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Monday, August 19, 2013

Erin Tuper
Notary Education Coordinator
Executive Office of the Governor, Notary Section
Office of the Governor
The Capital
Tallahassee, FL 32399-0001
fl_gov.notary@eog.myflorida.com

Re: Case# Simon Bernstein Kimberly Moran & Eliot Bernstein Kimberly Moran.
Notary Fraud and Forgery, Kimberly Moran Commission #EE 156021
Expiration Date: 4/28/16

Dear Erin Tuper,

I, Eliot Ivan Bernstein, write in regard to the response tendered to my complaints against the licensed notary public and legal assistant Kimberly Moran ("Moran") and those that employed her and commissioned her actions, including but not limited to, the law firm of Tescher & Spallina P.A., the Attorneys at Law, Donald Tescher and Robert Spallina¹.

While appreciating the Admission and Acknowledgement of multiple Fraudulent Notarizations² by Moran in the estates of my parents, any compassion for her is shattered as her confession is fraught with further lies in an attempt to cover up far more serious

¹ Title X PUBLIC OFFICERS, EMPLOYEES, AND RECORDS Chapter 117 NOTARIES PUBLIC (6) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary's official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

² 117.105 False or fraudulent acknowledgments; penalty.-A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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crimes that have been enabled by her actions and her attempts to mislead your office in investigation. Forgery is a felony crime with very serious ramifications, especially in a matter where allegations by others were already made to authorities that my father might have been murdered as part of a plan to rob his estate. Now these fraudulent documents surface and the question remains as to what part these documents may have played in his death and the subsequent crimes alleged regarding the theft of assets from the estates by Moran and her bosses, Tescher & Spallina, P.A. The documents that were Forged and Fraudulent were submitted to a Florida State Probate court as part of a larger Fraud on the Court and Fraud on the Beneficiaries of my father and mother's estates.

Moran claims to have made a "terrible mistake" an innocent and benevolent error while having a "momentary lapse in judgment." However, this claim fails when one reviews the fraudulent documents created and forged as an integral part of a much larger series of crimes alleged against Ms. Moran and Ms. Moran's employer, the law firm Tescher & Spallina P.A. Crimes, which I have already notified the Palm Beach County Sheriff Office, the US Federal District Court for the Southern District of New York and the Florida Probate Court of and whereby these Notary Public frauds are only a fraction of the criminal acts alleged. The documents play a significant part of all the alleged crimes, in that the fraudulent and forged documents by Moran facilitate other crimes, as the documents give her bosses, Tescher & Spallina P.A. and Attorneys at Law Donald Tescher and Robert Spallina, fiduciary powers as personal representatives of the estates of my father and mother. These documents now enable the alleged criminals to operate many alleged frauds that have been recently reported to the courts and investigators from several agencies, including but not limited to, alleged Insurance Fraud, Real Estate Fraud, Theft, Fraud on the Court, Fraud on the Beneficiaries, Murder and more.

Moran also claims that this "mistake" was a first of a kind brought on by good intentions and drugs, but as I mentioned in my last call to your office, there are other documents fraudulently Notarized and submitted to the courts and Beneficiaries that Ms. Moran played a part in creating. Therefore, Moran's claims that this was a onetime event, a "mistake" is false as these other documents indicate an ongoing Pattern and Practice of criminal activity. Moran claims that the documents never required acknowledgement before but she assumed that the Court noticing Tescher & Spallina P.A. that they needed notarization caused her to "assume" they needed to now be notarized. Therefore, according to her account, she decided to do the noble thing and fraudulently Notarize the documents to help along grieving children by committing Notary Fraud in their parent's estates. She in fact states, "Looking back on it, **I guess** I was trying to help them" [emphasis added] clearly indicating that she is not sure, a best guess, if helping was truly her intent. However, in her next breath in the response, she then claims that her noble actions were not done with noble intent but because she was

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allegedly under the influence of drugs. What this false confession attempts to do is minimize the culpability not only of herself but of her “bosses”/employer the law office of Tescher & Spallina P.A., Donald Tescher and Robert Spallina, who commissioned her to falsely notarize these documents, for surely they were involved in directing their contracted Legal Assistant and Licensed Notary Public Moran.

Moran in closing her response claims that once she received a Court order to have the documents notarized she simply notarized them and sent the documents back to the court and that they were “identical.” The documents however are far from “identical” and in fact are wholly dissimilar. First, the documents signed by my family members were signed without any notary stamp affixed to them. At first glance, it would appear that the documents were shrunk and a notary stamp affixed and then returned to the Court. However, on closer inspection one finds that the documents submitted to the Court was the work of carefully crafted forgery, including forging the signatures of all parties, including at the time, FORGING THE SIGNATURE OF MY DECEASED FATHER. In fact, when comparing the document I allegedly signed without the notarization submitted to the court and your office, with the one Moran fraudulently notarized and submitted back to the court, it is obvious that the un-notarized document’s date is written in Cursive and the date on the one Moran forged is in Block letters, proving the documents are wholly dissimilar. The fact that Moran continues to perpetrate lies and fails to confess to the entire crime, leaves her confession to be a false confession, a continuing Pattern and Practice to further the crimes and mislead investigators.

