

Eduardo Espinosa

Akerman LLP

Member Profile as of June 23, 2022

National Association of Federal Equity Receivers



Eduardo Espinosa, 63298241

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**STATEMENT OF INTEREST FORM
NAFER BOARD OF DIRECTORS**

Name: Eduardo Espinosa

Address: 1430 San Rafael, #3600

City, State, Zip: Dallas, TX 75218

Telephone: 12146411719

Email: jdmba95@yahoo.com

Years you have been a receiver: 12

Years you have been a NAFER Member: 10

Profession: Attorney

Average annual number of cases: 3-4

1. Describe why you would like to be a member of the NAFER Board:
As a former regulator, a transactional lawyer and an MBA, my perspectives often bridge the gap between rigid technical analysis and pragmatic solutions. I will contribute the ability to consider the business and legal implications. Further, as one of the few Hispanic members, my active participation is demonstrative of NAFER's diverse composition.
2. Describe any significant efforts you have participated in on behalf of NAFER:
My partner and I were the initial Newsletter Committee and launched The Receiver's initial issues. I've been part of the Regulatory Outreach Committee; currently Co-Chaired the Regional Conference Committee with K.Johnson; launched the Receiver's Huddle concept; a panelist in the 2019 Regional Education Series in Dallas; moderated the 2022 Regional Event in Dallas; and hosted the 2020 and 2022 International Conference in Miami.
3. Describe any significant efforts you have participated in to improve the receivership process:
The Dallas 2022 Event, with the Regional Directors of the SEC and the FTC, focused on improving the agency-receiver relationship. In 2021, we launched the receiver's Huddle in order to promote informal communications among NAFER's members and deliver additional value during the pandemic. The 2019 Education Series with Judge Boyle, & Charlene Koonce went a long way towards debunking some myths and negative stereotypes.
4. Describe any significant efforts you have participated in on behalf of your specific profession:
We stand on the shoulders of those who came before us. Socially, technologically, economically, intellectually,... -- progress is a continuum. I support my profession by encouraging access, developing talent, and mentoring the next generation. In that regards, I am a Board Member of the Dallas Hispanic Bar Foundation, a 501(c)(3) organization committed to the advancement of Hispanics in the legal profession. Since its founding in 2006, the Foundation has awarded over \$450,000 in scholarships and internships to Hispanic law students and in grants to Hispanic high school and college students with interest in the law.
5. Describe any other items you would like for the voters to consider:
An active member since NAFER initial meeting in Ft. Worth; I've heard grumblings about the lack of diversity in our ranks. NAFER is diverse, but need to promote it internally and reflect it externally. We have excellent talent within NAFER, but we need to: involve the next generation in our cases; train them; and develop successors with the benefit of our experience and who don't have to repeat past mistakes to learn the same lessons. Apparently, my peers think enough of me to name me to the Best Lawyers in America for Bankruptcy (2021-2022) and D Magazine's Best Lawyers Corporate: Mergers and Acquisition (2022).



By submitting this statement of interest, I acknowledge receipt of the criteria and obligations of a board member and attest that, to the best of my knowledge, I can meet such criteria and obligations at this time.

Eduardo D Espinosa

Signature of Candidate

May 19, 2022

Date

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Please return forms to Jennifer Brinkley at naferstaff@nafer.org.*

Kevin Kent

Conrad O'Brien, PC

Member Profile as of June 23, 2022

National Association of Federal Equity Receivers



Kevin D. Kent, 63298303

Professional Address	Employer Name: Conrad O'Brien PC Title: Shareholder 1500 Market Street, Centre Square West Tower, Suite 3900 Philadelphia, Pennsylvania 19102 United States	Work Phone	215-532-8306
		Work Fax	
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E-mail	kkent@conradobrien.com	Mobile Phone	6103225818
Web Site	https://conradobrien.com		

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STATEMENT OF INTEREST FORM
NAFER BOARD OF DIRECTORS

Name: Kevin Dooley Kent

Address: 1500 Market Street, West Tower, Suite 3900

City, State, Zip: Philadelphia, PA 19102

Telephone: 215-864-9600 Email: kkent@conradobrien.com

Years you have been a receiver: 2 Years you have been a NAFER Member: 10 years

Profession: Attorney Average annual number of cases: 2

1. Describe why you would like to be a member of the NAFER Board:

Over the last eleven years, I have continuously gained substantial experience in federal equity receivership matters, and I feel that my experience will complement the organization and assist in furthering its interests, particularly in the Northeastern United States.

