

UNITED STATES OF AMERICA

before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No 97391/ May 9, 2023

ADMIN.PROC. FILE NO. 3-19606

REVISED MAY 13, 2023

In the matter of

THOMAS H. VETTER

**RESPONDENTS REPLY BRIEF OPPOSING SUMMARY DISPOSITION AND FOR THE
DIVISION OF ENFORCEMENT TO FILE A RESPONSE NO LATER THAN JUNE 8, 2023.**

Prime Bank Fraud Case Dismissed By Judge George Hazel:

On August 16, 2019, The District Court Judge George Hazel issued an order (374) Defendant Vetter's motion for Summary Judgment; granting (365) Motion for Judgment; granting Motion to withdraw; directing the clerk to close the case.

Securities Registration Violations and Securities Fraud

The District Court Judge George Hazel ruled a Judgment in Favor of the Securities and Exchange Commission for violations of the Section 15(b) of the Securities Exchange act of 1934 ("Exchange Act") directing the Clerk to close this case. Signed by Judge George Hazel on 8/15/2019 entered on 8/16/2019 by the Clerk.

**Exculpatory Evidence Never Entered Into The Court Record By The SEC
Prosecutors, Steve Simpson And Matt Cohen**

On May 28, 2015, three days after the case had been sent to all defendants, the Buffalo Field office of the FBI contacted Thomas Griffith Ellis to discuss the Bank Guarantee (BG) issue. Ellis let both agents know that all activities with Falcon Bank had been terminated. Thomas Ellis sent to the FBI agents, per their request, the Cease and Desist documents and the originators acknowledgment and cancellation (see attachment).

The request by the FBI was made to confirm, that there were no securities involved, which would terminate their criminal inquiry. Thomas Ellis sent the SEC prosecutors, Steve Simpson and Matt Cohen (See Attachment) the copies of the cancellation and acknowledgment. Ellis' attorney at the time, Mitch Rothbert, contacted Simpson and Cohen to verify their recite of these documents. They acknowledged that they had

received them. This was further verified during the audio deposition with Ellis, his attorney Rothbert, Simpson, Cohen and England. (see attachment).

Withholding Exculpatory Evidence

A prosecutor's failure to provide this information to the Court is a violation of, their oaths of office as well as my 14th amendment rights . The Supreme Court held that "Where withholding such exculpatory evidence, is material either to either guilt or punishment, violates the due process clause of the 14th Amendment. The SEC and FBI had this evidence within a week after they filed their original charges in May of 2015.

Summary:

No Fraud, No Selling Or Promoting Securities, No Case!

I was never given my rights to due process that is stipulated in the constitution. I never had a hearing or was I able to present my case to a jury of my Piers. If I had been, this case would have been dismissed very quickly.

The SEC has put me and my family through 8 years of hell on earth. You destroyed my business, my family, my reputation and possible future employment with this Libelous, slanderous and baseless Charges. I have been through 3 bankruptcies two foreclosure attempts and many friends and family members abandon me, for absolutely nothing. It is time for the SEC to stop this witch hunt.

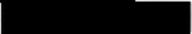
I've been following the hearings between SEC Chairman Gensler and Chairman Patrick McHenry and other members of the House Financial Services Committee on Oversight and Investigations, about their concerns over the SEC's abuse of power and harming small businesses and entrepreneurs.

I do believe the committee would be interested in reading my 148 page document showcasing the SEC's s abusive power and other questionable actions, during the proceedings.(3-19606, "Answer with 1-17 exhibits". Since violating the "Brady Rule". is a felony in the state of California, a California DA may also want to review these documents.

My future response to the SEC will be determined by your next actions. You have until June 8 at 5pm west coast time to respond.

