

April 10, 2016 Certified Mail No: 70150640000391942951 Shreyans H. Desai

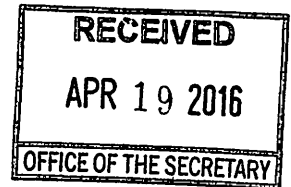


Hon. Judge Brenda P. Murray
Chief Administrative Law Judge
Securities and Exchange Commission
100 F St. NE
Washington, DC, 20549

APR 19 2016

Office of Administrative
Law Judges

Re: Securities and Exchange Commission v. Desai, et al
U.S. District Court, District of New Jersey Case No. 2:11-cv-05597
Administrative Proceeding File No.: 3-17035



Dear Hon. Judge Murray:

Please review attached **Exhibit A**, the most recent certified letter of April 05, 2016, by SEC's Attorney, Ms Christina McGill, which changes the entire case against me.

It is my prayer that I have constitutional rights to seek justice and I should be granted the permission to have an access to all the statements from Nirav Patel and I need an access to all the lawyers documents about which Attorney McGill is talking about in her letter, Exhibit A.

Without all the above mentioned documents I am not in any position to defend myself in any shape or form. Mr. Stoelting and Ms. McGill should have produced all of the documents, notes, theories and decisions to Hon. Mark Falk when we all met for the Hearing on July 2012.

Ms. McGill has not mentioned that did she communicate with Hon. Judge Martini about the contents to which have been kept hidden from me. I am in a process to file a formal complaint against Hon. Judge Martini to the Chief Justice of the District Court and to the Chief Justice of the Supreme Court of the United States.

Please review **Exhibit B**. The Probation Officer was not able to speak to Mr. Nirav Patel to confirm that I defrauded him before I was sent to prison for 15 months. It is my prayer to Ms. McGill to update the hidden details about Nirav Patel to the Probation Department of District Court of New Jersey. Please note that my next meeting with the Probation Department regarding my three year probation is scheduled for May 03, 2016

In light of Exhibit A, I request to Ms. McGill to contact the Bureau of Securities of New Jersey informing the Bureau to delay the state proceedings until SEC's Administrative Proceedings are completed. Please note that the next conference for New Jersey Bureau of Securities is scheduled for May 02, 2016. I will also contact them myself; however, if Ms. McGill is kind enough to inform the Bureau, then they might consider my request to adjourn.

Until May 02, 2016, I am at the Halfway House in Newark NJ. I was allowed to meet with an attorney for two hours on March 29, 2016. However, at that time I had not received Ms. McGill letter, Exhibit A. After I received Ms. McGill letter, Exhibit A, I did speak to my attorney over the phone and accordingly my attorney's initial reaction was that Ms. McGill's letter is shocking and is a game changer. I am trying to get the permission to see my attorney for a second time; my father is also trying to put together or borrow for a retainer to hire this attorney. In case if my father is unable to borrow money for the retainer for an attorney, then I will proceed as a pro se.

It is my humble opinion that without my 50% partner Siddharth Patel as a party in this matter, how are we going to resolve this matter? I reserve the right to file a civil action against my partner's attorney, Paul Brickfield, and my partner Siddharth Patel. Please note that my partner's attorney, Mr. Paul Brickfield had interfered with criminal proceedings without any authorization.

Please review **Exhibit C**, a declaration from Mr. Urjo Dhyam. Please note that I do not agree with many of the statements and allegations in his declaration. I beg that I am allowed to send a basic 10 questions interrogatory with 5 questions follow-ups to UD.

After reading Exhibit A, the most important question that I ask myself is why Shreysiddh Capital was FORCED to close down and why there were no administrative proceedings in 2011? Does SEC have jurisdiction on Forex? Had we been allowed to continue, solely by Forex trading Siddharth and I would possible have covered all of loses.

