

**Eliot I. Bernstein**  
**Inventor**  
**Direct Dial: (561) 245-8588 (o)**  
**(561) 886-7628 (c)**

Sent Via Email: [fl\\_gov.notary@eog.myflorida.com](mailto:fl_gov.notary@eog.myflorida.com)

Friday, August 23, 2013

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor, Notary Section  
Office of the Governor  
The Capital  
Tallahassee, FL 32399-0001  
[fl\\_gov.notary@eog.myflorida.com](mailto:fl_gov.notary@eog.myflorida.com)

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021 Expiration Date: 4/28/16**

Dear Erin Tuper,

I, Eliot Ivan Bernstein, write to you in regard to the sworn under penalty of perjury response, Exhibit 5 – August 08, 2013 Moran Response, tendered to my two complaints filed against the licensed FL Notary Public and Legal Assistant, Kimberly Moran (“Moran”) and those that employed her and commissioned her actions, the law firm of Tescher & Spallina P.A. and the Attorneys at Law, Donald Tescher (“Tescher”) and Robert Spallina (“Spallina”)<sup>1</sup>.

While appreciating Ms. Moran’s Admission and Acknowledgement of multiple Fraudulent Notarizations<sup>2</sup> and Fraud she committed in the estates of my parents, “...I did

---

<sup>1</sup> Title X PUBLIC OFFICERS, EMPLOYEES, AND RECORDS Chapter 117 NOTARIES PUBLIC (6) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary’s official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

<sup>2</sup> 117.105 False or fraudulent acknowledgments; penalty.-A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

something here that I deeply regret, have never done before and will never do again. I have brought it to my bosses' attention and they are going to take the appropriate actions to remedy this with the court", yet, any compassion for her is shattered when her confession is found fraught with further lies in an attempt to cover up far more serious crimes that have been enabled by her actions. Moran's attempt to mislead your office in its investigation, as further defined herein, now also stands as alleged Perjury and more.

Moran claims in her response that once the law firm Tescher & Spallina P.A. received documents already filed with the 15th Judicial Circuit Court of Florida Probate Division ("court") returned with a court order to have the documents Notarized, Moran claims she simply Notarized them and filed the documents back to the court. The problem here is that Moran claims the documents she sent back were "identical" to the ones sent back to her by the court for Notarization and all she did was attach a False and Fraudulent Notarization and send them back in. The documents however are far from "identical" and in fact are wholly dissimilar and in fact recreated forgeries.

First, the documents allegedly signed by my six family members were filed with the court WITHOUT any Notary stamp affixed to them as evidenced in my original complaint. At first glance, it would appear that when the court sent Tescher & Spallina P.A. the documents back for Notarization they were then shrunk to fit a Fraudulently affixed Notary Public stamp to them and then they were returned to the court. However, upon closer inspection one finds that the documents submitted to the court was instead the work of carefully crafted forgeries, wholly recreated documents, including FORGING the signatures of all six parties on six separate documents, including FORGING THE SIGNATURE OF MY DECEASED FATHER who had been dead for two months.

Upon inspecting the signatures on each document that Moran already admitted to committing fraud upon, it is obvious that the two signatures are NOT the same on any of the six documents filed with the court by Tescher & Spallina, P.A. Moran apparently left all of these relevant facts about the FORGING OF SIGNATURES and recreation of the documents out of her sworn statement made under penalty of perjury to your office. This was not a minor oversight in her response, as Moran's response/sworn statement to my complaints fails to address the egregiously and illegally FORGED SIGNATURES and complete document recreation at all and instead attempts a sob story to cover this fact up. These Perjured statements now create new criminal acts from her efforts to mislead investigators and further cover up the larger crimes being committed through the misuse of these Fraudulent and Forged documents.

