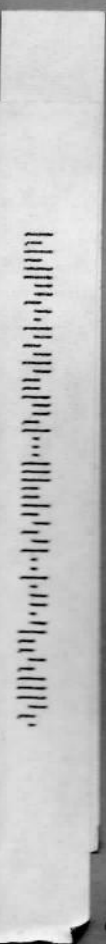


FDC

P.O. Box 30080  
Honolulu, HI 96820  
Return Receipt Requested



SPECIAL MAIL

YEAR OF JUBILEE.COM  
MEDIA REPRESENTATIVE  
RUDY DAVIS  
P.O. Box 2088  
Forney, TX 75126

mailed on 5-12-19

FEDERAL DETENTION CENTER

**RECEIVED**  
HONOLULU, HI 96818

DATE: MAY 11 2008  
"SPECIAL MAIL"

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another address, please return the enclosed to the above address.

- K. Business Card of PJ Stewart, a Private Attorney General that used to work for me.
- L. Email PJ sent to Corrupt Hawaii Court
- M. Another Email PJ sent to Corrupt Hawaii Court explaining what a Private Attorney General is.
- N. Proof my company was registered in Hawaii from 2013 to 2018
- O. Certificate of Exemption from Anti-Predatory Lending Database certifying nothing fraudulent about my mortgage documents or my company
- P. Another bogus disciplinary for 2 pillows that were already ripped out of the mattresses before I was placed in the SHU cell with John Freitas who told them he had previously done it prior to me being placed in the cell which they knew and still wrote me a disciplinary to hold me in the SHU longer
- Q. A letter I received last month from the FBI addressing me as Private Attorney General stating they were not going to open up an inquiry (probably because the agent stopped harassing them when I exposed what he was doing). If I was not a Private Attorney General WHY would the FBI headquarters office address me as such.

I have also enclosed the gov't response to my suppression motion.

Yours in Yehshua, Brother Anthony

P.S. Please send this back to me after you have scanned it. Thanks

Shalom Brother Rudy, May 10, 2019

I have enclosed some of the exhibits I presented today at my suppression hearing. They are as follows:

- A. Affidavit of Rosy Thomas
- B. Affidavit of Anabel Gasmen Cabebe
- C. Affidavit of Angelita Pasion
- D. Letter from a client who was scammed by an attorney and sought my services
- E. Complaint against Henry Malinay and Mortgage Enterprise (a former employee I fired and he set up a copy cat company naming it similar to mine to deceive people)
- F. Complaint against Hep Guinn, another former employee I fired who scammed people and stole my documents
- G. Payments made by the client to Hep's company HYL
- H. Letter from DCCA to Hep's victim
- I. Hep's client being foreclosed on by Commissioner
- J. Bankruptcy Court order against Henry Malinay and Mortgage Enterprise which falsely includes my name as if I had any thing to do with Henry's company and lists all the clients who made a complaint against him and not me and my company Mortgage Enterprise Investments.

AFFIDAVIT

Indeed, no more than affidavits are needed to establish a prima facie case. United States v. Kis, 658 F. 2d, 526 536 (7<sup>th</sup> Cir. 1981); cert. denied, 50 U. S. L. W. 2169, S. Ct. March 22, 1982.

I, Rosy E. Thomas, do hereby certify under penalty of perjury that the following statements are true, correct and complete to the best of my knowledge, information and belief.

1. THAT, Anthony T. Williams never told the Affiant or anyone to stop paying the Affiant's mortgage because the Affiant had already stopped and were already in foreclosure.
2. THAT, Anthony T. Williams never lied to the Affiant or anyone about him being an attorney at law or member of the bar.
3. THAT, the Affiant know of many people that Anthony T. Williams assisted and witnessed him interacted with some of these people at his office and he never lied to them or misrepresented what he could do for them.
4. THAT, Mary Jean Castillo worked for Anthony T. Williams and she was the one that brought me in and filed the same paperwork on behalf of clients according to MEI procedures.
5. THAT, none of the clients that the Affiant know personally, ever made a complaint that Anthony T. Williams scammed and or defrauded them.
6. THAT, the Affiant can personally testify that Anthony T. Williams assisted others fight for their foreclosures even if they did not pay for his services and he still assisted them.
7. THAT, Anthony T. Williams showed me proof of what he does in assisting those people with foreclosure issues and he always sent copies to the FBI of what he did.

Defense  
Ex "A"

Bindetek #CLEX

Further Affiant sayeth naught.

Executed this 6 day of May, 2019.

Rosy E. Thomas  
Affiant's Printed Name

[Signature]  
Affiant's Signature

### ACKNOWLEDGEMENT

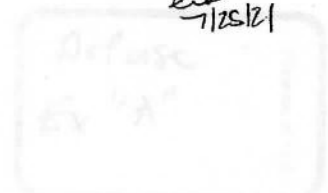
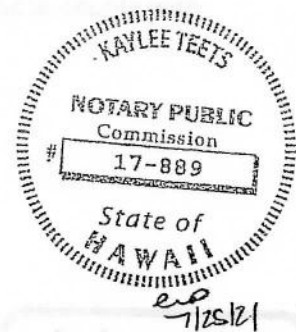
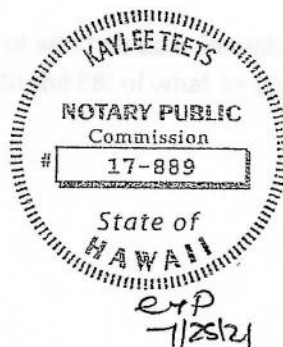
SUBSCRIBED AND SWORN BEFORE ME, on this 6 day of May, 2019, a notary, that Rosy E. Thomas, personally appeared and known to me to be the person whose name is subscribed to the within instrument and acknowledged to be the same.

Kaylee Teets  
Notary Printed Name

[Signature]  
Notary Signature

My Commission Expires: 01/25/2021

Doc. Date: <u>5/6/19</u>	# Pages: <u>2</u>
Notary Name: <u>Kaylee Teets</u>	<u>1</u> Circuit
Doc. Description: <u>Acknowledgement</u>	
<u>[Signature]</u> Notary Signature	<u>5/6/19</u> Date



# AFFIDAVIT OF TRUTH

STATE OF HAWAII )  
 ) SS.  
City & County of Honolulu )

"Indeed, no more than (affidavits) is necessary to make the prima facie case." United States v. Kis, 658 F.2<sup>nd</sup>, 526, 536 (7<sup>th</sup> Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982

That I, Anabel Gasmen Cabebe a living breathing woman, being first duly sworn, depose and say and declare by my signature that the following facts are true, correct and complete to the best of my knowledge and belief.

THAT, the Affiant's rights "...existed by the law of the land long antecedent to the organization of the State." (Hale v. Henkel, 201 U.S. 43)

THAT, the Affiant paid Edna Franco over \$10,000 under the pretense that she was helping Affiant save her homes from foreclosure..

THAT, the Affiant witnessed Edna Franco collect thousands of dollars without ever giving a receipt nor having services rendered that were promised.

THAT, Affiant's witnessed Henry Malinay collect money on behalf of Edna Franco under the pretense that she would help the people and answer their complaint and rarely answered the complaints.

THAT, Affiant was told by Edna Franco that she was opening her own company called Mortgage Enterprise and that it had nothing to do with Anthony Williams.

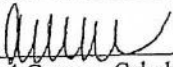
THAT, the Affiant is a victim of a scam and mortgage relief fraud scheme operated by Edna Franco who mislead me into thinking she could save my home.

THAT, Affiant has witnessed Edna Franco's illegal and unlawful actions committed against homeowners.

THAT, Affiant was unaware that Edna Franco had already been sanctioned by the State of Hawaii for Mortgage Fraud and scamming homeowners out of thousands of dollars.

THAT, Affiant is willing to testify in a court of law that the foregoing facts are true and correct and that Affiant is seeking civil damages from the perpetrators of this fraud against me and believe that criminal charges should be filed against these perpetrators to have them arrested to prevent other homeowners from being victimized by their scheme.

Further Affiant Sayth Not. Done this 28<sup>th</sup> day of August 2015 A.D.

