

Appeal of FOIA Requester, Donald Stone

March 17, 2019

FOIPA Request No.: 1384606-000

Subject: FBI Corruption Allegations

FOIA requester, Stone seeks an alleged treasure trove of FBI/DOJ documentary evidence from approx. 1993-2019 that the FBI/DOJ were involved in an alleged criminal conspiracy, pattern and history, of not only pulling their punches, but then circling their wagons to protect, promote, pander, and/or cover-up an alleged multitude of federal felony offenses by Gilbert Sapperstein, Charles Richard Longo Sr. and certain of their known associates, in Maryland, Florida, D.C. and Virginia

Donald Stone appeals the FBI decision in **FOIPA Request No.: 1384606-000 Subject: FBI Corruption Allegations**

Noticeably absent from this FBI release are the FBI 302 notes of a face to face meeting the requester, Stone had with a female FBI agent, at the FBI field office in West Palm Beach, FL. on or about April 12, 2001.

Stone also alleges that there are possibly telephone communications/records missing between this FBI agent in West Palm Beach, the U.S. Attorneys Office, Southern District of Florida and/or Maryland and/or the Maryland FBI that are not present in this FOIA release.

Stone alleges either prior to or at this interview he provided the West Palm Beach FBI agent with the name of a Maryland FBI female agent who was alleged to be involved in the 1999 FBI investigation into the Anne Arundel Economic Development Council, allegedly pertaining to a Gilbert Sapperstein and/or a very close associate of Sapperstein (while Gilbert was busy stealing the \$3.5 million from the Baltimore School Board).

Stone had requested from FBI headquarters in D.C. to be allowed a face to face interview with an FBI agent in Florida to enter into the FBI record certain information that Stone knew about Longo and Sapperstein and certain of their associates activities.

Stone's request was approved by FBI headquarters in D.C. and he made an appointment with an FBI female agent at the West Palm Beach FBI field office on/or about April 12, 2001.

The closest FBI field office to Stone was the Ft. Pierce FBI field office (19 miles to the north), but having had prior brief dealings with several of those agents Stone didn't trust them and chose the larger FBI field office in West Palm Beach (about 45 miles to the south).

The female West Palm Beach FBI agent refused to identify herself during the interview. Stone originally thought it was simply an oversight on her part but in retrospect Stone believes it was done intentionally to conceal her identity. Because eventually she parroted the almost exact same phrase that the DOJ had tried to use in their alleged "fraud on the court scheme" in Stone vs. Warfield Sr. in federal court a couple of years earlier in 1998, and she also tried to white wash the alleged criminal activities of Longo and/or Sapperstein as a business dispute or civil matter.

This particular FOIA request is one of many filed by Stone predominately seeking documents concerning the conduct of the FBI/DOJ in Maryland, Florida, D.C., Virginia pertaining to the alleged criminal activities of a Charles R. Longo Sr., Gilbert Sapperstein, (both deceased) and certain of their

associates.

Longo was known for his alleged multiple bankruptcy fraud schemes involving an estimated 2000 victims and approx. \$12 million in U.S. Dept. of Education student loans and other types of loans and Sapperstein was known for stealing an estimated \$3.5 million from the Baltimore School Board from early 1990's to 2003 while both Longo and Sapperstein and certain of their associates were under investigation by the DOJ/FBI at various times.

The FBI is a component of the DOJ, and because of their alleged prior misconduct pertaining to Longo, Sapperstein, and/or their associates, the DOJ/FBI forfeited any of the protections provided by any FOIA exemptions.

Several of these individuals are believed to be top level FBI agents, Pasquera was at the time the SAC for the Southern District of Florida, some of the other agents mentioned may have been top level FBI employees in Miami, West Palm Beach, or Ft. Pierce, FL. The allegations are that even the low-level FBI agents were acting in concert with the top level agents to help cover-up the misconduct by the DOJ and FBI.

These top level FBI agents have a greatly diminished expectation of privacy, also the expectation of privacy is diminished by the passage of time, and more than likely completely extinguished by their alleged conspiracy with the DOJ to allegedly protect and/or cover-up the alleged criminal activities of Longo and Sapperstein, while simultaneously trampling the Constitutional and/or civil rights and/or other rights afforded to the victims of white collar criminals and/or organized crime.

