

CONDENSED TRANSCRIPT

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,

v. CAUSE NO. IP 01-0259C H/G

JOHN E. BRINKER, JR., GARY J. BENTZ,
CASTLEROCK CONSULTING, LLC,
GUARDIAN FIRST LIMITED, INC.
(A NEVADA CORPORATION, GUARDIAN FIRST LIMITED, INC.
(A GRENADA CORPORATION, WELLINGTON BANK AND TRUST, LTD.,
WELLINGTON CAPITAL HOLDINGS, LTD, INC.,
WELLINGTON CAPITAL HOLDINGS, LTD.,
WELLINGTON INTERNATIONAL INVESTMENTS, INC.,
WELLINGTON FIRST INTERNATIONAL INVESTMENTS, INC.
and ALL SUBSEQUENTLY NUMBERED WELLINGTON
INTERNATIONAL INVESTMENTS, INC. ENTITIES,
Defendants,
and

ALPHA ADVANTAGE II, INC.,
ELEVEN EIGHTY-FIVE, LP and
STEADFAST MINISTRIES, INC.,
Relief Defendants.

~~~~~

The deposition upon oral examination of  
**CAROL JEAN BRINKER**, a witness produced and sworn before  
me, Don Oakes, Notary Public, in and for the County of  
Marion, State of Indiana, taken on behalf of the  
Court-appointed Receiver and Examiner, James A. Knauer,  
in the law office of Kroger Gardis & Regas, 111 Monument  
Circle, Suite 900, Indianapolis, Indiana, on July 27,  
2001, pursuant to Notice and the Federal Rules of Civil  
Procedure.



**(317) 231-9004**

**FAX (317) 231-1950**

**111 Monument Circle • Circle Center • Suite 582 • Indianapolis, IN 46204**  
**BaynesandShirey@Earthlink.net** **www.BaynesandShirey.com**

EXHIBIT INDEX

| <u>NO.</u>                                | <u>DOCUMENT</u>                                                                                                                                                                                                                                                           | <u>PAGE</u> |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <u>CAROL JEAN BRINKER, July 27, 2001:</u> |                                                                                                                                                                                                                                                                           |             |
| 1                                         | Document entitled Securities<br>and Exchange Commission's<br>Complaint for Permanent<br>Injunction and Other<br>Equitable Relief<br>United States Securities<br>And Exchange Commission<br>v.<br>John E. Brinker, Jr., et al.<br>Civil Action<br>File No. IP01-0259 C H/G | 5           |
| 2                                         | Document identified as copies<br>of checks                                                                                                                                                                                                                                | 6           |

DEPOSITION OF CAROL JEAN BRINKER - JULY 27, 2001

Page 2

1                   APPEARANCES  
 2  
 3 FOR THE PLAINTIFF:  
 4     Brett R. Fleitz  
 5     KROGER GARDIS & REGAS  
 6     111 Monument Circle  
 7     Suite 900  
 8     Indianapolis, IN 46204  
 9  
 10 FOR ALL DEFENDANTS and RELIEF DEFENDANTS  
 11    Except Gary J. Bentz:  
 12    Peter B. Schaeffer  
 13    135 S. LaSalle Street  
 14    Chicago, IL 36060  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 4

1                   DEPOSITION OF CAROL JEAN BRINKER  
 2                   July 27, 2001  
 3                   CAROL JEAN BRINKER, having been first  
 4     duly sworn to tell the truth, the whole  
 5     truth, and nothing but the truth, took the  
 6     stand and testified as follows:  
 7     DIRECT EXAMINATION  
 8     BY-MR.FLEITZ:  
 9     Q. Please state your name for the  
 10    record.  
 11    A. Carol Brinker.  
 12    Q. What is your address, Mrs. Brinker?  
 13    A. [REDACTED]o.  
 14    Q. And what is your Social Security  
 15    Number?  
 16    A. [REDACTED]  
 17    Q. By way of introduction, my name is  
 18    Brett Fleitz and I am counsel for the  
 19    Court-appointed Receiver and Examiner in this  
 20    case, Jim Knauer. We are here today for  
 21    your deposition by agreement.  
 22                   Have you ever had your deposition  
 23    taken before?  
 24                   THE WITNESS: I decline to answer on  
 25    the grounds of the Fifth Amendment.

Page 3

1                   INDEX  
 2                   Page  
 3 DIRECT EXAMINATION                   4  
 4 Questions By: Mr. Fleitz  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 5

1     Q. Tell me about your educational  
 2     background.  