I have been a member of NAFER since 2012 and a member of its International Committee for many years. I want to help build the organization. I especially want to get involved now as NAFER (along with many organizations) is entering uncharted territory in how to grow and maintain this organization with the uncertainty surrounding the post-pandemic world. I view it as an exciting time to become a member of the Board of Directors as NAFER evolves while continuing to build upon its foundational blocks.

I am the federally appointed receiver in SEC v. Smith, have been the lead counsel to federally appointed receivers in both the FTC v. National Check Registry and FTC v. Click4Support matters, and was co-lead counsel to the receiver in the matter of SEC v. Young. Those receiverships and my role therein are summarized below:

- By court order dated June 29, 2020, I was named the federally appointed receiver in SEC v. Smith, No. 2:19-cv-17213 (D.N.J.), an SEC enforcement action against an operator of a fraudulent scheme, Brenda Smith, who was arrested August 2019 after collecting tens of millions of dollars from investors to use for obscure projects, credit card bills, and other personal expenses. This matter involves over \$1.5 billion in transactional activity. As receiver, my duties thus far include, but are not limited to, determining the nature, location and value of, and taking custody and control of, all assets and property interests of the receivership parties—including all real estate, personal property, office space, bank and brokerage accounts, and company interests, managing the receivership estate, utilizing receivership assets for the benefit of the estate, and taking whatever actions are necessary and appropriate for preservation of receivership assets. I am also responsible for defending all suits and claims brought against the receivership parties and receivership assets and facilitating the dissemination of information to defrauded investors. My team is now in the process of determining investor/creditor claims and pursuing several claw-back and damages claims against parties believed to be liable to the receivership entities.
- In SEC v. Young, No. 2:09-cv-01634 (E.D. Pa.), we achieved a nearly 80% rate of return on average for the victims of a complex ponzi scheme. This was an SEC enforcement action against an operator of a Ponzi scheme that defrauded tens of millions of dollars from investors in hedge funds he managed. Despite losses to investors and others exceeding \$34 million, we recovered



on the receiver's behalf more than \$30 million through litigation as well as the recovery and liquidation of property. This matter involved several litigations and claims against dozens of persons and entities, including but not limited to company insiders, investors, professional firms, brokers, non-profit organizations, and political organizations. Our efforts in that case involved securing, maintaining and selling numerous types of unique property, including real estate in Pennsylvania, Florida and Maine, horses, automobiles, boats, fine art, jewelry, silverware, and firearms. We also liquidated the defendant's interests in several limited partnerships and established a liquidating trust to maintain two outstanding but illiquid investments, one of which regularly produces income for the estate and the other of which may produce material income upon redemption. I currently serve as the Liquidating Trustee in that matter. I am in the process of taking steps to wind down the trust and distribute remaining funds.

- Federal *Trade Commission v. Click4Support, LLC et al.*, No. 2:15-cv-5777 (E.D. Pa.). I served as lead counsel to the Receiver in this Federal Trade Commission enforcement action against several related entities and individuals in the technical support services industry who are alleged to have made misrepresentations regarding their services in violation of the Federal Trade Commission Act and related statutes. The subject tech support scam involved services rendered to tens of thousands of customers, who have paid at least \$17.9 million for the allegedly fraudulent services. This receivership was recently completed.
- *Federal Trade Commission v. National Check Registry, LLC. et al.*, No. 2014-CV-490-A (W.D.N.Y.). I served as lead counsel to the receiver in this Federal Trade Commission enforcement action brought against several related entities and individuals in the debt collections industry found to be conducting business in violation of the Fair Debt Collections Act and related state statutes. The FTC determined that an excess of eight million dollars was collected by the agencies from individual consumers using a variety of unlawful practices. We worked in conjunction with the government to assess the nature of the agencies' practices, halted all collection activities, managed the remaining operations of the agencies, handled a variety of employment, payroll and tax issues, collected, analyzed and responded to a variety of claims made against the agencies and worked with forensic accountants to maximize the assets of the receivership by managing and limiting liabilities, liquidating certain physical assets and pursuing claw back claims related to the misappropriation of receivership funds. This receivership is in the process of being wound up.