Sincerely,


Thomas H. Vetter, MCSP, MIFM


Cel Number: 

Email: 

Case # 8:15-cv-01339 GJH

		Consent, # 2 Judgment Proposed Judgment)(Petalas, Ann) (Entered: 02/06/2019)
02/07/2019	<u>387</u>	JUDGMENT in favor of Securities and Exchange Commission against Capital Source Lending LLC, and Sharon L. Salinas. Signed by Judge George Jarrod Hazel on 2/6/2019. (heps, Deputy Clerk) Modified on 2/7/2019 (heps, Deputy Clerk). (Entered: 02/07/2019)
02/11/2019	<u>388</u>	MOTION for Extension of Time by Michael K. Martin (Attachments: # 1 Envelope) (heps, Deputy Clerk) (Entered: 02/12/2019)
02/13/2019		PAPERLESS ORDER granting <u>388</u> Motion for Extension of Time until March 8, 2019. Signed by Judge George Jarrod Hazel on 2/13/2019. (jw2s, Deputy Clerk) (Entered: 02/13/2019)
02/13/2019		Remark - Copy of Docket sheet mailed to pro se defendant Michael K. Martin re: Granting of Motion for Extension of Time. (jw2s, Deputy Clerk) (Entered: 02/13/2019)
03/12/2019	<u>389</u>	MOTION and Memorandum for Extension of Time and to Compel Production of Exculpatory Records by Michael K. Martin (Attachments: # 1 Envelope)(heps, Deputy Clerk) (Entered: 03/12/2019)
03/18/2019	<u>390</u>	RESPONSE in Opposition re <u>389</u> MOTION for Extension of Time and to Compel filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Petalas, Ann) (Entered: 03/18/2019)
03/29/2019	<u>391</u>	ORDER GRANTING <u>389</u> MOTION and Memorandum for Extension of Time and to Compel Production of Exculpatory Records. Signed by Judge George Jarrod Hazel on 3/29/2019. (rss, Deputy Clerk) (Entered: 03/29/2019)
04/04/2019	<u>392</u>	REPLY to Response to <u>389</u> MOTION for Extension of Time and to Compel Production of Exculpatory Records filed by Michael K. Martin. (Attachments: # 1 Exhibit 1, # 2 Envelope) (tds, Deputy Clerk) (Entered: 04/04/2019)
06/05/2019	<u>393</u>	MOTION to Withdraw as Attorney for the Securities and Exchange Commission by Securities and Exchange Commission (Attachments: # 1 Text of Proposed Order)(Petalas, Ann) (Entered: 06/05/2019)
06/05/2019	<u>394</u>	NOTICE of Appearance by Patrick Reinhold Costello on behalf of Securities and Exchange Commission (Costello, Patrick) (Entered: 06/05/2019)
07/24/2019	<u>395</u>	PAPERLESS ORDER granting <u>393</u> Motion to Withdraw as Attorney. Attorney Ann H Petalas terminated. Signed by Judge George Jarrod Hazel on 7/24/2019. (jw2s, Deputy Clerk) (Entered: 07/24/2019)
08/15/2019	<u>396</u>	MEMORANDUM OPINION. Signed by Judge George Jarrod Hazel on 8/15/2019. (jf3s, Deputy Clerk) (Entered: 08/16/2019)
08/15/2019	<u>397</u>	ORDER granting <u>374</u> Defendant Vetter's Motion for Summary Judgment; granting <u>361</u> Motion for Summary Judgment; granting <u>365</u> Motion for Judgment; granting <u>383</u> Motion to Withdraw; JUDGMENT in favor of Securities and Exchange Commission; directing the Clerk to close this case. Signed by Judge George Jarrod Hazel on 8/15/2019. (jf3s, Deputy Clerk) (Entered: 08/16/2019)
08/28/2019	<u>398</u>	MOTION to Alter/Amend Judgment by Securities and Exchange Commission (Attachments: # 1 Proposed Amended Judgment)(Costello, Patrick) (Entered: 08/28/2019)
09/23/2019	<u>399</u>	NOTICE OF APPEAL as to <u>397</u> Judgment, by Capital Source Funding LLC, Capital Source Lending LLC, Electronic Frontier Foundation, Griffith Thomas Ellis, Thomas G. Ellis, Goodwill Funding Inc., Andrew Hutchison, North Star Finance LLC, North Star

Affidavit of Griffith Thomas Ellis

I, Griffith Thomas Ellis, declare that I am competent to give the following declaration based on my personal knowledge, unless otherwise stated, at that the following facts are true and correct to the best of my knowledge.

