

January 2, 2018

Secretary of State, Notary Public Section
P.O. Box 942877
Sacramento, California 94277-0001.

Dear Sir or Madam,

FORMAL COMPLAINT OF NOTARY CRIMINAL MISCONDUCT

In the matter of the Estate of Dorothy Horwitz

Notary Public accused:

Doris Tucker, Los Angeles County #1904636

Attorneys accused:

Joe Ling of Long Beach, CA #28375

Margaret Eddy Morrow of Long Beach, CA #145306

Joseph Nicholas Mirkovich of Long Beach, CA #45644

All co-located at:

One World Trade Center, Suite 1660

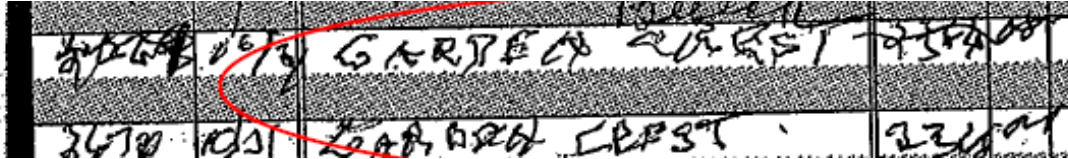
Long Beach, CA 90831

This is a formal complaint to the Secretary of State against notary Doris Tucker for criminal violations of Notary Laws and Rules; moral turpitude; conspiracy to commit grand theft, embezzlement and criminal fraud; violations of California Rules of Professional Conduct and other crimes in conspiracy with California attorneys Joe Ling, Margaret Morrow and Joseph Mirkovich, (co-located de facto, law partners) and Hoover B. Louie, Certified Public Accountant in connection with a crude, forged and fraudulent 'deathbed adumdum' to my Aunt Dorothy's formally-drafted and executed 2012 Dorothy Horwitz Family Trust.

My Aunt Dorothy was an intelligent, fastidious, office manager who consulted her local estate attorney on matters of the Estate and Trust, and had over \$1 million in liquid cash and brokerage accounts. Her estate attorney was local, and my Aunt would never have drafted or executed an amendment without research, reference to the Dorothy Horwitz Family Trust and the consulting of her estate attorney. She was Jewish and loved her late husband Walter, a patriotic U.S. Navy WWII veteran, and would never had removed her bequests to the U.S. Navy Chaplain's Fund, The Cantor's Fund, Hadassah and Jewish National Fund from any list she drafted. For the last fifty years, the Walter and Dorothy Family Trust had bequeath the bulk of the Estate and all Judaica, art, heirloom jewelry and personal effects to my Mother. **The only revisions made in 2012 Family Trust in consultation with myself and my Mother was to name my brother and I directly, and a small \$25,000 to Nicolas Sanchez, the grandson of her friend.**

FACTS

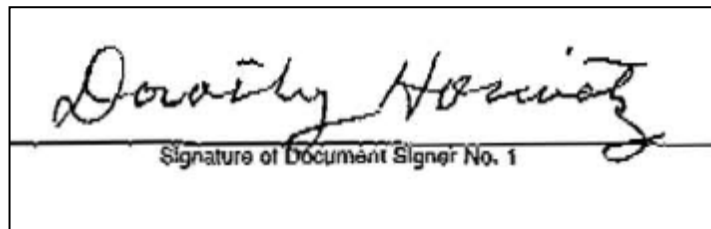
My Aunt Dorothy was unable to write or print legibly on and after 10/31/13. On or about 10/20/13, my Aunt began receiving substantial doses of opioids and her hands were shaking. She stopped making entries into her checkbook at that time. All of the subsequent entries were made by Rose Aparicio, her fiduciary and personal representative. On 10/31/13, my Aunt Dorothy tried to write the checks to “Garden Crest” but was unsuccessful. (See Checkbook).



