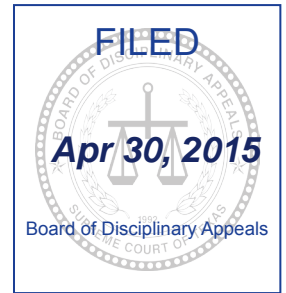


**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**



IN THE MATTER OF)
ROBERT JOSEPH ANDRES,) CAUSE NO. **55904**
STATE BAR CARD NO. 01237450)

**RESPONDENT’S RESPONSE TO
PETITION FOR COMPULSORY DISCIPLINE**

TO THE BOARD OF DISCIPLINARY APPEALS (“**BODA**”):

COMES NOW, ROBERT JOSEPH ANDRES (“**Respondent**”) filing this “Respondent’s Response to Petition for compulsory Discipline” (hereinafter “**Response**”) to the “Petition for Compulsory Discipline” (hereinafter “**Action**”) as made by the Commission for Lawyer Discipline (“**Petitioner**”), and in support thereof would respectfully show BODA the following:

STATEMENT OF EVENTS

1. This Response is made for use in that Hearing set for 9:00 a.m. on Friday, May 1, 2015, in the location of Austin, Texas, being the location of the Petitioner.

2. Respondent is the person who was originally identified as a Defendant in that Civil Case identified in U.S. Commodity Futures Trading Commission v. U.S. Ventures LC, a Utah limited liability company, Winsome Investment Trust, an unincorporated Texas entity, Robert J. Andres, and Robert L. Holloway; Case No. 2:11CV00099 BSJ; In the United States District Court for the District of Utah (“**Civil Case**”).

3. In the Civil Case, Respondent was not acting as an Attorney. Respondent was a Trustee for Winsome Investment Trust (“**the Trust**”), which was owed funds for Third-Party participants in said Trust as stated on the attached copies of the “Affidavit of Robert L. Holloway” and the “Affidavit of Jonathan O. Hafen”.

4. In the “Affidavit of Robert L. Holloway”, it is stated that funds in the amount of \$30,210,237.99 were due to the Trust and, furthermore, that “The Trust has no ability to obtain

any portion of the Trust Funds that were frozen while under a trading platform solely by and through USV". USV is also known as U.S. Ventures LC ("*USV*"), a Defendant in the civil Case.

5. The "Affidavit of Jonathan O. Hafen", in his capacity as Attorney for U.S. Ventures LC and Robert L. Holloway, attested to the representation made by Robert L. Holloway inasmuch as "...neither the Trust nor Mr. Andres made any decisions with respect to the manner in which the funds provided to USV by the Trust were traded.

6. In addition to the foregoing, and related to use of funds which were advanced to Respondent as "Loans" (primarily by and through Ray Robbins of Robbins Enterprises, Inc., but also through others), Respondent attempted to assist others who were Participants through the Trust, and had their funds "frozen", as stated by Robert L. Holloway to the Respondent.

7. While waiting for Robert L. Holloway to have funds belonging to the Trust to be unfrozen. Respondent also pursued recovery of funds from Wright, Lindsey & Jennings (an Arkansas Law Firm; "*WLJ Law Firm*") which employed Elgin Clemons, Jr. (Attorney for Clients of the WLJ Law Firm who were to assist the Trust), through the use of the Law Firm of Asa Hutchinson (present Governor of the State of Arkansas). The WLJ Law Firm has a Partner, known as Bruce Lindsey (former Presidential Counsel to former President William J. Clinton).

8. At the time of three (3) separate depositions of Respondent in the Civil Case during March of 2011, Respondent asked the Receiver (R. Wayne Klein) if Respondent could offer any assistance to the Receiver in recovery of funds, and especially as it concerns matters in which Respondent had concerning the WLJ Law Firm. The Receiver said "No", and again, on August 23, 2011, Respondent was told "No" by the Receiver after offering a further request to assist.

9. The Receiver eventually made recovery only of the fees paid by the Trust to the WLJ Law Firm, but did not provide any further settlement to the Trust to which the Respondent believes was due and necessary. Respondent was never informed by the Receiver of any specific reasons for the Receiver's failure and/or inability to pursue the settlement discussions which Respondent began.

10. After Robert L. Holloway informed the Respondent that funds of the Trust were "frozen", Respondent had arranged funds and/or Loans to assist Participants in the Trust.