  
Anabel Gasmen Cabebe - Affiant

## ACKNOWLEDGEMENT

SUBSCRIBED TO AND SWORN before me this 28<sup>th</sup> day of August 2015, a Notary, that Anabel Gasmen Cabebe, personally appeared and known to me to be the man whose name subscribed to the within instrument and acknowledged to be the same.

Notary Public

My Commission expires; \_\_\_\_\_

(Seal) See endorsed Ourat Statement  
Aug. 28, 2015

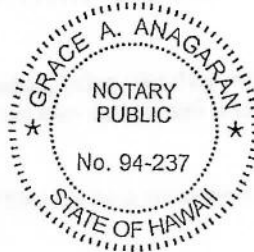
Bindertek #CLEX  
DEF EX  
B

ACKNOWLEDGEMENT

SUBSCRIBED TO AND SWORN before me this 28<sup>th</sup> day of August, 2015, a Notary, that ANABEL CABEBE, personally appeared and known to me to be the man whose name subscribed to the within instrument and acknowledged to be the same.

Grace A. Anagaran  
Notary Public

My Commission expires: 4/21/2018



Doc. Date: <u>Aug. 28, 2015</u>	No. Pages <u>2</u>
	First Circuit
Doc. Description: <u>AFFIDAVIT</u>	
Notary Printed Name: <u>Grace A. Anagaran</u>	
<u>Grace A. Anagaran</u> Notary Signature	



NOTARY CERTIFICATION



# AFFIDAVIT OF TRUTH

STATE OF HAWAII )  
 ) SS.  
City & County of Honolulu )

"Indeed, no more than (affidavits) is necessary to make the prima facie case." United States v. Kis, 658 F.2<sup>nd</sup>, 526, 536 (7<sup>th</sup> Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982

That I, Angelita Pasion a living breathing woman, being first duly sworn, depose and say and declare by my signature that the following facts are true, correct and complete to the best of my knowledge and belief.

THAT, the Affiant's rights "...existed by the law of the land long antecedent to the organization of the State." (Hale v. Henkel, 201 U.S. 43)

THAT, the Affiant paid Edna Franco \$80,000 dollar valued ring to discharge my IRS taxes without ever receiving a receipt nor having services rendered that were promised.

THAT, Affiant called Edna Franco, Henry Malinay or Rowena Valdez on numerous occasions and no one ever answered the calls nor returned calls, texts or emails.

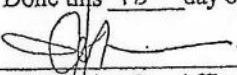
THAT, Affiant was promised by Edna Franco, Henry Malinay or Rowena Valdez that they could save my home from foreclosure and get my home free and clear.

THAT, the Affiant is a victim of a scam and mortgage relief fraud scheme operated by Edna Franco, Henry Malinay and Rowena Valdez.

THAT, Affiant was unaware that Edna Franco had already been sanctioned by the State of Hawaii for Mortgage Fraud and scamming homeowners out of thousands of dollars.

THAT, Affiant is willing to testify in a court of law that the foregoing facts are true and correct and that Affiant is seeking civil damages from the perpetrators of this fraud against me and believe that criminal charges should be filed against these perpetrators to have them arrested to prevent other homeowners from being victimized by their scheme.

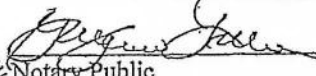
Further Affiant Sayth Not. Done this 18<sup>th</sup> day of November 2015 A.D.

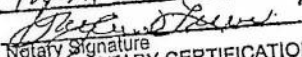
  
\_\_\_\_\_  
Angelita Pasion © - Affiant

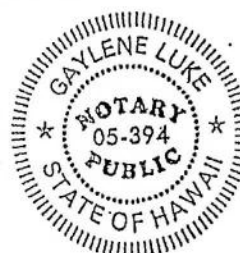
## ACKNOWLEDGEMENT

SUBSCRIBED TO AND SWORN before me this 18 day of November 2015, A.D., 2015, a Notary, that Angelita Pasion©, personally appeared and known to me to be the woman whose name subscribed to the within instrument and acknowledged to be the same.



  
\_\_\_\_\_  
Notary Public  
My Commission expires; \_\_\_\_\_  
Notary Public, First Judicial Court  
State of Hawaii

(Seal)  
Doc. Date: NOV 18 2015 # Pages: 1  
Name: Gaylene Luke # Circuit: 7th  
Doc. Description: Affidavit of  
Truth  
  
\_\_\_\_\_  
Notary Signature Date: 11/18/15  
NOTARY CERTIFICATION



Bindertek #CLEX  
DEF Exhibit  
" C "

WILLIAMS\_ET\_AL\_005478

REY & MARY JANE LAFORTEZA  
98-284 Loala Street  
Waipahu, Hawaii 96797

7/19/2015

Keoni Agard  
Attorney At Law  
111 Kekili Street, Suite A477  
Kailua, Hawaii 96734

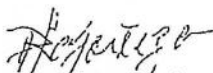
RE: foreclosure case

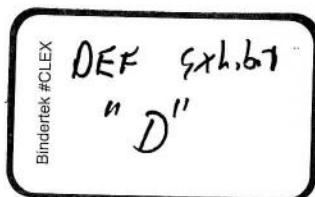
Dear Mr. Agard:

We received your motion that you will withdraw as counsel for us. The hearing is for July 28, 2015 at 9:30 am.

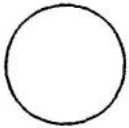
We am not against you withdrawing in the case. We hired you and we paid you a lot of money to help us but you never helped us and we want you to return my money. We don't know what you did so we are asking you to give us a billing statement to so we can review whatever you did and then we will get back some of my money from you. It is not fair that you take our money for nothing. We am serious about getting our money back. Please send the billing statement and the money before July 28, 2015. Send it to our home address.

Yours truly,

  
Rey and Mary Jane Laforteza



WILLIAMS\_ET\_AL\_010842



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF CONSUMER PROTECTION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
1063 LOWER MAIN ST., SUITE C-216  
WAILUKU, HI 96793  
Phone Number: (808) 243-4848  
Fax Number: (808) 243-5807  
[www.hawaii.gov/dcco/ocp](http://www.hawaii.gov/dcco/ocp)

CATHERINE P. AWAKUNI COLON  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR  
STEPHEN H. LEVINS  
EXECUTIVE DIRECTOR  
OFFICE OF CONSUMER PROTECTION  
AGUILINO R. IDAO  
SUPERVISING INVESTIGATOR

September 21, 2015

Violeta and Ely Natividad  
233 Molokai Akau Street  
Kahului HI 96732

Re: Henry Malinay and Mortgage Enterprise

Dear Mr. and Mrs. Natividad:

Our attorney, James Evers, obtained a "Final Judgment" in U.S. Bankruptcy Court against Henry Malinay and Mortgage Enterprise. A copy of the Westlaw summary of the case is provided. The judge decided against including your claim which was filed much later than the others. If any action is made on your claim, you will be contacted by letter from our Honolulu Office. Please make sure to let us know if you change your mailing address and/or telephone number.

If you need help with your mortgage because you are behind on your payments or facing foreclosure, please contact a HUD-approved housing counseling agency. These HUD counselors do not charge for services to homeowners.

I am transferring to the County of Maui at the end of the month. The Maui Office may be closed pending a new hire. You may call our Honolulu Office at 808-586-2326 and speak with James Evers.

Very truly yours,

*Colette K. Watanabe*

Colette K. Watanabe  
Investigator



Enclosure

Bindertek #CLEX  
DEF EX  
"E"

04107 15:08:58p

WILLIAMS\_ET\_AL\_005494



COPY

NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF CONSUMER PROTECTION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

1063 LOWER MAIN ST., SUITE C-216

WAILUKU, HI 96793

Phone Number: (808) 243-4648

Fax Number: (808) 243-5807

[www.hawaii.gov/dcca/ocp](http://www.hawaii.gov/dcca/ocp)

September 16, 2013

KEALI'I S. LOPEZ  
DIRECTOR

JO ANN UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

BRUCE B. KIM  
EXECUTIVE DIRECTOR  
OFFICE OF CONSUMER PROTECTION

In Reply Refer To  
Case No. 2013-0582

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
425 QUEEN STREET  
HONOLULU HI 96813

Re: Doloroso A. Dumlao vs. Hep Guinn and  
HYL Consultants, LLC

Dear Sir/Madam:

On September 13, 2013, the Hawaii Attorney General filed a "Complaint For Preliminary and Permanent Injunction, and other Relief" in Civil No. 13-1-2484-09 against Hep Yanez Guinn and others alleging, *inter alia*, violations of Unauthorized Practice of Law and Mortgage Rescue Fraud.

