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The Watchdog

U.S. DEPARTMENT OF JUSTICE—OFFICE OF THE UNITED STATES TRUSTEE

PETER C. ANDERSON, U.S. TRUSTEE, REGION 16



Director's Award ceremony held at the National Advocacy Center on November 15, 2018.

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The United States Trustee is charged with the oversight responsibility for supervising the administration of bankruptcy cases filed in the U.S. Bankruptcy Court for the Central District of California, as well as monitoring the performance of the individual trustees appointed in these cases.

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Message from the United States Trustee

The United States Trustee Program was created as a pilot program as part of the 1978 Bankruptcy Reform Act. In 1986, Congress expanded the Program nationwide, and it now operates in all states, except North Carolina and Alabama.

The United States Trustee Program's mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public. Working together with the case trustees, the bankruptcy court, the debtor bar and others, enables the United States Trustee Program to effectively deliver on this commitment.

Region 16 consists of four field offices (Los Angeles, Riverside, Santa Ana, Woodland Hills/Santa Barbara). Throughout this publication, we share with you the achievements of Region 16, not only to report to all stakeholders – debtors, creditors, and the public – but also to recognize the dedication of my Assistants, trial attorneys, auditors, analysts, paralegals, legal assistants and

administrative staff. The vast majority of Region 16 personnel have been with the program for more than 20 years!

I have had the great privilege to lead the United States Trustee Program in Region 16 for the past 13 years, and prior to that to contribute as a Chapter 7 trustee for 13 years. All that has been achieved in Region 16 is a reflection of the dedication of my co-workers with whom I have the honor of serving. I look forward to many more years of Program success and rewards.

Peter C. Anderson
United States Trustee
Region 16

Criminal Investigations



An indictment contains allegations that a defendant has committed a crime. Every defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.

The United States Trustee is mandated to notify the appropriate United States attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the United States attorney, to assist the United States attorney in carrying out prosecutions based on such action.

On June 5, 2019, a grand jury charged **Paul Ricky Mata** with 17 counts of wire fraud, false statements, concealment, false oaths and accounts in a bankruptcy and causing an act to be done in connection with an alleged \$14.5M real estate scheme. If convicted of all 17 counts, Mata could face a statutory maximum sentence of 295 years in federal prison.

Non-bankruptcy charges relate to an alleged real estate investment scheme where Mata guaranteed investors an annual investment return of 5% to 10%, when in fact the investments had significant loss risks and did not make a profit from 2011 onward.

The bankruptcy charges relate to alleged false statements on bankruptcy court documents and concealing personal property from his creditors, including a 2008 Mini Cooper and a 2001 Jeep.

On April 10, 2019, a grand jury charged **Michael Avenatti** with 36 counts of fraud, tax offenses misappropriation and/or illegal concealment of funds, wire fraud, and bank fraud plus concealment of assets from the Bankruptcy Court.

The four bankruptcy charges stem from Avenatti's allegedly making false statements in the Chapter 11 bankruptcy proceeding of his then law firm Eagan Avenatti. Three of the four charges relate to perjury on the monthly operating reports that failed to report the firm's accounts receivables. It is also alleged that during a June 2017 bankruptcy hearing Avenatti denied that the firm had received any fees related to a lawsuit when in fact the firm had received \$1.3M in fees in that proceeding.

Avenatti was arrested on March 25, 2019 and a trial is currently set for August 27, 2019. If he is found guilty Avenatti could face a maximum sentence of 333 years in federal prison, plus an additional two-year mandatory consecutive sentence for aggravated identity theft.

On February 14, 2019, **Pejman Vincent Mehdizadeh** executed a plea agreement in the investigation of allegations of bankruptcy fraud.

Mehdizadeh admitted that he concealed and failed to disclose assets in his 2010 Chapter 7

*"Ferretting out fraud and abuse depends on the Program serving as the vigilant 'watchdog' of the bankruptcy system."
Clifford J. White, III, Director EOUST*

proceeding. Those assets had a minimum value of \$65,000. Mehdizadeh's plea was accepted on March 14, 2019. On June 19, 2019 Mehdizadeh was sentenced to two years probation and restitution to the bankruptcy estate totaling \$65,000.