Upon inspecting the signatures on each document, it is obvious that the two signatures are NOT the same on any of the documents returned by Moran and it appears that she left all of these relevant facts about the forgery out of her sworn statement made under penalty of perjury to your office. This is not a minor oversight, as Moran’s letter response/sworn statement to my complaints fails to address the egregiously forged signatures and that there were other fraudulent documents she participated in creating and now creates new criminal acts from her efforts to mislead investigators and further cover up the larger crimes being committed through the misuse of these documents.

That while I have compassion for Moran and her children, it is interesting to note that while vying for leniency through thinly veiled apologies for her acts, “apologies” made only after being caught. Ms. Moran fails to apologize to the victims of her crimes, including my family and my children, for these acts now cause major damages to the Beneficiaries of the estates and have caused a host of further criminal acts against us to be committed. Moran’s acts and breaches of trust now leave liabilities for all parties, including the need for over \$100,000 of legal fee retainers to assess the damages caused by these documents and determine now whom the Beneficiaries and Personal

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Representatives of the estates of my parents' estates are. That the documents will now cost the taxpayer also in that the crimes will have to be investigated and prosecuted and the courts will also be burdened with tremendous time and energy to resolve these matters. My children and family will be greatly affected in the next few weeks and further damaged, as distributions from the estates to pay for their basic living and school expenses will be delayed while the actions of Moran and HER EMPLOYERS, the law firm of Tescher & Spallina P.A. and the Attorneys at Law, Donald Tescher and Robert Spallina are investigated and a new course of action determined. My sympathies for Ms. Moran evaporate and I pray that your offices take the most extreme and severe actions under law against her and her employer for their continued falsification of information to investigators.

For example, **Exhibit 1** – Simon Will, illustrates another document improperly notarized in a wholly separate court case, that of my father's estate. with Moran now acting as witness in a document purportedly signed by my father. That as Exhibit 1 clearly shows, this is another improper Notarization in the estate of Simon, this time on his ALLEGED WILL, where Moran is found now witnessing an improperly notarized WILL. In this document there is a new Notary Public, a one Lindsay Baxley, Commission #EE092282, Expires May 10, 2015 and we find Attorney at Law Robert Spallina who created the ALLEGED WILL, also now acting as false witness. The document is created without any affirmation by the Notary or Witnesses, that Simon Bernstein appeared and was either "Personally Known" or "Produced Identification" and therefore this is legally invalid document due to the notary and witness fraud.

In yet another example, in an Amended Trust for Simon, that similar improper notarizations and witnessing of documents takes place, Tescher and Spallina, appoint themselves as Personal Representatives of the estate of Simon, a document they drafted, they witnessed and they commissioned the improper notarization. Combined with the other documents, this document gives them fiduciary powers over the estate and assets. **See Exhibits, 2&3.** Taken together, these improperly notarized, forged and fraudulent documents, completely change the beneficiaries and personal representatives of my father and mother's long-standing estate plans. Together the documents enable the conspirators named herein to commit a host of alleged felony crimes thereafter. Thus, we see that Moran's actions were not a one off "mistake" or a "momentary lapse of judgment" as Moran would con you to believe in her response, these documents combine to have far reaching impact on the estates and beneficiaries and allow a plethora of criminal activities to follow.

Due to the fact that fraud has occurred and been acknowledged and admitted to in one instance by Moran, we at this time are not sure exactly how many documents have

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been tampered with and improperly notarized or forged in the estates of Simon and Shirley. Therefore, this office needs to demand that Moran and now Baxley more fully confess truthfully to these crimes and obtain all records from them and their employer accomplices, Tescher & Spallina P.A., Donald Tescher and Robert Spallina, to verify and inspect all documents in the estate for other evidence of fraud. Please also include any insurance or bonding information on both Moran and Baxley that your offices have records concerning. Efforts to obtain documents of the estates from Tescher & Spallina have failed, as they are suppressing these documents, even after request by my children's counsel, see **Exhibit 2 – Letters from Tripp Scott**. We also would like certified copies of all records regarding Moran's license as notary that your offices can provide us with to further our due diligence and investigations.

Please take this communiqué additionally as a formal request to open separate and independent complaints filed by me personally and one for me acting on behalf of my deceased father and mother, against both Baxley and Tescher and Spallina, for their involvement in this same nexus of events. If you need me to file separate complaint forms in each instance, please contact me and I will file those immediately.

Respectfully Yours,



Eliot I. Bernstein
Founder & Inventor

Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – FL
Iviewit Technologies, Inc. – DL
Uview.com, Inc. – DL
Iviewit.com, Inc. – FL
Iviewit.com, Inc. – DL

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I.C., Inc. – FL
Iviewit.com LLC – DL
Iviewit LLC – DL
Iviewit Corporation – FL
Iviewit, Inc. – FL
Iviewit, Inc. – DL
Iviewit Corporation

cc/ec:

Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators (URL's) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.

cmb/eib

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EXHIBIT 1 – IMPROPERLY NOTARIZED DOCUMENTS IN THE ESTATE OF WILL
OF SIMON BERNSTEIN

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EXHIBIT 2 – IMPROPERLY NOTARIZED DOCUMENTS IN THE AMENDED TRUST
OF SIMON BERNSTEIN