

8/22/96

UNITED STATES OF AMERICA
before
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF INSPECTOR GENERAL

Subpoena Duces Tecum

TO: Custodian of Records
Hamilton Securities Advisory Services, Inc.
7 Dupont Circle, N.W.
Washington, D.C. 20036-1108

Whereas Section 4(a) of the Inspector General Act of 1978 as amended (the Act), 5 U.S.C. App. 3, requires the Inspector General of the United States Department of Housing and Urban Development ("the Department" or "HUD") to provide policy direction and to conduct, supervise, and coordinate audits, investigations, and other activities for the purpose of promoting economy and efficiency in the administration of the programs and operations of the Department and preventing and detecting fraud and abuse in such programs; and

Whereas the Inspector General of the Department is authorized by Section 6(a)(4) of the Act to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions and responsibilities assigned by the Act; and

Whereas the Inspector General of the Department has information which indicates that the above-named individual may have information relevant or material to an ongoing investigation; and

Whereas the information is necessary for the Inspector General of the Department to perform her statutory duties;

Therefore, YOU ARE HEREBY COMMANDED to produce and make available the documents and records listed below to Jack Rogers, Auditor, or other representative of the Office of Inspector General, United States Department of Housing and Urban Development, who will appear at your offices at 7 Dupont Circle, N.W., Washington, D.C. 20036-1108, at 10:00 a.m. on September 12, 1996, to take delivery of the documents.

YOU ARE HEREBY REQUIRED TO PRODUCE:

1. All electronic communications between any officer, employee, contractor, subcontractor, or "teaming partner" of Hamilton and any official, employee, contractor, or subcontractor of HUD, during the period of January 1, 1992 to the present.
2. All documents and records constituting or pertaining to any communication between C. Austin Fitts and Helen M. Dunlap, during the period of January 1, 1992 to the present.
1. All documents and records constituting or pertaining to any communication between any officer, employee, contractor, subcontractor, or "teaming partner" of Hamilton and any official, employee, contractor, or subcontractor of HUD

concerning the need for, the award of, the terms of, the modification of, or the administration of any contract with HUD or any subcontract or order issued under any contract with HUD, during the period of January 1, 1992 to the present.

4. All documents and records constituting or pertaining to any communication, during the period of January 1, 1993 to the present, between any officer, employee, contractor, subcontractor, or "teaming partner" of Hamilton and any officer, employee, contractor, or subcontractor of any person or entity that was a bidder at any HUD Multi-Family or Single Family Mortgage Sale during the period of January 1, 1993 to the present.
5. All documents and records pertaining to any subcontract, agreement, teaming partnership, or other relationship between Hamilton and Williams, Adley & Co.

Definitions and Instructions

1. The terms "documents" and "records" as used in this subpoena include all data, documentary evidence, papers, communications, correspondence, reports, notes, memoranda, drafts, accounts, electronic mail, telephone messages, calendar entries, diary entries, charts, or other information, whether in

paper form or stored on audiotape, videotape, computer, electronic, magnetic, or other media (translated, if necessary, through detection devices into reasonably usable form).

2. "Hamilton" as used herein refers to "Hamilton Securities Advisory Services, Inc.," "The Hamilton Securities Group, Inc.," and/or any affiliate or subsidiary of these entities.

3. This subpoena seeks originals of all documents. However, legible, true and complete copies of the originals will be accepted in place of originals, provided that you make the original records available for inspection by representatives of the Office of Inspector General, upon request, during normal business hours.

4. If you maintain that any document or record sought by this subpoena is protected from production by a legally recognized claim of privilege or otherwise, furnish a written statement identifying the document by date, author, addressee, each recipient, subject, and number of pages, and detailing the reason(s) for withholding the document with sufficient specificity to enable a court of law to determine the validity of your claim.

Issued August 21, 1996 under the authority of Section 6(a)(4) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.



A handwritten signature in black ink, appearing to read "Philip Newsome".

Philip Newsome
Deputy Assistant Inspector General
for Investigation
Office of Inspector General
U.S. Department of Housing
and Urban Development

WARNING: Section 6(a)(4) of the Inspector General Act of 1978, as amended, provides that this subpoena shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States District Court.
C-960821S.JH1

OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
NOTICE PURSUANT TO PRIVACY ACT OF 1974

Subsection (e)(3) of the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), requires federal agencies that solicit personal information from individuals to provide such individuals with notice of: (A) the authority for solicitation of the information and whether disclosure is mandatory or voluntary; (B) the principal purposes for which the information is intended to be used; (C) the routine uses that may be made of the information; and (D) the effects, if any, of not providing the requested information.

Authority for Solicitation of the Information

The authority for requiring production of the information is set forth in the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3. Disclosure of information is mandatory subject to the valid assertion of a legal right or privilege.

Principal Purposes

The Inspector General's principal purpose in soliciting the information is to promote economy, efficiency, and effectiveness in the administration of the programs and operations of HUD and to prevent and detect fraud and abuse in such programs and operations.

Routine Uses

Information you give may be disclosed by the Inspector General pursuant to routine uses such as the following:

1. In the event that records indicate a violation or potential violation of law, whether criminal, civil or regulatory in nature, the relevant records may be disclosed to the appropriate federal, state or local agency charged with the responsibility for investigating or prosecuting such violation or enforcing or implementing such statute, rule or regulation;
2. Records may be disclosed to a congressional office in response to an inquiry from that congressional office made at the request of the individual who is the subject of the records;

3. Records may be disclosed to HUD contractors, Public Housing Authorities or management agents of HUD-assisted housing projects, in order to assist such entities in taking action to recover money or property, where such recovery serves to promote the integrity of the programs or operations of HUD;
4. Records may be disclosed during the course of an administrative proceeding where HUD is a party to the litigation and the disclosure is relevant and reasonably necessary to adjudicate the matter;
5. Records may be disclosed to any source, either private or governmental, to the extent necessary to elicit information relevant to an Office of Inspector General investigation.

Effect of Noncompliance

Failure to comply with a subpoena may result in the Inspector General's requesting a court order for compliance. If such an order is obtained and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt of court.