

iviewit

**IVIEWIT HOLDINGS, INC.
IVIEWIT TECHNOLOGIES, INC.**

**P. Stephen Lamont
Former Chief Executive Officer (Acting)
Direct Dial: 914-217-0038**

**Eliot I. Bernstein
Founder and Inventor
Direct Dial: 530-529-4110**

By Facsimile and US Mail

April 11, 2008

The Honorable Michael Bernard Mukasey, Esq.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

and

Shamelle N. Lyles
Program Analyst
U. S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Avenue,
NW Room 3266
Washington, D.C. 20530

**RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND
UNITED STATES ATTORNEY GENERAL'S OFFICES IN REGARD TO
THE IVIEWIT MATTERS AND THE POSSIBLE ATTEMPTED
MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN - RESPONSE
TO YOUR APRIL 4, 2008 LETTER**

Dear Honorable Michael Mukasey and Ms. Lyles:

Thank you for your OPR offices response dated April 4, 2008 attached herein as Exhibit A, as response to our letter of June 13, 2007, to H. Marshall Jarrett in his capacity as



The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES
ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND
THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN -
RESPONSE TO YOUR APRIL 4, 2008 LETTER

Counsel to your office, on the advice of Glenn Fine's office, in his capacity as Inspector General of the U.S. Department of Justice. Ms. Lyles we have left message with your offices to contact us regarding your response but we have not yet heard back and due to the importance of the matters we have moved to formalize our response, yet we look forward to your return call.

Moreover, in your letter of April 4, you state "OPR has jurisdiction to investigate allegations of misconduct...by law enforcement personnel when related to allegations of attorney misconduct." It would appear from everyone from the FBI to the DOJ officials currently involved that you do have jurisdiction as we have been directed by all such agencies to your offices for information pertaining to our former cases and for filing new cases.

Whether or not your officials have "vested broad discretionary authority to determine whether and how to pursue criminal investigations and prosecution" which may very well be true, it has absolutely no bearing on the matters complained of to your offices, yet. We are unsure how you have based any decision on the exercise of discretionary investigatory power at all, as we have not claimed that as a basis for our request. We ^{to} investigate have not complained about the decision on our case matters and whether or not it was decided to investigate or not at all at this point, as there is no official response in any regard as to any decisions. It is from the inaction wholly to address the case disposition and the loss of files that we have complained of. We complain of the losing of case files and investigators, and failure to formally docket and dispose of such cases, not the decisions investigators have or have not made regarding investigating, perhaps you misunderstood.

Your letter further states, "Absent specific information that the discretion was corruptly, or otherwise inappropriately, exercised, OPR will not review the exercise of the authority" and "Based on our review of your correspondence, we have found no specific information suggesting that the FBI exercised its discretion inappropriately" We are again claiming that prior to discretion being exercised at all, corruption occurred to prevent discretion and investigation from ever even being had, as no case dispositions or conclusions have been tendered by anyone yet to make a claim that it was inappropriate or not. If your offices have decisions from the US Attorney's General's Office or the FBI, stating any outcome, please procure them as no one else from the FBI or DOJ involved can, again referring us to your offices for that information as their files are admittedly missing. Thus, one must see that corruptly interfering with due process and procedures to preclude discretionary powers to investigate or not at the US Attorney General's office, is ^{the} ~~the~~ crux of our complaint and problem, which appears wholly within your power to investigate according to the jurisdictional rules for your offices.