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

In fact, when further comparing the document that I allegedly signed without Notarization filed with the court initially, with the one Moran Fraudulently recreated, Forged my signature on, Fraudulently Notarized and then filed back with the court, it is apparent that the Un-Notarized document's date is written in my Cursive and the date on the one Moran filed back with the court is written in Block letters by someone else. Yet, despite the fact that the date on the alleged original is in May 2012 and the date on the Forged document is also May 2012, despite her committing the Forgery in November 2012, this further proves the documents are wholly dissimilar and thus her statement that the documents were "identical" again constitutes another instance of Perjury. The fact that Moran continues to perpetrate lies and fails to confess to all of the crimes committed, leaves her confession to be a false and misleading confession, evidencing a continuing Pattern and Practice of crimes, now in order to further the initial crimes by misleading investigators through Perjured statements.

Fraudulent and Forged documents are felony crimes, again with very serious ramifications, especially in a matter where allegations by others were already made to authorities that my father might have been murdered as part of a plan to rob his estate. With these fraudulent documents now surfacing and Moran admitting to Fraud, the question remains as to what part these Fraudulent and Forged documents may have played in my father's death, if any, and, the subsequent crimes alleged being committed through the ongoing and continued use of these Forged and Fraudulent documents.

Ongoing crimes now committed by her "bosses"/employer, Tescher & Spallina, P.A. that would be impossible without these Fraudulent and Forged documents. The six documents Moran admits to committing Fraud upon thus far were then filed by the law firm of Spallina & Tescher P.A. with the 15<sup>th</sup> Judicial Circuit Court of Florida, Probate Division<sup>3</sup> allegedly as part of a larger Fraud on the Court and Beneficiaries of my father and mother's estates. Moran also admits in her response to mailing and emailing these knowingly Fraudulent documents to the court and others, which may also constitute Interstate Mail and Wire Fraud, as the Fraudulent documents were sent to beneficiaries residing outside of Florida.

Moran claims to have made a "terrible mistake," acting like her criminal acts were an innocent and benevolent error, while having a "momentary lapse in judgment."

---

<sup>3</sup> 831.02 Uttering forged instruments.—Whoever utters and publishes as true a false, forged or altered record, deed, instrument or other writing mentioned in s. 831.01 knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
History.—s. 2, ch. 1637, 1868; RS 2480; GS 3360; RGS 5208; CGL 7326; s. 2, ch. 59-31; s. 2, ch. 61-98; s. 960, ch. 71-136.

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

However, these claims fail when one reviews the carefully crafted Fraudulent documents created and Forged as an integral part of a much larger series of improper and fraudulent documents that enable crimes already alleged with authorities and the courts against Ms. Moran and Ms. Moran's employer, the law firm Tescher & Spallina P.A. and Attorneys at Law, Tescher and Spallina. Crimes that I have already notified the Palm Beach County Sheriff Office, the US Federal District Court for the Southern District of New York (in a RICO and ANTITRUST lawsuit) and the 15<sup>th</sup> Judicial Circuit Court of Florida Probate Division of and whereby these Notary Public Frauds and document Forgeries are only a fraction of the criminal acts alleged. The FRAUDULENT and FORGED documents however play a significant part in all of the alleged crimes, as these documents combine with others discovered to facilitate all of the other alleged crimes. The documents give her "bosses"/employer, Tescher & Spallina P.A. and Attorneys at Law Donald Tescher and Robert Spallina, fiduciary powers as Personal Representatives over the estates of my father and mother. These Forged and Fraudulent documents in fact enable them to commit many alleged crimes thereafter that have been recently reported to the court and investigators from several agencies, including but not limited to, alleged Insurance Fraud, Real Estate Fraud, Theft, Fraud on the Court, Fraud on the Beneficiaries and more.

Moran also claims that this alleged "mistake" was a first of a kind for her that was brought on by good intentions and drugs. Yet, as I mentioned in my last call to your office and exhibited herein, there are other documents Fraudulently and improperly Notarized and submitted to the court and Beneficiaries that Ms. Moran also played an integral part in creating by either falsely witnessing or notarizing. Therefore, Moran's claims that this was a onetime event, a "mistake" that she apologizes for, is false as these other documents were signed and dated and notarized on different dates than the six she admitted to already, indicating an ongoing Pattern and Practice of criminal activity and again show that she is misleading investigators through Perjury.