 3     THE WITNESS: I decline to answer on  
 4     the grounds of the Fifth Amendment.  
 5     Q. Are you the spouse of John E.  
 6     Brinker, Jr.?  
 7     THE WITNESS: I decline to answer on  
 8     the grounds of the Fifth Amendment.  
 9     Q. I hand you what I have marked as  
 10    Exhibit 1 and ask if you can take a moment  
 11    to look at that.  
 12                   I will represent for the record that  
 13    that is merely a photocopy of the first page  
 14    of the Complaint pending in this case. I  
 15    will give you a moment to look at it with  
 16    your counsel.  
 17                   Have you seen that document before,  
 18    ma'am?  
 19                   THE WITNESS: I decline to answer on  
 20    the grounds of the Fifth Amendment.  
 21    Q. Is it correct that you would assert  
 22    the Fifth Amendment concerning any questions  
 23    that would pertain to any of the entities  
 24    reflected on Exhibit 1?  
 25    A. Yes.

## DEPOSITION OF CAROL JEAN BRINKER - JULY 27, 2001

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 6</p> <p>1 Q. And you would assert that privilege<br/>2 with regard to any question that would<br/>3 pertain to your employment with any of the<br/>4 entities reflected on Exhibit 1; is that<br/>5 correct?<br/>6 A. Yes.<br/>7 Q. Let me hand you what I have marked as<br/>8 Deposition Exhibit 2.<br/>9 MR. FLEITZ: Here is a copy for you.<br/>10 MR. SHAEFFER: Okay.<br/>11 Q. And ask if you could take a moment to<br/>12 review this nine-page document?<br/>13 For the record, this document<br/>14 reflects checks payable to Mrs. Brinker.<br/>15 And I would like to ask whether you<br/>16 would testify concerning the nature of these<br/>17 transfers and the consideration for these<br/>18 transfers?<br/>19 MR. SHAEFFER: Beyond invoking the<br/>20 Fifth Amendment?<br/>21 MR. FLEITZ: Correct.<br/>22 A. No.<br/>23 Q. Is it correct that you would assert<br/>24 your Fifth Amendment privilege regarding any<br/>25 follow-up questions regarding why these</p>        | <p style="text-align: right;">Page 8</p> <p>1 your Fifth Amendment Right with regard to<br/>2 any questions concerning your personal<br/>3 financial situation?<br/>4 A. Yes.<br/>5 Q. What is the current source of your<br/>6 husband's income?<br/>7 THE WITNESS: I decline to answer on<br/>8 the grounds of the Fifth Amendment.<br/>9 Q. What is the current source of<br/>10 Julieann Brinker's income?<br/>11 THE WITNESS: I decline to answer on<br/>12 the grounds of the Fifth Amendment.<br/>13 Q. What is the source of Gary Bentz'<br/>14 income; if you know?<br/>15 THE WITNESS: I decline to answer on<br/>16 the grounds of the Fifth Amendment.<br/>17 Q. When is the last time you talked to<br/>18 Gary Bentz?<br/>19 THE WITNESS: I decline to answer on<br/>20 the grounds of the Fifth Amendment.<br/>21 Q. In the year 2000, was it common for<br/>22 your husband's Castlerock payroll checks to<br/>23 be directly deposited to your personal<br/>24 checking account?<br/>25 THE WITNESS: I decline to answer on</p>                                                                                                                          |
| <p style="text-align: right;">Page 7</p> <p>1 checks were issued to you and negotiated by<br/>2 you; is that correct?<br/>3 A. Yes.<br/>4 Q. How long have you resided at [REDACTED]<br/>5 [REDACTED]<br/>6 THE WITNESS: I decline to answer on<br/>7 the grounds of the Fifth Amendment.<br/>8 Q. Have you sold any household<br/>9 furnishings at [REDACTED]<br/>10 February 27, 2001?<br/>11 THE WITNESS: I decline to answer on<br/>12 the grounds of the Fifth Amendment.<br/>13 Q. Have you caused any household<br/>14 furnishings located at [REDACTED]<br/>15 be sold elsewhere since February 27, 2001?<br/>16 THE WITNESS: I decline to answer on<br/>17 the grounds of the Fifth Amendment.