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN - RESPONSE TO YOUR APRIL 4, 2008 LETTER

Furthermore, in our letter of June 13, 2007, which has been attached to the email of this communication, we point to multiple instances of allegations of misconduct by law enforcement personnel when related to allegations of attorney misconduct (i.e. the U.S. Attorney Office for the Southern District of Florida, hereinafter "USA") showing that corruption may have interfered with due process and the ability to exercise discretionary powers appropriately or inappropriately, as follows:

I. FBI AND US ATTORNEY GENERAL CASES AND FILES MISSING IN THE IVIEWIT MATTERS

Stephen Lucchesi, the FBI Special Agent in charge of the Iviewit matters, upon information from personnel at the FBI office in West Palm Beach, Fla., was reported as retired on or about November 2006. Various personnel handling the matters then stated that case was retired with Lucchesi with no disposition made and that our case files, and the investigators, including Luccheis, along with any dispositions, evidence, etc. are now missing, constituting *misconduct by law enforcement personnel*. EB

Sometime prior to, on or about September 2004, Lucchesi stated that he was taking his investigation to the USA, to determine the prosecutability of the Iviewit claims. Where no case numbers were ever docketed procedurally according to both the FBI and the USA, and no case can now be found by either agency, including any decisions made either way by the USA or FBI at all, and, where according to both their offices there should be docket numbers, etc. with at minimum a case disposition. This appears to be wholly missing. No docket or any information can be found as claimed by the USA Miami office, which imparts *allegations of attorney misconduct*, not allegations regarding their use of their discretionary powers to investigate. The USA Miami office then pointed us to your offices for answers as to why the case files are missing and no docket numbers or any disposition from anyone can be found. Certainly the USA has broad discretionary powers in what to investigate but the losing of case file information and inaction in a procedural sense, such as the failure to formally docket and handle evidence procedurally, loss of case files and failure to make case decisions either way would certainly be under your domain of responsibility and certainly cause to begin instant and formal investigation by OPR.

II. MINIVAN BOMBING AND ALLEGED ATTEMPTED MURDER OF THE MAIN INVENTOR, ELIOT I. BERNSTEIN AND HIS FAMILY AS IT RELATES TO MISSING CASE FILES AT THE US ATTORNEY GENERALS OFFICE AND THE FBI IN REGARD TO SUCH

On or about June 2005, a powerful car bomb destroyed Bernstein's minivan and ~~four~~ ^{three} cars parked next to it according to Rick Lee, fire investigator in Boynton Beach, Florida; Bernstein was to be driving the minivan just hours later. Bernstein immediately reported CAB

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN - RESPONSE TO YOUR APRIL 4, 2008 LETTER

(91B) this incidence to Lucchessi, at the direction of the fire investigator Lee. Lucchessi was then presumed to also be investigating those matters, as the information was sent to him as additional case information, to be added to his ongoing investigation he was conducting into the Iviewit matters and had brought to the USA. If such investigation into the car bombing has been retired with the agent, or worse yet, not made part of the Iviewit case at all, as the case files to determine that are missing according to FBI and USA agents, this would constitute further possible *misconduct by law enforcement personnel and attorney misconduct*, attorney misconduct in that Lucchessi had claimed to have ~~been~~ brought the case with the USA some nine months earlier, again this is related to allegations of attorney misconduct and as it further relates to law enforcement personnel, all appears to be under your jurisdiction. (91B)

III. CRIMINALS ARE ALLEGED TO HAVE INFILTRATED VARIOUS SECTORS OF U.S. JUSTICE DEPARTMENT, THE COURTS AND CERTAIN LAW ENFORCEMENT PERSONNEL HAVE VIOLATED DUE PROCESS AND PROCEDURE IN THE HANDLING OF CASE INFORMATION.

(91B) Where, Lucchessi was conducting an investigation into the Iviewit matters in conjunction with USA, and it was stated that Lucchessi retired and that all case files were retired with him and therefore now ^{are} missing from the Justice Department files (again imparting misconduct) as it appears ludicrous that Department of Justice cases are ceased with the retirement of an agent and no notice is formally given to complainants. Further, the case files should not have gone missing or be taken by a retiring agent from the Justice Department which further constitutes *misconduct by law enforcement personnel*. It may be plausible that the Lucchessi/USA matters were mishandled by higher ups in the U.S. Department of Justice to be purposely lost and denied any disposition, total inaction which is an action of course in thwarting due process, and this should thusly warrant investigation by your offices as *related to allegations of attorney misconduct in conjunction with misconduct by law enforcement personnel*.


