

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:  
**ORDER ESTABLISHING PROCEDURES  
FOR REFERRALS OF CERTAIN  
SUSPECTED BANKRUPTCY CRIMES**

---

Administrative Order 2017-03

This Administrative Order replaces Administrative Order 2002-02. In addition to meeting the obligations imposed under 11 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: Kim Selmore, Esq.  
Assistant U.S. Attorney/Criminal Bankruptcy Fraud Coordinator  
Southern District of Florida  
99 NE 4<sup>th</sup> Street  
Miami, FL 33132

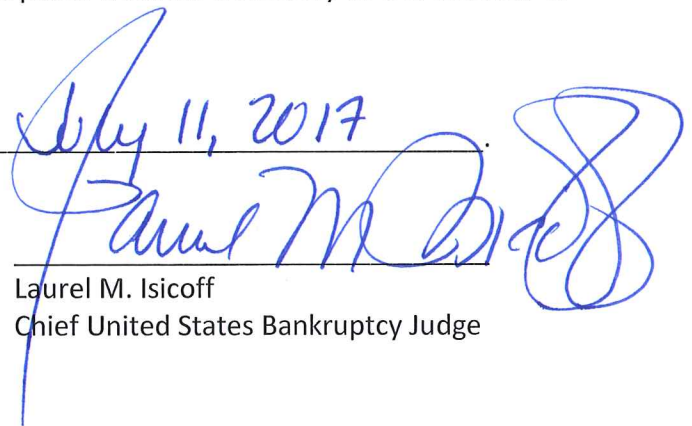
Federal Bureau of Investigation  
Attn: Brian Oman, Special Agent  
2030 SW 145<sup>th</sup> Avenue  
Miramar, FL 33027

Office of the United States Trustee  
Attn: Steven R. Turner, Assistant U.S. Trustee  
Claude Pepper Federal Building  
51 SW First Avenue, Suite 1204  
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.
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 the order to seal shall 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 interest of justice.

ORDERED in the Southern District of Florida on \_\_\_\_\_

July 11, 2017  
  
\_\_\_\_\_  
Laurel M. Isicoff  
Chief United States Bankruptcy Judge

- c: All Southern District Bankruptcy Judges  
United States Attorney's Office (Attn: Kim Selmore, Esq.)  
Federal Bureau of Investigation (Attn: Brian Oman, SA)  
Office of the United States Trustee (Attn: Steven R. Turner, AUST)  
Administrative Office U.S. Courts, Judicial Services Office (Attn: Vanessa Lantin, Esq.)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

**NOTIFICATION STATEMENT REGARDING REFERRAL OF SUSPECTED  
BANKRUPTCY CRIMES PURSUANT TO ADMINISTRATIVE ORDER 2017-03**

To: \_\_\_\_\_ Position: \_\_\_\_\_  
From: \_\_\_\_\_ Position: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signature of Preparer: \_\_\_\_\_ 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:

Chapter 7  Chapter 11  Chapter 12  Chapter 13

ii. Chapter under which case is now pending:

Chapter 7  Chapter 11  Chapter 12  Chapter 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. 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  Concealment of assets; false oaths and claims; bribery;

153  Embezzlement against estate;

154  Adverse interest and conduct of officers;

155  Fee agreements in cases under title 11 receiverships;

156  Knowing disregard of bankruptcy law or rule;

157  Bankruptcy fraud;

1341  Frauds and swindles (mail fraud);

1342  Fictitious name or address;

1343  Fraud by wire, radio, or television;

1344  Bank fraud

- b. Other suspected criminal violation: \_\_\_\_\_

- c. Possible Estate Loss \$: \_\_\_\_\_

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 Referral:

- i. Role:

Debtor [Principal/Responsible Person]

Trustee

Professional [Specify Title]

Claimholder/Equity Security Holder

Public Official

Other \_\_\_\_\_

- ii. Subject's address: \_\_\_\_\_

- iii. Telephone numbers: \_\_\_\_\_

- iv. Other identification information:

---

---

- b. Report all facts and circumstances of the case, the names of witnesses, and the offenses 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 offenses.
  - 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 offenses 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.
- c. Please attach documents and pleadings relevant to the referral including the petition, schedules, Statement of Financial Affairs, any amendments thereto, motions, complaint, and/or order of the Court.

A copy of the Notification has been sent to the Administrative Office of the United States Courts, Judicial Services Office, One Columbus Circle, N.E., Washington, D.C. 20544