<br/>18 Q. Are you presently employed?<br/>19 THE WITNESS: I decline to answer on<br/>20 the grounds of the Fifth Amendment.<br/>21 Q. What is your current source of<br/>22 income?<br/>23 THE WITNESS: I decline to answer on<br/>24 the grounds of the Fifth Amendment.<br/>25 Q. Is it correct that you would assert</p> | <p style="text-align: right;">Page 9</p> <p>1 the grounds of the Fifth Amendment.<br/>2 Q. Did you ever assist or otherwise<br/>3 facilitate the transfer of monies from<br/>4 Wellington Capital Holdings to the<br/>5 Swiss-American Bank of Antigua?<br/>6 THE WITNESS: I decline to answer on<br/>7 the grounds of the Fifth Amendment.<br/>8 Q. Isn't it true that you used income<br/>9 from Eleven Eight-Five in Castlerock to<br/>10 purchase furnishings at [REDACTED]<br/>11 THE WITNESS: I decline to answer on<br/>12 the grounds of the Fifth Amendment.<br/>13 Q. Tell me why you personally, solely,<br/>14 rather than you and your spouse, purchased<br/>15 the residence at [REDACTED]<br/>16 THE WITNESS: I decline to answer on<br/>17 the grounds of the Fifth Amendment.<br/>18 Q. Do you know whether any of the<br/>19 Defendants in this case or the Relief<br/>20 Defendants in this case have any money on<br/>21 deposit anywhere in the world?<br/>22 THE WITNESS: I decline to answer on<br/>23 the grounds of the Fifth Amendment.<br/>24 Q. Do you know whether any of the entity<br/>25 Defendants or Relief Defendants in this case</p> |

DEPOSITION OF CAROL JEAN BRINKER - JULY 27, 2001

Page 10

1 have any cash available anywhere in the  
 2 world?  
 3 THE WITNESS: I decline to answer on  
 4 the grounds of the Fifth Amendment.  
 5 Q. Have you discussed this case with any  
 6 former investors, current investors of any of  
 7 the Defendants or Relief Defendants since the  
 8 filing of the Complaint?  
 9 THE WITNESS: I decline to answer on  
 10 the grounds of the Fifth Amendment.  
 11 Q. Is there any information you would  
 12 want to volunteer to me about this case?  
 13 A. On the advice of my counsel, no.  
 14 Q. Did you discuss your deposition with  
 15 your spouse prior to your deposition?  
 16 THE WITNESS: I decline to answer on  
 17 the grounds of the Fifth Amendment.  
 18 Q. Do you intend to make an effort to  
 19 assume a lease in the name of the Eleven  
 20 Eighty-Five relative to a Dodge Durango motor  
 21 vehicle?  
 22 MR. SHAEFFER: Can I consult with her,  
 23 please?  
 24 MR. FLEITZ: Pursuant to the Local  
 25 Rule, if it is to consider the assertion of

Page 11

1 a privilege, yes.  
 2 MR. SHAEFFER: Thank you for that  
 3 opportunity.  
 4 MR. FLEITZ: You are welcome.  
 5 If you could, please reread the  
 6 question.  
 7 MR. SHAEFFER: I think we understand  
 8 the question, and the answer is:  
 9 THE WITNESS: I decline to answer on  
 10 the grounds of the Fifth Amendment.  
 11 Q. So, is it correct that you would  
 12 assert your Fifth Amendment privilege again  
 13 self-incrimination with regard to any  
 14 questions about an assumption of the lease of  
 15 the Dodge Durango?  
 16 MR. FLEITZ: Let me rephrase the  
 17 question. It may assist your analysis,  
 18 Peter.  
 19 MR. SHAEFFER: Thank you.  
 20 Q. Is it correct that you would assert  
 21 the Fifth Amendment with regard to any  
 22 questions that would go to the funds used to  
 23 facilitate an assumption of the Durango  
 24 lease?  
 25 A. Yes.

Page 12

1 MR. FLEITZ: Subject to a review of  
 2 the propriety of your assertions of your  
 3 Fifth Amendment rights under Local Rule No.  
 4 30.1, I would hold this deposition open, but  
 5 recessed for today. Thank you.  
 6 MR. SHAEFFER: We'll waive signatures  
 7 on these depositions.  
 8 AND FURTHER DEPONENT SAITH NOT  
 9 .  
 10 .  
 11 .  
 12 .  
 13 .  
 14 .  
 15 .  
 16 .  
 17 .  
 18 .  
 19 .  
 20 .  
 21 .  
 22 .  
 23 .  
 24 .  
 25 .