On February 13, 2019, **Prakashkumar C. Bhakta**, was sentenced to seven years and eight months in state prison and ordered to pay a \$256,000 restitution in connection with a mortgage fraud scheme.

The original indictment charged Bhakta and his co-defendants with 135 counts of conspiracy, procuring or offering a false or forged instrument, grand theft of personal property, and identity theft with special allegations of excessive loss (highest was \$3.2M).

Defendants convinced distressed homeowners that they could provide legal assistance to help save their homes. They persuaded victims to pay them \$3,500 to start; then \$1,000 monthly; and separate fees for filing legal documents. Defendants filed and recorded numerous fraudulent documents,

including false bankruptcies and false court filings.

The scam defrauded lenders and other owners of their rightful possession of the residential properties. Meanwhile, the defendants collected thousands of dollars from homeowner victims to perform fraudulent services.

Bhakta, who was an integral part of the scheme, falsely notarized numerous fractional interest grant deeds without the presence of the person whose signature was being notarized.

Bhakta, the last defendant to admit fault, pled guilty on November 28, 2018 to 113 felony charges, including conspiracy, grand theft, and filing false or forged documents.

Co-defendants **Jacob Orona, Aide Orona, John Contreras, Marcus Robinson, and David Boyd** previously pled guilty. They were sentenced to state prison terms ranging from four years to seven years and four months.

On December 19, 2018, **Hernan Martin Rojas**, who operated H.M.R. & Associates in Ontario, pled guilty to violating federal

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bankruptcy laws. In his guilty plea, Rojas admitted to lying about his involvement with the filing of bankruptcy documents in order to circumvent a federal bankruptcy court injunction barring him from providing bankruptcy petition preparer (“BPP”) services. Rojas’ practices were in spite of being found in contempt of court in 2013 for failing to abide by a 2012 injunction that prohibited him from “preparing, whether directly or indirectly, whether compensated or not, any bankruptcy documents”. Rojas additionally admitted that he misstated the amount of fees that he received which were in violation of the law. The charges to which Rojas pled guilty allegedly result from over 75 bankruptcy cases filed between February 2016 and late 2018 when he was enjoined from preparing such paperwork. Rojas also agreed to forfeit assets found to constitute the proceeds of his illegal activities. Rojas could face five years in federal prison.

On December 13, 2018, an indictment charging four counts of wire fraud and four counts of false, fictitious or fraudulent claims was filed against **Kenneth Paul Ferreyro**. Ferreyro was arrested on January 3, 2019. On April 5, 2019, a jury found Ferreyro guilty on all charges.

For at least seven years Ferreyro had presented himself as an attorney, former IRS agent, and claimed to be licensed to practice law in California, Colorado, Idaho and

New York, when in fact he is not licensed to practice law in any State. Ferreyro filed numerous bankruptcy court proceedings for “clients” in California, Idaho, Arizona, New York and Texas. Ferreyro filed numerous tax returns with the Internal Revenue Service claiming substantial refunds to which he was not entitled.

Ferreyro held himself out to be an attorney and accountant who had expertise in the areas of bankruptcy, mortgages and tax liens. He told potential clients that he could eliminate IRS obligations on their behalf, claiming that he had previously worked for the IRS. Ferreyro created false documents and supplied those documents to lenders, the federal courts and others, in furtherance of his scheme.

Sentencing is scheduled for August 19, 2019.

On July 16, 2018, **Dorothy Matsuba, Jamie Matsuba, and Thomas Matsuba** were sentenced for their roles in a foreclosure rescue scheme.

Dorothy Matsuba was sentenced to 20 years in prison after pleading guilty to one count each of conspiracy to commit wire fraud, false statements to a federally insured bank or mortgage lending business, identity theft; five counts of wire fraud; six counts of false statements to federally insured banks; and six counts of aggravated identity theft. On April 30, 2019 the Court entered an order denying Dorothy Matsuba’s motion to reduce her term of imprisonment to time served. On May 6, 2019 Dorothy

Matsuba filed a notice of appeal of that order.

Jamie Matsuba and Thomas Matsuba were both convicted after trial on one count each of conspiracy to commit wire fraud, making false statements to federally insured banks and identity theft.

Jamie Matsuba was sentenced to 11 years and three months in prison and Thomas Matsuba was sentenced to 14 years in prison.