Moran claims in her response that the documents sent back by the court never required acknowledgement before but she assumed that the Court ordering Tescher & Spallina P.A. that they needed notarization caused her to "assume" they needed to now be Notarized. Therefore, according to her account, she decided to do the noble thing and Fraudulently Notarize the documents to help along grieving children by committing Notary Fraud in their parent's estates and feigns that she did these acts on her own on behalf of her employer. She in fact states, "Looking back on it, **I guess** I was trying to help them" [emphasis added] clearly indicating that she is not sure, a best "guess," if helping was truly her intent. However, in her next statement in the response, she then claims that her noble actions were not done with noble intent but instead because she was allegedly under the influence of drugs. What this false confession attempts to do is

---

---

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

minimize the culpability not only of herself but additionally attempts to minimize and exculpate her “bosses”/employer, the law office of Tescher & Spallina P.A., Donald Tescher and Robert Spallina, who commissioned her to falsely Notarize and Forge these documents and filed them with the court. Surely, Tescher and Spallina were involved in both oversight and directing their employee Moran, a contracted Legal Assistant and Licensed Notary Public, in her actions.

Moran claims this happened only once in her life on the six documents she has already admitted to fraud on, yet these were not the only documents that improper Fraudulent Notarizations took place on with her involvement. For example, in Exhibit 1 – Simon’s Alleged Will filed with the court, one finds another document improperly Notarized and filed in a wholly separate court case, that of my father’s estate. This time Moran now acts as witness to another improper Notarization of my father’s signature on his ALLEGED WILL. In the ALLEGED WILL, there is a new Notary Public improperly notarizing the document, a one Lindsay Baxley (“Baxley”), Commission #EE092282, Expires May 10, 2015 and we now find Attorney at Law Robert Spallina who drafted the ALLEGED WILL, acting additionally as false witness to the ALLEGED WILL that gives him fiduciary powers over the estate.

The ALLEGED WILL is executed without any affirmation by the Notary that Simon Bernstein or the witnesses actually appeared that day before her and that they were either “Personally Known” or “Produced Identification” to her, as neither affirmation is checked for any of the parties signing. Therefore, this is a legally invalid ALLEGED WILL due to the Improper Notarization and Improper Witnessing of the document. The ALLEGED WILL also allegedly “appoints” Spallina and Tescher as “Co Personal Representatives” of the estate. The conflicts of interest created by the Law Firm of Tescher & Spallina P.A., Robert Spallina and Donald Tescher, by drafting the ALLEGED WILL and having themselves appointed as Personal Representatives in the ALLEGED WILL, while improperly witnessing and improperly executing the ALLEGED WILL via their contracted licensed Notary Public, Baxley that wholly renders the ALLEGED WILL null and void. Again, this Fraudulent and improperly notarized ALLEGED WILL exposes the beneficiaries to further massive damages.

In yet another example of improper Notarizations and Fraud, in Exhibit 2 – a copy of the ALLEGED Amended Trust of Simon is submitted to the court and similar improper Notarizations and witnessing of documents takes place. Again, Attorneys at Law Tescher and Spallina, have themselves appointed as Personal Representatives of the estate of Simon, via this document they again drafted, witnessed and executed via yet another improper and Fraudulent Notarization.

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

Taken together, the combined effect of all of these improperly Notarized, Forged and Fraudulent documents completely change the Beneficiaries and Personal Representatives of my father and mother's long-standing estate plans, only weeks before my father passed away. Together the documents enable the conspirators named herein to commit a host of alleged felony crimes thereafter. Thus, we see that Moran's actions were not a one off "mistake" or a "momentary lapse of judgment" as Moran would con you to believe in her response and instead these documents combine to have far-reaching impact on the estates and Beneficiaries and allow a plethora of criminal activities to follow, all evidencing a continuing Pattern and Practice of Fraud. Moran's actions instead appear done in bad faith, with unclean hands and with scienter.

Finally, Moran, again in contradiction to her sworn statement, under penalty of perjury, claims she only did these fraudulent and improper Notarizations once, on each of the six documents submitted to the court exhibited in the original complaints. However, Exhibit 3 – Oath of Personal Representative Designation of Resident Agent and Acceptance, is yet another document that is improperly notarized directly by Moran and on a different date and time as the six documents Moran already admitted to committing Notary Fraud upon in her response.

