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SECURITIES AND EXCHANGE

COMMISSION,

# UNITED STATES DISTRICT COURT

### DISTRICT OF NEVADA

Plaintiff,

v.

PROFIT CONNECT WEALTH SERVICES,
INC., JOY I. KOVAR, and BRENT CARSON
KOVAR,

Defendants.

Case No. 2:21-cv-01298-JAD-BNW

TENTH STATUS REPORT OF GEOFF WINKLER, RECEIVER FOR PROFIT CONNECT WEALTH SERVICES, INC., AND PETITION FOR INSTRUCTIONS

Geoff Winkler of American Fiduciary Services, LLC, the permanent receiver for Profit Connect Wealth Services, Inc., and any subsidiaries and affiliates (together, "Profit Connect") submits his Tenth Status Report (the "Report") regarding the receivership pursuant to Local Rule 66-4(b).

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ACTIVE 693181922v1

## I. SUMMARY OF THE RECEIVER'S OPERATIONS (LR 66-4(b)(1))

The Securities and Exchange Commission initiated this action against Profit Connect, Ms. Kovar, and Mr. Kovar on July 8, 2021, when it filed an *ex parte* complaint and motion for temporary restraining order seeking, among other things, the freezing of defendants' assets and the appointment of a receiver over Profit Connect. On July 23, 2021, the Defendants stipulated modifying the temporary restraining order to appoint Geoff Winkler as the Temporary Receiver, giving him limited powers. On August 6, 2021, following another stipulation of the parties, the Court converted the temporary restraining order to a preliminary injunction and appointed the Temporary Receiver as the Permanent Receiver of Profit Connect. See Receivership Order (ECF No. 26.)

After appointment, the Receiver and his team attempted to find a solution that would allow Profit Connect to continue to operate legally and profitably to maximize return to investors. The Receiver, his staff, and the Forensic IT team spent several weeks collecting and reviewing data, communicating with Profit Connect parties, observing operations, and documenting assets and information. After determining that there was no viable business to continue operating, the Receiver terminated the employees and closed the offices, only retaining a few employees on a contract basis to assist with the wind-down of operations and preparation for the sale of the personal property.

Since the completion of the Investigation and Forensic Accounting Report (ECF No. 111) in August 2022, the Receiver and his team have identified third-party recovery opportunities and analyzed the accounting file to determine the recommended claims process. A hearing on June 13, 2023, began the claims process with a bar date for September 11, 2023. Anyone intending to make a claim against the receivership estate was required to file a claim no later than September 11, 2023, or their claims may be forever barred. The Receiver finished the receipt of timely claims in the previous reporting period. The Receiver has continued to audit these claims and follow-up with claimants as needed to resolve questions and concerns.

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The Receiver received 482 claims filed between June 13<sup>th</sup> and September 11<sup>th</sup>. The total claim amount filed was \$31,055,179.74.1 Three tardy claims were received after the September 11, 2023, claims bar date. The Receiver does not anticipate further untimely claims but will provide claims forms as needed to those who believe they are still entitled to file. The Receiver anticipates providing the Court additional information regarding approved claims and potential distributions in the next reporting period.

Braun International Real Estate Company ("Braun") continued its efforts to list and sell the eight land parcels owned by Profit Connect in Searchlight, Nevada. The Receiver continues to have conversations with Braun on whether any marketing strategies will be adjusted. Offers have been presented on the more desirable parcels that Profit Connect had purchased. During this reporting period the real property located at Parcel Number 243-27-701-004 and 243-27-701-005, Searchlight, Nevada closed for \$50,000 total. After closing costs and broker fees the net proceeds were \$44,213.03. The Receiver has accepted an offer on Parcel Numbers 243-34-201-014 and 243-34-301-007 for \$250,000 total. The closing of these parcels will occur in the following reporting period.