11. During the Criminal Case, identified as Case No. 2:11-cr-00985, United States of America v. Robert J. Andres; In the United States District Court for the District of Utah (“**Criminal Case**”), Respondent was represented through the Office of the Utah Federal Public Defenders (“**FPD Attorneys**”). Representation of the Respondent was required and requested since all funds of Respondent were frozen and seized as a result of the filing of the Civil Case in January of 2011, and subsequent rulings effectively stating that Respondent was unable to obtain funds related to lines of credit, and which made the hiring of any independent counsel difficult.

12. In addition, in February Of 2012, the FPD Attorneys informed the Respondent that their budget was reduced due to the Redundancy efforts of the U.S. Federal Government and, as such, they could not travel to Houston to meet with Respondent. Such travel to Houston was required for Respondent’s defense in the Criminal Case, and since Respondent had been in a wheelchair and/or use of a walker for the entirety of the time since calendar year 2011.

13. As a result, the legal representation and defense of Respondent changed, particularly due to budget constraints of the FPD Attorneys. Furthermore, Respondent was informed that Respondent’s use of funds under any Loan scenario or permitted Power of Attorney (from Third Parties), for the purpose which included the assistance to any Participants which lost funds through the Trust in the USV, was considered to be participation under a Ponzi scheme.

14. Due to the advice of counsel received from the FPD Attorneys, it was decided that a Plea would be made as to Count One of the Indictment for Wire Fraud, as to a document which was provided to Utah residents unknown to Respondent at the time, and unknown through a Third-Party.

15. Respondent was informed that the specifics of the law did not require the Respondent to have any *mens rea* applicable to any action. As such, the Plea was made by Respondent in the Criminal Case..

16. In addition to the foregoing, and while there was no specific “**No Contact List**” in existence to which Respondent would have to avoid contact with potential Parties in the Criminal Case, the Respondent was arrested on July 3, 2012, and released on July 6, 2012. Release of the Respondent was made since Respondent was working with and for Clients of Respondent, at their request, and the Federal Prosecutor had no evidence on which to keep

Respondent in jail or prison. The attached "Affidavit of Gloria Jeffers" is hereby submitted to affirm this action against Respondent.

17. Furthermore, and should Gloria Jeffers be able to attend the Hearing in this matter against the Respondent, Gloria Jeffers can offer attestation of Respondent's poor health during the period of calendar years 2011 and 2012, and improving near the beginning of calendar year 2014.

18. In mid-2014, Respondent testified on behalf of the Federal Prosecution against Robert L. Holloway. It was stated afterwards that the testimony of Respondent was valued and truthful. Respondent did so without having any "pre-agreed" sentencing. However, it was expected by both Respondent and his FPD Attorneys that the only sentencing against Respondent would be for a period of probation.

19. On December 17, 2014, Sentencing was imposed on Respondent in the Criminal Case. The sentence was made after two Victims Impact Statements were made before the Presiding Judge. Respondents' counsel, the FPD Attorneys, was not able to cross-examine the statements from the two identified-Victims, even though the stating Parties were victims of USV and not victims of either the Respondent or the Trust. Also, at the Sentencing, the Presiding Judge stated that Robert L. Holloway and U.S. Ventures LC worked by themselves, without knowledge by Respondent of their separate actions.

20. Finally, at the Sentencing, the Presiding Judge informed Respondent that he would entertain a Motion from the Respondent for his consideration to revise conditions of his Sentencing Order which would allow Respondent to work in the legal profession should the law license be retained.

REQUESTS

21. Respondent desires BODA to consider the preceding Statement of Events before the imposition of any restriction against continuation of the Respondent's ability to practice law in the State of Texas.

22. If there is any compulsory discipline, request is made for it to be delayed until July 31, 2015 in order to finalize matters for existing Clients, with or without the assistance of a different Attorney.

23. Furthermore, Respondent would request an opportunity to retain the license to practice the legal profession in the State of Texas for existing Clients, as well as handling any pro bono matters for others, and to which an organization of the State Bar of Texas may refer.

24. Request is made so that Respondent, in conjunction with the continuation of said retention of said law license, may make a Motion to the presiding Judge in the Utah litigation for his consideration (and in line with his statements made at the December 17, 2014 sentencing) to revise conditions to allow Respondent to work in the legal profession should the law license be retained.

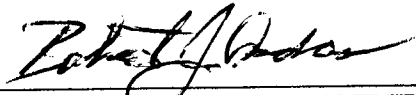
CONCLUSION AND PRAYER

WHEREAS PREMISES CONSIDERED, Respondent, Robert Joseph Andres, asks that this Board of Disciplinary Appeals **(A)** after hearing and/or any extensions/appeals thereafter, that Respondent be permitted to practice in the manner and/or time as identified in the Requests made by Respondent hereinbefore, **(B)** deny any and all other requests of the Petitioner against Respondent made herein this Cause, and **(C)** for such other and further relief to which he may show himself justly entitled and as herein stated.