Due to the fact that Fraud and Forgery has occurred and Fraud has been Acknowledged and Admitted to by Moran on six separate documents, the Beneficiaries and Interested Parties now are not sure exactly how many documents have been illegally created and improperly Notarized and Forged in the estates of Simon and Shirley Bernstein. Further complicating matters is that all the documents in the estates have not yet been released by Tescher & Spallina P.A. despite repeated request and required by law.

Therefore, this office needs to demand that Moran and now Baxley more fully confess truthfully to these crimes and obtain all records from them and their employer accomplices, Tescher & Spallina P.A., Donald Tescher and Robert Spallina, who under the principle of Respondeat Superior and law, are wholly liable for Moran's actions. The original records will now be necessary to verify and inspect all documents in the estate for other evidence of Notary Fraud and Forgery. Until such time that these original documents are secured and analyzed by criminal authorities, your offices, the court and counsel for the beneficiaries due to the admitted Fraud and Forgery, I do not attest to the validity of any documents submitted in my original complaint or any documents submitted to by Moran in her response and consider them all part of a larger fraud and more.

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

It is interesting to note that while vying for leniency through thinly veiled apologies for her acts, “apologies” made only after being caught, Ms. Moran fails to apologize to the victims of her crimes, including my family and my children. These admitted criminal acts now cause major damages to the Beneficiaries of the estates and have caused a host of further criminal acts against us to continue to be committed. Moran’s criminal acts and breaches of public trust now leave liabilities for all parties, including the need for over \$100,000 of legal fee retainers for my family alone to begin to assess the damages caused by these Fraudulent and Forged documents and determine now whom the Beneficiaries and Personal Representatives of my parents’ estates will ultimately be. The crimes will now cost the taxpayer in that they will have to be investigated and prosecuted. The courts additionally will be burdened with tremendous time, energy and money to resolve the matters resulting from these crimes. My children and family greatly affected in the next few weeks and further damaged by Moran’s criminal acts, as distributions from the estates to pay basic living and school expenses may become delayed. Delayed while the criminal acts of Moran and her employer, the law firm of Tescher & Spallina P.A. and the Attorneys at Law, Donald Tescher and Robert Spallina, are more fully investigated.

Erin, please provide us with any insurance or bonding information on Moran, Baxley and Spallina & Tescher P.A. that your offices have records concerning. Efforts to obtain documents of the estates from Tescher & Spallina have failed thus far, as they are suppressing these documents, even after request by my children’s counsel and myself, see **Exhibit 4 – Letters from the law firm of Tripp Scott** written by Attorneys at Law Christine Yates, Esq. and Marc Garber, Esq. We also would like certified copies of all records regarding Moran’s license as notary and certified copies of any log books or other records that your offices can provide us with to further our due diligence and investigations. Under the circumstances presented herein and in my original complaint, I hereby request that your offices determine if Ms. Moran’s sworn statement under the penalty of perjury to your offices was aided, or in any way influenced by any other person(s) and if she has or had legal counsel representing her in these matters at any time.

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

Please take this communiqué additionally as a formal request to open separate and independent complaints with your offices filed by me personally and one for me acting on behalf of my deceased father and mother, against Baxley and Tescher and Spallina, for their involvement in this same nexus of events on the documents additionally evidenced herein. If you need me to file separate complaint forms for each please contact me and I will file those immediately.

Respectfully Yours,



---

Eliot I. Bernstein  
Inventor

cc/ec:

Enclosure(s)/Attachment(s)/URL's

**All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.**



Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

**In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.**

cmb/eib

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

EXHIBIT 1 –IMPROPERLY NOTARIZED WILL OF SIMON BERNSTEIN

502012CP004391XXXXSB

I2

**WILL OF**  
**SIMON L. BERNSTEIN**

2012 OCT -2 AM 9:32  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

*Prepared by:*

Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

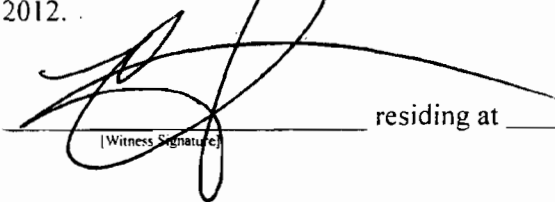
LAW OFFICES

TESCHER & SPALLINA, P.A.