SEC v. Profit Connect Wealth Services, In Summary Cash Flow Statement December 31, 2023	nc. et al
Cash at Beginning of Period	8,956,569
Cash Inflows	
Searchlight Sale (Parcels 243-34-101-004 and	
243-34-101-005)	44,213
Third-Party Litigation Income	114,940
Interest Income	28,685
Total Cash Inflows	187,839
Cash Outflows	
Payments to Professionals	-
Business Asset Expenses	-
Total Cash Outflows	-
Cash at End of Period	9,144,408

<sup>&</sup>lt;sup>1</sup> This amount is based on the amount claimed by investors and creditors and does not necessarily reflect the amount the Receiver will recommend the Court approve. There are at least \$6 million in claims that appear to be significantly in excess of the actual amount owed under the Money In - Money Out analysis provided for in the claims process.

During this reporting period, the Receiver has continued to administer the receivership estate. The breakdown of cash flows and the current balance sheet are as follows:

SE	C v. Profit Connect Wealth Service Summary Balance Sheet December 31, 2023	es, Inc. et al
	Assets	
	EWB Account	9,144,408
	Real Property**	295,387
	Professional Liability Litigation**	5,000,000
	Third Party Litigation**	3,592,024
	Total Assets	18,031,819
	Liabilities	
	Accrued Professionals	407,908
	Total Liabilities	407,908
	Equity	
	Net Cash Investors**	21,807,008
	Retained Earnings	(4,183,097)
	Total Equity	17,623,911
**	Values Currently Estimated and Subject to Change	

## II. INVENTORY OF ASSETS AND ESTIMATE VALUE (LR 66-4(b)(2))

At the end of this Reporting Period, the Receiver is holding \$9,144,408 in cash belonging to Profit Connect. The total value of assets is estimated to be \$18,031,819, inclusive of the above-mentioned cash. Specifically, there is \$5,000,000 in professional liability litigation, \$3,592,024 in third-party litigation, and \$295,387 to be recovered in real property sales. The standardized fund accounting report for the period October 1, 2023, through December 31, 2023, is attached to this report as **Exhibit A.** 

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III.	<b>SCHEDULE</b>	<b>OF</b>	<b>RECEIVER'S</b>	RECEIPTS	AND	DISBURSEMENTS	(L	OCAL
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**RULE 66-4(b)(3))** 

In addition to the foregoing, please see Exhibit B.

#### IV. OTHER ITEMS TO REPORT

#### A. **Current Litigation**

As the Court is aware, the Receiver has initiated several proceedings in an attempt to recover additional funds owed to Profit Connect.

#### 1. Roshak Litigation

The Receiver filed an ancillary proceeding (Case No. 21-cv-02000) seeking to claw back over \$500,000 in investor funds fraudulently transferred to former Profit Connect employee and agent William Roshak, along with his current wife and ex-wife. A settlement was reached by which Mr. Roshak agreed to return \$470,000 to the estate. In order to pay the settlement amount, Mr. Roshak sold his residence and the Receiver was recently wired funds satisfying the settlement amount in full. Thereafter, a stipulation was filed to dismiss the ancillary proceeding.

#### 2. Texas Action Against Nicholas, Sutton and Allianz

As referenced in prior reports, the Receiver, by and through contingency fee counsel filed an action which is currently pending in the United States District Court, Northern District of Texas, Lubbock Division and assigned Case No. 5:23-cv-00074-C against Jeffrey Nicholas, Troy Sutton and Allianz Life Financial Service, LLC ("Allianz") (the "Texas Action"). Nicholas and Sutton were both licensed by Allianz to sell life insurance and other annuity type products and promoted Profit Connect to their clients to generate substantial investor funds for Profit Connect.

The Receiver was able to reach a settlement with Mr. Sutton which was approved by the Court in an order issued on January 4, 2024 (ECF No. 168). In the meantime, Mr. Nicholas, Allianz, and the Receiver are conducting discovery in the Texas Action.

#### 3. Legal Malpractice Claim

On November 7, 2023, the Court granted the Receiver's motion and authorized the Receiver to employ special litigation counsel to pursue a legal malpractice claim. (ECF No. 160). In furtherance of the same, the Receiver has employed Selik Law to investigate and prosecute

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claims against Profit Connect's former counsel on behalf of the Receivership Estate. A lawsuit was filed to advance the Receiver's position in the Eighth Judicial District of Clark County Nevada, known as Case No. A-23-880842.

