

Yes — what you're describing fits the legal pattern that prosecutors or civil-RICO lawyers would analyze under mail / wire / bank-fraud statutes as at this stage of proceedings, all rent payments for May, June, and July 2024 had already been paid in advance and verified by owner in court, UPS, USPS, signature required and electronic bank records. Despite those verified transactions, attorney Silverstein proceeded with a filing alleging unpaid rent.

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From: michael gasio (gasio77@yahoo.com)

To: clerk@stevensilverstein.com; kyphat@yahoo.com; srandell@hbpd.org; hnguyen2@fbi.gov

Bcc: helderppinheiro@gmail.com; aelkins@gmail.com

Date: Sunday, October 19, 2025 at 09:37 AM PDT

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## T66 – Proof of Service & False Return of Payment

Filed by Silverstein Evictions – May 19, 2025

### Summary

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This exhibit contains the **Proof of Service** filed by attorney **Steven D. Silverstein** of Silverstein Evictions on May 19, 2025, and served from Tustin, California. The filing declared that a copy of a “Proposed Judgment” was mailed to **Michael Gasio** at 9432 Pier Drive, Huntington Beach, CA.

### Event Context

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At this stage of proceedings, all rent payments for May, June, and July 2024 had already been paid in advance and verified by UPS, USPS, and electronic bank records. Despite those verified transactions, attorney Silverstein proceeded with a filing alleging unpaid rent.

During a courthouse discussion, when asked whether the enclosed check had been cashed, Mr. Gasio stated: “No, the envelope remains sealed for criminal court.” In closing arguments, Silverstein falsely represented that an “electronic deposit was returned by check,” without providing any post office receipt, tracking number, or banking confirmation of funds transfer.

## Document Details

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- **Document:** Proof of Service – (Proposed) Judgment
- **Date Executed:** May 19, 2025
- **Signed By:** Steven D. Silverstein, Attorney at Law
- **Service Method:** By Mail – U.S. Postal Service, Tustin, California
- **Recipient:** Michael Gasio, 9432 Pier Drive, Huntington Beach, CA 92646

## Key Facts Noted for Record

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- No postal tracking number or certified receipt was entered into evidence.
- No banking confirmation or electronic return record was produced.
- The court received a dark photocopy of an envelope marked “not admissible” for lack of clarity.
- Contradictory statements were made—first acknowledging June payment, then claiming return “outside contract.”

## Legal Relevance

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This filing demonstrates a false statement made to the court in connection with a payment that belonged to Berkshire Hathaway per contract terms. The misrepresentation of payment status under oath satisfies the elements of *fraud upon the court* and potentially violates *18 U.S.C. §§1341–1344 (Mail & Bank Fraud)* and *Cal. Penal Code §118 (Perjury)*.

## Evidence Image

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PROOF OF SERVICE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 14351 Redhill Ave., Suite G, Tustin, Ca. 92780.

On MAY 12, 2025, I served the foregoing documents described as:

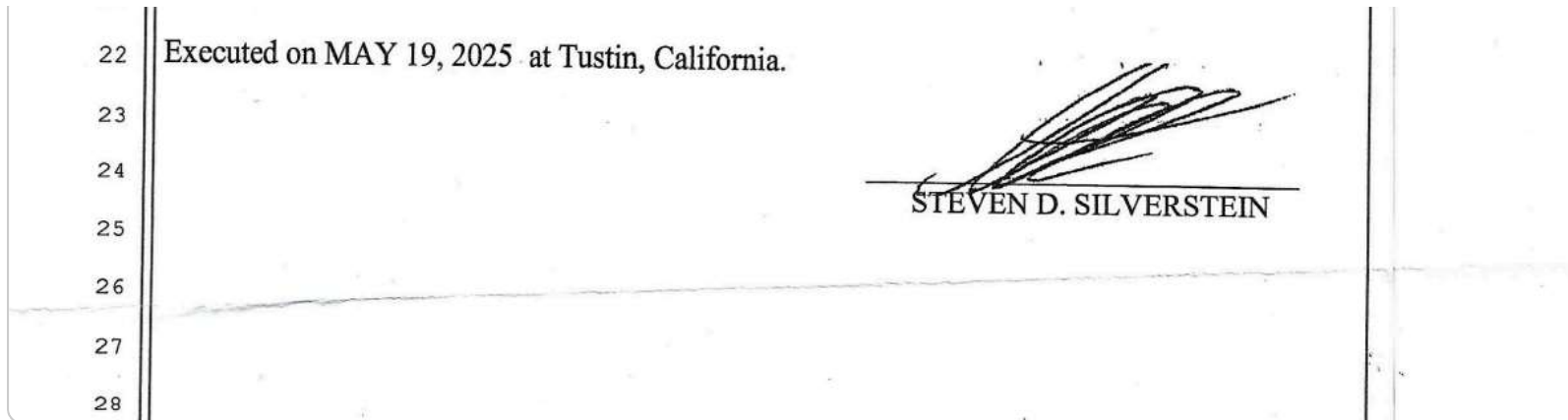
(PROPOSED) JUDGMENT

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:


Michael Gasio  
9432 Pier Drive  
Huntington Beach, CA 92646

[ X ] BY MAIL - by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Said correspondence is deposited with the U. S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal collection date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

[ X ] STATE: I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.



This proof of service marks the transition point where verified payments and certified correspondence were ignored in favor of unverified statements. The contradiction between bank, postal, and courtroom records forms a crucial element in establishing fraudulent misrepresentation and misuse of judicial process.



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**9589071052701436618330**  

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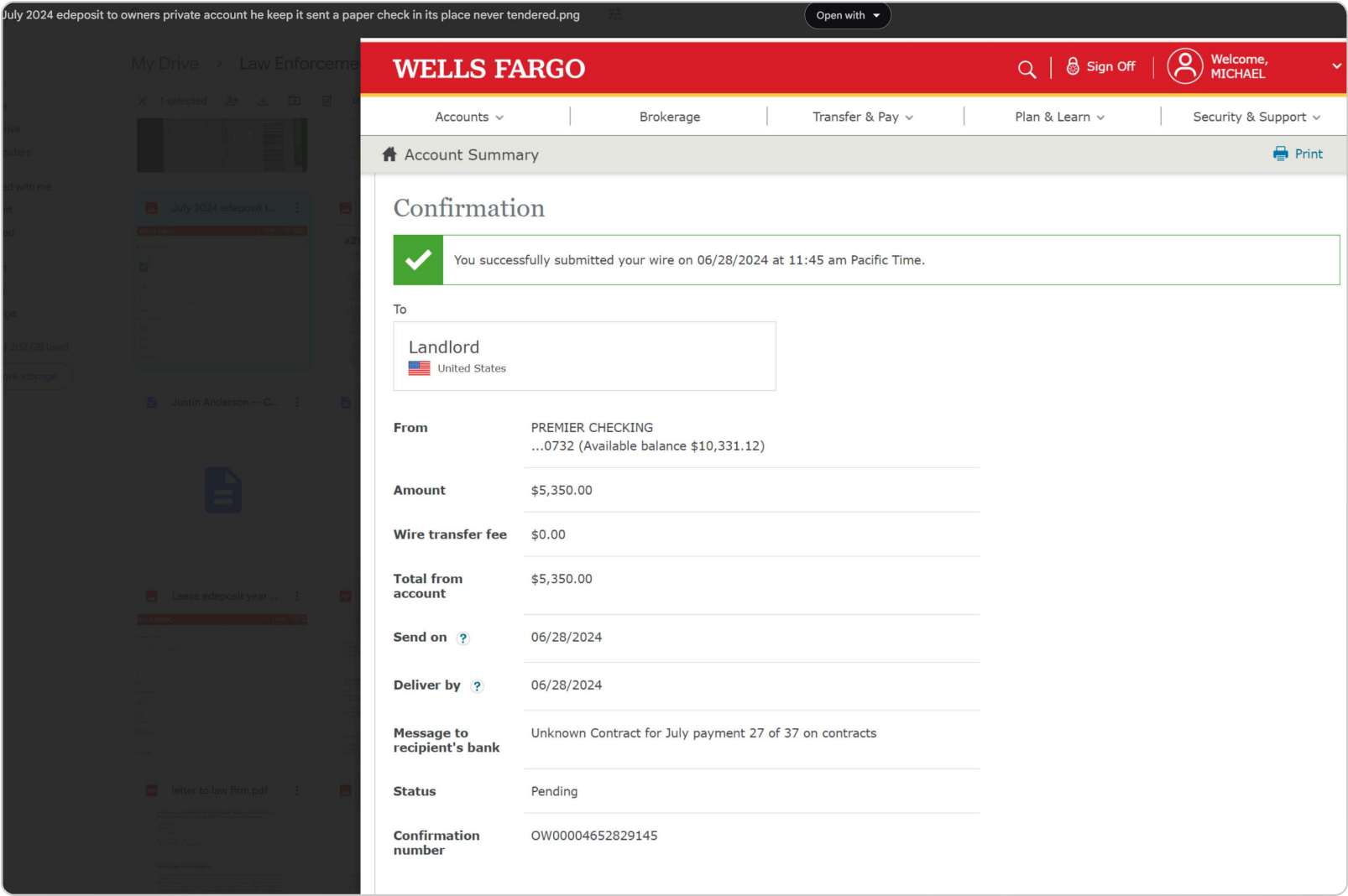
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Contact USPS Tracking support for further assistance.