I have published and signed this instrument as my Will at Boca Raton, Florida, on the 24 day of July, 2012.

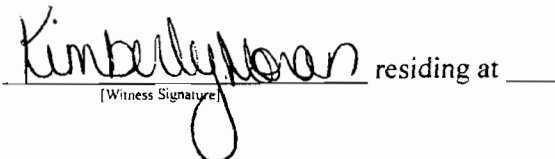
  
SIMON L. BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testator to be the Testator's Will in our presence, and at the Testator's request and in the Testator's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 24 day of July, 2012.

  
[Witness Signature]

**ROBERT L. SPALLINA**  
**7387 WISTERIA AVENUE**  
**PARKLAND, FL 33076**

[Witness Address]

  
[Witness Signature]

**Kimberly Moran**  
**6362 Las Flores Drive**  
**Boca Raton, FL 33433**

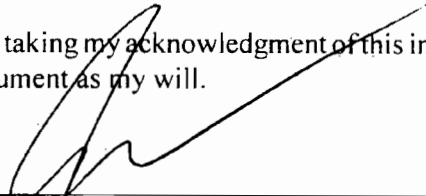
[Witness Address]

State Of Florida

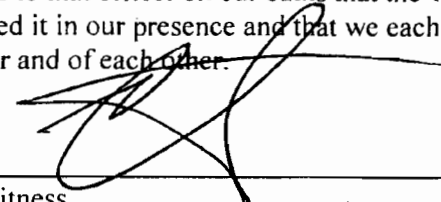
SS.

County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

  
SIMON L. BERNSTEIN, Testator

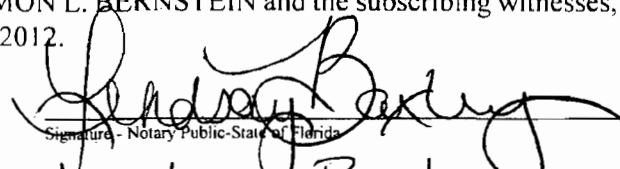
We, Robert L. Spallina and Kimberly Moran, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

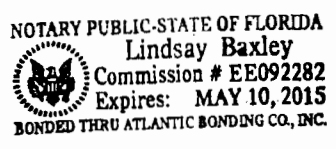
  
Witness

Kimberly Moran  
Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

[Seal with Commission Expiration Date]

  
Signature - Notary Public - State of Florida  
Lindsay Baxley  
Print, type or stamp name of Notary Public



LAST WILL  
Of SIMON L. BERNSTEIN

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

EXHIBIT 2 – IMPROPERLY NOTARIZED ALLEGED AMENDED TRUST OF SIMON  
BERNSTEIN

**SIMON L. BERNSTEIN**  
**AMENDED AND RESTATED TRUST AGREEMENT**

*Prepared by:*

Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

---

IN WITNESS WHEREOF, the parties hereto have executed this Amended and Restated Trust Agreement on the date first above written.

SETTLOR and TRUSTEE:

*[Handwritten signature of Simon L. Bernstein]*

SIMON L. BERNSTEIN

This instrument was signed by SIMON L. BERNSTEIN in our presence, and at the request of and in the presence of SIMON L. BERNSTEIN and each other, we subscribe our names as witnesses on this 21 day of July, 2012:

Print Name: ROBERT L. SPALLINA  
Address: 7387 WISTERIA AVENUE  
PARKLAND, FL 33076

*[Handwritten signature of Kimberly Moran]*  
Print Name: Kimberly Moran  
Address: 6362 Las Flores Drive  
Boca Raton, FL 33433

STATE OF FLORIDA  
COUNTY OF PALM BEACH

SS.

The foregoing instrument was acknowledged before me this 25 day of July, 2012, by SIMON L. BERNSTEIN.