DATED: April 30, 2015

Respectfully submitted,

BY:


Robert J. Andres, RESPONDENT
SBOT No. 01237450
5315-B Cypress Creek Parkway, No. 379
Houston, TX 77069
Telephone: (832) 755-7318
Fax: (281) 377-4055
E-mail: attorneyrja@msn.com

CERTIFICATE OF CONFERENCE

I hereby certify that on Monday, April 27, 2015, I spoke to Judith Gres DeBerry, Assistant Disciplinary Counsel of the Office of the Chief Disciplinary Counsel for the State Bar of Texas, as it concerns a Response to be filed to the "Petition for Compulsory Discipline" as filed in the captioned matter. During that telecon, I requested a continuance of two-three weeks from the scheduled Hearing of Friday, May 1, 2015. The request was made for health reasons, as well as loss of power during the preceding weekend from storms in the Houston area. It was explained that the Board of Disciplinary Appeals meets every 2-3 months and, as such, no continuance could be granted. As such, I apologize for any lateness in delivery of the "Respondent's Response to Petition for Compulsory Discipline" to which this "Certificate of Conference" is made.



Robert J. Andres

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Respondent's Response to Petition for Compulsory Discipline" was sent to all Interested Parties of Record, including

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487

E-mail: jdeberry@texasbar.com

Attorney for Petitioner

Formal e-filing made to filing@txboda.org,

on this 30th day of April, 2015.



Robert J. Andres

AFFIDAVIT OF ROBERT L. HOLLOWAY

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

BEFORE ME, the undersigned authority, on this day personally appeared **ROBERT L. HOLLOWAY**, known to me to be the person whose name is subscribed below, and after having been duly sworn by me, upon his oath deposed and said as follows:

"My name is Robert L. Holloway, an Individual residing in Salt Lake City, Utah (hereinafter "**Holloway**"), and am identified as the President of U.S. Ventures, LC (a Utah limited liability company; hereinafter "**USV**"), as it concerns those civil matters as "Relief Defendants" (hereinafter jointly referred to as "**Clients**") before the U.S. Securities and Exchange Commission, Civil No. 2:07 CV 00235 PGC (USDC Utah, filed April 11, 2007) known as "SEC v. Novus Technologies, LLC et alia" (hereinafter "**Litigation**"), whereas said Clients are represented in said Litigation by Jonathan O. Hafen of the Law Firm known as Parr, Waddoups, Brown, Gee & Loveless in Salt Lake City, Utah (hereinafter "**Attorney**"). I have full authority and am in all ways qualified to make this Affidavit. Additionally, I have made a written request of my Attorney to prepare an Affidavit on these same topics.

Since October, 2005, for use under a trading platform by and through a Master Agreement with Winsome Investment Trust (hereinafter, the "**Trust**"), USV received funds from the Trust for and/or on behalf of the Trust and/or its underlying beneficiaries until that date just before the filing of said Litigation on April 11, 2007. The funds received by USV from the Trust were included within those funds that were frozen by the SEC on said date and/or included within that Loss Reserve established by USV to shelter the Trust from losses, if any, resulting from the efforts of USV.

As at March 31, 2007, the last formal accounting for funds and/or Trust earnings retained by USV (from and/or related to the Trust) indicates that a combined Thirty Million Two Hundred Ten Thousand Two Hundred Thirty-Seven and 99/100 Dollars (\$30,210,237.99) is due to the Trust (hereinafter, the "**Trust Funds**"). The Trust has no ability to obtain any portion of the Trust Funds that were frozen while under a trading platform solely by and through USV.

At my request, USV's said Attorney has been communicating with Robert J. Andres, Trustee of the Trust, since the end of January, 2008 in order to reach a settlement outside of the Litigation and in order not to further complicate said Litigation. Though the Trust and Holloway have reached a verbal understanding, the formal terms and conditions have yet to be reduced to writing, though expected to be completed within the next sixty (60) days.

The Trust has been told and understands that any funds that were frozen from the underlying Litigation may not be available any earlier than June-July of 2009, if at all. As such, in addition to USV's said Attorney handling a settlement to remove the Clients from Litigation as "Relief Defendants" by and through the SEC, the secondary

settlement with the Trust will then permit all parties to move forward as promptly as possible, and to make the Trust and its underlying beneficiaries as whole as quickly possible.