From January 2005 to August 2014, the Matsubas, along with others, engaged in a scheme to defraud financially distressed homeowners by offering to prevent foreclosure on their properties through short sales. Instead, the conspirators rented out the properties to third parties, did not pay the mortgages on the properties, and submitted false and fraudulent documents to mortgage lenders and servicers in order to delay foreclosure. The conspirators also obtained mortgages in the names of stolen identities and used additional tactics, including filing bankruptcy in the names of distressed homeowners without their knowledge and fabricating liens on the distressed properties.

On June 7, 2018, in the Central District of California, **Donald Woo Lee** was indicted on 9 counts for participating in a fraudulent scheme to defraud Medicare. Between September 2012 and September 2015, Dr. Lee submitted approximately \$14,699,359 in claims to Medicare, of which approximately \$12,488,300 related to medically unnecessary vein ablation procedures. The indictment also charges Dr. Lee for making unauthorized post-petition transfers of property of the bankruptcy estate and for making

false statements in connection with his individual and corporate bankruptcy cases. Dr. Lee had falsely testified under oath that certain money he received came from loans from family members, and that none of the money had come from him or his corporate medical practice. To the contrary, Dr. Lee used his personal funds and his wife’s personal funds and corporate money. The U.S. Trustee’s Santa Ana office referred the matter to the U.S. Attorney.

On March 9, 2018, **Mickey Henschel, aka Frank Winston** and three other defendants, **Camerino Islas, Claudia Islas, aka Jessica Islas, and Juan Carlos Velasquez** were arrested on 17 counts of bankruptcy fraud, mail and wire fraud and conspiracy. A fifth defendant, **Eugene Fulmer**, was arrested on April 20, 2018.

According to the superseding indictment Henschel and his associates deceived homeowners into signing fraudulent deeds on their property in an attempt to delay foreclosure and/or eviction actions. In some cases it is alleged that they extorted money from the homeowners, charged illegal fees and stole some homes outright.

The indictment alleges that Henschel and the others gained more than \$17 million in their illegal enterprise.

During April, 2019 Velasquez, Claudia Islas and Camerino Islas entered guilty pleas and their sentencing hearings are set for August 26, 2019.

On May 19, 2019, Henschel and Fulmer entered guilty pleas. Henschel’s sentencing is scheduled for August 12, 2019 and Fulmer’s is scheduled for August 26, 2019.

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Consumer Protection



Enforcement against creditor violations has been a key component of the USTP consumer practice. The integrity of the bankruptcy system depends on compliance by all of the parties in that system.

Granting a motion by the U.S. Trustee's Los Angeles office, the Bankruptcy Court for the Central District of California fined **Marjorie Mebane** \$4,000 for violating 11 U.S.C. § 110, which governs bankruptcy petition preparers. The court also ordered Mebane to refund fees of \$350 and pay liquidated damages of \$2,000 to the debtor related to Mebane's failure to comply with the court's previous injunction.

In 2011, the U.S. Trustee's Riverside office obtained an injunction prohibiting Mebane from acting as a petition preparer. The debtor disclosed at the section 341 meeting of creditors that Mebane, who did not disclose her identity in the debtor's bankruptcy documents, was his petition preparer.

The court found that Mebane failed to sign and place her identifying number on the debtor's bankruptcy documents, failed to disclose her compensation, and failed to provide the debtor with the required consumer notice.

Granting a motion by the U.S. Trustee's Los Angeles office on April 25, 2019, the Bankruptcy Court for the Central District of California fined petition preparer **Doris Mason** \$7,000 payable to the U.S. Trustee for fourteen violations of 11 U.S.C.

§ 110. Mason was also ordered to refund \$600 in fees and pay \$2,000 in liquidated damages to the debtor.

In addition to preparing the debtor's bankruptcy documents, Mason amended the documents and prepared a response to a motion for relief from the automatic stay. Mason failed to sign these documents as the preparer and failed to file the required disclosures.

On May 3, 2019, the Bankruptcy Court for the Central District of California granted a motion by the U.S. Trustee's Woodland Hills office and directed bankruptcy petition preparer **Claudia Cisneros** to disgorge fees of \$1,500 to the debtor; pay statutory damages to the debtor of \$1,650; and pay fines of \$1,350 to the U.S. Trustee. The court also enjoined Cisneros from acting as a petition preparer.

