

## For your records this will be in the mail Monday

From: michael gasio (gasio77@yahoo.com)

To: realestatefraudcomplaints@sdca.org; attorneyrosiak@gmail.com; realestatefraudcomplaints@sdca.org; srandell@hbpd.org; hnguyen2@fbi.gov

Date: Sunday, July 27, 2025 at 09:25 AM PDT

### ----- Forwarded Message -----

**Sent:** Sun, Jul 27, 2025 at 9:22 AM

Michael Gasio  
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(559) 287-9955  
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July 25, 2025

Honorable Maria D. Hernandez  
Presiding Judge  
Superior Court of California – County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

RE: Request for Judicial Review – Commissioner Carmen D. Snuggs-Spraggins  
Case No.: 30-2024-01410991-CL-UD-CJC  
Phat Tran v. Gasio – Unlawful Detainer

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Judicial Review Request – Agency Conflict, Misapplied Evidence & Payment Misdirection

Dear Judge Hernandez,

I submit this request for judicial review of proceedings under Commissioner Carmen D. Snuggs-Spraggins, in which critical legal and factual errors materially altered the outcome of my unlawful detainer case.

#### 1. Payment Delivered, Ignored, and Never Returned

On April 19, 2024, I submitted a rent payment initiating the third year of tenancy under a lease executed by Anna Ly, who operates under Sun Realty. The check was delivered via USPS and confirmed received at the Huntington Beach office of Berkshire Hathaway, where Hanson Le (a different agent) later issued a conflicting lease.

The landlord admitted via text that "Hanson has the check."

I presented screenshots, USPS delivery confirmation, and Wells Fargo payment records.

The payment was never returned, yet the court ruled as if no payment had occurred.

Under CCP § 1162(b) and Civil Code § 1947.3, rent is deemed delivered when mailed to the address in the lease. This was established, confirmed, and even admitted by the bailiff—who told me after court that the evidence was conclusive.

## 2. Agency Conflict: Two Brokers, One Tenant, Contradictory Leases

The lease from Anna Ly was issued under Sun Realty, while the new lease with a 20%+ increase was issued by Hanson Le under Berkshire Hathaway HomeServices.

This violates:

California Business & Professions Code § 10177(o) – Undisclosed or misrepresented agency;

Civil Code § 1090.5 – Contracts must clearly identify agency relationships.

The court failed to distinguish that these leases came from two separate brokerages with independent trust accounts. Treating them as interchangeable erased the boundary between legally distinct entities.

## 3. Evidence Suppressed or Overlooked

I submitted:

Text messages confirming receipt of rent (Exhibit A)

Original and counterfeit lease agreements (Exhibits B & C)

Proof of check delivery and banking records (Exhibit D)

Testimony that the dishwasher was promised and then withdrawn (Exhibit E)

Despite these submissions, the judge allowed opposing counsel to interrupt mid-defense, withdraw material claims, and deny that this evidence existed—all without correction.

## 4. Attorney Abandonment

My retained attorney, Richard Rosiak, accepted \$8,000, failed to appear, and withdrew days before trial. He:

Did not upload or present any documents;

Refused five written requests to return my case materials;

Has been reported to the State Bar, HBPD, and is under investigation.

## 5. Evidence Filed with Federal and Local Agencies

The full record of this case has been submitted and is archived with:

The FBI – Criminal Division, Wire Fraud Section

The U.S. Department of Justice – Housing and Civil Enforcement Section

The Huntington Beach Police Department – Lt. Shawn Randall

A public-viewable folder with exhibits and correspondence is available at:

> Google Drive Link (Request Access): [Insert URL Here]

## 6. Requested Review

I respectfully request:

1. Judicial review of Commissioner Snuggs-Spraggins' handling of evidence and agency issues;
2. Confirmation that delivery of payment via USPS satisfies Civil Code standards;
3. Referral of any material concerns to the Commission on Judicial Performance.

## Index of Exhibits

Exhibit	Description
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A	Text from landlord: "Hanson has the check"
B	DocuSign lease via Anna Ly (Sun Realty)
C	Counterfeit lease from Hanson Le (Berkshire Hathaway)
D	USPS Delivery & Wells Fargo Proof of Payment
E	Dishwasher promises and contractor statements
F	Bailiff statement upon exit (verbal)
G	DOJ/FBI/HBPD complaint confirmations
H	Attorney misconduct (Rosiak withdrawal and non-performance)

Respectfully,  
Michael Gasio  
[Signature Line]

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## \*\*Supplemental\*\*

Here is a concise companion letter on attorney Richard Rosiak, formatted for inclusion in your judicial review package. This letter is intended for the Presiding Judge (Maria D. Hernandez) to document attorney abandonment and misconduct that affected your ability to present your case and caused material harm.

You may also include this as Exhibit H in your judicial review index and cross-file it with the State Bar complaint.

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Michael Gasio  
9432 Pier Drive  
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[Date]

Honorable Maria D. Hernandez  
Presiding Judge  
Superior Court of California – County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

RE: Attorney Misconduct – Richard Rosiak (State Bar # [Insert])  
Related Case: 30-2024-01410991-CL-UD-CJC (Gasio v. [Phat Tran])

Dear Judge Hernandez,

This letter supplements my formal request for judicial review and documents attorney misconduct by Richard Rosiak, who represented me leading up to the unlawful detainer trial referenced above.

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◆ Summary of Misconduct

I retained Mr. Rosiak for \$8,000 to represent me in a complex eviction case involving allegations of lease fraud, misappropriation of rent payments, and contract irregularities. Despite receiving full payment and being provided with:

Chronologically indexed evidence binders;

Payment receipts and lease agreements;

Correspondence showing fraud and agency conflict—

Mr. Rosiak:

Failed to file a single court document on my behalf;

Ignored case deadlines and client instructions;

Did not respond to five formal written requests to return my legal binders;

And withdrew days before trial via certified mail, leaving me pro se under medical stress.

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◆ Pattern of Abandonment

Multiple public reviews (Yelp, AVVO) show a recurring pattern in Mr. Rosiak's conduct:

Accepting large retainers;

Delaying or avoiding communication;

Withdrawing from representation without proper notice or file return.

In my case, his failure to appear and prepare for trial was not only unethical—it enabled the landlord and opposing counsel to push through misleading arguments unchallenged.

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◆ Legal and Health Consequences

Due to Mr. Rosiak's abandonment:

I was forced to proceed unrepresented in a time-sensitive hearing;

I experienced documented cardiac symptoms, having been placed on a monitor by my cardiologist at the time;

My defense was severely impaired, despite being factually and legally sound.

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◆ Status of Complaint

I have filed a formal complaint with the State Bar of California and submitted related evidence to:

The Huntington Beach Police Department

The Orange County District Attorney's Office

I include this letter in the interest of transparency and to request that the Court acknowledge this misconduct as a contributing factor in the handling and outcome of my case.

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Thank you for your time and attention.

Respectfully,  
Michael Gasio  
[Signature Line]

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📎 To Be Added to Judicial Review Packet:

Label this as: Exhibit H – Attorney Misconduct (Rosiak)

Can be included in the final PDF with your main judicial review request

Recommended to also file with State Bar Complaint Form (Complaint Against an Attorney – Form 1010)

Would you like me to now:

Format the full judicial review packet (main letter + Rosiak addendum + exhibit index)?

Generate a PDF or print-ready version with placeholder or active Google Drive link?

Let's lock this for court submission.