

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Case No.: 9:20-cv-81205-RAR

SECURITIES AND EXCHANGE COMMISSION  
Plaintiff

vs.

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,  
d/b/a PAR FUNDING, *et. al.*  
Defendant

\_\_\_\_\_ /

**NOTICE OF COMPLIANCE**

COMES NOW, Defendant Joseph Cole Barleta (“Cole”), by and through his Undersigned Counsel, and files the instant NOTICE OF COMPLIANCE.

1. On August 17, 2023, the Court instructed Joseph Cole Barleta [D.E. 1668] to demonstrate full compliance in the production of documents requested by the Receiver, and submit declarations under the penalty of perjury that Cole has complied with the Courts Order.
2. The Court has given Cole and his counsel until August 22, 2023 to comply.
3. On August 23, 2023, Cole has submitted to the Receiver additional documents that he has. He has no other documents to produce, and has indicated the same in his declaration.
4. Cole has produced all of the documents he has regarding the company FL Memory Lane, LLC. and Helliz Abbwal, LLC., as well as all of the property related that he has in his possession.
5. Cole has also produced additional statements.

6. All in all, Cole has produced an additional 112.3 megabytes of documents, or 305 additional items.

Respectfully submitted,

Law Offices of Andre G. Raikhelson, LLC.  
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/s/ Andre G. Raikhelson  
ANDRE G. RAIKHELSON  
FBN:. 123657

**DECLARATION OF JOSEPH COLE BARLETA.**

1. I am over 18 years old and competent to testify.
2. On March 19, 2022, Receiver Ryan K. Stumphauzer filed a Motion to Compel Joseph Cole Barleta to produce ten categories of documents that included: a. Real Estate b. Stocks, bonds, and securities c. Bank Accounts d. Safety Deposit Boxes e. Automobiles f. Indebtedness owed to Cole g. Partnerships and other Business Interests h. Trusts i. Other Property j. Disposed of Property
3. I originally objected based on the assertion that such document production violated my Fifth Amendment rights. At all material times, I acted with the advice of counsel, Bettina Schein.
4. Ultimately, the Court overruled or denied my request, and an appeal was filed, this time by my, then, appellate counsel, Andre Raikhelson.
5. Ultimately, Ms. Schein withdrew from representing me, and the Court entered a Final Judgment of Disgorgement.
6. Since that time, I have instructed my attorney, Andre Raikhelson, to make efforts with the SEC as they attempt to collect on their disgorgement judgment.
7. In the meantime, on April 24, 2023, over a year since the initial request was made, the Receiver filed a Motion for Order to Show Cause, which was granted.
8. The result of that Order to Show Cause was an in-person evidentiary hearing where the Court demanded compliance with the original request.
9. After the Court entered its Order holding me in Contempt of Court, I immediately started to gather documents responsive to the Request and a Summary of Assets. I submitted a

series of documents, and when Mr. Alfano stated there were deficiencies, I submitted another batch of documents. Ultimately, my production was not threadbare, but had over 299 items, accounting for roughly 83 megabytes of data.

10. After my second round of production, the Receiver did not state any deficiencies until the latest status hearing.
11. I was advised, after a reading of the original order, that the documents requested called for "assets," which I know as an accountant does not include liabilities.
12. This Court clarified that this is not so on Docket Entry 1668.
13. As such, I can declare that all of the Statements that I have provided thus far were those statements in my possession. I have reviewed the production again, and can confirm that I have produced all of the statements.
14. As far as property documents, I have produced additional documents pursuant to the Court's clarification of its original Order directing the document production.
15. As far as Mortgage Documents, I have the original mortgages to my primary residence, but do not keep copies of statements.
16. As far as Fidelity account disbursements, I have provided all of the statements. I have conducted a diligent search and cannot find copies of checks, but assuming the funds were used – they were used mostly for routine living expenses.
17. Ultimately, at all material times, I was acting on the advice of counsel and believed that I have always complied with this Court's Orders.

