

## Becker & Poliakoff Accused of Helping Hide \$400 Million

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Becker & Poliakoff is accused of helping a Boca Raton multimillionaire hide \$400 million in assets in a Caribbean offshore account while he is under investigation by state attorneys general.

Attorneys for Sarah Pursglove, the estranged wife of Robert Oesterlund, want a data preservation order against the Fort Lauderdale law firm and are seeking the turnover of a hard drive as well.

Her attorneys allege the hard drive contains evidence of a fraudulent scheme by Oesterlund, his lawyers at Becker & Poliakoff and accountants to illegally transfer his assets to the Caribbean island of Nevis.

In the motion filed Thursday, lawyers Jeffrey Fisher of Fisher & Bendeck in West Palm Beach and Steven Katzman of Katzman Wasserman Benardini & Rubinstein in Boca

Raton accused then in-house counsel, Jennifer Miller, and the accounting firm, Daszkal Bolton of Boca Raton, of “conspiring against (Pursglove) at Oesterlund’s behest and that they then retained Richard Cahan at Becker & Poliakoff to implement the ‘asset protection’ strategy by which they accomplished the \$400 million fraud.”

Daszkal Bolton had no comment. Miller did not respond to requests for comment by deadline.

Becker & Poliakoff special counsel Richard Cahan, who is named in the motion as Oesterlund’s attorney, declined comment, citing pending litigation. The firm website said his specialty is “asset and wealth preservation planning, utilization of various offshore and domestic planning vehicles for business and wealth preservation planning purposes.”

Becker managing partner Gary Rosen also was mentioned



Oesterlund

in the motion as one of Oesterlund attorneys.

“It is apparent that the plaintiff and counsel involved in this matter are attempting to gain a litigation advantage by injecting outrageous and unfounded allegations into what would otherwise be a routine discovery dispute,” Rosen said in a statement. “We hold ourselves to a higher standard of professional conduct and therefore have no further comment.”

The motion was filed as part of an unfair and deceptive business practices case brought by the Florida attorney general's office against Boca Raton-based Xacti Global LLC and several other companies owned by Oesterlund and his wife.

At one time, the couple owned about 40 Internet companies as well as a \$23 million penthouse at the Four Seasons Hotel in Toronto, a \$30 million yacht, a Cessna jet, a \$5.7 million Boca Raton mansion and a \$10 million house in the Bahamas.

#### **FORGERY ALLEGED**

Things got messy when Oesterlund asked his wife for a divorce on Christmas Eve 2012 after 16 years of marriage. It's then, according to court filings by Pursglove's lawyers, that Oesterlund's lawyers and accountants began devising a scheme to transfer assets into a "Cook Island asset protection trust" through entities formed in Nevis.

Attorney Walter Messick of Galvan Messick in Boca Raton also is accused in the motion of helping perpetrate the fraud by making a series of fraudulent transfers. Messick declined comment through his secretary.

"The transfers made to the Cook Island trusts set up by Becker & Poliakoff include, but are not limited to, transfers of funds obtained through the use of forged signatures on bank autho-

rizations, forged and falsely notarized signatures on corporate resolutions in violation of Florida criminal statutes, forged signatures provided to the Department of Housing and Urban Development to obtain a HUD subsidized loan of nearly \$25 million and many other acts of civil and criminal fraud," the motion said.

In a separate interpleader action filed by Wells Fargo in Palm Beach Circuit Court, the bank seized \$6 million in 17 accounts and accused Oesterlund of fraudulently removing Pursglove as a signatory for various companies.

The alleged fraudulent transfers were orchestrated by Oesterlund's lawyers and accountants even though they knew the Florida attorney general was investigating consumer claims against Oesterlund's companies, according to court filings. Attorneys general in Iowa, Oregon and Vermont also were investigating the companies.

One of them, Smart Savings Center LLC, hosted retail sites like hotbooksale.com, where buyers were repeatedly billed for "membership services" and software would inundate the user's screen with pop-ups and direct them to a customer service representative who would offer to fix the computer problems for a fee.

In September 2013, the Florida attorney general's office reached a settlement with Oesterlund calling for an injunction prohibiting him from implementing "any

change in the form of doing business or organizational activity as a method of avoiding the terms and conditions" of the agreement.

The Florida attorney general's office received more than 1,300 consumer complaints about his companies' business practices, according to the court filings.

Becker & Poliakoff has ignored repeated demands for documents detailing the alleged transfers, the motion said.

Pursglove's lawyers want to gain control of the hard drive in particular, which "likely contains evidence of the firm's role in Oesterlund's fraud." The hard drive was originally held by Squire Patton Boggs, Oesterlund's previous law firm, which filed a motion to withdraw from the case in July. It was then transferred to Becker & Poliakoff, "and it is unknown what Becker & Poliakoff has done with it since," the motion said.

"Because of Becker & Poliakoff's direct involvement in the foundation of the Cook Island trusts and the transfers of hundreds of millions of dollars overseas, and because of the multiple violations of the discovery orders of this court, (Pursglove) respectfully requests that the court order the hard drive to be turned over immediately," the motion states.

Palm Beach Circuit Judge Jeffrey Gillen has been assigned to the case.

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