#### B. **Future Litigation and Clawback Actions**

The Receiver continues to evaluate additional avenues to recover funds for the Estate and anticipates filing additional clawback actions. The Receiver continues to investigate potential targets.

#### 1. Proceedings Against Financial Institutions

In the last reporting period, the Court approved the Receiver's retention of special litigation counsel to investigate and potentially pursue claims against financial institutions. The law firm of Levine Kellogg Lehman Schneider + Grossman LLP ("Levine Kellogg") has used the last quarter to interview witnesses and investigate the Receiver's claims against Bank of America. It is anticipated that efforts will be made during the next quarter to try and resolve claims with the Bank without the need for litigation. If such efforts are not successful, then litigation will likely follow.

#### 2. Clawback Actions

The Receiver has determined that there are potential claims against employees who received funds or gifts in excess of their W-2 wages, and against promoters and agents who raised funds for Profit Connect's investment fraud and who benefitted from it. There are also claims against credit card companies that received payments from Profit Connect for debts that it did not owe. On January 4, 2024, the Court granted the Receiver's Motion for Order in Aid of Receivership Authorizing the Receiver to Pursue Clawback Actions and Approving Settlement Parameters (ECF No. 169). The Receiver anticipates finalizing settlements with several key institutions and third parties in the next quarter consistent with the same.

### Claims Against Former Employees

The Receiver has identified approximately eleven former employees who received funds or gifts from Profit Connect in excess of their W-2 wages and with whom the Receiver has not already settled. The Receiver sent these employees demand letters requesting the return of the

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funds or the value of the gifts in excess of their wages and has either resolved the claims or is in settlement discussions with the former employees. The Received has been able to resolve issues with one former employee and is in discussion with five former employees to discuss resolution but will move forward with action if they cannot be resolved soon. Before pursuing litigation, counsel for the Receiver will be sending out notices to the five remaining former employees. If the Receiver is not able to reach a resolution with these former employees, he will seek Court permission prior to commencing litigation proceedings.

#### b. Agents/Promoters

The Receiver is evaluating potential claims against agents/promoters and sent demand letters to 70 individuals seeking the return of false profits related to the investment scheme. In doing so, the Receiver was able to resolve issues with 18 of the agents/promoters. The Receiver is in conversations with 14 agents/promoters to discuss resolution but will move forward with action if they cannot be resolved soon. Before pursuing litigation, counsel for the Receiver will be sending out notices to the 38 remaining agents/promoters. If the Receiver is not able to reach a resolution, he will seek Court permission prior to commencing litigation proceedings.

#### RECOMMENDATION OF THE RECEIVER (LR 66-4(b)(5)) V.

The Receiver has determined that Profit Connect was not operating a viable business and was quickly dissipating investor funds. So that the Receiver can continue to identify assets and claims and pursue them for the benefit of the receivership estate, the Receiver recommends that the receivership continue.

#### VI. CONCLUSION AND PETITION FOR FURTHER INSTRUCTIONS

Assuming the Court authorizes the Receiver to undertake the actions recommended herein, as well as to continue those actions provided for in the Appointment Order and any subsequent orders, the Receiver proposes to submit further interim reports to this Court, addressing his progress, findings, final conclusions, and additional recommendations, approximately every 90 days.

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Accordingly, and based on the foregoing, the Receiver respectfully requests that the Court enter an order:

- 1. Accepting this Tenth Status Report;
- 2. Authorizing the Receiver to continue to administer the Receivership Entities and their estate in accordance with the terms of the Appointment Order;
- Authorizing the Receiver to undertake the recommendations presented 3. herein, including a continued engagement of those professionals he deems necessary for the proper administration of the Receivership Entities and their estate;
- 4. Providing such other and further relief as the Court deems necessary and appropriate.

### DATED THIS 31st DAY OF JANUARY 2024

I, Geoff Winkler, verify under penalty of perjury that the statements made in the foregoing report are true and correct to the best of my knowledge.

Geoff Winkler, Receiver

Respectfully submitted, this 31st day of January 2024.

