



Leonard G. Horowitz

Post Office Box 75104
Honolulu, HI 96836-0104
E-mail: Len15@mac.com
<http://www.DrLenHorowitz.com>

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Executive Office for U.S. Trustees,
Office of Criminal Enforcement,
441 G Street, NW, Suite 6150,
Washington, DC 20530

RE: COMPLAINT from Hawaii BK 16-00239; Chapter 13 filed 03/09/2016, by Complainant

Dear USTP Criminal Enforcement Complaint Officer:

The U.S. Trustee Program (USTP) is charged with ensuring the integrity of the bankruptcy process. Indeed, as part of its mission, the USTP:

“is specifically mandated to actively pursue criminal enforcement efforts. Title 28 U.S.C. §586(a)(3)(F) charges the U.S. Trustee with "notifying the appropriate U.S. attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States..." It also requires that the USTP, on the request of the U.S. Attorney, assist in investigating and prosecuting bankruptcy crimes.”

Further quoting a Department of Justice publication (p. 46, in *WASHINGTON COUNCIL OF LAWYERS PUBLIC INTEREST JOBS CLEARINGHOUSE*, November, 2015.

“Of particular importance are the Program’s efforts to address fraud and abuse by debtors, creditors, and others in the bankruptcy system by taking both formal and informal civil enforcement actions and making criminal referrals to U.S. Attorneys as appropriate.

The Complainant writes as a victim of real property theft (conversion) by alleged white collar organized crime “king pin,” Hawaii attorney PAUL J. SULLA, JR., acting under color of law, as detailed in the attached copies of recent court filings in the captioned case. The Complainant asserts that Mr. Sulla has received substantial assistance from Standing Trustee HOWARD M.S. HU, and his counsel, BRADLEY R. TAMM (JD 7841), tortuously and criminally damaging the Debtor, as explicitly detailed and evidenced in the attached copies of recent court filings.

By the provision of prima facie evidence of forgery, false filings with the state, securities fraud, wire fraud, foreclosure fraud, and grand theft of the Complainant’s real property, the Complainant clearly and convincingly evidences Sulla’s criminal activity, and the Trustee’s complicity, along with failure to comply with laws, including the Crime Victim’s Rights law, 18 U.S.C. § 3771(a)(6)(7)and(8).

Under this law, the Debtor-victims' real property must be timely returned to secure the Debtor's estate and pay valid (uncontested) creditors. By this law, and 18 U.S.C. § 3057, Standing Trustee HU, and counsel TAMM, were obligated to refer suspected violations of Federal criminal law to appropriate United States Attorney. But they neglected to do so with scienter.

Further, under 18 U.S.C. § 3771(a)(5), a federal attorney must confer with the Debtor-victim. And in addition, pursuant to Misprision of felony law 18 U.S.C. § 4, the Trustee is compelled, "having knowledge of the actual commission of a felony cognizable by a court of the United States" to "make known the same to" the Judge. Mr. Hu and Mr. Tamm neglected to do so; requiring the remedy and disciplinary action provided in § 4 that the Trustee "shall be fined under this title or imprisoned not more than three years, or both." *In re Cochise College Park, Inc.*, the Ninth Circuit held that a trustee was subject to personal liability not only for intentional acts, but also for negligently violating his statutorily-imposed duties. See McCullough, *supra* note 1, at 179 (citing *Hall v. Perry (In re Cochise College Park, Inc.)*, 703 F.2d 1339, 1357 (9th Cir. 1983). To date, the Trustee has grossly neglected the prima facie evidence of Sulla's aforementioned fraud and crimes that were repeatedly made known to the Trustee. Furthermore, Trustee Hu has neglected his duty under 11 U.S.C. §§ 541, 548 and 550, to secure the Debtor's estate to fairly compensate valid creditors.

The Trustee has also repeatedly neglected his duties under 11 U.S.C. § 704 for which the Trustee must be investigated, and may be held personally liable for negligence, beginning with failing to perform an "inquiry reasonable," neglecting to examine proofs of Sulla's claims against the Complainant in light of the prima facie evidence of forgery and fraud presented (pursuant to § 704(5)); neglecting to investigate the financial affairs of the debtor in relation to Sulla and his purported "clients'" claimed interests in the estate Property (§ 704(4)); neglecting to be accountable for the Property received (§ 704(2)), and neglecting fiduciary responsibility to distribute money paid to the trust account on behalf of uncontested creditor attorney (for the Complainant) Margaret Wille; and, neglecting to alert the Court as required by law as to Sulla's aforementioned criminal acts and conflicting interests.

Instead, the Trustee has repeatedly refused civility in good faith cooperation with the Debtor, and has refused to provide information in violation of 11 U.S.C. § 1302(b)(4). The Trustee has demonstrated complete unwillingness to treat the Complainant as anything other than an *adversary* as evidenced by multiple court pleadings including the Trustee's filing of Dkt. #92 (in said bankruptcy action), opposing even the Debtor's good faith continuance request to "visit a relative who is ill" (pg. 3) by lying stating: "this case appears to be a *single party* dispute that is brought to continue 6 years of protracted litigation on both state and federal fronts" while the Trustee knew that the "protracted litigation" involved *several parties*, including Sulla who is not among three adversarial parties in the state cases.

The Trustee has thereby, in bad faith, compounded the Debtor's victimization and damages, especially neglecting his duties under Rule 9011(b) of the Federal Rules of Bankruptcy Procedure, that requires ***the Trustee's "inquiry reasonable under the circumstances;"*** and more duties under 18 U.S.C. § 3771 *et. seq.*, that includes the Debtor's "right to be reasonably protected from the accused" (in this instance Sulla) and "The right to full and timely restitution as provided in law." Instead, the Trustee has neglected the aforementioned special circumstances, and the fundamental restrictions made upon the Debtor by Sulla's fraud, slandering of title, and real property conversion scheme, prompting the Debtor to file under Chapter 13 for victim-protection, Property recovery, and reorganization upon commercializing said Property that the Trustee has ceded recklessly and/or negligently to Sulla.

Please commence an investigation into these matters at your earliest convenience.

Sincerely yours,

Leonard G. Horowitz DMD, MA, MPH, DNM (hon.) DMM (hon.)