Further, since contacting the FBI and USA to find the status of our cases and present new evidence, which to date lack formal and procedural docketing to the best of our knowledge and are now *missing*, the FBI office and the USA have both referred us to your offices to find all this information out and to handle going forward with both the old cases and new cases to be filed based on new evidence. In this regard, we are also asking your offices for the formal docket numbers from both agencies, on the past cases and the status of the cases and how they were disposed of and by whom. We to date have no formal disposition whatsoever at this point of either cases, again the inaction procedurally is what we complain of as cause for you to investigate, as we have no indication if the FBI and USA were or were not going forward or dismissing the complaints. This information is critical so that we may know to what point evidence was given to former

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN - RESPONSE TO YOUR APRIL 4, 2008 LETTER

investigators and to what point it was reviewed, dismissed or disposed of to evaluate at what point evidence was no longer docketed or formally handled.

For example, knowing if the car bombing information sent to Lucchesi, long after the Iviewit case evidence was filed with him, that is now claimed missing, was ever part of the Iviewit investigation is critical to know to determine how to proceed going forward. If the bombing information was disposed of without being included in the former case, or as a separate case, would determine if we need to re-file the information as a new case. If that becomes necessary, we have been advised by the USA, the DOJ OIG and the FBI that your office will tell us with whom to re-file with and that they cannot talk to us until your office determines what to do regarding the prior missing files and evidence. As this is of grave concern, as a matter of life and death, is very frightening that the FBI and the US Attorney claims to be missing evidence filed with the office regarding the car bombing and possible attempted murder, you can understand our absolute concern to make sure it did not slip through the cracks and was never investigated prior. If the car bombing is found not to have been a part of the initial investigation, then assuredly we would file another complaint and assume due process and procedure will be afforded under law to that new case.

 Similarly, we need to know at what point, the USA used their broad discretionary powers choosing ^{to} investigate or not, with the Iviewit matters, as we need to know at what point to submit new evidence to substantiate our former case that has recently surfaced. Accordingly, we need to know from your offices, who we should file such new complaint evidence with now, if the old ^{cases} ~~ones~~ are missing, as those agencies the FBI and USA point us to your offices to determine this and again refuse to even speak to us without determination and go ahead again from your offices first. Lonnie Davis of the USDOJ OIG's, Glenn Fine's office also pointed us to your offices with regards to establishing this information and a going forward plan.

Obviously we need to know what was investigated, what was dismissed or not, and when such occurred to ascertain what new evidence and new claims must be filed in support of our prior missing case and what was prior reviewed. For example, new information from a recent New York District Court Case that could warrant such reinvestigation of our former filed FBI and USA cases, that was filed in the Southern District, Case No. *07 Civ. 9599 (SAS) Christine C. Anderson v. the State of New York, et al. 07 Civ. 11196 (SAS)* ("Anderson") reveals that government employees at the Supreme Court of New York First Department have been "whitewashing" complaints. Where such court insider attorney claims she was physically assaulted in trying to do her duty to investigate by her superiors (the state actor involved in the assault was sentenced to anger management classes) and incredibly she mentions in her original complaint, the Iviewit companies as support to her claims. This should be cause for reinvestigation of our cases.



The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES
ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND
THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN –
RESPONSE TO YOUR APRIL 4, 2008 LETTER

The *Anderson* mention of our case, led to a case filed by Eliot Ivan Bernstein and P. Stephen Lamont civilly in that federal court in support of *Anderson's* case, titled, *Eliot I. Bernstein, et al. v. Appellate Division First Department, Department Disciplinary Committee et al.* which the Hon. Shira Scheindlin presiding on *Anderson* then formally "related" to the *Anderson* "whistleblower case"¹. Since information like that may or may not be cause for reinvestigation by the FBI and reopening of the US Attorney General cases, we still will need to be able to present the new information to someone at the DOJ and have due process and procedure afforded that new information at the Department of Justice to determine if such evidence is cause to reinvestigate the old missing cases or start brand new ones. Certainly, we must be able to contact someone at the DOJ, otherwise please state that the DOJ OPR is refusing to accept information at all, including new "smoking gun" evidence and refuses us the opportunity of due process and procedure as accorded under the United States Constitution.

