# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

UNITED STATES COMMODITY FUTURES TRADING COMMISSION,	§ §	
	§	
Plaintiff,	8	
V	8	Civil Action No. A-12-CV-0862-LY
v.	§	
SENEN POUSA, INVESTMENT	§	
INTELLIGENCE CORPORATION,	§	
DBA PROPHETMAX MANAGED FX,	§	
JOEL FRIANT, MICHAEL DILLARD, and	§	
ELEVATION GROUP, INC.,	§	
	§	
Defendants.	§	

### NOTICE OF RECEIVER'S SECOND LETTER TO INVESTORS

Guy M. Hohmann, in his capacity as Receiver for the ProphetMax Receivership Estate, has published a letter to inform ProphetMax investors about several recent developments for the Estate that have occurred since the Receiver filed his initial letter to investors on February 21, 2013. See Notice of Receiver's Letter to Investors [Docket No. 62]. A true and correct copy of website Estate's available the Receiver's second letter is on the (http://www.prophetmaxreceivership.com/Court\_Papers.html) and is attached to this Notice as Exhibit A.

Respectfully submitted,

HOHMANN, TAUBE & SUMMERS, LLP

By: /s/ Carrie Puccia

Carrie Puccia State Bar No. 24083691 carriep@hts-law.com 100 Congress Avenue, 18th Floor Austin, Texas 78701 (512) 472-5997 (512) 472-5248 (Fax)

ATTORNEY FOR GUY M. HOHMANN, IN HIS CAPACITY AS RECEIVER FOR THE PROPHETMAX RECEIVERSHIP ESTATE

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties of record by the Court's CM/ECF service on this 24th day of June 2013:

/s/ Carrie Puccia
Carrie Puccia

# **EXHIBIT A**

## PROPHETMAX RECEIVERSHIP

GUY M. HOHMANN, RECEIVER

100 CONGRESS AVENUE SUITE 1800 AUSTIN, TEXAS 78701-4042 TELEPHONE (512) 472-5997 FAX (512) 472-5248

June 24, 2013

Dear Investors:

On February 21, 2013, I wrote a letter to inform you about several positive developments for the Receivership Estate, including the negotiation of a substantial settlement agreement with an unnamed third party, and recent progress in criminal and civil investigations of the ProphetMax fraud. You may obtain a copy of this letter from the Estate's website at www.prophetmaxreceivership.com.

As noted in that letter, I believe I have now identified the substantial majority of assets that may be recovered by the Estate. Accordingly, I anticipate that there will be very little activity from me over the remaining life of the Estate, other than to oversee an eventual claims process and distribution of funds. In recent months I have received an increasing amount of questions about the anticipated timing of an interim distribution, so I have written this letter to update you about my current goals for a distribution, and also to inform you about the status of funds frozen or recovered in connection with the alleged fraud.

To date, Dutch authorities have secured approximately \$25 million in connection with the alleged ProphetMax fraud. A criminal proceeding is currently underway in Amsterdam, and these funds will be held for the duration of the proceeding and released only if governmental authorities prevail. Unfortunately, at this time I cannot make an accurate prediction as to whether and when these funds will be released into the Receivership Estate, but I believe the proceedings could continue through 2016.

The Receivership Estate presently has approximately \$1.1 million in funds traceable to the ProphetMax fraud deposited in an interest-bearing money market account. This amount includes payments from two large settlements I negotiated in previous months, and I believe these funds represent the majority of assets that may be recovered for the Estate through my investigation. However, while I do not have detailed information, I am aware that authorities

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continue to investigate the ProphetMax fraud and could potentially uncover additional sources of funds.

Finally, an additional \$3.4 million has been seized in Australia in connection with the alleged ProphetMax Fraud. In recent weeks there have been material developments in the related civil proceeding that may affect when those funds are distributed, and whether they will be distributed through the Receivership Estate. A liquidator was recently appointed by the Australian court, and Investment Intelligence Corporation (IIC) is now being wound up either directly or indirectly at the request of various individuals and agencies in Australia. The particular liquidator approved by the court was chosen by Senen Pousa, but is an "official liquidator," meaning he is certified by the Australian Securities & Investment Commission to be appointed as a liquidator by Australian courts. I have been in touch with the liquidator and hope to reach an agreement regarding an equitable joint distribution of Australian and US funds to investors; however, the liquidator is an independent agent of the Australian court and must perform his own due diligence and decision-making regarding the obligations of IIC to investors and others.

Prior to the appointment of the Australian liquidator, I had turned my attention to the claims process in the hopes that a process would be approved by the court and in motion in time for a potential distribution in late summer 2013. However, I may decide to either wait or move forward with a distribution depending on whether and when we obtain an agreement with the Australian liquidator regarding pooling funds for a joint distribution. Ideally each distribution would consist of an equal percentage of funds from both Australia and the Receivership Estate's bank account, which would be released into escrow and distributed pro-rata to investors. The Estate will incur expenses with each distribution, and the cost-benefits of consolidating distributions may outweigh the benefits of an early partial distribution of Receivership Estate funds alone. We will continue to consult with the Australian liquidator and with Australian authorities in coming weeks as the liquidator's plan of action develops to determine how best to move forward.

I am also currently determining the most cost-effective method to distribute funds when a distribution occurs. We are specifically evaluating whether a distribution would be more efficient and cost-effective if conducted by the firm or by an external company that specializes in claims administration. Whether I hire a third party or conduct the distribution through my firm, I plan to reserve some of the Estate's funds for anticipated future costs and fees unless and until funds in Amsterdam are released or are secured through other means.

In the meantime, I will continue to respond to your inquiries and update you through my website and Facebook page for the Estate. If you have any questions concerning this letter or any other issues involving the Estate, please email me at receiver@prophetmaxreceivership.com and I will respond as fully as possible. Please understand that confidentiality laws and other privacy rules often limit my ability to share non-public information about the Estate or any related investigations or judicial proceedings.

Sincerely,

Guy M. Hohmann

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Receiver of the ProphetMax Receivership Estate