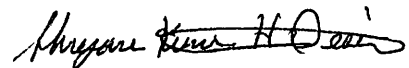
Somehow, I believe these current Administrative Proceedings appear to be a cover up for all of SEC's previous short-cuts. The simple answer is that Shreysiddh Capital should be allowed to continue the business right away and SEC should bring the two Thinkorswim Accounts to the level when SEC forced us to close down. Mr. Stoelting, Ms. McGill, and SEC are responsible and accountable for any and all of loses. If I was a 90%

owner/shareholder of Shreysiddh Capital, then I would not have made all these arguments. It is a very serious discrimination by SEC to charge me and to leave my equal partner free. The way it could have been done is that my partner should have been a party and partner's lawyer, Mr. Paul Brickfield should have filed a motion explaining the reasons that why Siddharth Patel is not guilty. Due Process violations are above any and all Securities and Exchange Commission's Rules. Due Process is cornerstone of our Constitution; all along, since February 2011 the Securities and Exchange Commission have seriously violated my Due Process/Constitutional Rights.

Upon my conclusion of my incarnation on May 02, 2016, I will be in a position to review ALL the paperwork of last 5 years. Ms. McGill's letter, Exhibit A, changes everything and because of Exhibit A, I request that I am granted until May 10, 2016 to submit additional details and additional area of concerns.

Moreover, because of Exhibit A, I request for oral arguments to be held in New York City. Until the Hon. Judge decides about the Administrative Proceedings, in the interim, I request all of the restrictions of trading should be lifted on Shreysiddh Capital and on me.

Respectfully Submitted By,



Shreyans H. Desai

CC: Attorney Ms. Christina McGill, SEC at Securities and Exchange Commission, 100 F St. N.E., Washington, DC, 20549 via USPS First Class with Certificate of Mailing, on April 11, 2016



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 F Street, NE
Washington, D.C. 20549

DIVISION OF ENFORCEMENT

April 5, 2016

BY CERTIFIED MAIL

Mr. Shreyans Desai
Reg. No 63833-050
RRM New York
100 29th Street, 2nd Floor
Brooklyn, NY 11232

Mr. Shreyans Desai
7 Ramsey Road
Edison, NJ 08820

Re: In the Matter of Shreyans Desai, AP File No. 3-17035

Dear Mr. Desai:

We write in response to the four questions raised in your letter dated March 23, 2016.

Question 1: "Could you please mail me a copy of Nirav Patel's (NP) complaint against me or a [sic] Nirav Patel's affidavit?"

The Division of Enforcement is not in possession of any complaints or affidavits by Nirav Patel. During the Investigation of this matter, Division attorneys prepared notes concerning an interview of Nirav Patel that reflect their thoughts, opinions and mental impressions. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the investigative files privilege and deliberative process privilege. In addition, during the Investigation, Division attorneys reviewed notes from agents from the Federal Bureau of Investigation. The Division does not possess any of these notes; however, Division attorneys were allowed to review these memoranda at the offices of the United States Attorney for the District of New Jersey and to take notes. These notes reflect the thoughts, opinions, and mental impressions of Division attorneys. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the common interest privilege, the investigative files privilege, and the deliberative process privilege.

Exhibit A
Page 1 of 2

Question 2: “Does the Securities and Exchange Commission have Jurisdiction on Forex Trading?”

As set forth by Chief Administrative Law Judge Brenda P. Murray during the February 18, 2016 prehearing conference, this is a follow-on administrative proceeding based solely on the judgments against you entered in criminal and civil proceedings. The purpose of these proceedings is not to examine “court findings and determin[e] whether the court findings were right or wrong” (Tr. 4) but simply to determine whether you were in fact enjoined from violating the federal securities laws in the civil action and whether you were convicted in the parallel criminal action, and, if so, to determine appropriate administrative remedies. Given the nature and scope of this proceeding, issues that may have been relevant to the civil action against you (e.g., jurisdiction) are not at relevant to this proceeding.

Question 3: “Can you please give me an explanation as to why there wasn’t [an] administrative proceeding conducted before you filed your complaint against me on 09/27/2011?”

As set forth in the response to Question 2, this administrative proceeding is based on the judgments entered against you in civil and criminal proceedings, and, as such, was filed after the entry of those judgments.

Question 4: “Do you think this current administrative proceeding would be fair and just without my 50% partner Siddharth Patel, Nirav Patel, and Urjo Dhyam’s participation?”