Enclosed is the complaint and supporting documentation provided by Doloroso A. Dumlao of Ewa Beach, Hawaii. We ceased our preliminary investigation into the matter as your civil complaint covers these claims. And, we refer the matter to your agency for further action.

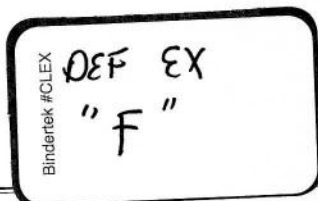
We are sending Ms. Dumlao a copy of this letter as notice to fully comply with your requests.

You may contact the undersigned investigator, on Maui, by telephone at 808-243-4648 or by email at [cwatanabe@dcca.hawaii.gov](mailto:cwatanabe@dcca.hawaii.gov)

Very truly yours,

Colette K. Watanabe  
Investigator

Enclosures



WILLIAMS\_ET\_AL\_010204

H4L Consultants LLC  
P.O. Box 8918  
Honolulu, HI 96830

date 03 / 30 / 2013 No. 233403

received from Doloroso Dumlaog \$500.00

amount five hundred and 00/100 dollars

for payment of \_\_\_\_\_

cash  money order  credit card  check # 632

amount due	1795	00
amount paid	500	00
balance	1295	00

from \_\_\_\_\_ to \_\_\_\_\_

signature [Signature]

88SVWS

H4L CONSULTANTS LLC  
P.O. Box 8918  
Honolulu 96830

date 7 / 8 / 13 No. 233215

received from Doloroso Dumlaog \$1,500.00

amount One thousand five hundred and 00/100 dollars

for payment of Time Motion Pro Se Answer +

cash  money order  credit card  check # 108 Counter on foreclosure Complaint

amount due	1,500	00
amount paid	1,500	00
balance	0	00

from \_\_\_\_\_ to \_\_\_\_\_

signature [Signature]

88SVWS

**RECEIPT**  
H4L CONSULTANTS LLC  
P.O. Box 8918  
Honolulu HI 96830

date 5 / 5 / 2013 No. 233413

received from Ross Dumlaog \$500.00

amount Five hundred and 00/100 dollars

for payment of Loss Mitigation + digitization

cash  money order  credit card  check # 108 Payment on mitigation fees

amount due	1295	00
amount paid	500	00
balance	795	00

from \_\_\_\_\_ to \_\_\_\_\_

signature [Signature]

88SVWS

Blinderex #CLEX  
DEF EX  
" G "

Track your expenses:
   
 Clothing     Food     Transportation
   
 Credit Card     Utilities     Mortgage
   
 Entertainment     Insurance     Other

08-10-13

HYL CONSULTANTS, LLC

TWO THOUSAND & 0/100

BALANCE FORWARD	
THIS ITEM	2,000
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARD	

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE



*Dumlao*

DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF CONSUMER PROTECTION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
1063 LOWER MAIN ST., SUITE C-216  
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[www.hawaii.gov/dcca/ocp](http://www.hawaii.gov/dcca/ocp)

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR  
STEPHEN H. LEVINS  
EXECUTIVE DIRECTOR  
OFFICE OF CONSUMER PROTECTION  
AQUILINO R. IDAO  
SUPERVISING INVESTIGATOR

July 24, 2015

In Reply Refer To  
Case Nos: 2015-0405

DOLOROSO A. DURLAO  
91-2044 LAAKONA PLACE  
EWA BEACH HI 96706

Re: Help with your mortgage

Dear Mr. Dumlao:

The State of Hawaii Office of Consumer Protection ("OCP") enforces the Mortgage Rescue Fraud Prevention Act and unfair and deceptive trade practices. It was brought to our attention that you submitted pro se filings in defense of a foreclosure action. We are concerned you may be a victim of fraud if you paid an individual or company for mortgage rescue services before services were successfully performed or with no signed contract outlining your consumer rights for cancelation and refund. If this is true, please immediately contact me. We may be able to help you to recover your money.

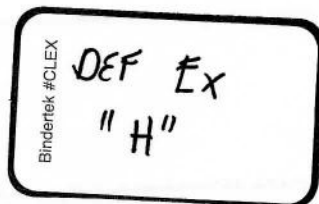
If you need help with your mortgage because you are behind on your payments or facing foreclosure, please contact a HUD-approved housing counseling agency. These HUD counselors do not charge for services to homeowners. Enclosed is a list with contact information and an outline of services for each of the HUD-approved housing counselors located ~~on~~ in Honolulu, Hawaii.

If you have questions, you may contact me by telephone at 808-243-4648, by e-mail at [cwatanabe@dcca.hawaii.gov](mailto:cwatanabe@dcca.hawaii.gov) or by letter at the address listed on this letterhead.

Very truly yours,

*Colette K. Watanabe*  
Colette K. Watanabe  
Investigator

Enclosure



WILLIAMS\_ET\_AL\_010077

7/24/2015

FRIDAY, JULY 24, 2015



Connect with HUD



Información en Español

Site Map

A-Z Index

Text A A A

Search

HUD.gov

HUD > Housing Counseling

### Foreclosure Avoidance Counseling

You can narrow your search within this state by using one or more of the following search criteria and clicking the "Search" button.

Agency Name:

Specific City: Honolulu

Specific Zip:

Language:

Search

GO BACK

### HUD Housing Counseling Agencies located in HAWAII

This listing is current as of 07/23/2015.

HUD Agency Name	Phone Toll-Free Fax Number Email Website	Address	Languages
HAWAII HOMEOWNERSHIP CENTER	P: 808-523-9500 T: F: E: N/A W: www.hihomeownership.org	1259 Aala St Ste 201 Honolulu, Hawaii 96817-3962	- English
HAWAIIAN COMMUNITY ASSETS, INC	P: 808-587-7886 T: 866-400-1116 F: 808-587-7899 E: info@hawaiiancommunity.net W: www.hawaiiancommunity.net/	200 N. Vineyard Blvd, Suite A300 HONOLULU, Hawaii 96817-3950	- English - Other - Portuguese - Spanish
LEGAL AID SOCIETY OF HAWAII	P: 808-536-4302 T: 800-499-4302 F: 808-527-8088 E: W: www.legalaidhawaii.org	924 Bethel Street HONOLULU, Hawaii 96813-4304	- English
SELF-HELP HOUSING CORPORATION OF HAWAII	P: 808-942-7111 T: F: 808-942-7896 E: selfhelphawaii@gmail.com W: n/a	1427 Dillingham Blvd Suite 305 Suite 305 HONOLULU, Hawaii 96817-4875	- Arabic - Cantonese - Chinese Mandarin - English - French - Other - Russian

GO BACK

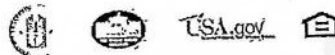
### National Foreclosure Mitigation Counseling (NFMC) grantees through NeighborWorks America located in HAWAII

This listing is current as of 01/14/2015.

Agency Name	Phone Website	Address	Languages
Hawaiian Community Assets	Phone: 808-587-7653 Web: www.hawaiiancommunity.net	200 N Vineyard Blvd, A300 Honolulu, Hawaii 96817	- English

Download Adobe Acrobat Reader to view PDF files located on this site.