2. Describe any significant efforts you have participated in on behalf of NAFER:

I have been on NAFER's International Committee for several years, and appreciate that involvement given that I am licensed as a lawyer (solicitor) overseas in England and Wales. I am usually licensed in Ireland as well but am not currently maintaining my practicing certificate (annual license) due to regulatory changes requiring an office in Ireland, which I do not have, but I remain on the Roll of Solicitors there. I have been part of the planning for the 2021 and now 2022 International Conference that has been postponed due to the pandemic to June 2022. Years ago, I also contributed to the initial work-up of possible strategies in which to enhance NAFER's profile with the media, including the International Consortium of Investigative Journalists, in the time following the release of the Panama Papers. Similarly, in connection with potentially expanding NAFER's international footprint, I researched and provided to the committee a compilation of professional firms (primarily law and accounting) most heavily involved in receivership and insolvency work in Ireland. Most of the that work was from 2015-2017.



3. Describe any significant efforts you have participated in to improve the receivership process:

I worked with the SEC and IRS in attempts to determine a more efficient manner of addressing the victim / creditor distribution process while minimizing personal exposure to a receiver under 31 U.S.C. § 3713(b) after the IRS ceased its policy of entering closing agreements for that purpose. Essentially, this was an effort to address the problem recognized in *SEC v. Credit Bancorp*, 297 F.3d 127 (2d Cir. 2002) (reversing, due to lack of subject matter jurisdiction and IRS' sovereign immunity, District Court's grant of receiver's motion for declaration that debts of corporation to its customers had priority over tax liabilities, and that receiver could use and distribute receivership assets without being held personally liable for defendants' or receivership's federal tax obligations). This resulted in a meaningful dialogue with the IRS and SEC, as well as a tailored resolution addressing this problem in the context of a specific case. I continue to explore with the IRS more efficient ways to address similar tax issues in my current role as a receiver.

4. Describe any significant efforts you have participated in on behalf of your specific profession:

I wrote the Chapter on Ireland for the American Bar Association's "Guide to International Bar Admissions" which was published in June 2012.

I was one of the Co-Chairs, a Member of the Planning Commission and a Presenter for the U.S.-Ireland Law and Business Symposium in 2011, 2012, and 2013, which brought lawyers and judges from both sides of the Atlantic together to address various transatlantic legal issues. Each of the events also featured the then Taoiseach (Prime Minister) of Ireland, Enda Kenny.

I was our firm's first board member of the Philadelphia Diversity Law Group (PDLG), serving from 2017-2019. The PDLG is committed to fostering participation of a more diverse group of lawyers in the Greater Philadelphia Region. Although I am no longer on the board, I continue to contribute to my firm's efforts with PDLG in supporting events and those that are the current firm representatives. I also continue to support our firm's diversity recruitment in my role on the firm's three-person Executive Committee.

In an effort to explore options beyond the billable hour and as clients look to redefine their billing arrangements with legal providers, I have become the lead partner in my firm in creating and implementing Alternative Fee Arrangements (AFAs) with our clients. In 2018, I was named a 2018 "Law Firm Innovator" by The Legal Intelligencer (an ALM publication) for my work using AFAs. This award recognized lawyers who "think outside the box and have demonstrated an ability to distinguish their brands in a crowded market." I was recognized for emerging within the firm and legal profession as a leader in developing alternative fee arrangements.

Particularly relevant to NAFER, I presented "Red Flags: The Moving Target of 'Notice' in Fraudulent Transfer and Clawback Litigation" to the Philadelphia Area Chapter of the Association of Certified Fraud Examiners.

5. Describe any other items you would like for the voters to consider:

I would ask that the committee consider my firm's involvement generally in receivership work. Conrad O'Brien has a robust receivership practice: <https://conradobrien.com/our-expertise/commercial-litigation#receiverships>. Retired partner and Chief Judge Emeritus of the U.S. District Court for the Eastern District of Pennsylvania, Judge Louis C. Bechtel, served as the receiver in the highly successful *SEC v. Young* receivership for which I was counsel, and which resulted in an approximately 80% cumulative return to investors. Similarly, my partner Patricia Hamill has served as lead counsel to receivers in many federal receivership matters. Patricia joined NAFER in 2012 and was one of NAFER's original board members. My colleagues Andrew Gallinaro, Megan Guernsey, and Robin Weiss also have extensive experience representing federal equity receivers.