Additionally, we would also like your offices to provide the name of all of the agents involved at the FBI and the USA in the prior cases, as Lucchesi had brought other agents into the Iviewit case matters and we are unsure if terrorism or other agents were called in regarding the car bombing.

Lucchessi had also stated that he was conducting joint investigation with the United States Patent and Trademark Office ("USPTO"), Office of Enrollment & Discipline Director Harry I. Moatz ("Moatz") regarding the allegations of Fraud Upon the USPTO, as documents tendered to the FBI showed that fraudulent patent applications had been filed, constituting a crime against an agency of the United States and where such charges have led to suspension of the patents on file at the USPTO, pending investigations, including we presume those of Lucchesi and others. Either way, this is critical information to know as the patents remain suspended denying our constitutionally protected inventor rights under Article 1, Section 8, Clause 8.

Yet we are not sure if Lucchesi began such USPTO undertaking prior to his leaving the Department of Justice with our case files and failing to notify us in any official capacity as to the disposition of our cases with the FBI or USA. In fact, Lucchessi had stated that he was working with the USPTO OED, later confirmed by Moatz, and we also inquire as to what has happened in that regard with the FBI and USA, so we can ascertain if that needs to be re-filed, as its evidence is also missing now from FBI files and this is for alleged crimes committed against not only us but directly against agencies of the United States.

If your offices are unable to investigate we would appreciate your directing us as where to contact the Department of Justice regarding our complaints and the filing of new

¹ Hon. Shira Scheindlin in a transcript in the *Anderson* case asserts that the case is not only a racial discrimination case but has a whistleblower element as well to opposing counsel in that matter.

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

**RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES
ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND
THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN -
RESPONSE TO YOUR APRIL 4, 2008 LETTER**

complaints if those have vanished, as those offices refuse to speak to us and adamantly point to your offices for direction. Thus, provide the name and contact of the agencies and personnel within those agencies that we can contact to rid the Catch 22 that is occurring in these matters, and in fact, is acting to further preclude due process and procedure by blocking the submission of new complaints and new evidence.

Accordingly, we request you revisit the possibly incorrect conclusion in your letter of April 4, or pass this matter to the next highest level of review, preferably the office of the United States Attorney General, Michael Mukasey, also addressed herein, to answer each and every question asked herein in lieu of your prior letter which addresses none of the germane issues presented in our prior letter.

EB


Due to the conflict level already found with these matters within certain government agencies, we asked in our letter for a signed disclosure of any conflict with any of the named people, prior to anyone from your offices opining or reviewing these matters and yet we did not receive one prior to your involvement. Could you please kindly reply with why that was not enforced upon polite request? Again, many of the accused in the underlying matters are law firms, justices, state, federal and international enforcement actors and there are widespread allegations and investigations that these law firms have infiltrated and planted in government public offices to deny due process and therefore the need to steer clear of conflict is a must from the start.

To summarize, we ask for all of the following information from your offices as part of your response:

1. Docket number for the prior filed case of the Iviewit matters with both the FBI and the USA.
2. Docket number for the prior filed case of the bombing of Eliot Ivan Bernstein's family minivan at the FBI and possibly at the USA.
3. List of investigators at the FBI and the USA who handled the prior cases.
4. Proper and procedural accounting of the case files in the prior matters of Iviewit and the car bombing and restating where that information is or if it is formally missing or has ever been procedurally disposed of according to due process and procedure.
5. Verification as to the date of any decision to investigate or dismiss the complaints and copies of those letters and who they were sent to.
6. Who to file additional complaint information with regarding new evidence to have the old cases reinvestigated or new ones instigated instantly, as the FBI and USA offices await your direction and answer to proceed.
7. A case docket number for this and our prior formal complaint with your offices as none has been attached with any of the correspondences by your offices.
8. A signed and affirmed conflict of interest check by all case handlers in these formal complaints filed with your offices if possible, if not, an explanation as to why.