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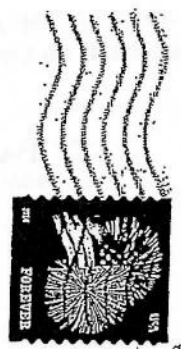


STATE OF HAWAII  
OFFICE OF CONSUMER PROTECTION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
1063 Lower Main Street, Suite C-216  
Wailuku, Hawaii 96793

Return Service Requested

DOLOROSO A. DUMLAO  
91-2044 LAAKONA PLACE  
EWA BEACH HI 96706

HONOLULU HI 968  
24 JUN 2015 PM 2 L



96706402044



WILLIAMS\_ET\_AL\_010079

Matthew Sumstine  
Commissioner

Phone (808) 927-8665  
Email - CourtSale@aol.com

May 15, 2015

Doloroso Anacleto Dumlao \*  
91-2044 Laakona Place  
Ewa Beach, Hawaii 96706

2

**Re: Citimortgage, Inc. vs Dumlao etal.  
Civil No. 13-1-1821-06**

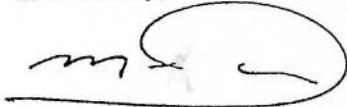
As stated in my letter dated May 7, 2015 I have been appointed as the Court Commissioner for the foreclosure sale of the property located at; 91-2044 Laakona Place, Ewa Beach, Hawaii 96706

As part of my duties and in order to obtain the highest possible price at auction, I have been instructed by the court to advertise and hold open houses.

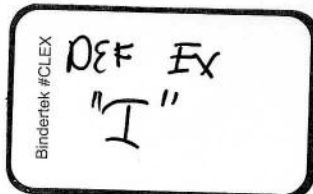
Please call my office at 808-927-8665 as soon as possible so we can coordinate a property inspection. If I do not hear from you soon I will seek permission from the Court to sell without holding open houses. This may result in a lower sale price at auction and subsequently a larger deficiency judgment for which you may be personally responsible.

If you have questions I am available to talk with you on the phone about the process prior to our scheduling of the property inspection. If I am unavailable to answer your call please leave a phone number so I may call you back.

Sincerely,



Matthew Sumstine  
Commissioner



Westlaw.

Page 1

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Only the Westlaw citation is currently available.

United States Bankruptcy Court,  
D. Hawai'i.  
In re Henry Macasio Malinay and Marilyn  
Corpuz Malinay, Debtors.  
State of Hawaii, by its Office of Consumer  
Protection, Plaintiff,  
v.  
Henry Macasio Malinay, Defendant.

Case No. 15-00044  
Adv. Pro. No. 15-90017  
September 3, 2015

**FINDINGS OF FACT AND CONCLUSIONS  
OF LAW ON PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Robert J. Fariz; United States Bankruptcy  
Judge

\*1 Plaintiff State of Hawaii Office of Consumer Protection's Motion for Summary Judgment, filed April 22, 2015 (the 'Motion'), came on for hearing before the Honorable Robert J. Faris on June 19, July 17, and August 6, 2015, pursuant to notice. James F. Evers, Esq., appeared on behalf of Plaintiff State of Hawaii Office of Consumer Protection ("OCP"), and Peter C. Hsieh, Esq., appeared on behalf of Defendant Henry Macasio Malinay ("Defendant"), who was also present.

Based on the record, there is no genuine dispute concerning the following

**FINDINGS OF FACT:**

1. In May 2012, the holder of a mortgage on the residence of Henry Malinay and his wife sued to foreclose the mortgage.
2. In early July of 2013, the Malinays attempted to save their property from foreclosure by signing up for a service called "Mortgage

Enterprise." The service, initially offered by Anthony Williams, promised that it would cut mortgage loan balances by one-half. Mortgage Enterprise supposedly accomplished this by unilaterally recording a Uniform Commercial Code financing statement. In reality, this device had no effect on the consumers' loan balances.

3. Consumers became Mortgage Enterprise clients by completing a standard packet of forms and paying a fee in advance. Mr. Williams waived the fee for the Malinays because Mr. Malinay had agreed to refer prospective clients to Mortgage Enterprise in exchange for referral fees.

4. On July 15, 2013, the Malinays attended a hearing in the foreclosure action on their lender's motion for summary judgment. Mr. Williams represented the Malinays at the hearing. Mr. Williams held himself out as a "private attorney general." The court granted the lender's motion.

5. Based on the outcome of the hearing, Mr. Malinay admittedly realized that very same day, July 15, 2013, that the Mortgage Enterprise mortgage reduction service was a fraud. He knew that Mr. Williams had misled them about the service, their mortgage balance had not been cut in half, the service had conferred no benefit upon them, and Mr. Williams was not even an attorney.

6. Even though he admittedly knew that Mortgage Enterprise was a fraud, Mr. Malinay thereafter played a prominent role in the fraudulent mortgage reduction scheme. He persuaded consumers to become Mortgage Enterprise clients and pay for the phony mortgage reduction service. He targeted Ilocano-speaking members of the Filipino community as prospective clients, distributed the Mortgage

Handwritten notes on the right margin:  
- "This is a blatant lie and mortgage enterprise is NOT my company."  
- "Why did the judge allow me to represent him if I was against the law?"  
- "This is a blatant lie because Malinays home had already been foreclosed on and had a judgment upon it. Malinay: I helped him stay in his home as long as possible and didn't charge him."  
- "Not my company" (with arrow pointing to paragraph 6)

Handwritten circled number "2"

Blindtext #OLEX  
DEF EX  
"J"

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Enterprise forms to consumers, and collected from consumers their completed forms together with their advance payments. In return, Mr. Malinay received referral fees.

7. Mr. Williams spent nine months in prison beginning on September 13, 2013. While Mr. Williams was incarcerated, Mr. Malinay continued to run the scheme, depositing the consumers' checks into bank accounts that he controlled.

8. The following table lists the consumers whom Mr. Malinay induced to pay money to the Mortgage Enterprise scheme and who complained to OCP, and the amount each of them paid. Each of these consumers paid for the service after July 15, 2013, i.e., after Mr. Malinay knew the service was a fraud.

*2 Consumer	OCP Case No.	Payment
Sally Haber Pico	2014-972	\$2,900
Rodrigo Simon	2014-335	\$3,900
Hilaria F. Taborada	2014-300	\$4,000
Romeo Lopez	2014-795	\$3,400
Prima Gijal	2013-675	\$2,450
Marites C. Quedding	2013-673	\$2,950
Margarita Barut	2013-748	\$1,500
Reina M. Mata & Robert Mata	2014-816	\$3,100
Cesar Lizada & Luz	2014-321A	\$4,300
Lizada (re East Lipoa St.)		
Cesar Lizada & Luz Lizada (re Huaka St.)	2014-321B	\$4,000
Froilan Lagazo	2014-304	\$3,500
Rudy Gazmen & Bessie Gazmen	2014-760	\$4,500
Loreto B. Callos & Jusepina B. Callos	2014-302	\$3,300
Loreto B. Callos & Clarita R. Callos	2014-320	\$5,500
Felicitas C. Pasion	2014-765	\$4,300
Elvira Y. Andaya & Larry C. Andaya Sr.	2015-49	\$4,050
Nelia A. Fabella	2014-825	\$4,050
Gudencia Simon & Herminio Simon	2014-431	\$3,900
Rosario L. Kalb	2014-287	\$3,900
Antonio Palacio & Enriqueta Palacio	2014-430	\$4,500

I don't know any of these people and never met them, talked to them or ever rendered my services to them neither did anyone of them send any payments to me or my company.

9. Mr. Malinay represented, orally and through the forms he delivered to consumers, that the Mortgage Enterprise scheme was ef-

fective, legitimate, and risk-free and had a 100% success rate in cutting consumers' mortgage debts in half.

10

No where does it name Mortgage Enterprise Investments which is my company. Mortgage Enterprise is the fraudulent copy cat company Henry set up with Edna Franco, Rowena Valdez, Angelita Pasion and Anabel Cabebe who all were signers on the bank account opened up in Cal. Fornia without my knowledge and forged my documents.

p.3

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Page 3

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10. Mr. Malinay knew, from personal experience, that these representations were false. He never told any of the consumers that the Mortgage Enterprise had not reduced his mortgage balance by half or that it could not reduce anyone's mortgage balance by half.

11. Mr. Malinay made these false representations for the purpose of deceiving the consumers. He wanted the consumers to sign up for the Mortgage Enterprise scheme so he could receive referral fees.

12. Consumers justifiably relied to their detriment upon Mr. Malinay's representations. The consumers did not know and, as relatively unsophisticated consumers had no reason to suspect, that the representations were false.

13. Mr. Malinay's misrepresentations proximately caused the consumers to suffer damage. At a minimum, the consumers lost the fees they paid for the useless "service."

14. On January 15, 2015 ("Petition Date"), Mr. and Mrs. Malinay filed a voluntary petition seeking relief under Chapter 13.