By submitting this statement of interest, I acknowledge receipt of the criteria and obligations of a board member and attest that, to the best of my knowledge, I can meet such criteria and obligations at this time.

/s/ Kevin Dooley Kent
Signature of Candidate

May 6, 2022
Date

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Please return forms to Jennifer Brinkley at naferstaff@nafer.org.*

Byron Moldo

Ervin Cohen & Jessup LLP

Member Profile as of June 23, 2022

National Association of Federal Equity Receivers

Byron Moldo, 63298208

Professional Address	Employer Name: Ervin Cohen & Jessup LLP Title: Partner 9401 Wilshire Blvd., 9th Floor BEVERLY HILLS, California 90212-2945 United States	Work Phone	310-281-6354
		Work Fax	
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E-mail	bmoldo@ecjlaw.com	Mobile Phone	
Web Site	http://www.ecjlaw.com		

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STATEMENT OF INTEREST FORM
NAFER BOARD OF DIRECTORS

Name: Byron Z. Moldo

Address: 9401 Wilshire Boulevard, 9th Floor

City, State, Zip: Beverly Hills, CA 90212

Telephone: 310.281.6354 **Email:** bmoldo@ecjlaw.com

Years you have been a receiver: 25+ **Years you have been a NAFER Member:** 10

Profession: Attorney **Average annual number of cases:** 3-5

1. Describe why you would like to be a member of the NAFER Board:

I have been an active member of NAFER for 10 years. I believe that the next step in my involvement with NAFER would be as a member of the Board of Directors, and in a leadership role

2. Describe any significant efforts you have participated in on behalf of NAFER:

See attached page

3. Describe any significant efforts you have participated in to improve the receivership process:

I have been actively involved in the development and presentation of many events conducted by the California Receivers Forum. including their biannual Loyola educational conferences. My involvement has included attendance at regular meetings where I have been a panelist several times, and as well as their biannual Loyola education conferences where I have also been a panelist and moderator of programs.

4. Describe any significant efforts you have participated in on behalf of your specific profession:

I serve as a mediator for the United States District Court and United States Bankruptcy Court, Central District of California for over 20 years. I also have served as a Temporary Judge for the Los Angeles County Superior Court.

5. Describe any other items you would like for the voters to consider:

I am an equity partner at Ervin Cohen & Jessup LLP, and a member of the firm's Executive Committee. In addition, I am the chairperson of the firm's Bankruptcy, Receivership and Creditors' Rights practice group.

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Signature of Candidate

5/17/22

Date



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2. Significant efforts on behalf of NAFER:
 - a. Attend NAFER annual conference i 2014, 2015, 2016, 2018, 2019, 2020 (virtual), and 2021.
 - b. Member of the 2015 Conference Committee for the 2015 annual conference.
 - c. Speaker at 7/23/14 NAFER/BMS presentation in Los Angeles.
 - d. Attend 9/28/14 NAFER/Glass Ratner event in Los Angeles.
 - e. Speaker at 2016 NAFER annual conference (Washington, D.C.) – “Money, Money, Money: Tax, Insurance, Expenses and Reporting.”
 - f. Speaker at 2019 NAFER annual conference (Scottsdale, AZ) – “Can That Be Included Too? Expanding the Scope of the Receivership.”
 - g. Member of the Membership Committee since 2013.
 - h. Member Tax & Compliance Committee since 2021.