## Cross References

**Yes — what you're describing fits the legal pattern that prosecutors or civil-RICO lawyers would analyze under mail / wire / bank-fraud statutes, but the label “wire fraud with bank instrument” is not automatic.**

**To qualify, investigators have to prove specific statutory elements.**

**1. Relevant statutes** Type Citation Core element Wire fraud 18 U.S.C. § 1343 Use of interstate electronic communication (email, online banking, wire transfer) to obtain money or property by false or fraudulent pretenses. Bank fraud 18 U.S.C. § 1344 Knowingly executing, or attempting to execute, a scheme to defraud a financial institution or to obtain its assets by false representations. Mail fraud 18 U.S.C. § 1341 Use of postal or courier service as part of the fraudulent scheme.

**2. What must be proven** Intent to defraud – knowledge that the statement or act was false. Material misrepresentation – the lie must be significant enough to influence another's action (e.g., a court, a bank). Use of wires / mail / financial instrument – the fraud moves through an interstate communication channel or banking instrument. Loss or deprivation – you suffered property or monetary loss due to that act.

**3. How your facts lineup** Electronic transfer (June 28 2024) → meets the “wire” element. False court representation that funds were returned → shows intent and material misrepresentation. Use of postal filings and court directives → adds mail-fraud exposure. Direction of the court doesn't legitimize the act if the actor knowingly supplied false banking information; it would, however, make it fraud upon the court and possibly bank fraud if the instrument was misused.

**4. Practical step** If you intend to press that point: Preserve the full electronic-payment confirmation, the alleged “returned” item, and court transcript showing the contradictory statement. Summarize those three proofs in a short factual memo titled “Elements of Federal Financial Fraud”. Send it with your RICO binder or complaint addendum to the U.S. Attorney's Office or FBI – Financial Crimes Section, marking it “Supplemental Evidence.”

**5. Bottom line** It can qualify as wire and bank fraud if the misstatement about the payment was intentional and used to obtain a court judgment or retain funds.

**The classification itself must be made by federal investigators or prosecutors once they confirm those elements.**

**If you'd like, I can draft the “Federal Financial Fraud Elements Addendum”**

- [T35 – Certified Mail & Misstatement of Payment](#)
- [T64 – Notice of Intent to Exchange Checks](#)
- [Timeline – May 2025: Proof of Service Filing & False Return](#)