1. The DOJ/FBI forfeited any rights to the protection of any FOIA exemptions when they were caught lying and/or perpetrating "Fraud on the Court" in Stone vs. Warfield Sr. in the 1998 CIVIL RICO Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP.

* There are also allegations of other possible "Fraud on the Court" schemes by certain Maryland DOJ lawyers involving the federal bankruptcy courts pertaining to Longo's personal bankruptcy and two bankrupt entities owned and/or controlled by Longo, National Training Systems and Shippers Choice Inc. And also a Maryland state court lawsuit Charles Richard Longo Sr. and Donald Stone Industries Inc. vs. Donald Stone in Worcester County Circuit Court pertaining to a Maryland State subpoena served on U.S. Attorney Lynne Battaglia in 1995 by Stone, where the allegation is that Battaglia withheld, exculpatory documents from the defendant, Stone that possibly would have had a devastating affect on the plaintiffs, Longo, Sapperstein, et al. Similar to the scheme that Battaglia et al would try in 1998 Stone vs. Warfield in the Southern District of Florida, the withholding of exculpatory documents from the federal court to protect Longo, Sapperstein etc.

2. Stone seeks documents pertaining to top level FBI/DOJ executives where there is little or no expectation of privacy.

3. Longo is deceased as of 2011, Sapperstein died in 2016.

4. Other than FOIA litigation, to extract certain documents from the DOJ/FBI no other litigation is contemplated at this time or in the future. The DOJ/FBI have managed to successfully run out the statute of limitations on any federal felony offenses.

4. Stone was a "party of interest" in Longo's Shippers Choice bankruptcy and this poses the interesting

question of whether the past and/or recent conduct of the DOJ/FBI would constitute a “pattern & history” of ongoing violations of the 18 U.S. Code § 3771. Crime Victims’ Rights of Stone and the alleged 2000 victims of Longo in Maryland, and/or Virginia, and/or D.C. and/or his associate, Gilbert Sapperstein's victims, the Baltimore School children.

Brief Background

The requester seeks all DOJ/FBI documents pertaining to a Charles Richard Longo Sr. (deceased 2011) and/or his known associate Gilbert Sapperstein (deceased 2016).

A brief summary/overview (as of late 1994) of the alleged federal felony offenses and/or criminal activities of Longo and certain of his associates can be found in the notes of the US DOJ Maryland, Chief of White Collar Crimes, Dale Kelberman files and/or US Attorney for Maryland, Lynne Battaglia's files of the Sept. 26, 1994 meeting between Kelberman, Lori Simpson, William F. Howard, and Lori Simpson.

Mere allegations of misconduct or corruption by DOJ lawyers and/or FBI agents are usually insufficient and place a heavy burden on a FOIA requester such as Stone.

Stone has met that burden, and exceeded that burden with more than sufficient, clear and convincing evidence, of the “Fraud on the Court “ scheme by the Maryland and Southern District of Florida DOJ lawyers.

The Maryland DOJ documents of Sept. 24, 1994 (which Stone obtained through a FOIA request in late 1995) would later, in 1998 be used to expose an alleged text book case of “Fraud on the Court” scheme by Battaglia, Kelberman, and other DOJ lawyers from Maryland and Florida in the federal Civil RICO case, Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP in which the federal prosecutors from Maryland and Florida were caught lying, trying to white wash the alleged criminal activities of a Charles Richard Longo Sr. as a “business dispute or civil matter”.

Without the FOIA documents of the Sept. 24, 1994 meeting, Stone would have been left twisting in the wind by the Maryland/Florida federal prosecutors.

Again, the DOJ/FBI forfeited any rights to any FOIA exemptions when they were caught lying and or perpetrating the alleged “Fraud on the Court” scheme in Stone vs. Warfield Sr. in 1998 in the Southern District of Florida.

Aoude v. Mobil Oil Corp., 892 F.2d 1115, 15 Fed. R. Serv. 3d 482 (1st Cir. 1989) (“Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms.”)

The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989)

In Stone vs. Warfield in 1998 all the DOJ lawyers Battaglia, Scott, Kelberman and the others were all “Officers of the Court”.

The misconduct of the DOJ lawyers in Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP clearly and

easily meets the five elements that comprise "Fraud on the Court".

