

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-22791-CV-WILLIAMS

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BRENT SEAMAN, *et al.*,

Defendants.

RECEIVERSHIP DEFENDANTS' FINANCIAL DISCLOSURES

Melanie E. Damian, as the court-appointed Receiver (the "Receiver") for Accanito Capital Group, LLC ("Accanito Capital"), Accanito Holdings, LLC ("Accanito Holdings"), Accanito Equity I, LLC, Accanito Equity II, LLC, Accanito Equity III, LLC, Accanito Equity IV, LLC, Surge LLC, and Relief Defendant, Surge Capital Ventures, LLC ("SCV") (collectively, the "Receivership Defendants"), submits financial disclosures for the Receivership Defendants in accordance with paragraph 10 of the Appointment Order [ECF No. 18], and states as follows:

The Receiver together with her forensic accountant prepared the financial disclosures set forth below on behalf of the Receivership Defendants based on the Receiver's investigation and analysis of the Receivership Defendants' financial records including QuickBooks files, bank statements, and trading account statements. The Receivership Defendants' financial records are not complete as the Receiver awaits productions of documents from BMO Harris and various online trading platforms to provide backup documents for transactions listed on bank and trading account statements and booked in the QuickBooks files by Receivership Defendants' former management.

Appointment Order Paragraph 10(A) – Receivership Property

Paragraph 10(A) of the Appointment Order requires the Receivership Defendants to disclose all Receivership Property held by or in the name of the Receivership Defendants or in which they have a beneficial interest. The Receiver has identified the following assets of the Receivership Defendants which are being held by the Estate:

- \$3,166,914.21 in cash on hand in the Receiver’s fiduciary account at City National Bank in Miami, Florida;
- Jewelry purchased by Surge LLC for \$328,409.43 (which will be delivered to the Receiver in Miami, Florida) including the following items:
 - White Gold and Diamond Hoop Earrings – Purchase Price: \$11,688.68
 - White Gold and Diamond Tennis Bracelet – Purchase Price: \$22,000.00
 - Yellow Gold and Diamond Hoop Earrings – Purchase Price: \$4,000.00
 - Yellow Gold Rolex Watch – Purchase Price: \$23,820.75
 - Gold Diamond Ring – Purchase Price: \$28,400.00
 - Platinum Diamond Ring – Purchase Price: \$153,500.00
 - Platinum Diamond Eternity Band – Purchase Price: \$85,000.00
- The right to collect the balance of \$184,114.00 on Valo’s disgorgement obligation;
- 99% ownership interest in Blue Diamond Home Solutions of Dallas LLC;
- 5% ownership interest in Blue Diamond Home Solutions (Naples, FL);
- At least 5% ownership interest in Surge Trader LLC and the right to collect the monthly distributions due and owing from November 2023 to date and going forward; and
- One desktop computer and two laptop computers located at the Receiver’s office in Miami, Florida.

Surge LLC may also have an interest in certain items of jewelry purchased by Surge LLC for \$303,263.00. That jewelry is currently in Relief Defendant Jana Seaman’s possession in Naples, Florida. Ms. Seaman asserts that Surge LLC’s \$303,263.00 jewelry purchase was an interest-free

loan to United in Assignment Inc. (“UIA”), a Florida corporation owned by Relief Defendant Valo Holdings Group LLC (“Valo”), which is solely owned by Ms. Seaman. Ms. Seaman claims that UIA has now paid off that loan in full, and thus, has purchased that jewelry from Surge LLC. Surge LLC’s bank records reflect that UIA did reimburse Surge LLC for various interest-free loans including the aforementioned jewelry purchase. The Receiver has not made a final determination as to whether to pursue the return of that jewelry or assert claims arising from the interest-free loan to UIA.

