

# Financial Instruments and Public Financial Disclosure

## Handout

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- Ethics Official: Thank you for taking the time to speak with me regarding Mr. Maxwell's financial disclosure report. As I mentioned in my e-mail, I need to gather some additional information about the entries disclosed on page 5 of Mr. Maxwell's report.
- Broker: No problem. Glad to help.
- Ethics Official: Great. Starting with Positron Investments X, LLC on line 1, what type of investment is this exactly?
- Broker: A hedge fund.
- Ethics Official: Ok. What are the criteria for investing in this fund? I mean, can anyone invest or is it closed to certain investors?
- Broker: Well, you have to be a qualified investor.
- Ethics Official: Are there any other restrictions?
- Broker: No.
- Ethics Official: Does the fund have more than 100 investors?
- Broker: There are 80 investors. I think 75 people or so and a few institutional investors.
- Ethics Official: Does the fund provide a list of the investments?
- Broker: Only the top 10 positions. I can send you the list later today. Would that help?
- Ethics Official: Yes, that would be very helpful. Moving on to TFG Capital Partners V, is this also a hedge fund?
- Broker: No, I think it's a private equity fund offered by Tysons. I don't have anything on that, though, since Mr. Maxwell didn't invest in it through us at Bar Harbor.
- Ethics Official: Ok, I will follow up with Mr. Maxwell on that entry. Right below it, there is a fund called Bar Harbor Ventures III? Is this a venture capital fund?
- Broker: That's correct. It's managed by Bar Harbor Investments and was offered on a limited basis to our clients only. It is now closed to all new investors. The last capital call was in August 2010.
- Ethics Official: Are there any restrictions on who can be a client at Bar Harbor?
- Broker: Generally, we require minimum initial investment from our prospective clients.
- Ethics Official: How many investors does the fund have?
- Broker: 105 limited partners and the general partner, Bar Harbor Investments.

Ethics Official: Do you have a list of the investments that you could send?

Broker: I have the paperwork in front of me -- Electro Parts Worldwide Co.; Synergy Propulsion, LLC; Halley Engineering; Hydroponics Unlimited; Data Elements, Inc.; and Allied Building Computing, Inc. I can send you the list, though.

Ethics Official: If you could please. Thank you.

Broker: Sure. Do you need anything else?

Ethics Official: Yes. Maxwell Partners 2003. Do you know what type of investment this is?

Broker: Sorry, no. You'll have to check with Mr. Maxwell.

Ethics Official: All right. There is just one more entry here -- BH Large Cap Value Portfolio. Is this a mutual fund? I experienced a little difficulty finding a fund with this particular name.

Broker: It functions just like a typical large cap mutual fund. The strategy is set centrally for all of the investors holding the portfolio. Mr. Maxwell has no control. There are definitely more than 100 investors. It's one of our more popular options.

Ethics Official: Are the funds actually pooled together or does Mr. Maxwell individually hold legal title to the underlying assets?

Broker: Technically, Mr. Maxwell holds title; however, we make all the investment decisions for him. He can't direct us to buy or sell the individual components of the portfolio any more than he could the stocks within a mutual fund. So, are we all finished?

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[Received later that day]

**Positron Investments X, LLC**

--- Top Positions // 081211 // ---

- Quasar Finance II, LP
- Zorn Capital 2010, LP
- General Electric (GE)
- Nova Real Return, LP
- George India III, LLC
- JP Morgan Chase (JPM)
- Petroleo Brasileiro (PBR)
- Syme Arbitrage, LLC
- Amer Intl Group Inc. (AIG)
- Time Warner Inc. (TWX)

**Bar Harbor Ventures III Fund, LP**

- Electro Parts Worldwide Co.  
(electronics manufacturer, Austin, TX)
- Synergy Propulsion, LLC  
(rocket fuel research, Huntsville, AL)
- Halley Engineering  
(satellite technology, Modesto, CA)
- Hydroponics Unlimited  
(agricultural research, Sioux Falls, SD)
- Data Elements, Inc.  
(statistical software, Ann Arbor, MI)
- Allied Building Computing, Inc.  
(engineering software, Boston, MA)