And The United States Court 1 of Appeals for the Sixth Circuit has set forth five elements of fraud upon the court which consist of conduct:

- 1. On the part of an officer of the court;***
- 2. That is directed to the 'judicial machinery' itself;***
- 3. That is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth;***
- 4. That is a positive averment or is concealment when one is under a duty to disclose;***
- 5. That deceives the court.***

Demjanjuk v. Petrovsky, 10 F.3d 338, 348 (6th Cir. 1993).

The public is certainly entitled to know and understand how Gilbert Sapperstein (Longo's (known associate) and certain of his associates managed to steal and launder and estimated \$3.5 million from the Baltimore School Board from early 1990's to 2003 while allegedly under DOJ/FBI investigation.

Enclosed is a small sampling of questionable activities by the current FBI/DOJ beginning in 2016-2019 pertaining to Stone's numerous FOIA request to DOJ/FBI and their ongoing efforts to conceal from public disclosure their extensive knowledge of Charles Richard Longo Sr., Gilbert Sapperstein, and/or their associates extensive criminal activities at the federal and state level.

A. David H. Hardy has refused to disclose the entire FBI file on Charles Richard Longo Sr. (deceased 2011).

B. Stone was recently informed (via an answer to a FOIA request) by DOJ, that the DOJ file on Gilbert Sapperstein, alleged Maryland/Florida crime lord seems to have gone missing in 2013 on Rod Rosenstein's watch as U.S. Attorney for Maryland.

C. The FBI investigative file provided to Stone by FBI David H. Hardy into Anne Arundel Economic Development Corporation (Annapolis, MD.) pertaining to an alleged associate of Gilbert Sapperstein and Charles R. Longo Sr. appears to have been conducted by two amateur FBI agents as there are no 302 interviews or telephone records with or without redactions and it looks like the two agents sat in their office and cut out newspaper clippings and pasted them into a file and called it an FBI investigation.

D. Questions still remain over whether or not there was a DOJ/FBI investigation into the Pinnacle Towers (Sarasota, FL.) \$325 million IPO, an approx. \$9 million payment made to a known associate of Gilbert Sapperstein and Charles Longo by Pinnacle, and then the bankruptcy of Pinnacle.

The central purpose of FOIA is to "open[] up the workings of government to public scrutiny" through the disclosure of government records. McGehee v. CIA, 697 F.2d 1095, 1108 (D.C.Cir.1983). Congress passed this legislation in the belief that "an informed electorate is vital to the proper operation of a democracy." Id. at 1108-09. See FBI v. Abramson, 456 U.S. 615, 621, 102 S.Ct. 2054, 2059, 72 L.Ed.2d 376 (1982); NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242, 98 S.Ct. 2311, 2327, 57 L.Ed.2d 159 (1978).

There is a compelling public interest in bringing criminals to justice. See Zurcher v. Stanford Daily, 436 U.S. 547, 560-61 (1978) (recognizing "the fundamental public interest in implementing the criminal law"); see also Prosser & Keeton, supra, § 119, at 876.

Stone is using a series of FOIA request to DOJ/FBI to ferret out the answers to many of the following questions and events that originated beginning in approximately late 1993 continuing through 2019

about the alleged DOJ/FBI cover-up of their alleged criminal activities of conspiring with Gilbert Sapperstein and Charles Richard Longo Sr. and their associates as they allegedly moved seamlessly, unrestricted, into expanding their racketeering activities.

EXCERPT from:

<https://www.justice.gov/oip/blog/foia-update-oip-guidance-privacy-glomarization>

On the other hand, there is a weighty public interest compelling disclosure of records which reflect formal and final agency determinations of official misconduct by senior government employees. See, e.g., Cochran v. United States, 770 F. 2d 949, 957 (11th Cir. 1985) ("information relating to a misappropriation of government funds . . . by a high level government official qualifies as a textbook example of information the FOIA would require to be disclosed"); Stern v. FBI, 737 F.2d 84, 93 (D.C. Cir. 1984) (high-level FBI official censured for deliberate misrepresentation); Sullivan v. Veterans Administration, 617 F. Supp. 258, 260-61 (D.D.C. 1985) (senior official reprimanded for misuse of government vehicle and failure to report accident); see also Bast v. United States Department of Justice, 665 F.2d 1251, 1255-56 (D.C. Cir. 1981) ("public importance of judicial impartiality outweighs the privacy interest" of federal judge in particular case