Based on these findings of fact, I draw the following

#### CONCLUSIONS OF LAW

##### I. Jurisdiction and Venue

1. The bankruptcy court has personal and subject matter jurisdiction. The bankruptcy court has statutory and constitutional power to enter a final judgment in this adversary proceeding. Venue is proper in this district.

2. The bankruptcy court has the power to determine whether OCP's claims are dischargeable and to enter judgment on those claims, including monetary and injunctive relief.

FN1. *Deitz v. Ford (In re Deitz)*, 760 F.3d 1038 (9th Cir.2014); *Stumbrough*

*v. Valle (In re Valle)*, 469 B.R. 35 (Bankr. D. Idaho 2012).

FN2. *Idaho v. Edwards (In re Edwards)*, 233 B.R. 461, 478-79 (Bankr. D. Idaho 1999).

##### II. OCP's Standing

3. OCP has standing to assert the claims set forth in this adversary proceeding. State law authorizes OCP to investigate reported or suspected violations of laws enacted and rules adopted for the purpose of consumer protection, and to enforce such laws and rules by bringing civil actions or proceedings. OCP also has statutory authority to obtain restitution on behalf of consumers and to obtain injunctive relief to enjoin any unlawful act or practice affecting consumers, trade, or commerce.

FN Haw. Rev. Stat. § 487-14.

FN4. *Id.* § 487-15.

\*3 4. Based upon its statutory authority to pursue and enforce claims on behalf of consumers, OCP has authority to bring suit seeking a determination of nondischargeability on its own behalf as well as on behalf of consumers.

##### III. Summary Judgment Standard

5. Summary judgment is proper when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." In resolving a summary judgment motion, the court does not weigh evidence, but rather determines only whether a material factual dispute remains for trial. In making this determination, the court views the evidence in the light most favorable to the nonmoving party and draws all justifiable inferences in favor of the nonmoving party.

FN5. Fed.R.Civ.P. 56(a), Fed. R. Bankr.P. 7056; see also *Barboza v.*

3

I Fired all of these liars and Cheats  
on September 2, 2013 (Henry Malinay, Edna Franco, Rowena Valdez)  
and got an email to prove it!

11 days before  
I was incarcerated  
wrongfully for Rape  
and Child Molestation

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Page 4

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*New Form. Inc. (In re Barboza)*, 545  
F.3d 702, 707 (9th Cir. 2008).

FN6. *Covey v. Hollydale Mobilehome  
Estates*, 116 F.3d 830, 834 (9th Cir.  
1997).

6. Mr. Malinay argues that the court should deny OCP's motion for summary judgment and permit Mr. Malinay to conduct additional discovery. Mr. Malinay hopes to show that he was only one participant, and not the most important participant, in the Mortgage Enterprise scheme.

7. The court may deny or defer a motion for summary judgment "[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition..." FN7

FN7. Fed. R. Civ. P. 56(d), made applicable by Fed. R. Bankr. P. 7056.

8. Mr. Malinay's arguments do not support a denial or deferment of OCP's motion. A continuance is improper unless the desired evidence would warrant the denial of summary judgment. FN8 In a sworn deposition, Mr. Malinay admitted that he knew that Mortgage Enterprise was a fraud but that he nevertheless continued to refer clients to the scheme and to collect referral fees for doing so. The fact that other people participated in the scheme, or that Mr. Malinay was initially a victim of the scheme, cannot constitute a defense. Mr. Malinay cannot avoid the consequences of his personal misconduct by inculcating others. FN9

FN8. *U.S. Cellular Inv. Co. v. GTE Mobilnet, Inc.*, 281 F.3d 929, 939 (9th Cir. 2002); *Qualls v. Blue Cross of Cal., Inc.*, 22 F.3d 839, 844 (9th Cir.1994); *Barona Gp. of the Capitan Grande Band of Mission Indians v. Am. Mgnt. & Amusement, Inc.*, 840 F.2d 1394,

1400 (9th Cir. 1988); *Continental Maritime v. Pacific Coast Metal Trades*, 817 F.2d 1391, 1395 (9th Cir.1987); *Maljack Prods. v. Good-Times Home Video Corp.*, 81 F.3d 881, 888 (9th Cir.1996).

FN9. *Britton v. Price (In re Britton)*, 950 F.2d 602, 604-05 (9th Cir.1991).

9. Further, Mr. Malinay has not even offered his own declaration in an attempt to support his theory. Any such attempt would be unavailing; the fact that Mr. Malinay continued to operate and profit from the scheme while Mr. Williams was in prison further establishes that Mr. Malinay was hardly a passive participant or unknowing dupe.

#### IV. "Debt"

10. Section 523 of the Bankruptcy Code provides that certain kinds of "debt" are not dischargeable in bankruptcy. "Debt" means "liability on a claim" FN10 and a "claim" is a "right to payment." FN11 In other words, OCP must show that Mr. Malinay has a legal obligation to pay money to OCP.

FN10. 11 U.S.C. § 101(12).

FN11. *Id.* § 101(5).

\*4 11. Mr. Malinay committed common law fraud under Hawaii law. The elements of common law fraud are identical in substance to those under section 523(a)(2). The plaintiff must prove by clear and convincing evidence that the defendant (1) made false representations of material fact, intended to induce the consumers to act, (2) the representations were made with knowledge of, or reckless disregard for, their falsity, and (3) the consumers justifiably relied upon those false representations to their detriment. FN12 The consumers must have suffered substantial pecuniary damage caused by reliance on Mr. Malinay's state-



Edna Franco was the most important  
and the mastermind behind the whole  
fraudulent scheme

From Edna Franco  
and not me

was never a victim

They did most of this stuff when I  
was incarcerated and didn't find out  
until I won my case and was released

No charges ever filed against him or his  
other cohorts

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FN19. *Oney v. Weinberg (In re Weinberg)*, 410 B.R. 19, 35 (B.A.P. 9th Cir. 2009).

FN20. *Caneva v. Sun Communities Operating Limited Partnership (In re Caneva)*, 550 F.3d 755, 761 (9th Cir. 2008).

\*5 18. The plaintiff can establish that a debtor engaged in a fraudulent omission if he proves that, first, there was a duty to disclose a material fact; second, the debtor did not disclose that fact; and, third, the debtor's omission was motivated by an intent to deceive. FN21

FN21. *Citibank (South Dakota), N.A. v. Eashai (In re Eashai)*, 87 F.3d 1082, 1089 (9th Cir.1996); *Harmon v. Kobrin (In re Harmon)*, 250 F.3d 1240, 1246 n. 4 (9th Cir.2001) ("A debtor's failure to disclose material facts constitutes a fraudulent omission under § 523(a)(2)(A) if the debtor was under a duty to disclose and the debtor's omission was motivated by an intent to deceive.") (citing *Eashai*, 87 F.3d at 1089-90).

19. The Supreme Court has held that the common law in force when section 523 was passed and the Restatement (Second) of Torts should guide courts' interpretation of section 523(a)(2)(A). FN22 Following that direction, the Ninth Circuit has relied on the Restatement when discussing the duty to disclose. FN23

FN22. *Field v. Mans*, 516 U.S. 59, 70 (1995); *Apte v. Japra, M.D., F.A.C.C., Inc. (In re Apte)*, 96 F.3d 1319, 1323-24 (9th Cir.1996).

FN23. *Eashyri*, 87 F.3d at 1089; *Apte*, 96 F.3d at 1323-24.

20. Section 551 of the Restatement explains that a party to a business transaction has

a duty to disclose the following facts once the transaction is consummated:

(a) matters known to him that the other is entitled to know because of a fiduciary or other similar relation of trust and confidence between them; and

(b) matters known to him that he knows to be necessary to prevent his partial or ambiguous statement of the facts from being misleading; and

(c) subsequently acquired information that he knows will make untrue or misleading a previous representation that when made was true or believed to be so; and

(d) the falsity of a representation not made with the expectation that it would be acted upon, if he subsequently learns that the other is about to act in reliance upon it in a transaction with him; and

(e) facts basic to the transaction, if he knows that the other is about to enter into it under a mistake as to them, and that the other, because of the relationship between them, the customs of the trade or other objective circumstances, would reasonably expect a disclosure of those facts.