My Aunt Dorothy’s Last Known Attempt to Print or Write – 10/31/2013

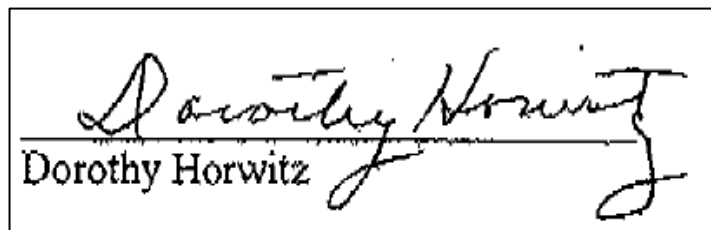
Her Checkbook Register – All Following Entries are by Rose Aparicio, Fiduciary

Nonetheless, Notary Tucker testified and Louie, attorneys Ling, Morrow, Mirkovich would have the good citizens of Californiat believe that this smooth and flowing signature on the California Jurat Form below was executed by my dying Aunt Dorothy on her deathbed on 11/18/2013 and witnessed by Orit Shapiro. Ms. Shapiro did not sign the Jurat, nor does her name appeared under ‘subscribing witness’. By sworn declaration, Ms. Shapiro informed attorneys Ling, Morrow and Mirkovich that she did not witness the signing of any of the ‘adumdum’ documents.



Dorothy’s Forged Jurat Signature – purportedly on 11/18/2013

Notary Tucker testified that “Dorothy apologized for her hands shaking” on that date, thus unable to obtain a thumbprint for the notary journal.



My Aunt Dorothy’s normal signature – from her 2012 Trust and Documents filed with the State of California – Note her unique ‘D’ in Dorothy – found in her documents up to 10/15/13.

THE LOUIE/LING CRIMINAL SCHEME

In March of 2014, Louie, Ling and Morrow faxed and mailed me a crude, forged and fraudulent ‘Adumdum’ consisting of a single, signed, computer-printed page “Adumdum” in a typeface my Aunt never used with the notary stamp of Doris Tucker but NO NOTARY SIGNATURE, two computer-printed with conflicting headings in a different typeface, a California Jurat with a notary stamp of Doris Tucker but NO NOTARY SIGNATURE and an California Form Affidavit with a notary stamp but NOT NOTARY SIGNATURE. All the documents bore the same date “11/18/13”. My Aunt Dorothy died seven days later on 11/25/13. The ‘Adumdum’ documents faxed and mailed obscured a hand-printed heading having the date “10/31/13”.

In June of 2015, Louie, Ling, Morrow and Mirkovich convene the deposition of Doris Tucker in California. I appeared by telephone from Massachusetts. Deposing attorney Morrow Informed me that Doris Tucker had signed the Jurat and that attorney Morrow would mailed to copy to me. When I asked when this occurred, attorney Morrow informed me that Notary Tucker had returned to Garden Crest at the request of Orit Shapiro, a Garden Crest manager, to sign the Jurat. The full deposition is available upon request.

In June of 2016, as key act of their conspiracy of grand theft, forgery, embezzlement and fraud, Ling, Morrow and Mirkovich appeared in Los Angeles Superior Court, in Estate of Dorothy Horwitz, BP153887, presented the Court with a crude, forged and fraudulent ‘Adumdum’ consisting of a single, signed, computer-printed page in a typeface my Aunt never used, two computer-printed with conflicting headings in a different typeface naming new beneficiaries, a California Jurat with a notary stamp but NO NOTARY SIGNATURE and an California Form Affidavit with a notary stamp but NOT NOTARY SIGNATURE.

SUBORNING THE PERJURY OF DORIS TUCKER – SIGNING OF THE JURAT

Doris Tucker never notarized or signed any documents related to Dorothy Horwitz during Dorothy’s lifetime. On or about June 1, 2015, more than a year after Dorothy’s passing, Ms. Tucker fraudulently signed a ‘jurat’ dated November 18, 2013 at the insistence of attorneys Morrow, Ling and Mirkovich and sent them a copy. Doris Tucker would deliver the original forgery just before the trial hearing in June, 2016. Attorney Morrow pressed hard to suborn the perjury of Ms. Tucker to convey the misleading impression that the signing of the ‘jurat’ occurred while Dorothy was alive at Garden Crest.