**DECLARATION**

Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true

Date: 08/24/23

Signature: 

**DECLARATION OF ANDRE G. RAIKHELSON, ESQ.**

1. I am over 18 years old and competent to testify.
2. I am the sole proprietor and owner of the Law Offices of Andre G. Raikhelson.
3. I am currently licensed to practice law in the State of Florida, the District of Columbia, the Middle District of Florida, the Southern District of Florida, the Northern District of Florida, and the Eleventh Circuit Court of Appeals.
4. I have also appeared Pro Hac Vice in complex matters in the District Court for New Hampshire, New Hampshire State Court, California State Court, California Arbitration (requires Pro Hac Vice admission), and the State Court of South Dakota.
5. I have entered an appearance on or about August 12, 2020 as local counsel to Bettina Schein, and have since been promoted to lead counsel for Mr. Barleta, as well as his Appellate Counsel based on my experience in other matters.
6. On March 19, 2022, Receiver Ryan K. Stumphauzer filed a Motion to Compel Joseph Cole Barleta to produce ten categories of documents that included: a. Real Estate b. Stocks, bonds, and securities c. Bank Accounts d. Safety Deposit Boxes e. Automobiles f. Indebtedness owed to Cole g. Partnerships and other Business Interests h. Trusts i. Other Property j. Disposed of Property
7. Cole originally objected, through prior counsel Bettina Schein, arguing that the production of such documents would violate his Fifth Amendment privilege because the act of producing the documents is testimonial in nature.

8. The Court overruled Cole's objections, and an appeal was filed in the Eleventh Circuit - Case Number 22-11694. Ultimately, that appeal was dismissed, not on the merits, but on jurisdictional grounds.
9. On April 24, 2023, over a year since the initial request was made, the Receiver filed a Motion for Order to Show Cause, which was granted by the Court.
10. Ultimately, a Show Cause hearing was held where Cole testified. I raised various arguments, none of which were Fifth Amendment Privileges. The argument that I raised were that the Receiver lost all of his power post-final judgment, and that the original order was stale. I believed, in good faith, that these were novel arguments that the Court had not rejected.
11. The Court found that neither of these arguments were made in good faith, that the arguments had been previously rejected, and turned to sanction Cole.
12. Following that, Cole filed an Appeal of the Sanctions, Case No. CASE NO.: 23-11927 based on what I believe the Eleventh Circuit's interpretation of 28 U.S. Code § 1291 was in *In re Subpoena*, 58 F.4th 1232 (11th Cir. 2023).
13. Notwithstanding the pending appeal, I did not seek a stay and directed Cole to gather the documents for production. Cole, in good faith, attempted to produce all of the documents that he believed were responsive to the original order, indicating various categories of documents showing what assets Cole had.
14. In that, Cole produced 299 documents after two rounds of production, along with a Notice of Compliance that was filed in good faith. There is no indication that the filing of the Notice of Compliance, either by Cole or myself was not done in good faith.

15. In fact, the Receiver never mentioned anything deficient in the production until the most recent Status Conference.
16. After meeting and conferring, and without waiting for a response to my last email to the Receiver, the Receiver did not seek another order showing cause, but instead filed a motion that the Receiver titled as a "Motion to Strike." In reality, it was a motion for sanctions because the Receiver sought a *per diem* fine, nor established any of the elements necessary for the Court to Strike a document.
17. The Court properly denied in large part the Receiver's "Motion to Strike" and instructed Cole to perform a more diligent search, among other things.
18. Cole has endeavored to conduct a more diligent search and has produced additional documents responsive to the Court's instruction in docket entry 1668.
19. Cole has provided all of the Banking Statements in the original two rounds of production and has nothing further to produce.
20. As far as property documents, Cole has conducted a more diligent search, and have found additional documents to produce, which have been produced.
21. As far as Mortgage Documents, Cole has the original mortgage to his primary residence, but does not keep copies of banking statements.
22. As far as Fidelity account disbursements, Cole has provided all of the statements in prior iterations.



**DECLARATION**

Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true

Date: August 22, 2023

Signature: /s/ Andre G. Raikhelson, Esq.