21. OCP has satisfied its burden of proving all of the elements necessary to have the consumers' claims for restitution declared nondischargeable under section 523(a)(2)(A). Mr. Malinay knew that Mortgage Enterprise could not deliver the mortgage reduction that it promised. He kept silent about his knowledge and continued to refer consumers to the scheme so he could put money in his pocket.

VI. Remedies.

22. Because the Mortgage Enterprise scheme violated section 430-2, the consumers are entitled to the return of their money. Thus, the consumers' claims for restitution, totaling

3

Not Mortgage Enterprise Investments

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\$74,000, are nondischargeable.

23. Mr. Malinay's liability includes the consumers' entire loss, and is not limited to the referral fees he received, Section 523(a)(2)(A) prevents the discharge of all liability arising from fraud and is not limited to the amount of benefit received by the debtor.<sup>FN24</sup>

FN24. *Cohen v. de la Cruz*, 523 U.S. 213, 223 (1998).

24. OCP is also entitled to fines and penalties.<sup>FN25</sup>

FN25. HRS § 480-3.1.

\*6 25. In light of the egregiousness of the scheme and of Mr. Malinay's involvement in it, OCP's request for noncompensatory fines and penalties totaling \$200,000, calculated at \$10,000 per OCP complaint, is reasonable and appropriate.

26. OCP's claim for noncompensatory fines and penalties totaling \$200,000 is nondischargeable.<sup>FN26</sup>

FN26. 11 U.S.C. § 523(a)(7).

27. The permanent injunctive relief requested by OCP is also warranted.

**CONCLUSION**

Counsel shall submit a proposed judgment in favor of OCP and against Mr. Malinay for the relief granted above.

**SO ORDERED.**

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In re Malinay  
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(Bkrcty.D.Hawai'i)

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- We Challenge Credit Charges ◦
- We Challenge IRS ◦
- We Challenge Illegal Prohibition ◦
- Show Me the Constitutional Law ◦

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3/19/2015

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Private Attorney General PJ Stewart <thecourtwatcher@gmail.com>

### Private Attorney General or a Whistleblower, either name fits.

1 message

Private Attorney General PJ Stewart <thecourtwatcher@gmail.com>  
To: robert\_faris@hib.uscourts.gov

Thu, Mar 19, 2015 at 6:04 PM

Either name fits me, I do not much care which you use!

I just happen to like private attorney general because I have been acting as such in the us district courts in San Diego, la and San Fran for a decade now.

### FORECLOSURE FIASCO

#### Whistleblowers win \$46.5 million in foreclosure settlement

By James O'Toole @CNNMoney July 2, 2012: 8:33 AM ET

Lynn Szymoniak won \$18 million as a result of her whistleblower case over a foreclosure settlement, a total that could later rise.  
NEW YORK (CNNMoney) -- Getting served with foreclosure papers made Lynn Szymoniak rich.

While she couldn't have known it at the time, that day in 2008 led to her uncovering widespread fraud on the part of some of the country's biggest banks, and ultimately taking home \$18 million as a result of her lawsuits against them.

Szymoniak is one of six Americans who won big in **the national foreclosure settlement**, finalized earlier this year, as a result of whistleblower suits. In total, they collected \$46.5 million, according to the Justice Department. In the settlement, the nation's five largest mortgage lenders -- Bank of America (BAC, Fortune 500), Wells Fargo (WFC, Fortune 500), J.P. Morgan Chase (JPM, Fortune 500), Citigroup (C, Fortune 500) and Ally Financial -- agreed to pay \$5 billion in fines and committed to roughly \$20 billion more in refinancing and mortgage modifications for borrowers.

A judge signed off on the agreement in **April**, and in May -- Szymoniak received her cut.

"I recognize that mine's a very, very happy ending," she said. "I know there are plenty of people who have tried as hard as I have and won't see these kinds of results."

**Related: 30% of borrowers underwater**

Whistleblower suits stem from the False Claims Act, which allo

<https://mail.google.com/mail/u/1/?ui=2&ik=4f50d1f555&view=pt&search=sent&th=14c355a2fae43a73&siml=14c355a2fae43a73>

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citizens to file lawsuits on behalf of the U.S. when they have knowledge that the government is being defrauded. These citizens are then entitled to collect a portion of any penalties assessed in their case.

The act was originally passed in 1863, during a time when government officials were concerned that suppliers to the Union Army during the Civil War could be defrauding them.

In 1986, Congress modified the law to make it easier for whistleblowers to bring cases and giving them a larger share of any penalties collected. Whistleblowers can now take home between 15% and 30% of the sums collected in their cases. In the cases addressed in the foreclosure settlement, the whistleblowers revealed that banks were gaming federal housing programs by failing to comply with their terms or submitting fraudulent documents. In Szymoniak's case alone, the government collected \$95 million based on her allegations that the banks had been using false documents to prove ownership of defaulted mortgages for which they were submitting insurance claims to the **Federal Housing Administration**.

The FHA is a self-funded government agency that offers insurance on qualifying mortgages to encourage home ownership. In the event of a default on an FHA-insured mortgage, the FHA pays out a claim to the lender.

Szymoniak's case was only partially resolved by the foreclosure settlement, and she could be in line for an even larger payout when all is said and done. As an attorney specializing in white-collar crime, the 63-year-old Floridian was well-placed to spot **an apparent forgery** on one of the documents in her foreclosure case, one she saw repeated in dozens of others she examined later.

"At this point, the banks are incredibly powerful in this country, but you just have to get up every morning and do what you can," she said.

The other five whistleblowers in the settlement came from the industry side, putting their careers at risk by flagging the banks' questionable practices. Kyle Lagow, who won \$14.6 million in the settlement, worked as a home appraiser in Texas for LandSafe, a subsidiary of **Countrywide Financial**. He accused the company in a lawsuit of deliberately inflating home appraisals in order to collect higher claims from the FHA, and said he was fired after making complaints internally.

Gregory Mackler, who won \$1 million, worked for a company subcontracted by Bank of America to assist homeowners pursuing modifications through the government's **Home Affordable Modification Program, or HAMP**. Under HAMP, the government offers banks **incentive payments** to support modifications.

Mackler said Bank of America violated its agreement with the government by deliberately preventing qualified borrowers from securing **HAMP modifications**, steering them toward foreclosure or more costly modifications from which it could make more money. He, too, claims to have been fired after

complaining internally.

There's also Victor Bibby and Brian Donnelly, executives from a Georgia mortgage services firm who accused the banks of overcharging veterans whose mortgages were guaranteed by the Department of Veterans Affairs, thereby increasing their default risk. Bibby and Donnelly won \$11.7 million in the settlement; their attorneys did not respond to requests for comment. Shayne Stevenson, an attorney who represented both Lagow and Mackler, said the two weren't aware of possible rewards when they first brought their evidence to his firm.

"The reality of it is that most of the time, whistleblowers don't even know about the False Claims Act -- they don't know they can make money," Stevenson said. Both his clients, Stevenson added, "just wanted the government to know about this fraud, so they deserve every penny that they got."

A Bank of America spokesman declined to comment on individual cases, but said the national settlement was "part of our ongoing strategy to put these issues, particularly these legacy issues with Countrywide, behind us." BofA acquired mortgage lender Countrywide in 2008, thereby incurring the firm's **legal liabilities**.

The other banks involved either declined to comment or did not respond to requests for comment. **Related: Foreclosures spike 9%**

While the whistleblowers in the settlement scored big paydays in the end, the road wasn't easy. Stevenson said his clients "were pushed to the brink" after raising their concerns, struggling to find work and beset by financial problems. "They were facing evictions, foreclosure, running away from bills, trying to deal with creditors that were coming after them," Stevenson said. "This went on and on and on, and this is part and parcel of what happens to whistleblowers."

For Robert Harris, a former assistant vice president in JPMorgan's Chase Prime division, the experience was similar.

Harris accused the bank of failing to assist borrowers seeking HAMP modifications and knowingly submitting false claims for government insurance based on wrongful foreclosures. He was stymied when he tried to complain internally, and says he was fired for speaking out.