In the Deposition of Doris Tucker, Pages 21-22, lodged and referred to in this Court during Summary Judgment, Ms. Tucker, questioned by attorney Morrow deposed:

- 24 Q. Okay. Sometime after November 18th, were you
25 called by Orit Shapiro in regards to a missing signature
1 on this document (Jurat) here which is marked HORW0042?
2 A. This is optional.
...
12 Q. Okay. But at some time did you later go back and

13 *sign the document upon Orit's request?*

14 A. *I did.*

Prior to trial, Orit Shapiro explicitly informed attorney Morrow that she did NOT call Ms. Tucker regarding a missing signature. (Exhibit 3, Orit Shapiro Declaration).

A California Jurat requires the notary administer an oath to the affiant in person, and complete the notary act by personally signing and stamping the notary certificate at the same time. "Government Code section 8205(a)(3) requires a notary public to administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, officer, or board. The notary public must sign the oath or affirmation and affix the notary public seal at the time of the oath or affirmation." California Notary Disciplinary Guidelines. Pg 22.

Doris Tucker failure to do so also constitutes an Improper Notarial Act as explicitly defined in official Notary Rules and Definitions, January, 2013, page 2:

"Proper notarization of a signature includes the completion of a notarial certificate, such as an acknowledgment or jurat, by the notary public. A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate."

SUBORNING THE PERJURY OF DORIS TUCKER -

WITNESSING DOROTHY'S SIGNING OF THE "10/31/13" DOCUMENTS

The 'ADUMDUM' documents purportedly drafted by Dorothy all have a handprinted heading date of "10/31/13", the name "DOROTHY HORWITZ" and "ADUMDUM #1" in the same ink and pen. Attorney Morrow intentionally suborned the perjury of Doris Tucker to state the Ms. Tucker witnessed Dorothy handprint her name and document title on November 18, 2013 by presenting Ms. Tucker with a copy of the papers with the top date "10/31/13" obscured. (See Exhibit DT Series 4. Tucker Deposition 'ADUMDUM' page.)

Attorney Morrow also knew at all times that Dorothy was unable to handwrite legibly on October 31, 2013 as evidenced by Dorothy's checkbook, in attorney Morrow's possession. (See Exhibit 5. Dorothy's Checkbook, Last Dorothy Entry)

Nonetheless, attorneys Morrow, Ling and Mirkovich intentionally conspired to mislead the Court and the Trust beneficiaries by suborning the following perjury from Ms. Tucker.

Page 29-30, Doris Tucker Deposition¹

14 At the top of the page there is some handwriting
15 that says "Dorothy Horwitz." Is that visible in your
16 copy?

17 A. That is Dorothy's handwriting.

18 Q. And did you witness her sign -- do that
19 handwriting?

¹ Tucker Deposition, Pgs. 29-30

20 A. Yes.

21 Q. And we're talking about on page 3, which begins

22 with, "Upon my death"; is that correct?

23 A. That is correct.

24 Q. And on page 4, there seems to be some handwriting

25 there. Did you -- the beginning of addendum 2, is that

1 Dorothy Horwitz's handwriting?

2 A. Yes, it is.

3 Q. And did you witness -- did you witness her sign

4 that?

5 A. Yes, she did.

6 Q. And on page 5, there's some additional

7 handwriting on the top of the page beginning with addendum

8 2. Did you witness Dorothy Horwitz sign that?

9 A. Yes, I did.

10 Q. And I notice that on page 5 it says "Number 1

11 Addendum." On page 4 of -- page 3 it also says "Number 1

12 Addendum." Is that correct?

13 A. Yes, it is. But that is her writing, no one

14 else's.

15 Q. She did that while you were there?

16 A. Yes, she did.

In the deposition above, Attorney Morrow had shown notary Doris Tucker a copy of the 'adumdum' documents faxed to myself and beneficiaries, rather than the 'true and accurate' original which had the handprinted date "10/31/13" date above on the top, in the same ink, pressure and stroke as the "Dorothy Horwitz" and other hand-printing. As we know from her checkbook, on 10/31/13, my Aunt Dorothy was UNABLE to handprinted legibly. IT IS IMPOSSIBLE THAT DORIS TUCKER WITNESS MY AUNT DOROTHY HANDPRINT ON THE ADUMDUM.