GREENBERG TRAURIG, LLP

Kara Hendricks, Esq. Nevada Bar No. 07743

Kyra E. Andrassy, Esq.\* \*Admitted Pro Hac Vice SMILEY WANG-EKVALL, LLP

Attorneys for Receiver, Geoff Winkler of

American Fiduciary Services

Greenberg Traurig, LLP 10845 Griffith Peak Drive Suite 600, Las Vegas, Nevada 89135 Telephone: (702) 938- 6856

## **CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on January 31, 2024, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system. Notice of filing will be served on all parties registered to this case by operation of the Court's CM/ECF system, and parties may access this filing through the Court's CM/ECF system.

/s/ Evelyn Escobar Gaddi

An Employee of Greenberg Traurig, LLP

INDEX OF EXHIBITS					
Ехнівіт	DESCRIPTION				
A	Standardized Fund Account Report				
В	Schedule of Receiver's Receipts and Disbursements				

# EXHIBIT A

# EXHIBIT A

Standardized Fund Accounting Report

# STANDARDIZED FUND ACCOUNTING REPORT for SEC v. Profit Connect Wealth Services, Inc. et al. Receivership; Civil Docket No. 2:21-cv-01298-JAD-BNW Rreporting Period from 10/01/2023 to 12/31/2023

FUND ACCO	UNTING (See instructions)			
Line 1	Reginning Polance (Ac of 10/01/2022):	<b>Detail</b> 8,956,569.05	Subtotal	Grand Total
Lille	Beginning Balance (As of 10/01/2023):	8,930,309.03		
	Increases in Fund Balance:			
Line 2 Line 3	Business Income	-		
Line 3	Cash and Securities (in transit) Interest/Dividend Income	28,685.35		
Line 4	Business Asset Liquidation	44,213.03		
Line 6	Personal Asset Liquidation	-		
Line 7	Third-Party Litigation Income	114,940.47		
Line 8	Miscellaneous - Other			
	Total Funds Available (Lines 1 - 8):		187,838.85	9,144,407.90
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors			
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	-		
Line 10b	Business Asset Expenses	-		
Line 10c	Personal Asset Expenses	-		
Line 10d Line 10e	Investment Expenses Third-Party Litigation Expenses	-		
Line roe	1. Attorney Fees			
	2. Litigation Expenses			
	Total Disbursements for Receivership Operations		-	
Line 10f	Tax Administrator Fees and Bonds		-	
Line 10g	Federal and State Tax Payments			
Line 44	Total Disbursements for Receivership Operations Disbursements for Distribution Expenses Paid by the Fund:			-
Line 11 Line 11a	Distribution Plan Development Expenses:  1. Fees:			
	Fund Administrator	_		
	Independent Distribution Consultant (IDC)	-		
	Distribution Agent	-		
	Consultants	-		
	Legal Advisers  Tax Advisers	-		
	2. Administrative Expenses			
	3. Miscellaneous	-		
	Total Plan Development Expenses		-	
Line 11b	Distribution Plan Implementation Expenses:  1. Fees:			
	Fund Administrator	-		
	IDC Distribution Agent	-		
	Consultants.			
	Legal Advisers	-		
	Tax Advisers	-		
	2. Administrative Expenses	-		
	Investor Identification:     Notice/Publishing Approved Plan			
	Claimant Identification	_		
	Claims Processing	-		
	Web Site Maintenance/Call Center	-		
	4. Fund Administrator Bond	-		
	Miscellaneous     Federal Account for Investor Restitution	-		
	(FAIR) Reporting Expenses	_		
	Total Plan Implementation Expenses		-	
	Total Disbursements for Distribution Expenses Paid by the Fund			-
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees	-		
Line 12b	Federal Tax Payments Total Disbursements to Court/Other:	-		
	Total Funds Disbursed (Lines 9 - 11):		-	-
Line 13	Ending Balance (As of 12/31/2023):			9,144,407.90
Line 14	Ending Balance of Fund - Net Assets:			2,,.01
Line 14a	Cash & Cash Equivalents		9,144,407.90	
Line 14b	Investments		_	
Line 14c	Other Assets or Uncleared Funds		8,887,410.50	10.001.010.15
	Total Ending Balance of Fund - Net Assets	<u> </u>		18,031,818.40