While Harris ended up with a \$1.2 million payout in the settlement, the father of five says he's been blacklisted within the industry and exhausted by the ordeal. "It completely turned my life upside down," he said. "I'm trying to raise my kids, recover from a divorce, recover from the loss of my career -- it just comes to down to surviving and putting this to an end."

"I guarantee the other whistleblowers, too, have sacrificed a lot," he added. "But to be able to sit back and sleep at night is worth it."

First Published: July 2, 2012: 5:10 AM ET

<http://money.cnn.com/2012/07/02/news/economy/whistleblowers-foreclosure-settlement/>

3/19/2015

Gmail - Private Attorney General or a Whistleblower, either name fits.

And that government of the people  
 by the people, for the people,  
 shall not perish from the earth.  
 Private Attorney General  
 RG Stewart

AUTHORIZATION 42 U.S.C. 1983  
 2009 OIG REPORT PENALTY 103 S  
 11/11/12 S. 1543 Failure to provide

SEAL  
 Protecting the rights  
 of the people under God

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Private Attorney General PJ Stewart <thecourtwatcher@gmail.com>

# personal bias or prejudice concerning a party, such as you have shown against a Private Attorney General is disqualification.

1 message

Private Attorney General PJ Stewart <thecourtwatcher@gmail.com>  
To: robert\_faris@hib.uscourts.gov


Thu, Mar 19, 2015 at 5:47 PM

## Yes, I am a Private Attorney General.

You have only one duty, and that is to PROTECT and DEFEND the Constitution against all ENEMIES!  
DEFEND THE CONSTITUTION in the court room no matter what..

## Private attorney general

From Wikipedia, the free encyclopedia

 It has been suggested that this article be merged into *Qui tam*. (Discuss) Proposed since December 2014.

Private attorney general is an informal term usually used today in the United States to refer to a private party who brings a lawsuit considered to be in the public interest, i.e., benefiting the general public and not just the plaintiff.<sup>[1]</sup> The person considered "private attorney general" is entitled to recover attorney's fees if he or she prevails. The rationale behind this principle is to provide extra incentive to private citizens to pursue suits that may be of benefit to society at large.

<b>Contents</b> [hide]
1 Examples of application
2 Civil Rights Attorney's Fees Award Act
3 References
4 See also

Examples of application [edit]

Many civil rights statutes rely on private attorneys general for their enforcement. In *Newman v. Piggie Park Enterprises*,<sup>[2]</sup> one of the earliest cases construing the Civil Rights Act of 1964, the United States Supreme Court ruled that "A public accommodations suit is thus private in form only. When a plaintiff brings an action . . . he cannot recover damages. If he obtains an injunction, he does so not for himself alone but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest priority." The United States Congress has also passed laws with "private attorney general" provisions that provide for the enforcement of laws prohibiting employment discrimination, police brutality, and water pollution. Under the Clean Water Act, for example, "any citizen" may bring suit against an individual or a company that is a source of water pollution.<sup>[citation needed]</sup>

Another example of the "private attorney general" provisions is the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO allows average citizens (private attorneys general) to sue those organizations that commit mail and wire fraud as part of their criminal enterprise.<sup>[citation needed]</sup> To date, there are over 60 federal statutes<sup>[citation needed]</sup> that encourage private enforcement by allowing prevailing plaintiffs to collect attorney's fees.

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private attorney general do so without compensation. The statutes permitting a plaintiff to recover attorneys' fees when the plaintiff is an attorney.  
a private attorney general act, it should be stated that there is no such thing as a private non-attorney citizen being all purposes. The term applies only to the exercise of one's ability to pursue certain specific kinds of legal actions. It does not create the ability to call one's self a "private attorney general".

https://mail.google.com/mail/u/1/?ui=2&ik=4f50d1f555&view=pt&search=sent&th=14c354b27797d55d&siml=14c354b27797d55d

Civil Rights Attorney's Fees Award Act [edit]

The U.S. Congress codified the private attorney general principle into law with the enactment of Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. § 1988. The Senate Report on this statute stated that The Senate Committee on the Judiciary wanted to level the playing field so that private citizens, who might have little or no money, could still serve as "private attorneys general" and afford to bring actions, even against state or local bodies, to enforce the civil rights laws. The Committee acknowledged that, "[i]f private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court." Where a plaintiff wins his or her lawsuit and is considered the "prevailing party," § 1988 acts to shift fees, including expert witness fees [at least in certain types of civil rights actions, under the Civil Rights Act of 1991, even if not in § 1983 actions], and to make those who acted as private attorneys general whole again, thus encouraging the enforcement of the civil rights laws. The Senate reported that it intended fee awards to be "adequate to attract competent counsel" to represent client with civil rights grievances. S. Rep. No. 94-1011, p. 6 (1976). The U.S. Supreme Court has interpreted the act to provide for the payment of a "reasonable attorney's fee" based on the fair market value of the legal services.

## TITLE 28 &gt; PART IV &gt; CHAPTER 85 &gt; § 1331.

## Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

## Private attorney general

A private attorney general is a private party in the United States who brings a lawsuit that is considered to be in the public interest, i.e. benefiting the general public and not just the plaintiff. The private attorney general is entitled to recover attorney's fees if he or she prevails. The purpose of this principle is to provide extra incentive to private citizens to pursue suits that may be of benefit to society at large.

## Examples of application

Most civil rights statutes rely on private attorneys general for their enforcement. In *Newman v. Piggie Park Enterprises*, 390 U.S. 400 (1968) - one of the earliest cases construing the Civil Rights Act of 1964, the United States Supreme Court ruled that "A public accommodations suit is thus private in form only. When a plaintiff brings an action . . . he cannot recover damages. If he obtains an injunction, he does so not for himself alone but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest priority." The United States Congress has also passed laws with "private attorney general" provisions that provide for the enforcement of laws prohibiting employment discrimination, police brutality, and water pollution. Under the Clean Water Act, for example, "any citizen" may bring suit against an individual or a company that is a source of water pollution. Another excellent example of the "private attorney general" provisions is the Racketeer Influenced and Corrupt Organizations (RICO) Act. RICO allows average citizens (private attorneys general) to sue those organizations that commit mail and wire fraud as part of their criminal enterprise. To date, there are over 60 federal statutes that encourage private enforcement by allowing prevailing plaintiffs to collect attorney's fees.

## Civil Rights Attorney's Fees Award Act

The U.S. Congress codified the private attorney general principle into law with the enactment of Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. § 1988. The Senate Report on this statute stated that The Senate Committee on the Judiciary wanted to level the playing field so that private citizens, who might have little or no money, could still serve as "private attorneys general" and afford to bring actions, even against state or local bodies, to enforce the civil rights laws. The Committee acknowledged that, "[i]f private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court." Where a plaintiff wins his or her lawsuit and is considered the "prevailing party," § 1988 acts to shift fees, including expert witness fees [at least in certain types of civil rights actions, under the Civil Rights Act of 1991, even if not in § 1983 actions], and to make those who acted as private attorneys general whole again, thus encouraging the enforcement of the civil rights laws. The Senate reported that it intended fee awards to be "adequate to attract competent counsel" to represent client with civil rights grievances. S. Rep. No. 94-1011, p. 6 (1976). The U.S. Supreme Court has interpreted the act to provide for the payment of a "reasonable attorney's fee" based on the fair market value of the legal services. Retrieved from "[http://en.wikipedia.org/wiki/Private\\_attorney\\_general](http://en.wikipedia.org/wiki/Private_attorney_general)"

Categories: Civil procedure

## TITLE 42 &gt; CHAPTER 21 &gt; SUBCHAPTER I &gt; § 1988. Proceedings in vindication of civil rights

## (a) Applicability of statutory and common law

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70



3/19/2015

Gmail - personal bias or prejudice concerning a party, such as you have shown against a Private Attorney General is disqualification.

of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

(b) Attorney's fees

In any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92-318 [20 U.S.C. 1681 et seq.], the Religious Freedom Restoration Act of 1993 [42 U.S.C. 2000bb et seq.], the Religious Land Use and Institutionalized Persons Act of 2000 [42 U.S.C. 2000cc et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or section 13981 of this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction.

(c) Expert fees

In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of section 1981 or 1981a of this title, the court, in its discretion, may include expert fees as part of the attorney's fee.