It is an improper notary act in California to present in any Court or official proceeding a notary document which has been altered after the date of the notary act (purportedly November 18, 2013), specifically to falsely date the completion of a notary act. Further, it is a criminal act to influence a notary to commit an improper act under Gov Code § 8225.

CA CIVIL CODE §1189(a)(1): *"The certificate of acknowledgment must be filled completely out at the time the notary public's signature and seal are affixed."*

CA SEC OF STATE: NOTARY NEWS & RULES 2013, Page 2: *"Improper Notary Acts -A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate."*

FRAUD UPON THE COURT - PRESENTING THE JURAT AS AUTHENTIC

According to Louie's undisputed facts presented at Summary Judgment, the 'adumtum' documents were presented to trustee Louie by Rose Aparicio approximately one month after the death of Dorothy Horwitz on November 25, 2013. Thereafter the first copy together with the unsigned Jurat was faxed on March 18, 2014. The Jurat was signed obviously sometime thereafter.

On information, Tucker has conveyed that a copy of the Jurat at the request of attorneys Ling, Morrow and Mirkovich in June Of 2015, and provided the fraudulent original for presentation in the Superior Court in May of 2016.

It is a criminal act to influence a notary to commit an improper act under Cal Gov Code § 8225. If these criminal acts which are designed to defraud the beneficiaries of the Dorothy Horwitz Family were committed by successor-trustee Louie or his agents, it would be a material breach of duty. An attorney who attempts to or does mislead the court is guilty of direct contempt:

"The presentation to a court of a statement of fact known to be false presumes an intent to secure a determination based upon it . . . The conduct denounced . . . is not the act of an attorney by which he successfully misleads the court, but the presentation of a statement of fact, known by him to be false, which tends to do so", Vaughn v. Mun. Ct. (1967) 252 CA2d 348, 358, 60 CR 575, 581, Vickers v. State Bar (1948) 32 C2d 247, 253, 196 P2d 10, 13-14

California Bus Code §6068 states that an attorney must only counsel or maintain just actions or defenses, "except the defense of a person charged with a public offense." BP §6068(c)(d) embodies the duty of candor by stating that "employ ... those means only as are consistent with truth, and never to seek to mislead the judge . . . by an artifice or false statement of fact or law." **The suborning of the perjury of notary Doris Tucker are violations under Cal Penal §127, offering and preparing fraudulent evidence under Cal Penal §132 & §134, solicitation of a crime under Cal Penal §653f(a), and direct contempt of the Courts of California regarding material and determinative facts.**

CRIMINAL ACTS OF ATTORNEYS LING, MORROW & MIRKOVICH

Attorneys are they barred from trying to influence a witness to lie under oath. The State Bar Act and the California Rules of Professional Conduct specifically required that California lawyers must employ "such means only as are consistent with truth." [Bus. & Prof.C. § 6068(d); CRPC 5-200(A) (emphasis added)]. Under the ABA Model Rules: "A lawyer shall not knowingly . . . offer evidence that the lawyer knows to be false." [ABA Model Rule 3.3(a)(3)] In addition, the ABA Model Rules require a lawyer who has offered false material evidence to take reasonable remedial measures when he or she becomes aware of its falsity. [ABA Model Rule 3.3(a)(3)].

Both the ABA Model Code (DR 7-102(A)(4)) and the ABA Model Rules (3.3(a)(3)) preclude "knowing" use of perjury. "Knowing" means actual knowledge that the witness intends to lie on the witness stand, although that knowledge may be inferred from the circumstances. [ABA Model Rules, Terminology ¶ 5; see Orange County Bar Ass'n Form.Opn. 2003-01 (adopting

“actual knowledge” standard]]

The duty to discourage prospective perjury applies to all lawyers: “No lawyer, whether prosecutor or defense counsel, civil or criminal, may knowingly present lies to a jury and then sit idly by while opposing counsel struggles to contain this pollution of the trial.” [United States v. LaPage (9th Cir. 2000) 231 F3d 488, 492—criminal conviction overturned where prosecutor failed to correct prosecutorial testimony known to be false]

