk's Notice Continuing the Initial Case Management Conference (ECF No. 185) was issued a short time later, at roughly 11:40 a.m.
- 5. I further understand that the Court's Order on the FTC's Motion for Preliminary Injunction was issued at about 2:30 p.m. (or just before the time for which the Initial Case Management Conference had originally been set). Counsel for Plaintiff notified me on November 29, 2018 at about 3:00 p.m. that I had been appointed Receiver in this case.
- 6. Attached hereto as Exhibit 1 is a true and correct copy of the account balance history for an account with Bank of America belonging to Defendant American Financial Benefits Center ("AFBC") ending in -9542 ("the AFBC account").
- 7. At 16:44 ET (1:44 p.m. PT), \$2,500 was wired from the AFBC account to Justin Frere, who I understand to be Frere's brother. Ex. 1 at 2.
- At 16:45 ET (1:45 p.m. PT), \$3,000 was wired from the AFBC account to 8. Cameron Henry, who I understand to be a former employee of Defendants and a partial owner of one or more of Defendants. Ex. 1 at 1.
- 9. At 16:45 ET (1:45 p.m. PT), \$5,000 was wired from the AFBC account to Andre and Gloria Frere, who I understand to be Frere's parents. Ex. 1 at 1.

1	10. At or around 16:45 ET (1:45 p.m. PT), \$89,500 was transferred from the AFBC		
2	account to a savings account ending in -7970, which I understand is a personal account		
3	belonging to Frere. Ex. 1 at 1.		
4	11. At 16:50 ET (1:50 p.m. PT), \$100,000 was wired from the AFBC account to		
5	Nossaman LLP, counsel to Frere.		
6	12. Attached hereto as Exhibit 2 is a true and correct copy of the account balance		
7	history for an account with Bank of America belonging to Defendant Financial Education		
8	Benefits Center ("FEBC") ending in -5475 ("the FEBC account").		
9	13. At 16:46 ET (1:46 PT), \$5,000 was wired from the FEBC account to Justin Frere		
10	Ex. 2 at 1.		
11	14. At 16:47 ET (1:47 PT), \$6,000 was wired from the FEBC account to Cameron		
12	Henry. Ex. 2 at 1.		
13	15. At 16:48 ET (1:48 PT), \$10,000 was wired from the FEBC account to Andre and		
14	Gloria Frere. Ex. 2 at 1.		
15	16. At or around 16:48 (1:48 PT), \$179,000 was transferred from the FEBC account		
16	to a savings account ending in -7970, which I understand is a personal account belonging to		
17	Frere.		
18	17. On Friday afternoon, after learning of these transfers, I spoke with both counsel		
19	for Frere. I informed them that their client had violated the PI Order by making the transfers		
20	described above, and that he needed to return those assets to the Receivership Estate. I spoke to		
21	both counsel about this issue again on Monday, December 3. The funds have not been returned.		
22	I declare under penalty of perjury under the laws of the United States that the foregoing i		
23	true and correct.		
24	Executed this 4th day of December, 2018, in Rohnert Park, California.		
25	/s/ THOMAS W. MCNAMARA		
26	Thomas W. McNamara		
27	Court-Appointed Receiver		
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