TITLE 42 > CHAPTER 21 > SUBCHAPTER II > § 2000a-1. Prohibition against discrimination or segregation required by any law, statute, ordinance, regulation, rule or order of a State or State agency  
All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

TITLE 42 > CHAPTER 21 > SUBCHAPTER II > § 2000a-2 Prohibition against deprivation of, interference with, and punishment for exercising rights and privileges secured by section 2000a or 2000a-1 of this title  
No person shall

- (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any person of any right or privilege secured by section 2000a or 2000a-1 of this title, or
- (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 2000a or 2000a-1 of this title, or
- (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 2000a or 2000a-1 of this title.

As a judge you can not practice law from the bench, it is a MISDEMEANOR

TITLE 28 > PART I > CHAPTER 21 > § 454 Practice of law by justices and judges; Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.

Aiding and Abetting the lower courts. A Greylord offence. U.S. Vs. Murphy, 768 F.2d 1518, 1531 (7th. Cir. 1985), 31 Judges were removed from the bench after a Federal Court Ordered an investigation, it was confirmed aiding & abetting from the inferior Courts to the Federal Court, Violations at every level.

The practice of Law CAN NOT be licensed by any state/State. (Schware v. Board of Examiners, 353 U.S. 238, 239)

The practice of Law is AN OCCUPATION OF COMMON RIGHT! (Sims v. Ahems, 271 S.W. 720 (1925))

The "CERTIFICATE" from the State Supreme Court:

ONLY authorizes,

<https://mail.google.com/mail/u/1/?ui=2&ik=4f50d1f555&vlew=pt&search=senti&th=14c354b27797d55d&siml=14c354b27797d55d>

3/6

WILLIAMS\_ET\_AL\_002582

3/19/2015

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To practice Law "IN COURTS" As a member of the STATE JUDICIAL BRANCH OF GOVERNMENT.

Can ONLY represent WARDS OF THE COURT, INFANTS, PERSONS OF UNSOUND MIND (SEE CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.)

"CERTIFICATE" IS NOT A LICENSE to practice Law AS AN OCCUPATION, nor to DO BUSINESS AS A LAW FIRM!!!

The "STATE BAR" CARD IS NOT A LICENSE!!! It is a "UNION DUES CARD".

The "BAR" is a "PROFESSIONAL ASSOCIATION."

1. Like the Actors Union, Painters Union, etc.
2. No other association, EVEN DOCTORS, issue their own license. ALL ARE ISSUED BY THE STATE.

TITLE 28 > PART I > CHAPTER 21 > § 455. Disqualification of justice, judge, or magistrate judge

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) **Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;**

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a

reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

(2) the degree of relationship is calculated according to the civil law system;

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

UNITED STATES CONSTITUTION Article. II. Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

3/19/2015

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18 USC 453. Oaths of justices and judges; Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_ under the Constitution and laws of the United States. So help me God."

TITLE 18 > PART I > CHAPTER 93 > § 1918 Disloyalty and asserting the right to strike against the Government-

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

- (1) advocates the overthrow of our constitutional form of government;
- (2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;
- (3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or
- (4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined under this title or imprisoned not more than one year and a day, or both.



7/28/2015

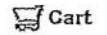
NOT Mortgage Enterprise



You are here: BREG Online Services

Search box containing "Begins with"

Search



- Home - BREG
- BREG Online Services
- Annual Business Filing
- Search for a Business Entity
- Purchase Documents Online
- Purchase Certificate of Good Standing
- Authenticate a Certificate of Good Standing
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- MyBusiness Alerts NEW
- Entity List Builder
- Contact BREG
- Technical Support
- Feedback
- Create an Account

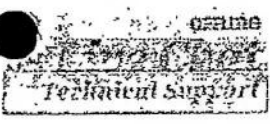
# MORTGAGE ENTERPRISE INVESTMENTS

TRADE NAME

GENERAL INFO OTHER FILINGS BUY AVAILABLE DOCS

## General Info

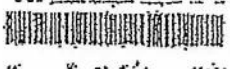
TRADE NAME	MORTGAGE ENTERPRISE INVESTMENTS
FILE NUMBER	376380 ZZ
CERTIFICATE NUMBER	4118639
STATUS	Active
PURPOSE	MORTGAGE AND FORECLOSURE ASSISTANCE
CATEGORY	NO CATEGORY SELECTED (0)
EXPIRATION DATE	Jun 23, 2018
REGISTRATION DATE	Jun 24, 2013
MAILING ADDRESS	PO BOX 111968 NASHVILLE, Tennessee 37222 UNITED STATES
REGISTRANT	MORTGAGE ENTERPRISE INVESTMENTS



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Dec. 4, 2012 11:15 AM

No. 2555 E. 2

<p>Illinois Anti-Predatory Lending Database Program Certificate of Exemption</p> <p>Report Mortgage Fraud 800-332-6785</p>	 <p><b>R2012131533</b> Receipt # 72120131531</p> <p>Karen A. Stokel: Will County Recorder TP CR Date: 11/28/2012 Time: 09:17:38 Recording Fees: \$27.75 IL Rental Honor. Support Program: \$19.00</p>
<p>The property identified as: PIN: 20-21-10-107-011-0000</p> <p>Address: Street: 213 Barton Ln. Street line 2: City: Peoria State: IL ZIP Codes: 60465</p> <p>Lender: MORTGAGE ENTERPRISE INVESTMENTS Borrower: JOHN E. &amp; CATHERINE T. HICKS</p> <p>Loan / Mortgage Amount: \$213,983.00</p> <p>This property is located within the program area and the transaction is exempt from the requirements of 705 ILCS 7170 of 304, because the application was taken by an exempt entity.</p> <p>Certificate number: D0347565-2963-4D8B-804F-6C83A598EAC0 Execution date: 10/15/2012</p>	

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INCIDENT REPORT

88  
7

DEPARTMENT OF JUSTICE


FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution: FDC Honolulu		Incident Report Number:	
2. Inmate's Name: Williams, A.	3. Register Number: 05963-122	4. Date of Incident: May 09, 2019	5. Time: 1000 am
6. Place of Incident: Z01-103L A Range	7. Assignment: Shu Unassg.	8. Unit: Special Housing Unit	
9. Incident: Damaging property over \$100 value		10. Prohibited Act Code (s): Code 218	

11. Description of Incident (Date: May 09, 2019 Time: 1000 am Staff became aware of incident):

While conducting cell rotation for Inmate Williams, A. in cell Z01-103L, I removed 2 pillows ripped out of 2 mattress that were assigned to the cell.

12. Typed Name/Signature of Reporting Employee: J. Chan/ 		13. Date And Time: May 09, 2019 1130am
14. Incident Report Delivered to Above Inmate By (Type Name/Signature)	15. Date Incident Report Delivered: <u>5-9-19</u>	16. Time Incident Report Delivered: <u>12:28 pm</u>

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident:

18. A. It is the finding of the committee that you:

- Committed the Prohibited Act as charged:
- Did not Commit a Prohibited Act.
- Committed Prohibited Act Code (s).

- B.  The Committee is referring the Charge(s) to the DHO for further Hearing
- C.  The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act):

21. Date and Time of Action: \_\_\_\_\_ (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings).

Chairman (Typed Name/Signature): \_\_\_\_\_ Member (Typed Name): \_\_\_\_\_ Member (Typed Name): \_\_\_\_\_

INSTRUCTIONS: All items outside of heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

DEF 9x "P"



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

April 22, 2019

Mr. Anthony T. Williams  
Private Attorney General  
P. O. Box 30080  
Honolulu, Hawaii 96820

Dear Mr. Williams:

Your complaint was referred to the Initial Processing Unit (IPU), Internal Affairs Section (IAS), Inspection Division (INSD), Federal Bureau of Investigation (FBI). The IAS/INSD is the FBI entity responsible for investigating allegations of misconduct or criminal activity on the part of FBI employees.

In your complaint, you reported a FBI Special Agent threatened a friend of Jeremiah Matau.

The purpose of this letter is to advise you the IAS/INSD has reviewed this matter and determined this matter does not warrant the opening of an FBI inquiry. IPU will take no further action in this matter.

Sincerely,

Initial Processing Unit  
Internal Affairs Section  
Inspection Division

DEF EX "Q"