Kathy Bazoian Phelps

Raines Feldman LLP

Member Profile as of June 23, 2022

National Association of Federal Equity Receivers



Kathy B. Phelps, 63298308

Professional Address	Employer Name: Raines Feldman LLP Title: Partner 1800 Avenue of the Stars, 12th Fl Los Angeles, California 90067 United States	Work Phone	(310) 424-4080
		Work Fax	
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E-mail	kphelps@raineslaw.com	Mobile Phone	(310) 488-4883
Web Site	http://www.raineslaw.com		

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STATEMENT OF INTEREST FORM
NAFER BOARD OF DIRECTORS

Name: Kathy Bazoian Phelps
Address: 1800 Avenue of the Stars, 12th Fl
City, State, Zip: Los Angeles CA 90067
Telephone: 310 42404080 Email: kphelps@raineslaw.com
Years you have been a receiver: 4 Years you have been a NAFER Member: 11
Profession: Lawyer Average annual number of cases: 3

1. Describe why you would like to be a member of the NAFER Board:

I have served on the board from 2012 -2014 and 2016 to the present. I have been an active participant on the board and on various committees of NAFER and believe that I can continue to contribute significantly to the organization in a leadership role. I have been an active contributor to NAFER since its early years and have not only made valuable business connections but have also made real friends in the organization. I hope to continue to serve on the board of directors, offering my experience in receivership matters and my leadership skills to help promote the mission of NAFER. I highly value my relationship with NAFER – what I have put in and taken away from the organization has been an important component of my professional career.

2. Describe any significant efforts you have participated in on behalf of NAFER:

I served as co-chair of the Conference Committee for many years, helping to develop education content and design the choreography of the conferences. I have also served as the Chair of the Judicial Outreach Committee and developed the program for education of the judiciary in concert with regulators for local presentations. I continue to participate actively on the Conference Committee, the Judicial Outreach Committee, the Regional Committee, and the Tax Committee.

3. Describe any significant efforts you have participated in to improve the receivership process:

I collaborate with other receivers and discuss unique issues arising in receivership case to help develop new ideas and streamlined processes in the receivership cases we have on an ongoing basis. The sharing of ideas and pleadings advances the practice for all receivers. I have also met with judges and regulators to help identify concerns and streamline processes in receivership cases.

4. Describe any significant efforts you have participated in on behalf of your specific profession:

I co-authored *The Ponzi Book: A Legal Resource for Unraveling Ponzi Schemes*, with Hon. Steven Rhodes, which has garnered national and international attention as the authoritative work on Ponzi scheme law. In addition to my role as a lawyer, I am a frequent speaker on topics related to receivership and bankruptcy, and I also serve as a mediator. I also serve on the board of the Los Angeles Bankruptcy Forum, the Association of Certified Financial Crime Specialists, and I am the editor-in-chief for the *Receivership News*.



5. Describe any other items you would like for the voters to consider:

By submitting this statement of interest, I acknowledge receipt of the criteria and obligations of a board member and attest that, to the best of my knowledge, I can meet such criteria and obligations at this time.

/s/ Kathy Bazoian Phelps

Signature of Candidate

5/19/22

Date

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Peter Zlotnick

Moritt Hock & Hamroff LLP

Member Profile as of June 23, 2022

National Association of Federal Equity Receivers



Peter B. Zlotnick, 63298358

Professional Address	Employer Name: Moritt Hock & Hamroff LLP Title: Partner 1407 Broadway Suite 3900 New York, New York 10018 United States	Work Phone	212-239-7275
		Work Fax	
Personal Address	1407 Broadway 39th Floor New York, New York 10018 United States	Home Phone	212-239-7275
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Web Site	http://www.moritthock.com		