Page 13

1 STATE OF INDIANA  
 2 COUNTY OF MARION  
 3 I, Don Oakes, a Notary Public in and  
 4 for said County and State, do hereby certify  
 5 that the deponent herein was by me first  
 6 duly sworn to tell the truth, the whole  
 7 truth, and nothing but the truth in the  
 8 aforementioned matter;  
 9 That the foregoing deposition was  
 10 taken on behalf of the Court-appointed  
 11 Receiver and Examiner James A. Knauer; that  
 12 said deposition was taken at the time and  
 13 place heretofore mentioned between the hours  
 14 of 8:00 a.m. and 6:00 p.m.;  
 15 That said deposition was taken down  
 16 in stenograph notes and afterward reduced to  
 17 typewriting under my direction; and that the  
 18 typewritten transcript is a true record of  
 19 the testimony given by said deponent;  
 20 And that the reading and signature by  
 21 the deponent to the deposition were waived on  
 22 behalf of the parties by their respective  
 23 counsel, the witness being present and  
 24 consenting thereto, the deposition to be read  
 25 with the same force and effect as if signed

DEPOSITION OF CAROL JEAN BRINKER - JULY 27, 2001

Page 14

1 by said deponent.

2 I do further certify that I am a  
3 disinterested person in this cause of action;  
4 that I am not a relative of the attorneys  
5 for any of the parties.

6 IN WITNESS WHEREOF, I have hereunto  
7 set my hand and affixed my notarial seal  
8 this 29th day of July, 2001.

9 .  
10 .  
11 .  
12 .  
13 .  
14 .  
15 .  
16 .  
17 .  
18 .  
19 .  
20 .  
21 .  
22 .  
23 .  
24 .  
25 .

\_\_\_\_\_  
DON OAKES, Notary Public  
My Commission Expires:  
July 10, 2008

Blumberg No. 5209  
DEPOSITION  
EXHIBIT  
# 1

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

01 FEB 27 PM 1:48

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Plaintiff,

v.

CIVIL ACTION  
FILE NO.

JOHN E. BRINKER, JR.,  
GARY J. BENTZ,  
CASTLEROCK CONSULTING, LLC,  
GUARDIAN FIRST LIMITED, INC.  
(A NEVADA CORPORATION),  
GUARDIAN FIRST LIMITED, INC.  
(A GRENADA CORPORATION),  
WELLINGTON BANK AND TRUST, LTD.,  
WELLINGTON CAPITAL HOLDINGS,  
LTD., INC.,  
WELLINGTON CAPITAL HOLDINGS, LTD.,  
WELLINGTON INTERNATIONAL  
INVESTMENTS, INC.,  
WELLINGTON FIRST INTERNATIONAL  
INVESTMENTS, INC. AND ALL  
SUBSEQUENTLY NUMBERED  
WELLINGTON INTERNATIONAL  
INVESTMENTS, INC. ENTITIES,

LP01 - 0259 C H/G

Defendants,

and

ALPHA ADVANTAGE II, INC.,  
ELEVEN EIGHTY-FIVE, LP AND  
STEADFAST MINISTRIES, INC.

Relief Defendants.

U.S. DISTRICT COURT SOUTHERN DISTRICT OF INDIANA  