*[Handwritten signature of Lindsay Baxley]*  
Signature - Notary Public - State of Florida  
Lindsay Baxley  
Print, type or stamp name of Notary Public

[Seal with Commission Expiration Date]

NOTARY PUBLIC-STATE OF FLORIDA  
Lindsay Baxley  
Commission # EE092282  
Expires: MAY 10, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

EXHIBIT 3 - OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF  
RESIDENT AGENT AND ACCEPTANCE

---

---

Eliot Ivan Bernstein \*2753 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 245-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF  
SIMON L. BERNSTEIN,  
Deceased.

PROBATE DIVISION

File No. 502012CP004391

12

XXXXSB

2012 OCT - 2 AM 9: 32  
SHARON R. BOGGS, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

**OATH OF PERSONAL REPRESENTATIVE  
DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

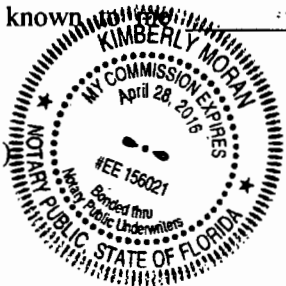
I, DONALD R. TESCHER (Affiant), state under oath that:

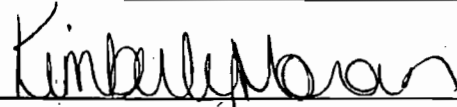
1. I have been appointed co-personal representative of the estate of SIMON L. BERNSTEIN, deceased.
2. I will faithfully administer the estate of the decedent according to law.
3. My place of residence is 2600 Whispering Oaks Lane, Delray Beach, FL 33445, and my post office address is 4855 Technology Way, Suite 720, Boca Raton, FL 33431.
4. I designate myself, a member of The Florida Bar, a resident of Broward County, Florida, whose place of residence is 2600 Whispering Oaks Lane, Delray Beach, FL 33445, and whose post office address is 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, together with my partner, ROBERT L. SPALLINA, ESQ., a member of The Florida Bar, a resident of Palm Beach County, Florida, whose place of residence is 7387 Wisteria Avenue, Parkland, Florida 33076, and whose post office address is 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, as agents for the service of process or notice in any action against us, either in our representative capacity, or personally, if the personal action accrued in the administration of the estate.

  
DONALD R. TESCHER, Affiant

Sworn to and subscribed to before me on October 1, 2012, by Affiant, who is personally known \_\_\_\_\_ or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



  
Notary Public State of Florida



Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

---

---

EXHIBIT 4 – LETTERS FROM THE LAW FIRM OF TRIPP SCOTT WRITTEN BY  
ATTORNEYS AT LAW CHRISTINE YATES, ESQ. AND MARC GARBER, ESQ.

## **Eliot Ivan Bernstein**

---

**From:** hotmail\_c29fa7bfa63d83c9@live.com on behalf of Marc R. Garber  
<marcgarber@gmail.com>  
**Sent:** Thursday, June 13, 2013 11:51 AM  
**To:** Eliot Bernstein  
**Subject:** FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Regards,

**MARC R. GARBER**

---

From: marcgarber@gmail.com  
To: cty@trippscott.com  
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status  
Date: Thu, 13 Jun 2013 11:02:40 -0400

Christine:

I had difficulty sleeping, as I was sorting through our conversation. What troubles me has troubled me in prior situations. Spallina is not the first "bully lawyering" situation I have seen or heard about. "If you scream loud enough and pound the table hard and often, the other side will cave". It troubles me that many times this approach works. Sometimes it becomes a fee and time matter, other situations result in the good lawyer becoming tired of dealing with "hard headed" uncompromising opponent. I have heard some people actually seek out a bully lawyer for these reasons. The reasons include the fact that they win using this approach. Further, and as you implied, with all the time you expended, Spallina gave us very little, in terms of everything; from documents to involvement in the administration.

It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that "something is very wrong". I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.