1. I am currently a resident of [REDACTED]
[REDACTED]
2. I, Griffith Thomas Ellis, wrote this Cease and Desist letter on February 25, 2015 to Falcon Bank in order to stop bank guarantee (BG) financing in reference to secure commercial financing for projects. North Star Finance decided it was in not only in our best interest but the builders' best interest as well to seek other forms of financing via standard line of credit that has to be paid back by the builder to the lending institution. This Cease and Desist letter was acknowledged via a Falcon Bank representative and all agreements between North Star Finance and Falcon Bank ie, Grupo Asesores Inc C.P. ended.
3. I was contacted on May 18, 2015 and investigated by the FBI for not being licensed in banking instruments. The FBI agent in Charge, Matthew Miraglia called North Star Finance to discuss the charges being leveled at us by the Securities and Exchange Commission. During our conversation I let both Matthew Miraglia as well as Jeremy Bell know that I was had terminated all financing activities with Falcon Bank. Both Matthew Miraglia as well as Jeremy Bell told me that they would not be having this discussion if the bank guarantee (BG) financing was terminated with Falcon Bank. A copy of this Cease and Desist letter was requested and sent on Wednesday May 20, 2015 to the Federal Bureau of Investigations One FBI Plaza Buffalo, NY 14202, attention Special Agent in Charge Matthew Miraglia for proof that all activities were terminated with Falcon Bank. This Cease and Desist letter was sent immediately after speaking with them, and I have not heard back from the FBI pertaining to this matter since receipt of this letter.
4. I sent a copy of this Cease and Desist letter to the following Securities and Exchange Attorneys, Steve Simpson, Matt Cohen, Tim England as well as Judge Hazel via my attorney. During both of my deposition telephone calls, Steve Simpson acknowledged receipt of this Cease and Desist document and this was verified by my attorney representing me.

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct and that this Declaration was executed on May 7, 2023 at Alexander County, NC.

[Redacted Signature]

Griffith Thomas Ellis

Individual Acknowledgement

State of NC

County of Alexander

On this day before me, the undersigned notary public, personally appeared Griffith Thomas Ellis personally know to me or proved to me on the basis of satisfactory evidence to be the individual who signed the affidavit.

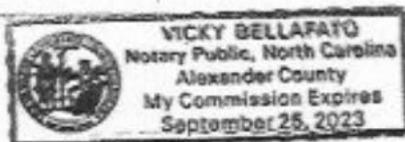
Given under my hand and official seal the 7th day of May, 2023

[Redacted Signature]

Residing at Alexander Co.

Notary Public in and for the state of NC

My commission expires _____





North Star Finance

10440 Little Patuxent Parkway Suite 900, Columbia MD 21044
Phone 410-740-5678 Fax 410-777-8815
www.northstarfs.com

Subject: Transaction Code: NSFLLC/100M/01-15 / Falcon Bank – Cease and Desist

Date: February 25, 2015

From : North Star Finance, LLC / G Thomas Ellis III

Dear Mr. John Banks,

The above-referenced Agreement by and between **GRUPO ASESORES INC. C.P.** and **North Star Finance / G Thomas Ellis III** was signed by both parties at your on January 26, 2015. The Agreement required the delivery of an asset (Bank Guarantee) in the name of North Star Finance via the Swift MT799/MT760 process. The delivery was completed on February 20, 2015 and you were notified in accordance with the Agreement time lines.

Once notified of the delivery and bank confirmation of the same, you were to advance funds IAW the signed Agreement. You have failed to confirm the delivery of the asset and you have failed to make payment as required in the Agreement. A sufficient amount of time has elapsed since the signature of the Agreement/Contract.

Accordingly, you are advised that you have defaulted on the contract bearing the transaction code provided above, therefore, I, (**G. Thomas Ellis III**), hereby declare and serve notice that a Registered Order to Cease and Desist shall be in effect concerning any and all pending or in progress transactions involving the above parties, their agents, mandates and any intermediaries.

The issuing bank has been notified to restore the instrument to our full control. Please take notice that all agreements and associations between **GRUPO ASESORES INC. C.P.** and **North Star Finance, LLC / G Thomas Ellis III** regarding the above transaction shall be cancelled and null and void effective immediately. You will immediately Cease and Desist any and all activities with regards to any ongoing or contemplated transaction between yourself and or your organizations regarding the subject Bank Guarantee. You will be expected to fully comply with this demand in a professional and respectful manner.