Cisneros violated 11 U.S.C. § 110 by concealing her identity in court documents; using the term "legal" in promoting her services; and providing legal advice to the debtor.

The U.S. Trustee's investigation also revealed that Cisneros forged the debtor's signature and misrepresented the timing of the bankruptcy case filing to the debtor.

Granting motions filed by the U.S. Trustee's Riverside office on May 1,

2019, the Bankruptcy Court for the Central District of California ordered attorney **Patricia Mireles** to disgorge \$3,500, the full amount that Mireles charged her client for filing a chapter 13 case on his behalf.

The basis of the court's decision was that the debtor's signatures had been cut and pasted to an amended plan from documents the debtor executed earlier in the case.

The U.S. Trustee filed a motion to strike the amended plans and a motion to disgorge the fees Mireles received. After examining the relevant documents, the court granted both motions and ordered the disgorgement over Mireles' opposition.

On April 17, 2019, the Bankruptcy Court for the Central District of California approved a stipulation between the U.S. Trustee, attorneys **Vincent Howard and Timothy Reed**, and law firms **Howard Law and Williamson & Howard**.

The stipulation resolved three adversary proceedings brought by the U.S. Trustee's Riverside office. Under the stipulation, the defendants disgorged almost \$11,000 to the debtors in the underlying bankruptcy cases and are barred from practice in the Bankruptcy Court for the Central District of California for four years.

On December 4, 2018, the Bankruptcy Court for the Central District of California ordered bankruptcy petition preparer **William G. Hill** to pay fines of \$36,000, disgorge fees of \$6,310, and pay liquidated damages of \$12,600 to the debtor.

Hill, who was disbarred as an attorney in the State of New York and later resigned with charges pending in California, worked as a paralegal for an attorney in California. He prepared and caused to be filed two bankruptcy petitions. However, the debtor testified that the signatures on multiple bankruptcy documents, including the petitions, were not his, and that he was not even aware of the second filing until after it was filed. Hill claimed that he was working under the supervision of an attorney, but the attorney testified that she was not aware of the bankruptcy filings, she did not receive any of the money collected from the debtor, and she did not supervise Hill with regard to the filings. The court found that Hill engaged in the unauthorized practice of law; signed the debtor's signature without the debtor's consent or authority; was not supervised by counsel with regard to the debtor's cases; and engaged in fraudulent, unfair, and deceptive conduct.

On May 9, 2018, the Bankruptcy Court for the Central District of

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California entered a stipulated judgment between the U.S. Trustee’s Riverside office and a bankruptcy attorney, **Gary S. Saunders**, sanctioning him \$5,000 and ordering him to pay \$10,000 in penalties to the U.S. Trustee. The attorney adopted a “no money down” business model that purported to bifurcate legal services into services performed before and after a debtor filed bankruptcy. The attorney then increased his customary billing rates and charged clients higher fees for the minimal work he performed post-petition. His firm also altered pre-petition bankruptcy documents to give the appearance that the firm had prepared them post-petition to justify the excessive fees. The stipulated judgment also cancels the attorney’s engagement contracts with more than 75 clients, enjoins him from engaging in the abusive practices described in the complaint, and requires him to fulfill remedial education and training requirements.

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On January 25, 2018, **Andrew Don Valles III, Jemal Ardess Lilly, Mark Allen Bellinger and Arnold Stephen Millman** were indicted on 194 counts of conspiracy, procuring or offering a false or forced instrument, grand theft of personal property, identity theft with special allegations of excessive loss (highest was \$500,000) in connection with a mortgage fraud scheme.

According to the indictment, between 2012 and 2017, the defendants conspired using a fake insurance company, “SafeCare,” which promised to provide home loan services at a low monthly price to primarily Latino and African American families.

During this time, the defendants would delay foreclosures and eviction actions by filing false bankruptcies and other court documents under fictitious names. They would instruct victims to deposit illegal advance fees and other large payments into a bank account controlled by the defendants and when the promised loan did not come through, would proceed with the fabricated filings.

One of the defendants allegedly committed identity theft by posing as an attorney purporting to assist the victims. The victims were charged additional fees for the false “attorney services.”