Thanks,

Marc

Regards,

**MARC R. GARBER**

---

Date: Thu, 13 Jun 2013 13:05:50 +0000

From: cty@TrippScott.com

Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

To: marcrgarber@gmail.com; iviewit@iviewit.tv; iviewit@gmail.com

Marc, it was nice to speak with you yesterday. As we discussed, the reasons for the the termination of my representation were due to the insufficiency of funds in the trust accounts and the the corresponding increase in litigation that would need to be filed in order to move this case forward. It is always a difficult decision as an attorney to proceed with litigation, using all funds in a trust to do so without a guarantee of results. This leaves the attorney in a difficult position with the trust beneficiary, their client. Also, I was concerned that attorney/client communications via email were being filed in court proceedings by Eliot in his case. I want to be able to be assured that information on behalf of my client's remains confidential.

Thank you again for you time in speaking with me yesterday.



110 SE Sixth Street, Suite 1500  
Fort Lauderdale, FL 33301  
954-525-7500

**Christine T. Yates**

*Director*

Direct: (954) 760-4916

Fax: (954) 761-8475

[cty@trippscott.com](mailto:cty@trippscott.com)

---

**From:** Marc Garber [mailto:marcrgarber@gmail.com]

**Sent:** Saturday, June 08, 2013 11:15 AM

**To:** Christine Yates

**Subject:** Fwd: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Christine please call me about this. Marc Garber. 856 236 6567

----- Forwarded message -----

From: "Eliot Ivan Bernstein" <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)>

Date: Jun 8, 2013 10:12 AM

Subject: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

To: "Marc R. Garber, Esquire @ Flaster Greenberg P.C." <[marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com)>, "Marc R. Garber Esq. @ Flaster Greenberg P.C." <[marcrgarber@verizon.net](mailto:marcrgarber@verizon.net)>, "Marc R. Garber Esq." <[marcrgarber@gmail.com](mailto:marcrgarber@gmail.com)>

Cc:

What is going on here? Give me a call when you get a sec.

---

**From:** Christine Yates [mailto:[cty@TrippScott.com](mailto:cty@TrippScott.com)]

**Sent:** Friday, June 7, 2013 11:57 AM

**To:** 'Eliot Ivan Bernstein'; 'Eliot Ivan Bernstein'

**Cc:** Ibis A. Hernandez

**Subject:** Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Eliot and Candace, first I am glad that you are feeling better Eliot.

I have made no progress with Spallina in regards to obtaining documents and in my last call with him and Mark Manceri, Mr. Spallina reiterated his position that the mortgage on the property you are currently residing in was what your father wanted, and that any information regarding the trust of your father would have to be addressed to your brother as trustee.

At this time, in order to receive the information you want, I believe you will need to institute legal proceedings against the estate and trust. Since a new course of action will need to be undertaken, at this time, I will be withdrawing as counsel for your children, and believe that you should now hire separate litigation counsel for them. I will be happy to assist your new counsel in providing them with any information and thank you for the opportunity you gave me to assist you.

110 SE Sixth Street, Suite 1500  
Fort Lauderdale, FL 33301  
954-525-7500

**Christine T. Yates**

*Director*

Direct: (954) 760-4916

Fax: (954) 761-8475

[cty@trippscott.com](mailto:cty@trippscott.com)

---

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

**Erin Tuper**  
**Notary Education Coordinator**  
**Executive Office of the Governor of FL**

**EXHIBITS**  
**Friday, August 23, 2013**

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16**

---

---

**EXHIBIT 5 – AUGUST 08, 2013 MORAN RESPONSE**

---

---

Eliot Ivan Bernstein \*2753 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 245-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)



RICK SCOTT  
GOVERNOR

STATE OF FLORIDA  
**Office of the Governor**

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax  
August 14, 2013

Mr. Eliot Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, Florida 33434

Dear Mr. Bernstein:

This Office has received the sworn written statement of Ms. Moran in response to the complaint of notary misconduct filed by you. A copy of Ms. Moran's' response is enclosed for your review.

If you wish to offer further comment or provide additional information before this Office makes a final determination in this case, please reply in writing **within twenty (20) days**.

Should you have any questions, please do not hesitate to contact this Office at (850) 717-9529 or [FL\\_GOV.NOTARY@eog.myflorida.com](mailto:FL_GOV.NOTARY@eog.myflorida.com).

