



JOSEPH G. BONANNO, ESQ., CLP  
NAELB LEGAL COUNSEL  
151 MYSTIC AVENUE, MEDFORD, MA 02155  
PHONE: (781) 391-7800; FAX (781) 827-0866  
EMAIL: law@jgbesq.com

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January 5, 2010

Mr. Brian Acosta  
Ability Capital Solutions f/k/a Matrix Business Capital  
525 East Seaside Way, Ste. 1902  
Long Beach, CA 90802

RE: *NAELB ETHICS COMPLAINT, EarthArtist Mountain Studio  
SENT BY TELEFAX TO (562)206-0290 AND EMAIL TO  
brian.acosta@matrixbusinesscapital.com*

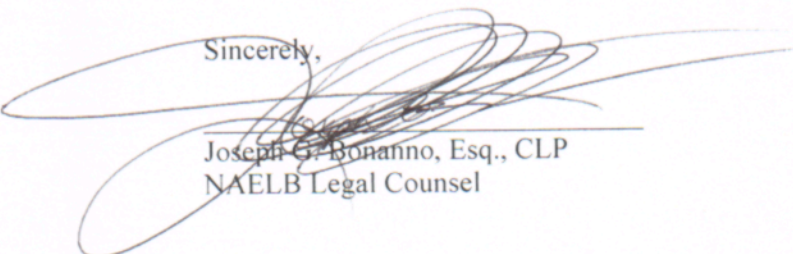
Dear Mr. Acosta:

As you are aware, this office is legal counsel to the National Association of Equipment Leasing Brokers ("NAELB"). In that capacity, this office administers the ethics program of the NAELB. An ethics complaint for improper retention of an advance deposit has been filed with this office against Ability Capital Solutions f/k/a Matrix Business Capital by a prior customer, EarthArtist Mountain Studio Campus. I had previously corresponded with you on December 15, 2009 via UPS and fax. I have enclosed herewith proof of delivery receipts for both UPS and the telefax that was sent to you along with the complaint material.

As of this date, I have not received a response to the matter from you. However, in fairness I will acknowledge that the timing of the holidays may have made a response within the normal 10 day period impossible. Therefore, I will provide you with the opportunity to respond to this matter by the close of business on this Friday, January 8, 2010. In the event there is no response received by that time, then I will forward the matter to the NAELB Ethics Committee (and potentially the full board if the process goes that far) without the benefit of your response.

Please govern yourself accordingly.

Sincerely,



Joseph G. Bonanno, Esq., CLP  
NAELB Legal Counsel

JGB/m

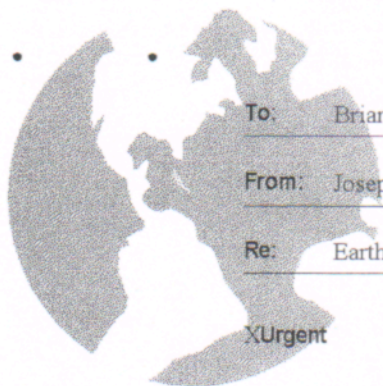
Enc

cc: Michael Lentine



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## FACSIMILE COVER SHEET



To: Brian Acosta Ability Capital      Fax: 15622060290  
From: Joseph G Bonanno, Esq.      Date: Dec 15, 2009  
Re: EarthArtistMountainStudio      Pages: 4

Urgent       For Review       Please Comment       Please Reply       Please Recycle

### STATEMENT OF CONFIDENTIALITY

THE DOCUMENTS INCLUDED WITH THIS TRANSMISSION CONTAIN INFORMATION THAT IS CONFIDENTIAL AND/OR PRIVILEGED. THIS INFORMATION IS INTENDED TO BE FOR THE USE OF THE ABOVE NAMED ADDRESSEE ONLY. IF YOU ARE NOT THE ADDRESSEE, ANY DISCLOSURE, PHOTOCOPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS FAXED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THE ABOVE SENDER SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THE ORIGINAL DOCUMENTS AT NO COST TO YOU

#### Notes:

Please see attached





JOSEPH G. BONANNO, ESQ., CLP  
NAELB LEGAL COUNSEL  
151 MYSTIC AVENUE, MEDFORD, MA 02155  
PHONE: (781) 391-7800; FAX (781) 827-0866  
EMAIL: law@jgbesq.com

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December 15, 2009

Mr. Brian Acosta  
Ability Capital Solutions f/k/a Matrix Business Capital  
525 East Seaside Way, Ste. 1902  
Long Beach, CA 90802

**RE: NAELB ETHICS COMPLAINT, EarthArtist Mountain Studio**  
**SENT BY TELEFAX TO (562)206-0290 AND UPS OVERNIGHT COURIER**

Dear Mr. Acosta:

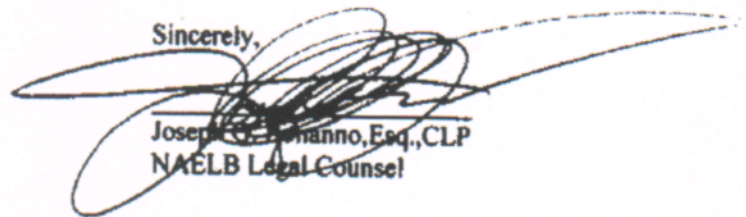
This office is legal counsel to the National Association of Equipment Leasing Brokers ("NAELB"). In that capacity, this office administers the ethics program of the NAELB. An ethics complaint for improper retention of an advance deposit has been filed with this office against Ability Capital Solutions f/k/a Matrix Business Capital by a prior customer, EarthArtist Mountain Studio Campus. A copy of the complaint letter is enclosed herewith for your reference.