The attorney is the “captain of the ship” with regard to presentation of evidence (at least in civil proceedings) and risks liability accordingly. It is a crime (subornation of perjury) to “willfully procure another person to commit perjury.” [Pen.C. § 127 (emphasis added)]

CONCLUSION

An attorney who attempts to or does mislead the court is guilty of direct contempt:
“The presentation to a court of a statement of fact known to be false presumes an intent to secure a determination based upon it . . .” [Vaughn v. Mun.Ct. (1967) 252 CA2d 348, 358, 60 CR 575, 581; Vickers v. State Bar (1948) 32 C2d 247, 253, 196 P2d 10, 13–14—“The conduct denounced . . . is not the act of an attorney by which he successfully misleads the court, but the presentation of a statement of fact, known by him to be false, which tends to do so”]

A Notary who falsifies notary documents, misleads beneficiaries regarding material facts, conspires with others to implicate an innocent party in a crime, and violates the most basic of notary laws, rules and regulations. Notary Doris Tucker, in a conspiracy to embezzle over \$50 million in cash, stocks, art and rare Judaica, committed the following criminal or violations of Notary Rules, including but not limited to 1) the fraudulent claim of witnessing a signature, 2) notarizing (signing) a Jurat after the individual had died, 3) applying a notary stamp to unsigned documents, 4) failing to complete the Notary Journal, 5) concealing evidence, 6) failure obtain a legible thumbprint, 7) charging more than the prescribed fee, 8) practicing trust law on the instructions of attorney Ling, and 9) failure to administer oath or affirmation.

Under the Notary Disciplinary Guidelines, the Secretary of State may review and institute administrative actions in cases when commissioned notary public engaged in misconduct, dishonesty, or any cause that is substantially related to the duties or responsibilities of a notary public. Under said circumstances Rule 8214.1(c), 8214.1(d)(2)(3), 8214.1(g), 8214.1(i), 8214.1(k), the guidelines recommend the revocation of the commission.

I urge the Secretary to revoke the commission of Doris Tucker and any other actions the Secretary deems appropriate.

/Dennis J Solomon/

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EXHIBITS GROUP 1: Dorothy Horwitz Family Trust

Exhibit B. Ling, Morrow Letter representing the Dorothy Horwitz Family Trust

1. Dorothy Horwitz Family Trust Article 5.3 Dennis J Solomon, nephew beneficiary)
2. Purported Adum dum Page with Orit Shapiro as Witness, with "10/31/13" Heading
3. Orit Shapiro Sworn Declaration that She Did NOT Witness the Adum dum Signing
4. Examples of Dorothy's Use of "Family Trust" Heading, Formatting and Computer Typeface
5. Dorothy Horwitz Checkbook Showing Impossibility of Her Legible Signature After 10/31/13 (13)
6. Jurat Purportedly Signed By Dorothy on 11/18/13 – No Signature of Orit Shapiro (14)
7. Jurat Purportedly Signed By Doris Tucker after 11/18/13 – No Signature of Orit Shapiro (
8. Notary Tucker testimony that Dorothy's Hand was Shaking (15-16)
 - a. Suborning the Perjury of Tucker related to Orit Shapiro
9. California Affidavit with Notary Seal, no completed acknowledgement
10. "Adum dum" Pages used by Attorney Morrow WITHOUT "10/31/13" Date
11. Edge-to-Edge "Adum dum" Page provided by Attorney Morrow With "10/31/13" Heading - THE DATE MY AUNT DOROTHY FAILED TO WRITE A CHECK TO GARDEN CREST – See Exhibit 5 Dorothy Horwitz Checkbook

Referenced Exhibits:

1. Deposition of Doris Tucker, June
2. Alperin v. Vatican Bank, 242 F.Supp.2d 686 (2003)
3. Scalfani v. Misonix, Inc., USDC NY E 2:16-cv-05218 (s. 2017)
4. Cicel (Beijing) v. Misonix, Inc., USDC NY E 2:17-cv-01642 (2016)

