

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION**

STATE OF FLORIDA,  
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

vs.

Case No.: 14-001695-CI

TRI-MED CORPORATION,  
TRI-MED ASSOCIATES INC.,  
JEREMY ANDERSON,  
ANTHONY N. NICHOLAS, III,  
ERIC AGER, IRWIN AGER,  
TERESA SIMMONS BORDINAT  
a/k/a TERESA SIMMONS, and  
ANTHONY N. NICHOLAS, JR.

Judge Anthony Rondolino

Defendants.

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**THE RECEIVER'S VERIFIED FIRST REPORT OF INVENTORY  
AS OF MAY 7, 2014 PURSUANT TO FLA. R. CIV. P. 1.620**

Burton W. Wiand, as Receiver for Tri-Med Corporation (“**Tri-Med**”) and Tri-Med Associates, Inc. (“**TMA**”) (Tri-Med and TMA are collectively referred to as “**Receivership Entities**”), by and through his undersigned counsel and pursuant to Fla. R. Civ. P. 1.620, hereby submits this Verified First Report of Inventory detailing the assets and property coming under the Receiver’s control or possession since his appointment.

**BACKGROUND**

1. On March 4, 2014, the Florida Office of Financial Regulation (“**OFR**”) filed this enforcement action for violations of Florida’s securities laws against Defendants Tri-Med; TMA; Jeremy Anderson; Anthony N. Nicholas, III; Eric Ager; Irwin Ager; Teresa Simmons Bordinat a/k/a Teresa Simmons; and Anthony N. Nicholas, Jr.; and on March 25, 2014, filed an amended

complaint adding Anthony N. Nicholas, Jr., as a defendant (collectively, “**Defendants**”). This action was filed to shutdown Defendants’ fraudulent investment scheme.

2. On March 5, 2014, the Court entered an Order appointing the Receiver (the “**Order Appointing Receiver**”) as receiver over Tri-Med and TMA.

3. Among other things, the Order Appointing Receiver imposes on the Receiver the duty and authority to, among other things, “marshal and safeguard all such properties and assets [of Receivership Entities]” and to take any actions necessary for the protection of investors or other creditors of the Receivership Entities.

4. As directed by the Order Appointing Receiver, on March 25, 2014, the Receiver filed the Receiver’s First Interim Report (which is also available on the Receivership’s informational website at [www.trimedreceivership.com](http://www.trimedreceivership.com)). Among other things, that report discussed the Receiver’s efforts up until that point, his preliminary findings, and the major assets located as of that time that had been funded with proceeds of the fraudulent scheme underlying this case.

5. Out of an abundance of caution, however, the Receiver is also filing this true and complete inventory of the property that has come under the Receiver’s control or possession, all of which is for the benefit of investors defrauded by Defendants’ fraudulent investment scheme.

6. It is important to note, however, that underlying this case was a large fraudulent scheme which defrauded investors out of approximately \$17 million and which was characterized by widespread and brazen fraudulent conduct, including a multitude of fraudulent misrepresentations and efforts to hide the truth. Some examples of that conduct are detailed in the Receiver’s Motion to Expand Scope of the Receivership to Include TMFL Holdings, LLC,

and the Receiver's supporting affidavit which were filed on April 28, 2014.<sup>1</sup> As such, although the Receiver is focused on unraveling the fraud, that process has not finished and the Receiver's continued investigation may impact some of the matters addressed in this inventory (including as discussed below in paragraphs 14 through 17).

#### **Cash Assets**

7. The Receiver's efforts to secure cash assets belonging to Receivership Entities resulted in the freeze and seizure of twenty-two financial accounts at financial institutions and law firms.<sup>2</sup> These accounts were eventually consolidated into two accounts at US AmeriBank, and they have a cumulative balance of **\$4,984,701.50** as of May 5, 2014:

- US Ameribank Checking - \$13,627.47
- US Ameribank Money Market - \$4,971,074.03

#### **Current Non-Cash Assets**

8. The Receiver's investigation located four (4) parcels of real estate located in Hillsborough County, Florida that were owned by Receivership Entity Tri-Med, and the Receiver currently is in control of those properties:

- 909 E. Cayuga St., Tampa, FL
- 909A E. Cayuga St., Tampa, FL

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<sup>1</sup> Aside from being in the Court's docket, the motion and affidavit are available on the Receivership's website at [www.trimedreceivership.com](http://www.trimedreceivership.com).

<sup>2</sup> The Receiver hand-delivered the asset freeze order to Wells Fargo Bank, N.A., immediately after it was entered. Shortly after that Order had been provided to Wells Fargo, one of the Defendants was still able to obtain from the bank cashier's checks totaling \$2.4 million drawn on Receivership Entities' accounts. The Defendant then tried to deposit the cashier's checks in a personal account at Regions Bank, but Regions Bank also had been provided with the asset freeze order and that bank's fraud department froze the transaction, which allowed the Receiver to recover the funds.

- 4202 Bay Club Cir., Tampa, FL
- 15316 Stone Creek Lane, Tampa, FL

Immediately after his appointment, the Receiver secured possession of these properties and took necessary measures to protect these assets, including changing the locks, obtaining property insurance, and making sure the properties are adequately monitored.<sup>3</sup>

9. The Receiver also discovered the existence of a public storage unit in Odessa, Florida, leased by Receivership Entity Tri-Med located at 8326 Gunn Highway, Odessa, FL. The Receiver now controls the storage unit, which contains some exercise equipment and office furniture, but no items of any material value.