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STATEMENT OF INTEREST FORM
NAFER BOARD OF DIRECTORS

Name: Peter B. Zlotnick

Address: c/o Moritt Hock & Hamroff LLP, 1407 Broadway, 39th Floor, NY, NY 10018

City, State, Zip: _____

Telephone: (551) 246-4113 (cell) Email: pzlotnick@moritthock.com

Years you have been a receiver: 22 Years you have been a NAFER Member: 10

Profession: Attorney Average annual number of cases: 2

1. Describe why you would like to be a member of the NAFER Board:

Having served on a number of NAFER Committees and Sub-Committees, including Co-Chairing the Regulatory Outreach Sub-Committee and serving on the Best Practices, Membership and Amicus Committees, I have a long history of participating in the leadership of the organization, dating back to the second year of its existence. I have also served in leadership roles as an equity partner of my law firm, Moritt Hock & Hamroff LLP; I currently am the Co-Chair of MHH's Real Estate Condominium and Cooperative Practice Group and serve as a Member of its Long-Term Planning Committee, Litigation Steering Committee and Lateral Recruiting Committee. I previously served as the General Counsel of the New York City office of an AmLaw 100 law firm, as well as the Chair of the Recruiting Committee and in various other leadership capacities at that law firm others with which I have been affiliated. I also have served on the boards or advisory boards of numerous other organizations, including the Make-A-Wish Foundation of the Metro-NY Region, the Condominium and Cooperative Committee of the Association of the Bar of the City of New York, and the Ethics Committee of the New York County Lawyers Association. Additionally, in 2015 I was selected to serve as a member of the Fourth Cohort of the Russell and Angelica Berrie Foundation's Mid-Career Leaders Fellowship Program. Until last year, I also served for more than a decade on the Board of Trustees and Executive Committee of Temple Sinai of Bergen County, New Jersey, and was elected by the members of Temple Sinai to serve in various leadership capacities, including as its President from 2016-2021. Lastly, I have been appointed by numerous federal judges to serve as a federal equity receiver, public fiduciary or principal general counsel and/or special litigation counsel to federal receivers



in a wide variety federal equity receiverships brought by the Federal Trade Commission (“FTC”), the Commodity Futures Trading Commission (“CFTC”) and other federal regulatory and law enforcement agencies. Based on my longstanding leadership history within NAFER and the professional and other leadership roles in which I have had the honor to serve, I believe my professional and organizational experiences make me particularly well-suited to contribute to the ongoing vitality and vibrancy of the National Association of Federal Equity Receivers and it would be a privilege to be invited to join the NAFER Board.

2. Describe any significant efforts you have participated in on behalf of NAFER:

See answer to Question No. 1.

3. Describe any significant efforts you have participated in to improve the receivership process:

In my capacity as Co-Chair of the NAFER Regulatory Outreach Sub-Committee, I have met with numerous senior officials of the FTC, CFTC, the U.S. Consumer Financial Protection Bureau, the Securities and Exchange Commission and other regulators and members of the judiciary to educate them about the role that equity receivers can play in the enforcement proceedings that their governmental branches or agencies bring against alleged perpetrators of various fraudulent schemes intended to deceive innocent investors and consumers. This outreach activity has served to elevate the role of receiverships and of NAFER as an effective enforcement resource for these federal regulatory and judicial bodies. In my capacity as a member of the NAFER Best Practices Committee, I have also taken part in drafting forms and templates to assist NAFER members and the receivership and regulatory community at large with respect to such items as form “first day orders,” receivership check-lists and other standard receivership documents and tools. I have also participated in researching and drafting of amicus briefs that were considered and/or filed with federal courts in connection with issues germane to the receivership community. Likewise, I have authored numerous articles and presented at various programs on federal equity receiverships over the past 25 years (a list of my articles and presentations is available upon request, as are references for the receiverships in which I served as receiver or counsel t the receiver).




4. Describe any significant efforts you have participated in on behalf of your specific profession:

See answers to the above Questions. I have also been recognized annually by my peers in the legal community for approximately the past 10 years for prominent achievements of excellence as a member of SuperLawyers™ and by Martindale-Hubbell™ as an AV-rated preeminent attorney. And, in addition to being selected to serve as a federal equity receiver, I have successfully litigated on behalf of and counseled innumerable clients in a broad array of complex commercial and real estate disputes (a list of prominent cases and their results can be provided upon request).

5. Describe any other items you would like for the voters to consider: In addition to my professional and receivership accomplishments, I have been married for 30 years to my wife Ronni Zlotnick. We have three incredible children who reflect the best of what I have to offer the world. I had the good fortune to study at Colgate University where I earned a B.A. in International Relations/Political Science and graduated with Honors. After completing my studies at Colgate, I then completed law school and graduate school in four years, earning a Masters in Public Policy from Harvard University's John F. Kennedy School of Government and a Juris Doctorate from the Benjamin N. Cardozo School of Law of Yeshiva University. Upon graduating, I have practiced law continuously for the past 32 years.

By submitting this statement of interest, I acknowledge receipt of the criteria and obligations of a board member and attest that, to the best of my knowledge, I can meet such criteria and obligations at this time.



Signature of Candidate



Date

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