The Trust, by and through Robert J. Andres, had no relationship with USV other than through the trading platform of USV where the Trust Funds were placed for business purposes involving USV.

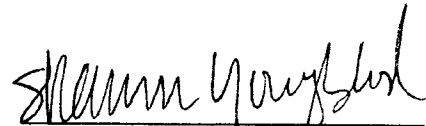
A facsimile transmission or other copy of this Affidavit, comprised of two (2) pages, is deemed to be an original for all purposes.

Further Affiant sayeth not."


ROBERT L. HOLLOWAY

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME by the said Robert L. Holloway, in his stated capacity, on this the 28th day of March, 2008, to certify which witness my hand and seal of office.

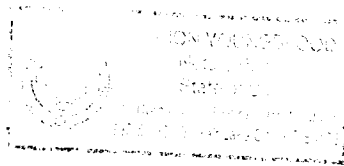

NOTARY PUBLIC IN AND FOR
THE STATE OF UTAH

Typed or Printed Name:

Shannon Youngblood

MY COMMISSION EXPIRES:

10/15/2011



AFFIDAVIT OF JONATHAN O. HAFEN

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

BEFORE ME, the undersigned authority, on this day personally appeared **JONATHAN O. HAFEN**, known to me to be the person whose name is subscribed below, and after having been duly sworn by me, upon his oath deposed and said as follows:

"My name is Jonathan O. Hafen, a duly licensed and practicing Attorney in the State of Utah working for the Law Firm known as Parr, Waddoups, Brown, Gee & Loveless in Salt Lake City, Utah. My Law Firm and I represent U.S. Ventures, LC (a Utah limited liability company; hereinafter "USV") and Robert L. Holloway, Individually and as President of USV (hereinafter "Holloway"), as it concerns those civil matters as "Relief Defendants" (hereinafter jointly referred to as "Clients") before the U.S. Securities and Exchange Commission, Civil No. 2:07 CV 00235 PGC (USDC Utah, filed April 11, 2007) known as "SEC v. Novus Technologies, LLC, et al." (hereinafter "Litigation"). At the written request of my Clients, I provide this Affidavit and am in all ways qualified to make this Affidavit.

For use under a trading platform by and through a Master Agreement with Winsome Investment Trust (hereinafter, the "Trust"), it is my understanding that USV received funds from the Trust. The Trust has asserted claims against Holloway with respect to those funds.

At the request of my Clients, I have been communicating with Robert J. Andres, whom I understand to be the Trustee of the Trust, since approximately the end of January, 2008 in order to reach a settlement outside of the Litigation and in order not to further complicate the Litigation. Though my Clients and the Trust have reached a general verbal understanding of a settlement, the formal terms and conditions have yet to be reduced to writing. I anticipate that a formal settlement will be reached within the next sixty (60) days.

To the best of my knowledge, neither the Trust nor Mr. Andres made any decisions with respect to the manner in which the funds provided to USV by the Trust were traded.

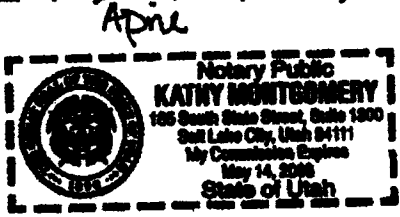
A facsimile transmission or other copy of this Affidavit, comprised of two (2) pages, is deemed to be an original for all purposes.

Further Affiant sayeth not."


JONATHAN O. HAFEN

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME by the said Jonathan O. Hafen, in his stated capacity, on this the 2nd day of March, 2008, to certify which witness my hand and seal of office.



Kathy Montgomery
NOTARY PUBLIC IN AND FOR
THE STATE OF UTAH

Typed or Printed Name:

KATHY MONTGOMER

MY COMMISSION EXPIRES:

5/14/08

AFFIDAVIT OF GLORIA JEFFERS

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared **GLORIA JEFFERS (a/k/a Gloria Guerrero-Jeffers)**, known to me to be the person whose name is subscribed below, and after having been duly sworn by me, upon her oath deposed and said as follows:

"I, Gloria Jeffers (a/k/a Gloria Guerrero-Jeffers), am a resident of the State of Texas. I am in all ways qualified to execute this Affidavit.