On May 8, 2019 Lilly pled guilty to two felony counts of grand theft and admitted the aggravated white collar crime

enhancement for causing a loss of more than \$500,000. Pursuant to a plea agreement Lilly could be sentenced to 3 years and 8 months in State prison and ordered to pay restitution in the amount of \$411,185.36.

Lilly’s sentencing is scheduled for September 4, 2019.

On May 16, 2019, Valles was sentenced to 13 years in state prison and ordered to pay restitution in the amount of \$2,342,957.

On June 5, 2019, Bellinger pled guilty to 171 felony counts of conspiracy, procuring or offering a false or forged instrument, grand theft and ID theft. Bellinger’s maximum sentence exposure is 121 years and 4 months.

Bellinger’s sentencing is set for July 29, 2019.

On January 7, 2019, the court sentenced defendant Millman to 3 years and 4 months in State Prison. The court also ordered \$126,786.43 in victim restitution.

On April 28, 2017, **Roberto Hernandez Mariano** was indicted on charges of false statements in a bankruptcy, concealing assets in a bankruptcy and causing an act to be done.

Mariano was a medical doctor who filed three separate bankruptcy proceedings, two chapter 13 proceedings and one chapter 7. It is alleged that Mariano knowingly substantially understated his current monthly income, and failed to accurately disclose his gross income from his business and employment for the two years prior to the bankruptcy filing and the

fiscal year-to-date income of the year he filed bankruptcy. The indictment further alleges that Mariano failed to disclose the true value of his personal property by valuing it at \$1,000 when it was substantially more than that, including a bank account containing \$30,060.54.

Trial is currently set for November 12, 2019.

On May 22, 2018, Mariano was also indicted in a separate proceeding for health care fraud that allegedly sought \$20 million in claims reimbursements from various insurance companies.

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The United States Trustee would like to thank and acknowledge the invaluable work of the United States Attorney for the Central District of California, the Federal Housing Finance Agency, Office of the Inspector General, the Office of the California Attorney General, and the Los Angeles Sheriff’s Department.

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Report bankruptcy fraud at www.justice.gov/ust/report-suspected-bankruptcy-fraud

Civil Enforcement



The Civil Enforcement Initiative is a continuing effort to improve the effectiveness of bankruptcy administration. The goal of the Initiative is to ensure that the bankruptcy system is fair to all and to bolster public confidence by taking civil actions to remedy abuses.

On May 14, 2019, the Bankruptcy Court for the Central District of California dismissed **David and Paula Caplan's** chapter 7 case with a two-year bar to refiling, preventing the discharge of \$78,816 in unsecured debt.

The U.S. Trustee's Woodland Hills office sought dismissal based on the debtors' prepetition conduct, which included forging a notice of bankruptcy filing and notifying Paula Caplan's employer on two occasions about non-existent bankruptcy cases to stop a wage garnishment. The forged notice contained a bankruptcy case number that did not exist and incorrect contact information for the chapter 7 trustee. The debtors also failed to disclose their five prior cases in their bankruptcy documents.

On May 14, 2019, the Bankruptcy Court for the Central District of California converted **Yolanda Oliva's** case to chapter 13, preventing the chapter 7 discharge of \$168,112 in unsecured debt.

An investigation by the U.S. Trustee's Woodland Hills office revealed that Oliva

had under-reported her rental income. In addition, her non-filing spouse had recently obtained employment, providing the household with an additional \$7,500 in monthly income.

On May 3, 2019, the Bankruptcy Court for the Central District of California granted a motion by the U.S. Trustee's Los Angeles office to dismiss **Tagui Aktsoyan's** chapter 7 case with a one-year bar to refiling, preventing the discharge of \$423,995 in unsecured debt.

Aktsoyan failed to respond to several written inquiries by the U.S. Trustee and failed to appear and testify under oath at multiple section 341 meetings of creditors.

Aktsoyan claimed in her bankruptcy documents that her gross "non-family support" annual income as a caregiver has never been more than \$32,400 in the past two years, even as she accrued more than \$400,000 in unsecured debt.

Aktsoyan did not respond to the U.S. Trustee's motion.