You are ordered to cease any and all communication, processing, forwarding or utilization of any documents or information regarding the subject asset or me personally, any confidential financial information, or personal data, and are hereby forewarned of the legal liabilities that will result upon violation of this order. You will be expected to honor the implied and expressed conditions of both confidentiality and non-circumvention with regard to any and all matters and any and all documents and correspondence we might have exchanged regarding the subject BGs.



North Star Finance

10440 Little Patuxent Parkway Suite 900, Columbia MD 21044
Phone 410-740-5678 Fax 410-777-8815
www.northstarfs.com

You will be expected to destroy all documents in your possession from North Star Finance, LLC & GRUPO ASESORES INC. C.P regarding the subject BG under full responsibility. Please be advised that you will be personally held responsible and liable for failure to notify all third parties intermediaries and your agents alike of this Cease and Desist Order

Please be further advised that misrepresentations to third parties or unauthorized use of my name and documentation or any other conversations or communications related to your interactions with North Star Finance, LLC shall be considered intent to violate this Cease and Desist Order and be viewed as a willful intent to commit fraud and or other unlawful malice to North Star Finance, LLC / G Thomas Ellis.

Failure to comply with this Cease and Desist shall leave North Star Finance, LLC / G Thomas Ellis no further alternative but to pursue legal remedies against you and your agents, affiliates, successors in interest or assigns.

Respectfully,



Griffith Thomas Ellis III

Grupo Asesores Inc.

LETTER OF CEASE & DESIST CONFIRMATION

DATE: FEBRUARY 25, 2015

TO: Mr. G. Thomas Ellis III, U.S. Pass Port [REDACTED]
On Behalf of North Star Finance

Dear Sir

I, Antonio Serrano bearing Spanish Pass Port [REDACTED] duly authorized and full legal representative director for and on behalf of GRUPO ASESORES INC give notice to Cease and Desist to all parties representing my non-recourse loan contract dated January 23, 2015. For failure to deliver a properly executed MT-760, we were unable to release our line of credit for funding, your bank failed to show the funder as the beneficiary

All previous entities, associations, financial institutions, affiliates, intermediaries, groups or others have been notified of such by the Correspondent Official Cease and Desist Letter Communication. This exclusive authority and engagement shall continue fully effective until cancelled in writing by me.

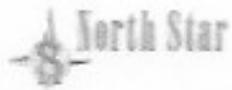
I, Mr. Antonio Serrano hereby swear under penalty of perjury, that the information provided here in is accurate and true as of this date February 25, 2015

For and on Behalf of: GRUPO ASESORES INC

[REDACTED]

Signature:
Name/Title: Mr. Antonio Serrano, President
Company: Grupo Asesores Inc.
Pass Port No: [REDACTED]

Country: Spain



Tom Ellis <tom@northstarfs.com>

North Star Finance
1 message

Tom Ellis <tom@northstarfs.com> Wed, Feb 25, 2015 at 1:14 PM
To: john banks <Accesscapital3@yahoo.com>
Bcc: Peter Dance <peterdance64@gmail.com>, P J Baker <prestigejobtrade@gmail.com>

John,

Sorry, we couldn't get this done. I am moving in another direction. Please forward to Irene a copy.

See attachment

Tom Ellis
Sr. Partner, North Star Finance
Office 301-879-1774 / Cell 240-388-7091
Web site: www.northstarfs.com
E-mail: tom@northstarfs.com
Maryland License #2189

Falcon _ Banks.pdf
153K



Tom Ellis <tom@northstarfs.com>

Fwd: CEASE AND DESIST 100M BG HSBC TRANSACTION
1 message

Tom Ellis <tom@northstarfs.com>
To: P J Baker <prestigeglobetrade@gmail.com>

Thu, Feb 26, 2015 at 11:05 AM

FYI from Banks. See attachment

Tom Ellis
Sr. Partner, North Star Finance
Office 301-879-1774 / Cell 240-388-7091
Web site: www.northstarfs.com
E-mail: tom@northstarfs.com
Maryland License #2189

On Thu, Feb 26, 2015 at 10:33 AM, john banks <accesscapital3@yahoo.com> wrote:

 GRUPO ASESORES GLOBAL C&D.docx
49K