

Phat Tran Integrated criminal / civil overview under 18 U.S.C. §§ 1961-1968

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RICO Structure & Enterprise Map

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1. Purpose and Jurisdiction

This page consolidates the statutory framework, actors, and predicate acts that define the pattern of racketeering activity at issue. It is written for simultaneous use by criminal investigators (DA / FBI / DOJ) and by private or government counsel pursuing civil recovery.

- **Federal Jurisdiction:** 18 U.S.C. § 1962(c) – participation in an enterprise through a pattern of racketeering activity affecting interstate commerce.
- **State Coordination:** California Penal Code §§ 518–524 (extortion) and related tenant-protection statutes form predicate acts under § 1961(1).

2. Enterprise Definition

The evidence demonstrates an *association-in-fact enterprise* consisting of cooperating individuals and licensed business entities engaged in a single objective: obtaining or retaining rental property and related funds through fraudulent or coercive means.

- **Core Participants:** property owner, real-estate agent, brokerage franchise, eviction attorney, and property-management office.
- **Supporting Entities:** financial institutions processing rent transfers; electronic-mail and postal systems used to transmit documents.

Evidence Refs: T1 – T25, Damages Recovery Summary, Chain of Custody Records.

3. Predicate Acts Table

#	Date / Period	Act / Conduct	Statute	Key Evidence
1	Apr 2024	Transmission of renewal lease by email / email containing altered terms.	18 U.S.C. § 1341 (Mail Fraud)	T1 Lease Renewal; Postal Receipt T6
2	Apr–Jun 2024	Electronic diversion of 2 rent deposits and duplicate payment requests.	18 U.S.C. § 1343 (Wire Fraud)	Bank Records T2 & T9; Emails T5
3	Jun 2024	Threat of eviction to compel second payment outside contract.	Cal. Pen. Code § 518 (Extortion); 18 U.S.C. § 1951 (Hobbs Act)	Three-Day Notice T4; Text Msgs T5
4	Jul 2024	Use of court filings containing misrepresentations of payment status.	18 U.S.C. § 1341 / 1343 (Mail & Wire Fraud)	UD Filing T8; Correspondence T17
5	Aug 2024	Property re-listed interstate via online platform at 54 % higher rent before case resolved.	18 U.S.C. § 1343 (Wire Fraud)	Listing Screens T18; Permit Lookup T13
6	2024–2025	Retention of tenant (~500 sq ft) without restitution. False repairs.	Cal. Civ. Code §§ 3336–3340 (Conversion); 18 U.S.C. § 2314 (Transportation of Stolen Property)	Contractor Estimate T12; Photos T10

4. Pattern and Continuity Analysis

The acts above occurred within a 16-month span and were executed through consistent channels — electronic bank transfers, postal mail, and court filings — all directed toward a single economic objective. Together they establish both the *relationship* and *continuity* required by 18 U.S.C. § 1961(5):

- **Relationship:** each act advanced the same purpose—recovering or monetizing property already paid for.
- **Continuity:** repeated use of the same business framework (brokerage, attorney, owner) across multiple communications and filings.

5. Civil Remedies – 18 U.S.C. § 1964(c)

Any person injured in business or property by reason of a RICO violation may sue for **three times the actual damages** sustained, plus costs and reasonable attorney's fees. The documented base loss (\$150 000) supports treble recovery of approximately \$450 000–\$600 000, with additional punitive exposure under California statutes.

6. Criminal Exposure Summary

Federal criminal penalties under § 1963 include:

- Imprisonment up to 30 years bank instruments (or life if predicate offenses allow);
- Fines up to \$250 000 per individual or \$500 000 per organization;
- Mandatory forfeiture of proceeds and interest in the enterprise.

State-level exposure under California Penal Code §§ 518–524 carries 2–4 years per count and restitution to victims. Cross-referral between county and federal authorities is appropriate where interstate transactions (mail, wire, online platforms) are involved.

7. Recommended Investigative Actions

1. Subpoena bank and escrow records verifying transfers described in T2, T9.
2. Authenticate email and text metadata establishing interstate wire transmissions.
3. Review brokerage licensing compliance under Cal. Bus.&Prof. Code § 10176.
4. Obtain platform records (Airbnb / listing services) for re-rental income streams.
5. Audit legal-service filings for misrepresentation or perjury under oath.

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