10. The Receiver also took possession of the Receivership Entities' offices, including the main office that was leased in Palm Harbor, Florida (the "**Office**"). The Office was very small and it contained some office furniture including two desks, two office chairs, several bookcases, and 2 desktop computers. The Receiver has control of that furniture and those computers.

11. Defendants Anthony Nicholas, Jr., and Anthony Nicholas, III, also operated out of their home in Pinellas County, and the Receiver has control of 2 computers indirectly obtained from them.

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<sup>3</sup> The Receiver also discovered two other residential properties purchased using defrauded investors' money but titled in the name of TMFL Holdings, LLC ("**TMFL**"), an entity which, according to public records, is controlled by Defendant Anthony N. Nicholas, III. These two properties are located at (a) 9035 St. Regis Lane, Port Richey, FL, and (b) 11027 117<sup>th</sup> Ave., Seminole, FL. These properties are not currently under the Receiver's control since they are titled in the name of a non-receivership entity, but on April 28, 2014, the Receiver moved to expand the Receivership to include that entity so he can, among other things, gain control of those properties.

12. Similarly, Defendants Irwin Ager and Teresa Bordinat also operated out of their residence in Lake Mary, FL, and the Receiver has control of 2 computers obtained from them.

13. The Receiver also took control of 5 other computers held by several other individuals associated with the Receivership Entities.

#### Letters of Protection

14. Also among the property currently controlled by the Receiver are certain medical services providers' accounts receivable purportedly backed by letters of protection (“**LOPs**”). These LOPs, however, were at the heart of the scheme underlying this case: although Defendants raised approximately \$17 million from investors based on representations that the money would be used to buy LOPs, the Receiver's investigation to date has revealed that only approximately \$5 million was used to buy LOPs.

15. And of the approximately \$5 million used to buy LOPs, the vast majority of those LOPs were bought from three medical services providers, two of which had very close ties to Defendants and relationships which involved the transfer of defrauded investors' money to those medical services providers for reasons other than to buy LOPs.

16. Further, Defendants kept very poor and incomplete records of the LOPs.

17. As a result of all of this, the Receiver's efforts to identify every LOP controlled by the Receivership has been a time-intensive process involving forensic accountants. Nevertheless, based on these efforts, the Receiver has identified at least 1,000 LOPs which have been assigned to Receivership Entities. As noted above, those LOPs were purchased for approximately \$5 million. It should be noted, however, that some of those LOPs contain language barring their assignment.

## Loans

18. Defrauded investors' money also appears to have been used to make loans to various entities or individuals, including relatives or close acquaintances of Defendants. In fact, Defendant Anderson submitted an "accounting" to the Court on March 14, 2014, which purported to show that investor funds were used to make 6 outstanding loans:

- Jim Nicholas - \$10,000
- Nick Nicholas - \$1,000
- Ray's Car Service - \$36,000
- Ray's Car Service - \$20,000
- Dikson Rodriguez - \$20,000
- Dr. Meckerson - \$50,000

19. The Receiver, however, is still investigating these purported loans to confirm whether they exist or whether they were simply used to try to cover up misappropriations of investors' money.

20. For example, the Receiver's investigation has revealed that the purported loan to Dr. Meckerson is a sham. Specifically, it was discovered that there is no "Dr. Meckerson" in Minnesota (where the purported promissory note indicates "Dr. Meckerson" resides) and instead the individual likely to have been identified as the borrower on that "note" was a Dr. Bradley Meskimen.

21. Dr. Meskimen, however, swore in an affidavit that he did not borrow any money from Tri-Med or related parties. The Receiver's investigation and review of Tri-Med's bank records are consistent with this. They reveal that instead of lending any money to Dr. Meskimen, Defendant Anderson withdrew the \$50,000 purportedly loaned to Dr. Meskimen and

diverted the money to a Georgia limited liability company which operates a restaurant and in which Defendant Anderson has a stake.

22. Similarly, the Receiver's investigation to date has revealed that no loans were likely ever made to "Ray's Car Service". The Receiver is continuing to investigate these matters.

Additional Items

23. The Receiver also believes that the assets of the Receivership estate include causes of action the Receiver has against individuals, including professionals, and entities which have liability in connection with Defendants' fraudulent investment scheme. These potential causes of action are still being investigated and evaluated, and the Receiver will be able to identify them with more specificity once his investigation is further along.

**s/Gianluca Morello**

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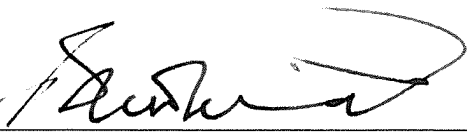
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*Attorneys for Burton W. Wiand, as Receiver for Tri-Med Corporation and Tri-Med Associates, Inc.*

**RECEIVER'S VERIFICATION**

I declare and affirm under the penalties of perjury that the foregoing facts are true and correct to the best of my knowledge and belief.

By:   
Burton W. Wiand, as Receiver



**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on May 7, 2014, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court by using the Florida Courts E-Filing Portal, which served the following parties:

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