Sincerely,

A handwritten signature in cursive script that reads "Erin Tupper".

Erin Tupper  
Notary Education Coordinator  
Executive Office of the Governor, Notary Section

Enclosure(s)

Address

The Capitol, Room 209  
400 South Monroe Street  
Tallahassee, Florida 32399-0001



SWORN RESPONSE OF NOTARY PUBLIC

STATE OF FLORIDA  
COUNTY OF Palm Beach

DATE 8/8/13

Please see attached written response.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated in it are true.

Kimberly Moran  
(Signature of Respondent)

Address: \_\_\_\_\_

Kimberly Moran  
(Printed name of Respondent)

Phone: \_\_\_\_\_

Sworn to and subscribed before me this 8<sup>th</sup> day of August, 2013, by  
Kimberly Moran



Diane Dustin  
Name of Notary Public:

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Kimberly Moran  
6362 Las Flores Drive  
Boca Raton, Florida 33433  
561-716-8849

August 8, 2013

Executive Office of the Governor  
The Capitol  
Erin Tupper, Notary Education Coordinator  
400 S. Monroe Street  
Tallahassee, Florida 32399-0001

Dear Ms. Tupper:

I am writing you in response to your letter dated July 23, 2013 regarding the two complaints filed by Mr. Eliot Bernstein against me regarding the waivers and consents that were signed by his father, Simon Bernstein, himself and his siblings in connection with the estate of his mother, Shirley Bernstein. As the complaints are similar my response will address both complaints.

To begin, I want you to know that I made a terrible mistake and had a momentary lapse in judgment. I am an honest and good person and I did something here that I deeply regret, have never done before and will never do again. I have brought it to my bosses' attention and they are going to take the appropriate actions to remedy this with the court.

Initially, I mailed in all of the original signed waivers and consents to the Court that were signed by the Bernstein family members, and copies of those documents were returned to me with a request for notarization. These documents have never required acknowledgment, but I assumed they now needed to be notarized as per the notice. Shortly before I received the notice, Simon Bernstein also passed away and now his five children were mourning the death of both of their parents. Looking back on it, I guess I was trying to help them as they had previously signed the documents anyway and I never even thought about what I did until I received the letter from you. The week before, I had a depo provera shot and it affected me in many ways for several months following, including clouding my judgment, causing confusion and mood changes. I am so very sorry.

Attached you will see my office's original communication with Simon Bernstein dated April 4, 2012, regarding the closing of his wife's probate estate and the need to sign the waivers and consents and to have his five children sign each of theirs as well. After receiving Mr. Bernstein's signed waiver and consent (and the other documents that he had to sign) and not receiving any from his children, we contacted Mr. Bernstein's office to follow up regarding his children's waivers and consents and we were instructed by Mr. Bernstein to send the waivers and consents directly to each of his five children for signature. I have included the correspondence to each of them all dated May 10, 2012.

Shortly after our May 10, 2012 letters were sent to each of the five Bernstein children, I received back from Eliot Bernstein an email dated May 17, 2012, a copy of which is attached. As you can see from his email, he attached a copy of the signed waiver and consent to the email and closes the email

with confirmation that he will send the original by mail which I received shortly thereafter (see highlighted portions and attachment).

On August 1, 2012, I sent follow-up emails to each of the other Bernstein children who had not returned the waivers and consents and I have included those emails as well and their responses from those who replied by email and attached their signed waivers and consents. These documents were signed by all of them and the new documents that were sent to the court were identical to the documents that they previously signed.

Again, I had a major lapse in judgment, I made a mistake and I accept responsibility for my actions. I have been a notary since 2004, and in all these years I have never done this before and I promise I will never make this mistake again. I have been sick about the whole thing and deeply regret what I did. I am the primary bread winner in my family with two young children and my ability to earn a living as a legal assistant could be greatly impaired if you suspend my notary commission or more. I respectfully request that you consider my prior clean record in your review of these complaints and any disciplinary action that may be taken.

Please feel free to contact me directly at the number above with any questions.

Respectfully,

A handwritten signature in cursive script that reads "Kimberly Moran".

Kimberly Moran