This Affidavit is made for primary use in that matter involving Robert J. Andres, licensed Attorney in the State of Texas (hereinafter "**Attorney**"), in that Cause No. 55904, entitled "In the Matter of Robert Joseph Andres, State Bar Card No. 01237450"; Before the Board of Disciplinary Appeals Appointed by the Supreme Court of Texas; and his receipt of that "Petition for Compulsory Discipline" (hereinafter "**Petition**"). This Affidavit is made available for attachment to the Attorney's response to the Petition.

I have personally known the Attorney for approximately eighteen (18) years, including at least the last sixteen (16) years of the professional relationship involving legal work for myself. Additionally, the Attorney has performed legal services for my Mother and other Family members since Calendar Year 2007. It is within my knowledge that the Attorney is continuing performance of the legal services on behalf of my Mother (Beatrice M. Guerrero), and does so without having received payment (or preparing any legal invoices) for said services which involve fighting problems with some Family members who have caused delays in my Mother receiving distribution of Assets from an Estate, and then a Trust, since the death of my Father in Calendar Year 2003.

The brief History with the Attorney has been identified in the immediately preceding paragraph since I am personally aware of the Attorney, as well as his character and those events which include his indictment in Case No. 2:11-cr-00985, styled *United States of America, Plaintiff, v. Robert J. Andres, Defendant*, in the United States District Court, District of Utah, Central Division (hereinafter "**Criminal Case**"). I am aware of his financial condition, and that he has not personally profited from any of those matters identified in the Criminal Case. Furthermore, E. Ursula Andres (the spouse of the Attorney) and I have met and discussed the Attorney's problems a number of times since early July of 2012.

As it concerns the Criminal Case, I am aware that the Attorney was arrested on July 3, 2012 as it concerns a Petition which was filed against the Attorney for violation of a ruling that the Attorney was to have no contact with "possible witnesses" who may exist against the Attorney in cases filed in the United States District Court, District of Utah, Central Division, in either civil and/or criminal cases.

After speaking to the Attorney's spouse, I attended the Attorney's Detention Hearing on Friday, July 6, 2012, in Houston, Texas as it concerns efforts for his release from imprisonment after the arrest on July 3, 2012. During that Detention Hearing at the Federal Courthouse at 515 Rusk Ave, Houston, Texas, I was sitting near the FBI Agent who testified against the Attorney at the Detention Hearing. While seated within range to hear the discussion, the Federal Prosecutor came over and spoke to the FBI Agent, saying that their actions against the Attorney was a "longshot" and that they expected the Attorney to be released. Furthermore, the Federal Prosecutor said that there were "No Lists" of any specific or possible witnesses with whom the Attorney was to have no contact. I later learned that the

original ruling against the Attorney for enforcement of the intended action was "Vague and Unenforceable" since it did not name any specific future witnesses which the Attorney was to have no contact.

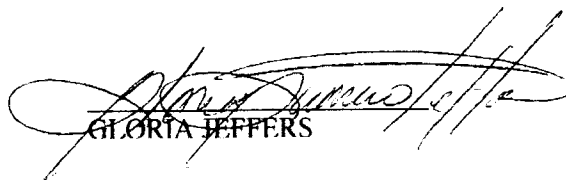
During my attendance at the Detention Hearing, I learned that there were e-mails between the Attorney and his Clients, and which identified their professional relationship and the work which was to be performed by the Attorney on behalf of his Clients. Furthermore, I learned that the Attorney told his Clients that it was "ok" for the Clients to pursue matters against a Third-Party (from Oklahoma), and to discuss that issue with Federal Agents. Instead, the Federal Agents pursued the Attorney for the "Vague and Unenforceable" violation identified in the immediately preceding paragraph, and never pursued any action against the Oklahoma Party as was originally intended by the Attorney's Clients.

The Attorney was released from custody following the Detention Hearing on July 6, 2012.

I am fully aware of the Attorney, his situation, and his character. I am also aware of the situation for which he entered a plea of guilty as to one count in the Criminal Case. As such, I request that any disciplinary actions against the Attorney be minimal, and allow him to retain his license to continue his law practice in the State of Texas.

A facsimile transmission or other copy of this Affidavit, comprised of two (2) pages, is deemed to be an original for all purposes.

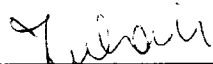
Further Affiant sayeth not."


GLORIA JEFFERS

STATE OF TEXAS)
)
COUNTY OF FORT BEND)

SUBSCRIBED AND SWORN TO BEFORE ME by the said Gloria Jeffers, in her stated capacity in the foregoing Affidavit, on this the 21 day of April, 2015, to certify which witness my hand and seal of office.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Typed or Printed Name:
Zuhair Abbas

MY COMMISSION EXPIRES:
02/23/2019