On April 11, 2019, the Bankruptcy Court for the Central District of California entered an agreed order dismissing **Liana Sarkisyan's**

chapter 7 case, preventing the discharge of \$337,324 in unsecured debt.

An investigation by the U.S. Trustee's Woodland Hills office revealed that a significant portion of Sarkisyan's unsecured debt related to credit card charges made within two years of the petition date at a time when she had no ability to repay.

When questioned about the credit card debt, Sarkisyan alleged that a majority of her debt was fraudulently incurred by an unknown party. However, Sarkisyan did not provide the U.S. Trustee with documentation concerning the alleged identity theft and failed to appear for her Bankruptcy Rule 2004 examination.

Sarkisyan agreed to the dismissal of her case with an 18-month bar to refiling.

On February 19, 2019, the Bankruptcy Court for the Central District of California entered an order granting the U.S. Trustee's motion to dismiss the chapter 7 case of **Sammy Song Ok Choe**, preventing the discharge of \$205,599 in unsecured debt.

The U.S. Trustee's Los Angeles office presented evidence that the debtor had under-reported his income and that he had almost \$12,000 per month in disposable income to fund a chapter 13 plan.

After he filed bankruptcy, the debtor executed a lease for a luxury apartment with a monthly rental cost of \$4,800. He also attempted to claim childcare expenses of more than \$1,000 per month, even though his spouse was unemployed.

The court determined that the debtor had not rebutted the presumption of abuse and that if he had reported all of his income, he would have more than enough to repay his debts in full.

On February 11, 2019, the Bankruptcy Court for the Central District of California approved **Scott Tien Nguyen's** waiver of the chapter 7 discharge of \$201,863 in unsecured debt.

An investigation by the U.S. Trustee's Santa Ana office revealed that Nguyen incurred \$200,000 in credit card debt in the 18 months before he filed bankruptcy, but listed assets of only \$100 in his bankruptcy documents. The U.S. Trustee requested documentation explaining what the debt was used for, and Nguyen could not satisfactorily document the disposition of the funds.

Nguyen stipulated with the U.S. Trustee to waive his discharge.

On January 25, 2019, the Bankruptcy Court for the Central District of California approved **James Lawson's and Marcella**



In Memoriam



Carol Osborne Raineri

December 9, 1958 - May 16, 2018

Beloved mother, wife, sister and friend, Carol Anne Osborne Raineri, age 59, died far too young but peacefully with her family and friends by her side.

Carol was born the fifth of five children of Harry and Mary Osborne of Milton, Massachusetts. She drove to California in the 80's with her best friends, fell in love with LA, and never left. Carol lived for her two boys, Harry and Jack, her husband Mark, other family and friends. She retired with over 30 years in public service, including her last post with the Department of Justice, Office of the U.S. Trustee.

Carol joined the United States Trustee Program in 1992 and served as Regional Analyst from 1998 to July 2016. As Regional Analyst she was responsible for supervising the Regional Unit staff, assisting the U.S. Trustee with the implementation of regional policies and procedures;

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Timothy J. Farris

May 24, 1957—August 28, 2018

Beloved father, husband and friend, Tim Farris passed away suddenly on August 28, 2018.

Tim worked with the U.S. Trustee Program for just shy of 36 years. Starting as a Bankruptcy Analyst with the Los Angeles Field Office he was later promoted to an attorney advisor position in charge of the San Bernardino Office, now the Riverside Office. He continued as an attorney advisor until November 2009, when he again decided to be a U.S. Trustee analyst. He continued in that position until August 25, 2018, when he was promoted to a Supervisory Bankruptcy Analyst position.

Very active with his church, Tim was the Trustees Chairman of the First Congregational Church of Redlands. Tim read widely, and particularly enjoyed studying ancient and military history. He is survived by his wife, Donna and Christina, his daughter.



Daniel Sheehan

March 8, 1964—June 6, 2017

Dear friend, brother and colleague, Dan Sheehan, age 53, passed away after an illness.

Dan worked with the U.S. Trustee Program from September 13, 1998 until his passing. For 12 years he worked as a Paralegal Specialist in our Riverside Field Office, and for the next seven years in our Santa Ana Field Office.

Dan was cherished by his co-workers and he loved baseball, spending many hours cheering on his co-worker's children at their games.