In accordance with the ethics dispute process, you have 10 days from the date of this correspondence to file a response to the referenced complaint with this office. You are encouraged to provide all documentation in support of your position. At that point, I will try to interject to have the parties reach a resolution of the matter. In the event a resolution cannot be reached, then the matter will be sent to the NAELB Ethics Committee, which consists of two anonymous brokers and two anonymous funders, for their opinion. The material sent to them will have the names of the parties redacted. If after that review, the matter still cannot be resolved, then the matter will be sent to the full NAELB Board of Directors on a full disclosure basis for the Board to take whatever action it deems appropriate in the matter. At any point during the process, the parties have the ability to resolve the matter between themselves.

Mr. Brian Acosta  
Ability Capital Solutions f/k/a Matrix Business Capital  
December 15, 2009  
Page 2

I shall anticipate receipt of your response to this matter within the time period stated. Thank you for your anticipated co-operation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Joseph G. Romano', is written over the typed name and title.

Joseph G. Romano, Esq., CLP  
NAELB Legal Counsel

JGB/m  
enc

bcc: Michael Lentine Jr.

*EarthArtist Mountain Studio-Campus*

December 14, 2009

Joseph G. Bonnano, Esq., CLP  
NAELB Legal Counsel  
151 Mystic Avenue  
Medford, MA 02155

Dear Mr. Bonnano:

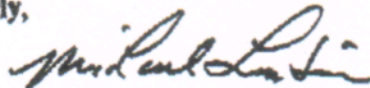
I respectfully request that NAELB address ethical violations of Mr. Brian Acosta of Ability Capital Solutions (Matrix Business Capital, et. al.). I represent that there is no pending litigation between my company, EarthArtist Mountain Studio-Campus LLC and Ability Capital Solutions or Matrix Business Capital.

In a recent telephone call to Mr. Acosta, I was told that if I reported his refusal to refund my company's deposit for an equipment lease arrangement to your organization, I would not "see our money again." He has stated that a refund would not occur before the end of January 2010, almost six months since we forwarded our deposit to his company on August 14<sup>th</sup>, 2009, three and a half months since our October 13<sup>th</sup>, 2009, request for refund (attached hereto) and three months since our final request, per certified mail, on October 28<sup>th</sup>, 2009. I am faxing these letters along with related documents and can transmit the email trail of our dealing with Mr. Acosta to you. In the event we commence litigation with Mr. Acosta's company, then I acknowledge that NAELB shall suspend all investigation in this matter, pending the conclusion of said litigation.

I look forward to discussing this situation with you.

With kind regards,

Sincerely,



Michael Lentine

**Joseph Bonanno, Esq.**

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**From:** "MyFax" <NoReply@MyFax.com>  
**To:** <Law@jgbesq.com>  
**Sent:** Tuesday, December 15, 2009 5:08 PM  
**Subject:** Fax Delivery Successful to 15622060290



Successful fax sent from MyFax.

Fax for Free.  
Tell a friend about MyFax  
today.

Have a question?  
[support@myfax.com](mailto:support@myfax.com)

Fax Delivery Number:	15622060290
Fax Recipient:	To: Brian Acosta Ability Capital
Sent at:	12/15/2009 05:08:42 PM (GMT-5:00)
Pages:	4
Duration:	120
Cost:	0.0000 USD
Tax - GST:	0.0000 USD
Tax - PST:	0.0000 USD
Total Cost:	0.0000 USD
Customer Number:	1664871
Reference Number:	220510428
Billing Code:	1664871

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**PREPAID LETTER**



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EXPIRATION DATE

06/04/10

020191131 1/08 RRD

1	DATE OF SHIPMENT 12/15/09	UPS SHIPPER NUMBER 2V2-0EB
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2	REFERENCE NUMBER	
FROM	NAME J. BONANNINO	TELEPHONE 781-391-7800
	COMPANY	
	STREET ADDRESS LAW OFFICE	
	CITY MYSTIC AVE	
	CITY MEDFORD	STATE MA

3	REFERENCE NUMBER	
TO	NAME BRIAN ACOSTA	TELEPHONE 562-472-0490
	COMPANY	
	STREET ADDRESS ABILITY CAPITAL SOLUTIONS	
	CITY SOUTH SEASIDE WAY, STE 1902	
	CITY LONG BEACH	STATE CA

SHIPPER'S COPY

All shipments are subject to the terms contained in the UPS Tariff and Terms and Conditions of Service, available at UPS.com and local UPS offices.



## Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** N4600676160  
**Service:** NEXT DAY AIR  
**Delivered On:** 12/16/2009 10:18 A.M.  
**Delivered To:** LONG BEACH, CA, US  
**Signed By:** WAYNE BOWEN

**Location:** SECURITY OFFICE

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/17/2009 4:51 P.M. ET