CERTIFIED:  
A TRUE COPY  
Laura A. Briggs  
CLERK OR DEPUTY  
LAURA A. BRIGGS  
CLERK

SECURITIES AND EXCHANGE COMMISSION'S COMPLAINT  
FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

Plaintiff, the United States Securities and Exchange Commission

("Commission"), alleges as follows:

Blumberg No. 5209  
DEPOSITION  
EXHIBIT  
2

**ELEVEN EIGHTY-FIVE  
A LIMITED PARTNERSHIP**  
1001 WELLINGTON DR. PH. 513-943-1221  
CINCINNATI, OH 45245

5906

DATE 5-1-00 58-29/472  
239

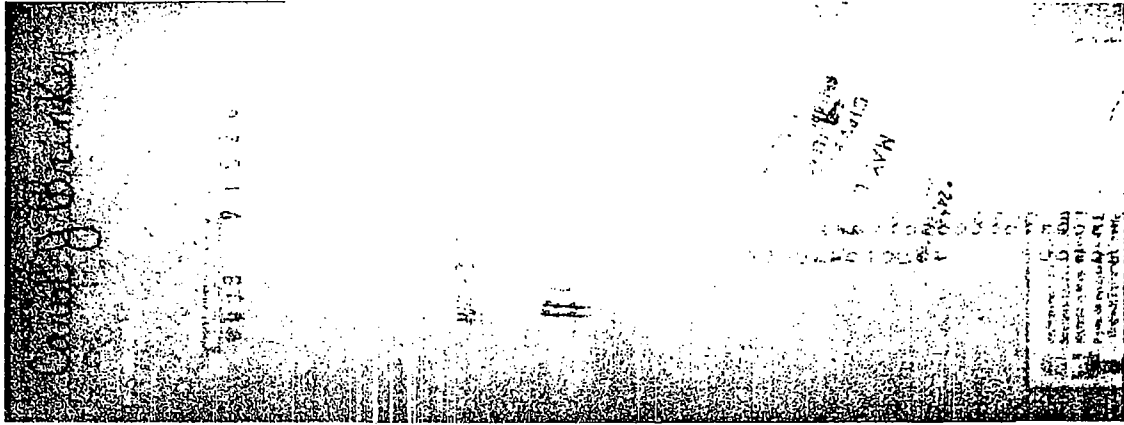
PAY TO THE ORDER OF Carol Brinker  
Ten Thousand +  $\frac{00}{100}$

\$ 10,000.<sup>00</sup>/<sub>100</sub>  
DOLLARS

KeyBank National Association  
Union Trust, One 45245  
1-800-KELY2YOU

*Just's eff*

⑆005906⑆ ⑆042200295⑆ 352391000226⑆ ⑆0001000000⑆



6713

**ELEVEN EIGHTY-FIVE  
A LIMITED PARTNERSHIP**  
 PH. 513-643-1221  
 4345 FERGLISON DR SUITE 100  
 CINCINNATI, OH. 45245

DATE 8-17-00

Carol Brinker \$ 4000.00  
Four Thousand Dollars + 00/100 DOLLARS

Pay to the order of Carol Brinker

KeyBank National Association  
 (Ohio Reg. Office 45245)  
 "DON'T GET ZIPPED"

Carol Brinker

⑆0006743⑆ ⑆042200295⑆ 352391000226⑆ ⑆0000400000⑆

Carol Brinker

AUG 17 2000

CINCINNATI, OH

KEY BANK NATIONAL ASSOCIATION

CINCINNATI, OH 45245

⑆0006743⑆ ⑆042200295⑆ 352391000226⑆ ⑆0000400000⑆

ELEVEN EIGHTY-FIVE  
A LIMITED PARTNERSHIP

6715

PH. 513-943-1221  
4355 FERGUSON DR SUITE 190  
CINCINNATI, OH. 45245

DATE 9.1.00

56-29/422  
57239

PAY TO THE ORDER OF

CAROL BRINKER

130931000002012952

\$ 7,000.00

SEVEN THOUSAND & <sup>00</sup>/<sub>100</sub>

DOLLARS



KeyBank National Association  
Union Twp., Ohio 45245  
1-800-KEY2YOU

FOR

PERSONAL DRAW

⑈006715⑈ ⑈042200295⑈ 352391000226⑈

⑈0000700000⑈

ELEVEN EIGHTY-FIVE  
A LIMITED PARTNERSHIP

6716

PH. 513-943-1221  
4355 FERGUSON DR SUITE 190  
CINCINNATI, OH. 45245

DATE 9-7-00

56-29/422  
57239

PAY TO THE ORDER OF

Office Depot

\$ 69.01

sixty-nine and <sup>01</sup>/<sub>100</sub>

DOLLARS



KeyBank National Association  
Union Twp., Ohio 45245  
1-800-KEY2YOU

FOR

OFFC. SUPPLIES

⑈006716⑈ ⑈042200295⑈ 352391000226⑈

⑈0000006901⑈

ELEVEN EIGHTY-FIVE  
A LIMITED PARTNERSHIP

6691

PH. 513-943-1221  
4355 FERGUSON DR SUITE 190  
CINCINNATI, OH. 45245

DATE 8.8.00

56-29/422  
57239

PAY TO THE ORDER OF

Bureau of Motor Vehicles

\$ 72.53

Seventy-two dollars & <sup>53</sup>/<sub>100</sub>

DOLLARS



KeyBank National Association  
Union Twp., Ohio 45245  
1-800-KEY2YOU

FOR

110076174 11 091480 8178

⑈006691⑈ ⑈042200295⑈ 352391000226⑈

⑈0000007253⑈