Ms. Seaman has refused to return the following items of jewelry for which UIA purportedly paid when it repaid the loan UIA purportedly received from Surge LLC through the jewelry purchase:

- Rose Gold Breitling Watch– Purchase Price: \$22,900.00
- Rose Gold Chopard Watch – Purchase Price: \$76,500.00
- White Gold and Diamond Tennis Necklace – Purchase Price: \$79,000.00
- Loose Diamond Earrings – Purchase Price: \$100,000.00.

Appointment Order Paragraph 10(B) – Bank and Brokerage Accounts

Paragraph 10(B) of the Appointment Order requires the Receivership Defendants to identify all bank and brokerage accounts over which they have ownership and/or signatory authority. All of the Receivership Defendants’ bank accounts were frozen pursuant to the Asset Freeze Order [ECF No. 17], after which the account balances were transferred to the Receiver’s fiduciary account at City National Bank in Miami, Florida, and the Receivership Defendants’ bank accounts were closed. Prior to the commencement of the receivership, all of the Receivership Defendants’ trading accounts were liquidated to cash which was then transferred to Surge LLC’s

checking account at BMO Harris. Thereafter, the trading accounts were closed. As such, Receivership Defendants do not have any open bank or trading accounts at this time.

Prior to the commencement of the receivership, the Receivership Defendants held the following bank accounts:

Bank	Account Holder	Cash Balance Recovered by Estate	Account Type
BMO Harris	Accanito Capital	\$889,067.59	Checking
BMO Harris	Accanito Holdings	\$11,223.10	Checking
BMO Harris	Accanito Equity	\$255.00	Checking
BMO Harris	Accanito Equity II	\$109.00	Checking
BMO Harris	Accanito Equity III	\$245.00	Checking
BMO Harris	Accanito Equity IV	\$339.00	Checking
BMO Harris	Surge LLC	\$1,025,362.73	Checking
BMO Harris	SCV	\$2,440.99	Checking

Prior to the commencement of the receivership, Surge LLC held an account at each of the following online trading platforms used to trade commodities and currencies:

Online Trading Platform	Cash Balance Recovered by Estate
Oanda	\$107,153.00
Forex.comP	\$773.66

Forex.com2	\$162,094.81
EightCap	\$0.00
Pepperstone	\$4,488.90
Alchemy	\$12,905.90
Tradeview	\$4,957.57
Liquidity.net - 22758	\$8,904.27
BGM	\$31,082.04
Hantec	\$1,177.31
Scandinavian Capital Markets	\$175,182.48

Appointment Order Paragraph 10(C) – Debit and Charge Cards

Paragraph 10(C) of the Appointment Order requires the Receivership Defendants to identify all bank and charge cards used by the Receivership Defendants. The Receiver is gathering this information from the QuickBooks files. Thus far, the Receiver has not identified any charge card accounts held in the names of Receivership Defendants nor located any charge card statements in the documents produced by Defendant Brent Seaman on behalf of the Receivership Defendants. The Receiver expects to receive debit card statements for the Receivership Defendants' BMO Harris bank accounts in the production of documents scheduled to arrive from BMO Harris at the end of this month. The Receiver will review those statements to locate potential assets of the Estate and will report her findings to the Court in her next quarterly status report.

Appointment Order Paragraph 10(D) – Assets Received and Disbursed

Paragraph 10(D) of the Appointment Order requires the Receivership Defendants to identify all assets received by any Receivership Defendant from any person and the disposition

thereof. The Receiver has generated schedules for those Receivership Defendants that maintained QuickBooks files reflecting the complete date range of financial records available to the Receiver at this time, as stated herein. The schedule of Receivership Defendant Accanito Capital's receipts and disbursements with payee and payor identified for the period from January 1, 2019 to date has been provided to the Securities and Exchange Commission ("SEC") and will be provided to the Court for *in camera* inspection upon request. The schedule of Receivership Defendant Accanito Holdings's receipts and disbursements with payee and payor identified for the period from January 1, 2020 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request. The schedule of Receivership Defendant SCV's receipts and disbursements with payee and payor identified for the period from January 1, 2021 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request. The schedule of Receivership Defendant Surge LLC's receipts and disbursements with payee and payor identified for the period from January 1, 2008 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request.