As Chief Judge Murray explained during the prehearing conference, the involvement of third parties has no bearing on the follow-on administrative proceeding entered against you. (See Tr. 5-6, 13).

Sincerely,



Christina M. McGill
Division of Enforcement

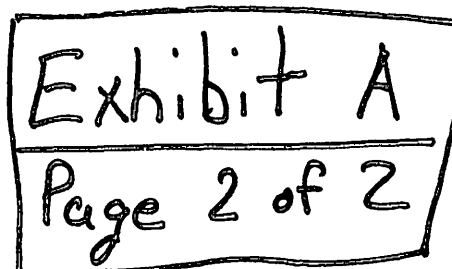


Exhibit A
Page 2 of 2

38. The case agent provided the probation office with telephonic contact information for victims N.P. and U.D. The contact telephone number for N.P. was not in service. Current contact information was not provided, pursuant to our request.

39. U.D. was contacted and subsequently certified his loss of \$100,000. He advised the probation office that he "invested/gave" Desai a total of \$160,000, of which \$60,000 was returned. We note that there is a \$10,000 discrepancy concerning these funds as the government believes U.D. is owed \$90,000 in restitution and not \$100,000.

Adjustment for Obstruction of Justice

40. The probation officer has no information suggesting that the defendant impeded or obstructed justice.

Adjustment for Acceptance of Responsibility

41. During the presentence interview, the defendant admitted to the count of conviction and did not deny any relevant facts of the offense. On behalf of Desai, defense counsel intends to submit a statement outlining the defendant's acceptance of responsibility and version of the offense. In anticipation of that statement and in deference to his guilty plea and admission of fact to the probation office, pursuant to U.S.S.G. § 3E1.1, the defendant qualifies for an adjustment for acceptance of responsibility.

Offense Level Computation

*42. The November 1, 2014, edition of the Guidelines Manual has been used in this case.

43. Pursuant to U.S.S.G. § 3D1.2, the two counts of conviction are grouped together, since the offense level is determined by the total amount of loss.

Counts One & Two - Wire Fraud

44. **Base Offense Level:** The United States Sentencing Commission Guideline for violation of 18 U.S.C. § 1343 is found in U.S.S.G. § 2B1.1(a)(1) and calls for a base offense level of 7 as the defendant was convicted of an offense referenced to this guideline, and that offense of conviction has a statutory maximum term of imprisonment of 20 years or more.

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45. **Specific Offense Characteristic:** The loss associated with the defendant is \$125,250; therefore, pursuant to U.S.S.G. § 2B1.1(b)(1)(F), 10 levels are added for losses greater than \$120,000, but less than \$200,000.

+10

46. **Victim-Related Adjustments:** None.

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Exhibit B

DECLARATION OF URJO N. DHYAN

I, Urjo N. Dhyan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am 37 years old and reside in Edison, New Jersey. This declaration is based on my personal knowledge, information and belief.

2. I met Shreyans Desai and his father, Harshad Desai, in early 2010 through an acquaintance. This acquaintance told me that he had invested with Shreyans and that his investment of \$40,000 had grown to approximately \$130,000.

3. The first time we met, Shreyans told me that he had a securities brokerage license and that money invested with his company, Shreysiddh Capital, LLC, would be insured. Shreyans told me that he had worked as a day trader for two years and his performance had been extraordinary. Shreyans also told me that he had been in the Air Force.

4. Shreyans and I then exchanged e-mails about setting up another meeting at Shreysiddh's offices. Copies of e-mails that Shreyans and I exchanged are attached as Exhibit A.

5. I met with Shreyans and his father Harshad in Shreysiddh's offices in Iselin, New Jersey in March 2010. While I was there, Shreyans showed me account statements for several investors on a computer screen. One of the accounts Shreyans showed me belonged to my acquaintance, and, while I don't remember the exact stated value of the account, I recall the value was approximately \$130,000. Shreyans also told me that my money would be kept separate from other investors and that he would take 50% of any profit in my account as compensation. Harshad further assured me that the investment would be safe and insured.

6. Shreyans provided me with an Account Application and Client Agreement. Copies of these documents are attached as Exhibits B and C.

