

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

Case No. : 6:16-CV-02123-Orl-31DCI

v.

J. WILLIAM ENTERPRISES, LLC, a Florida  
limited liability company, also d/b/a PRO  
TIMESHARE RESALES;

PRO TIMESHARE RESALES OF FLAGLER  
BEACH, LLC, Florida limited liability company;

JESS KINMONT, individually and as an officer  
of J. WILLIAM ENTERPRISES, LLC and PRO  
TIMESHARE RESALES, LLC;

and

JOHN P. WENZ, JR., individually and as an  
officer of PRO TIMESHARE RESALES OF  
FLAGLER BEACH, LLC,

Defendants.

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**SEVENTH INTERIM REPORT OF RECEIVER BRIAN A. MCDOWELL**  
(covering the period from May 27, 2017 through June 30, 2017)

Brian A. McDowell, as Permanent Receiver (“Receiver”) of J. William Enterprises, LLC (“JWE”) and Pro Timeshare Resales of Flagler Beach, LLC (“Pro Timeshare Flagler”) (JWE and Pro Timeshare Flagler are collectively referred to as the “Receivership Defendants”), and pursuant to this Court’s Order dated January 4, 2017 (Doc. No. 61), by and through his undersigned counsel, files this Seventh Interim Report of Receiver (“Seventh Report”).

**I. ACCOUNTS, RECEIPTS, AND DISBURSEMENTS.**

On June 13, 2017, the Receiver received a check from Defendant John P. Wenz, Jr. (“Wenz”) in the amount of \$747.15. The check was made payable to Wenz on account of a SunTrust “Secured Card Refund” from Account \*\*\*4970. Wenz endorsed the check to the Receiver and the Receiver deposited the check into the Seaside Account \*\*\*7799 related to Pro Timeshare Flagler.

On June 13, 2017, Wenz also delivered a diamond ring to the Receiver. The Receiver is holding the diamond ring in a secure location.

The Receiver’s total receipts to date and disbursements for the period of May 27, 2017 through June 30, 2017, are as follows:

Total Receipts:	\$ 2,312,639.29
Disbursements from all Prior Periods:	\$ 265,137.89
Disbursements for Period of May 27, 2017 through June 30, 2017:	\$ 52,352.73
Current Balance:	\$ 1,995,148.67

An itemization of disbursements for the period covered by this Seventh Report is attached as **Exhibit A.**<sup>1</sup>

**II. RECEIVER’S ACTIVITIES**

**a. Defendant John P. Wenz’s Motion for Release of Untainted Assets**

During the period covered by this Seventh Report, the Receiver examined the basis

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<sup>1</sup> Seaside Account Number xxxxxx0309 related to JWE and Kinmont, and Seaside Account Number xxxxxx7799 related to Pro Timeshare Flagler and Wenz (collectively, the “Receivership Accounts”).

for Wenz's Motion for Release of Untainted Assets (the "Motion") (Doc. No. 113) in order to identify which assets may be "tainted" or "untainted." The Receiver examined Wenz's financial records and deposed Wenz and accountant Paulette Smith in connection with the Motion. The Court has set the Motion for hearing on Monday, July 19, 2017 at 10:00 a.m. The Receiver intends to appear at the hearing and will provide his analysis of Wenz's request to unfreeze assets if requested by the Court.

**b. Oversee Access to Corporate Records**

During the period covered by the Report, the Receiver, through his counsel, supervised the Plaintiff and Defendants' access to the corporate records of the Receivership Defendants. The Receiver allowed counsel for the FTC and Defendants access to review those records maintained at his office in Orlando. Counsel for the Receiver also traveled to the Deland office to meet with representatives of the JWE to oversee access to records maintained at that location.

**c. Break in at Bunnell Office Location**

On June 6, 2017, Wenz notified counsel for the Receiver that there appeared to be a broken window at the Bunnell office location at 106 S. Anderson St. Counsel for the Receiver traveled to the location to examine the property and meet with a repairman to fix the window. Upon examination, it appears that several laptop computers stored at the location were stolen. The Receiver has taken steps to secure the property and is assisting the Bunnell Police Department in furtherance of the investigation.

The particular laptops that were stolen were located on individual telemarketers' desks and, according to Wenz, did not contain any consumers' personally identifiable information or Pro Timeshare Flagler business records.

**d. Continued Preservation and Recovery of Assets of the Estate**

The Receiver is continuing to preserve the real property, physical assets, and electronically stored data of the Receivership Defendants. The Receiver intends to maintain the Receivership Defendants' former office properties through the pendency of the Receivership, and continues to store the office equipment and other business related assets at those office properties at no charge to the estate.

The Receiver is also still in the process of reviewing the financial records of the Receivership Defendants for the potential recovery of additional assets. If, upon review of all of the information available, the Receiver discovers any transfers that may be susceptible to avoidance actions, the Receiver will consider whether the pursuit of such actions would provide a material benefit to the Receivership Estate in light of the cost to the estate to seek avoidance of the transfers.

Dated this day 30<sup>th</sup> day of June, 2017.

Respectfully submitted,

/s/ Robert W. Davis, Jr.  
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*Counsel for Receiver*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of June, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF System, which will send electronic filing to all counsel of record.

/s/ Robert W. Davis, Jr.  
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<b>JWE Account History</b>				
<b>DATE HONORED</b>	<b>DESCRIPTION</b>	<b>DEPOSITS</b>	<b>WITHDRAWALS</b>	<b>BALANCE</b>
	Beginning Balance as of May 26, 2017			\$2,030,213.31
6/5/2017	Check to Holland & Knight (counsel's fees and costs)		\$51,852.74	\$1,978,360.57
6/7/2017	Check to Duke Energy (May charges)		\$86.74	\$1,978,273.83
6/8/2017	Check to Wells Fargo (document production costs)		\$52.50	\$1,978,221.33
6/29/2017	Check to Duke Energy (June charges)		\$77.75	\$1,978,143.58
<b>Pro Timeshares Flagler Account History</b>				
<b>DATE HONORED</b>	<b>DESCRIPTION</b>	<b>DEPOSITS</b>	<b>WITHDRAWALS</b>	<b>BALANCE</b>
	Beginning Balance as of May 26, 2017			\$16,540.94
6/9/2017	Check to ADT Security Services		\$46.74	\$16,494.20
6/16/2017	Check from John Wenz (funds from SunTrust Account ****4970 Secured Card Refund)	\$747.15		\$17,241.35
6/19/2017	Check to City of Bunnell, Florida - Utilities		\$136.08	\$17,105.27
6/29/2017	Check to Florida Power and Light		\$100.18	\$17,005.09
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