The Accanito Equity Receivership Defendants did not maintain their financial records in any financial management platform. Thus, the Receiver's forensic accountant will have to reconstruct the financial records for those entities using bank statements and backup documents produced to the Receiver by third-party banks. The Receiver will provide the SEC with the bank account reconstruction and a full accounting of receipts and disbursements for each of those Receivership Defendants when that reconstruction and accounting are completed.

Appointment Order Paragraph 10(E) – Funds Received Related to Conduct Alleged in SEC's Complaint

Paragraph 10(E) of the Appointment Order requires the Receivership Defendants to identify all funds received by any Receivership Defendant in any way related to the conduct

alleged in the SEC's complaint. Investor deposits constitute the funds received by the Receivership Defendants related to the conduct alleged in the SEC's complaint. The Receiver provided the SEC with the Master Investor Spreadsheet, maintained by the Receivership Defendants, comprising a list of all investor deposits, rollover contributions, distributions, and returned contributions. The Receiver will submit the Master Investor Spreadsheet to the Court for *in camera* inspection upon request to protect the investors' identities and privacy.

Appointment Order Paragraph 10(F) – Missing

The Appointment Order is missing Paragraph 10(F).

Appointment Order Paragraph 10(G) – Expenses Exceeding \$1,000

Paragraph 10(G) of the Appointment Order requires Receivership Defendants to disclose all expenses exceeding \$1,000 made by the Receivership Defendants. A schedule of Receivership Defendant Accanito Capital's expenses exceeding \$1,000 with payee and payor identified for the period from January 1, 2019 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request. A schedule of Receivership Defendant Accanito Holdings's expenses exceeding \$1,000 with payee and payor identified for the period from January 1, 2020 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request. A schedule of Receivership Defendant SCV's expenses exceeding \$1,000 with payee and payor identified for the period from January 1, 2021 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request. A schedule of Receivership Defendant Surge LLC's expenses exceeding \$1,000 with payee and

payor identified for the period from January 1, 2008 to date has been provided to the SEC and will be provided to the Court for *in camera* inspection upon request.

Again, because the Accanito Equity Receivership Defendants did not maintain their financial records in any financial management platform, the Receiver's forensic accountant will have to reconstruct the financial records for those entities using bank statements and backup documents produced to the Receiver by third party banks. The Receiver will provide the SEC with the bank account reconstruction and a full accounting of all expenses exceeding \$1,000 for each of those Receivership Defendants when that reconstruction and accounting are completed.

Appointment Order Paragraph 10(H) – Transfers of Assets

Paragraph 10(H) of the Appointment Order requires the Receivership Defendants to disclose all transfers of assets made by any of them. The Receivership Defendants transferred funds rather than physical assets, except for the jewelry purchased by Surge LLC and transferred to Jana Seaman. The Receiver has disclosed all transfers of funds and purchases of assets by the Receivership Defendants and the recipients of those funds in the schedules described *supra* and provided to the SEC and will submit those schedules to the Court for *in camera* inspection upon request. Moreover, the Receiver has disclosed Surge LLC's transfer of jewelry to Ms. Seaman in response to Paragraph 10(A), *supra*. The Receiver continues to investigate the transfers of funds and assets to insiders, affiliates, and third parties and will pursue recovery of those transfers and report them to the Court to the extent she has viable claims.

The Receiver hereby certifies that the financial reporting provided herein is true and correct to the best of her knowledge based on the financial records to which she currently has access. The

Receiver will update the Receivership Defendants' financial disclosures in her quarterly status reports as she discovers new information.

Respectfully submitted this 30th day of January, 2024.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission via this Court's CM/ECF filing system on January 30, 2024 on all counsel or parties who have appeared in the above-styled action.

/s/Kenneth Dante Murena
Kenneth Dante Murena, Esq.
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