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES
ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND
THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN -
RESPONSE TO YOUR APRIL 4, 2008 LETTER

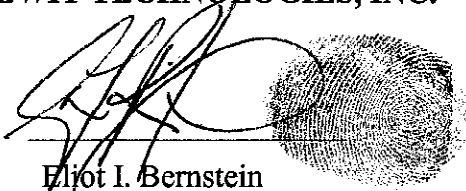
As these matters possibly relate to attempted murder and the terrorist styled car bombing of a United States citizen, we appreciate a prompt reply with a signed and executed affirmation that no conflicts have been found by those replying with any of the accused in these matters. 

Please feel free to contact me at any time regarding these matters or the need for additional information to help in your understanding of the matters before you.

We thank you in advance for your prompt handling of these matters,

**IVIEWIT HOLDINGS, INC.
IVIEWIT TECHNOLOGIES, INC.**

By:


Eliot I. Bernstein
Founder and Inventor

and


P. Stephen Lamont
Former Chief Executive Officer (Acting)

Cc: H. Marshall Jarrett, Counsel
Glenn Fine, Inspector General of the U.S. Department of Justice
Michael Mukasey, United States Attorney General
The Honorable John Conyers Jr. (D-MI 14th) - Chairman of the House Judiciary Committee
The Honorable United States Senator Dianne Feinstein
Harry I. Moatz, Director, United States Patent & Trademark Office - Office of Enrollment and Discipline
Jon W. Dudas, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
Iviewit Patent Interest Holders
Caroline Prochotska Rogers, Esq.
Michele Marlene Mulrooney Jackoway, Esq.



EXHIBIT A

Letter of Shamelle N. Lyles

- 9 - 

The Honorable Michael Bernard Mukasey and Shamelle N. Lyles
U. S. Department of Justice, Office of Professional Responsibility

RE: **MISSING CASE FILES AND INVESTIGATORS AT THE FBI AND UNITED STATES
ATTORNEY GENERAL'S OFFICES IN REGARD TO THE IVIEWIT MATTERS AND
THE POSSIBLE ATTEMPTED MURDER VIA CAR BOMBING OF ELIOT BERNSTEIN -
RESPONSE TO YOUR APRIL 4, 2008 LETTER**



U.S. Department of Justice

Office of Professional Responsibility

250 Pennsylvania Avenue, N.W., Room 7-56
Washington, D.C. 20530

APR 04 2008

Eliot T. Bernstein
39 Little Avenue
Red Bluff, California 96080

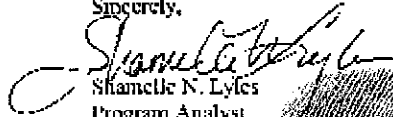
Dear Mr. Bernstein:

This Office has reviewed your June 15, 2007 complaint, in which you alleged that Federal Bureau of Investigation (FBI) officials have refused to properly investigate your claims involving Iviewit Holdings, Inc. and requested assistance.

OPR has jurisdiction to investigate allegations of misconduct involving Department attorneys that relate to the exercise of their authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. For your information, law enforcement officials are vested with broad discretionary authority to determine whether and how to pursue criminal investigations and prosecutions. Absent specific information suggesting that the discretion was corruptly, or otherwise inappropriately, exercised, OPR will not review the exercise of the authority. Based on our review of your correspondence, we have found no specific information suggesting that the FBI exercised its discretion inappropriately. Accordingly we are taking no further action in this matter.

We regret we can be of no further assistance to you.

Sincerely,


Shamelle N. Lyles
Program Analyst

