

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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IN RE:

Administrative Order 07-2

**ORDER ESTABLISHING PROCEDURES
FOR REFERRALS OF CERTAIN
SUSPECTED BANKRUPTCY CRIMES**

In addition to meeting the obligations imposed under 18 U.S.C. § 3057 for reporting bankruptcy crimes, the court is required under 18 U.S.C. § 158(d), to establish procedures for referrals of cases where violations of 18 U.S.C. § 152 or § 157 may have occurred relating to (a) abusive reaffirmations of debt, or (b) materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading. Accordingly, to meet these statutory requirements, it is **ORDERED** that:

1. Referrals of potential violations of the above referenced statutes shall be documented utilizing the attached "Notification Statement", and shall be accompanied by a referral letter from the presiding judge.

2. The judge may either:

A. Directly submit the referral to each of the individuals designated below:

United States Attorney's Office
Attn: Peter Forand, Esquire
Assistant U.S. Attorney/Criminal Bankruptcy Fraud Coordinator
Southern District of Florida
99 NE 4th Street
Miami, FL 33132

Federal Bureau of Investigation
Attn: Brian Oman, Special Agent
16320 N.W. 2nd Avenue
North Miami Beach, FL 33169

Office of the United States Trustee
Attn: Steven R. Turner, Assistant U.S. Trustee
Suite 1204, Claude Pepper Federal Building
51 S.W. First Avenue
Miami, FL 33130

or

B. Elect first to submit the referral to the United States Trustee for further investigation and review. The United States Trustee may elect to make a referral to the United States Attorney based upon the further investigation, in which case, the United States Trustee shall notify the referring Judge and the Clerk of Court that such a referral was made to the appropriate authority. If the United States Trustee has not made a referral within ninety (90) days from receipt of the court's **referral**, the United States Trustee shall notify the referring Judge in writing every ninety (90) days thereafter, with a copy to the Clerk, that she is continuing her investigation or, that she has declined to refer the matter to the United States Attorney's Office.

3. Any court employee who discovers an apparent violation of 18 U.S.C. §§ 152 or 157 shall notify the Clerk of Court. The Clerk shall make reasonable inquiry and, if appropriate, shall report such information to the presiding Judge and furnish the Judge with copies of any documents the Clerk deems relevant to the suspected violation. If appropriate, the Judge shall refer the matter as provided under paragraph (2) of this order.

4. If the criminal referral is made by court order which directs that the records of the entire case file be sealed or expunged, the order shall direct that the Clerk of Court provide a copy of the record to the United States Trustee before the records are expunged or sealed, and that the order to seal also direct that the United States Trustee can reveal the records to the United States Attorney's Office, who are directed to publish the records for whatever purposes deemed necessary in the interests of justice.

ORDERED in the Southern District of Florida on February 12, 2007.

/s _____
Paul G. Hyman
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
United States Attorney's Office (Attn: Peter Forand, Esq.)
Federal Bureau of Investigation (Attn: Brian Oman, SA)
Office of the United States Trustee (Attn: Steven R. Turner, AUST)
Mary Louise Mitterhoff, Chief, Court Services Office, Administrative Office

(Modified 10/27/14 to update contact information for U.S. Attorney's Office and F.B.I.)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

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**NOTIFICATION STATEMENT REGARDING REFERRAL OF SUSPECTED
BANKRUPTCY CRIMES PURSUANT TO ADMINISTRATIVE ORDER 07-2**

TO: _____ POSITION: _____
FROM: _____ POSITION: _____
DATE: _____
SIGNATURE OF PREPARER _____
PREPARER'S POSITION _____

1. Background Information

- a. Name of Debtor _____
 - i. Case Number _____
 - ii. Debtor's Address _____
 - iii. Debtor's Telephone No. _____
- b. Debtor's Attorney _____
 - i. Address _____
 - ii. Telephone No. _____
- c. Name of Trustee (if any) _____
 - i. Address _____
 - ii. Telephone No. _____
- d. Case Chapter
 - i. Chapter under which case was originally filed:
7 (); 11 (); 12 (); 13 ()
 - ii. Chapter under which case now pending:
7 (); 11 (); 12 (); 13 ()

- e. Type of Case: Voluntary () ; Involuntary ()
- f. Additional Information:
- i. Petition and schedules attached for lists of claimholders, debts, assets, exempt property, and other information:
Yes () No ()
 - ii. If chapter 7 case, § 705 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons:

 - iii. If chapter 11 case, § 1102 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons:

 - iv. Other information regarding the debtor's case:

2. Basis for Notification and Possible Estate loss:

- a. Suspected violation of 18 U.S.C. Section:
152() ; 153() ; 154() ; 155() ; 156() ; 157() ; 1341() ; 1342() ;
1343() ; 1344()
- b. Other suspected criminal violation _____
- c. Possible Estate Loss \$ _____
Other _____

3. Circumstances Relating to Suspected Violation of Chapter 9 of Title 18, United State Code, or other Laws of the United States Relating to the Debtor's Case

- a. Subject of Notification:
 - i. Role
 - () Debtor (principal/responsible person)
 - () Trustee
 - () Professional (Specify Title) _____
 - () Claimholder/Equity Security Holder
 - () Public Official
 - () Other _____

- ii. Subject's address: _____
Telephone numbers: _____
- iii. Other identification information:

b. **Report all facts and circumstances of the case, the names of witnesses, and the offense or offenses believed to have been committed (provide as complete a description as possible) by:**

- (i) Providing full and complete account of the suspected violation, including identifying document(s) that contain information relating to the violation
- (ii) Providing the names, addresses, and telephone numbers of persons with knowledge of and information relating to suspected offense.
- (iii) Indicating, (based on available information) whether the suspected offense relates only to a single incident in a debtor's case or whether the suspected offense relates to multiple transactions/bankruptcies.
- (iv) Indicating whether the subject of the notification has been the subject of a prior notification and, if so, relating the relevant circumstances surrounding the earlier notification.
- (v) Disclosing other pertinent information.