IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SUSAN GAFFNEY, in her official capacity as Inspector General, U.S. Department of Housing and Urban Development,

Petitioner,

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Misc. No. 98-92

THE HAMILTON SECURITIES
GROUP, INC., and HAMILTON
SECURITIES ADVISORY
SERVICES, IEC.,

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Respondents.

DECLARATION OF JACK G. ROGERS
Filed in Support of Office of Inspector General's Petition
for Summary Enforcement of Subpoenas

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I, Jack G. Rogers, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

- 1. This declaration is made in support of a petition for summary enforcement of subpoenas issued pursuant to 5 U.S.C. App. 3 § 6(a)(4), by the Office of Inspector General ("OIG") of the U.S. Department of Housing and Urban Development ("HUD").
- 2. I am an auditor in the HUD OIG. My duty station is Washington, D.C.
- 3. I have reviewed the Affidavit of Raul Ludert, dated April 22, 1998, Exhibit C to the "Initial Certificate of Compliance" filed by Respondents in the above matter on May 27, 1998. Mr. Ludert states that he is employed by Borger

Auditor Richard Holmes previously had recovered records. Ms. Hetherton further advised that it might be important at a subsequent time to show precisely what the container was.

- 5. Ms. Hetherton asked me and OIG Auditor Maura Nihan to go to the CVS drug store on the first floor of the building in which Hamilton's offices were located and obtain a disposable camera so that photographs of the red dumpster could be taken. Auditor Nihan and I obtained a disposable camera and returned to the Hamilton offices.
- 6. Ms. Hetherton requested the building manager, now known to me as Raul Ludert, to take us to the basement so that we could photograph the red dumpster. Mr. Ludert took Ms. Hetherton, Ms. Nihan and I to the basement elevator room. Ms. Hetherton took a total of twelve (12) photographs inside the basement elevator room. The photographs taken, attached hereto as Exhibits 1 through 4, were of the exterior of the red and blue dumpsters, the labels on the red dumpsters, and the basement elevator room.

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filled yesterday, like they were then, when I first showed them to the FBI agent," or words to that effect. The dumpsters were never opened to display their contents while we were in the basement elevator room taking the photographs, and there was no conversation about the contents of the dumpsters. No attempt was made to photograph any materials remaining in any of the dumpsters, plastic bags, or boxes since the purpose of taking the photographs was to show the type of container the red dumpster

was, the label on the dumpster, and the general location in which it was found.

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Jack G. Rogers

Auditor

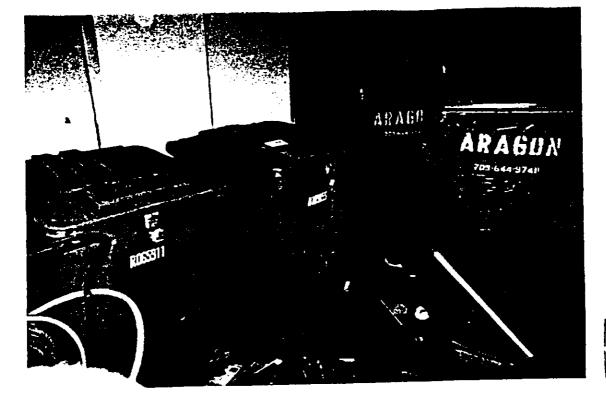
Office of Inspector General U.S. Department of Housing and Urban Development







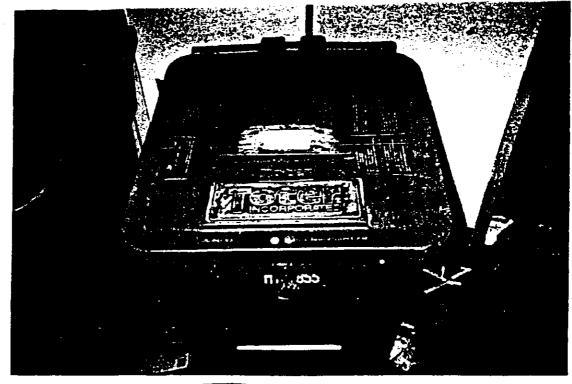
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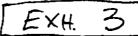


ExH 2





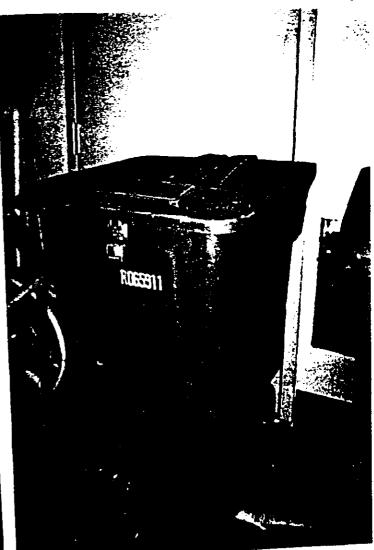














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