7. In March 2010, I gave Shreyans \$50,000 to invest.

Exhibit C
Page 1 of 4

8. About two months later, on May 6, 2010, Shreyans called me and said that he had achieved a 100% return on my investment. When I visited Shreysiddh's offices on May 7, 2010, however, Shreyans told me that the market had since crashed and asked for more money so that he would not be forced to liquidate positions in my account. Several weeks later, I gave Shreyans \$100,000: three checks totaling \$71,000 and \$29,000 in cash.

9. Shortly after my second investment, Harshad came to my office and gave me two letters on SSC letterhead signed by Shreyans. According to these letters, my investment of \$150,000 had grown to a value of almost \$260,000. They also showed that I had been charged \$50,000 in "commissions and fees," resulting in a "net cash liquid" value of \$204,928.44. Copies of those letters are attached as Exhibit D.

10. From July 2010 to November 2010, I received additional statements from Shreyans by e-mail stating that the net value of my account increased from just over \$200,000 in July 2010 to just over \$410,000 by November 2010). Those statements are attached as Exhibits E to J.

11. For example, on October 29, 2010, Shreyans e-mailed me that he was attaching a statement "from the time when the account was opened t[i]ll now." The attached statement showed the "net liquidating value" of my account as \$417,210.18. (Ex. H).

12. On November 27, 2010, Shreyans e-mailed me a statement showing the "net liquidating value" to be \$411,665.84. (Ex. J).

13. In November 2010, Shreyans told me that he needed cash for personal reasons. I gave Shreyans him the \$10,000 he requested as an advance of the compensation Shreyans told me he had earned on the account, but only on the condition that he liquidate my securities account by year-end and return all funds to me.

Exhibit C
Page 2 of 4

14. On November 28, 2010, Shreyans e-mailed me a document showing that my \$160,000 investment had a "net liquidating value" of \$441,471.83, but that I owed Shreyans \$131,891.03 in commissions. According to the document, the "net liquidating value" of my account after the payment of commissions was \$309,580.79. A copy of this e-mail is attached as Exhibit K.

15. At some point during my investment with Shreyans I realized that an investor using Thinkorswim (the platform Shreyans was using) could download a statement in a matter of minutes and that these statements appeared to be different from the statements Shreyans was e-mailing to me. When I asked Shreyans to provide me with direct electronic access to my account, Shreyans refused, which concerned me.

16. By December 2010, I became increasingly concerned that Shreyans was deceiving me, and I requested that Shreyans close my account. A copy of a letter I sent to Shreyans on December 1, 2010 requesting that Shreyans close my account is attached as Exhibit L. I also met with Shreyans and Harshad on December 2, 2010 and requested that Shreyans close my account and provide me with the \$309,000 account value. At this meeting Shreyans offered to make payments in two installments of approximately \$183,000 and \$126,000, with the first payment due approximately one week later. Unfortunately, neither payment was ever made.

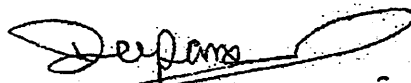
17. In January 2011, Shreyans and I entered into a settlement agreement. The agreement provided that Shreysiddh Capital would pay me \$349,000 in a series of installments. A copy of the settlement agreement is attached as Exhibit M. Shreyans made only the first two installment payments, both due in January 2011, totaling \$60,000. I did not receive any subsequent payments from Shreyans or Shreysiddh Capital. I lost \$100,000 through my investments with Shreyans.

Exhibit C
Page 3 of 4

18. In January 2013, I filed a lawsuit against Shreyans, Harshad, Shreysiddh Capital, Sheyans' business partner Siddharth Patel, and the acquaintance who introduced me to Shreyans (Dhyan et al. v. Desai et al., Docket No. Mid L-007997-12). In this action, I accused Shreyans with defrauding me in connection with the investments I made with him. A copy of the Amended Verified Complaint is attached as Exhibit N. The case was scheduled for trial in December of 2014, but did not go forward due to an appeal filed by Harshad, which has since been dismissed by the appellate court. My case is now awaiting a trial date.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 20 in Feb 2015



Urjo N. Dhyan

Exhibit C
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