# STANDARDIZED FUND ACCOUNTING REPORT for SEC v. Profit Connect Wealth Services, Inc. et al. Receivership; Civil Docket No. 2:21-cv-01298-JAD-BNW Rreporting Period from 10/01/2023 to 12/31/2023

OTHER SUPP	LEMENTAL INFORMATION:			
	-	Detail	Subtotal	Grand Total
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	Plan Development Expenses Not Paid by the Fund			
	1. Fees:			
	Fund Administrator	-		
	IDC	-		
	Distribution Agent	-		
	Consultants	-		
	Legal Advisers Tax Advisers	-		
	2. Administrative Expenses	-		
	Administrative Expenses     Miscellaneous	-		
		<del></del>		
Line 15b	Total Plan Development Expenses Not Paid by the Fund  Plan Implementation Expenses Not Paid by the Fund:		-	
Line 15b	1. Fees:			
	Fund Administrator			
	IDC			
	Distribution Agent	_		
	Consultants	_		
	Legal Advisers	_		
	Tax Advisers	_		
	2. Administrative Expenses	_		
	3. Investor Identification:	-		
	Notice/Publishing Approved Plan	-		
	Claimant Identification	-		
	Claims Processing	-		
	Web Site Maintenance/Call Center	-		
	4. Fund Administrator Bond	-		
	5. Miscellaneous	-		
	6. FAIR Reporting Expenses			
	Total Plan Implementation Expenses Not Paid by the Fund		-	
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			-
Line 16	Disbursements to Court/Other Not Paid by the Fund			
Line 16a	Investment Expenses/CRIS Fees		-	
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			-
Line 17	DC & State Tax Payments			-
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period	1		
Line 18b	# of Claims Received Since Inception of Fund	485		
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period	-		
Line 19b	# of Claimants/Investors Paid Since Inception of Fund	-		

Receiver: Geoff Winkler

Geoff Winkler (printed name)

Chief Executive Officer
American Fiduciary Services LLC
Receiver, Profit Connect Wealth Services, Inc.

Date: January 31, 2024

# EXHIBIT B

# EXHIBIT B

Schedule of Receiver's Receipts and Disbursements

# SECURITIES AND EXCHANGE COMMISSION V. PROFIT CONNECT WEALTH SERVICES, INC. ET AL. Case No. 2:21-cv-01298-JAD-BNW

### Schedule of Receiver's Receipts and Disbursements (LR 66-4(b)(3))

Date	Type	Amount	Reference	Name	Memo	Category
10/03/2023	Wire In	84,687.20	44	Agent Recovery - MCR	Payment to Account #59, Payment in Full	Litigation and Settlements
10/16/2023	Wire In	44,213.03	45	First American Title Company	Incoming Wire	Liquidation of Real Property
10/31/2023	Interest Credit	9,618.44	25	East West Bank	Interest Credit	Interest Income
11/03/2023	Wire In	25,000.00	46	Agent Recovery - RDT	Payment to A/R Account #73, RDT Payment Plan	Litigation and Settlements
11/10/2023	Deposit	203.06	100026	Agent Recovery - KGP	Payment to A/R Account #52, KGP Payment Plan	Litigation and Settlements
11/21/2023	Deposit	3,332.73	100027	Net Winner Recovery - RV	Payment to Account #104, Payment in Full	Litigation and Settlements
11/30/2023	Interest Credit	9,369.90	26	East West Bank	Interest Credit	Interest Income
12/12/2023	Deposit	203.06	100028	Agent Recovery - KGP	Payment to A/R Account #52, KGP Payment Plan	Litigation and Settlements
12/12/2023	Deposit	1,214.42	100029	Agent Recovery - RDT	Payment to A/R Account #73, RDT Payment Plan	Litigation and Settlements
12/27/2023	Deposit	300.00	100030	Former EE Recovery - JMS	Pay to A/R Account #89, JMS Payment Plan	Liquidation of Personal Property
12/29/2023	Interest Credit	9,697.01	27	East West Bank	Interest Credit	Interest Income