This FOIA request provides a few pieces to a very complex puzzle of how Gilbert Sapperstein and Charles Richard Longo Sr. managed to evade FBI investigations and DOJ prosecutions in Maryland, and/or Florida, and/or Virginia, and/or D.C. and helps to clarify exactly whether or not the DOJ/FBI were just grossly incompetent and/or corrupt and or in breach of their statutory duties in dealing with Sapperstein, Longo, and certain of their associates:

- 1.** How did Gilbert Sapperstein (Sapperstein) and certain of his associates manage to steal and launder an estimated \$3.5 million from the Baltimore School Board from the early 1990's to 2003 while he and certain of his associates while operating across interstate lines between Maryland and Florida during the time they were alleged targets of DOJ and/or FBI investigations at various time.
- 2.** How did Sapperstein associate Charles Richard Longo fleece the U.S. Dept. of Education and others out of an estimated \$12 million in student loan money, victimize an estimated 2000 individuals in Maryland, D.C., and Virginia and engage in a multitude of alleged federal bankruptcy fraud schemes, while under investigation by the DOJ/FBI at various times.
- 3.** Whether are not the activities of the DOJ/FBI in regards to Gilbert Sapperstein and Charles Richard Longo Sr. were some of the earliest events of the more recent Clintonesque style DOJ/FBI investigations where the DOJ/FBI circle their wagons around the politically well connected criminal actors to protect them and then “white wash” and/or cover-up their criminal activities.
- 4.** The alleged criminal conspiracies of federal prosecutors conspiring with state prosecutors conspiring with actors in the private sector to steal from the public treasury and public trust.
- 5.** The alleged cloaking by the DOJ/FBI of certain politically well connected individuals and/or entities in the private sector with immunity from prosecution for violations of of the federal criminal statutes, including RICO. Thereby allegedly creating certain law firms that would become known to white collar criminals and/organized crime as the go-to law firms that specialized perpetrating fraud on the courts at the federal & state levels, money laundering , securities fraud, etc.
- 6.** The alleged criminal conspiracies of federal and state prosecutors engaging in multiple “fraud on the

federal and/or state courts” on behalf of Gilbert Sapperstein and/or Charles R. Longo Sr. and associates with impunity.

7. Why the Maryland DOJ/FBI didn't prosecute Charles Richard Longo Sr. and/or certain of his associates for multiple alleged federal felony offenses in 1995.

8.The alleged numerous schemes by the DOJ/FBI to keep exculpatory evidence beyond the reach of victims targeted by white collar criminals and/or organized crime, such as Sapperstein and Longo.

And incorporate by reference all DOJ/FBI files/documents on Gilbert Sapperstein, Charles Richard Longo Sr. and all of their known associates in Maryland, Florida, Virginia, D.C. and New York.

And incorporate by reference all DOJ/FBI files of all investigative files and/or civil and/or criminal complaints the DOJ/FBI have received about Gilbert Sapperstein, Charles Richard Longo Sr. and/or any of their associates from the public such as Donald Stone, George McDermott, Jane/George Chamberlain and any others members of the public and or victims in Maryland, Florida, Virginia, D.C. etc.

The public interest would be greatly heightened in knowing whether or not the top level FBI agents in Florida were allegedly conspiring with the DOJ in Florida and the Maryland DOJ/FBI to protect and/or cover-up the alleged criminal activities of the politically well connected white collar criminals and/or organized crime syndicate figures, Gilbert Sapperstein, Charles Richard Longo Sr. and certain of their associates, as they engaged in multitude of alleged federal felony offenses early 1990's to 2019.

Stone's allegations of misconduct by the DOJ/FBI has many similarities to current litigation surrounding the questionable conduct of the DOJ in the Southern District of Florida pertaining to the politically well connected Jeffery Epstein case currently before the Federal Judge Marra involving the rights of the victims of Epstein.

Stone further alleges that the FBI and DOJ are engaging in an arbitrary and capricious manner concerning Stone's numerous FOIA request and that the DOJ/FBI are seeking to conceal their alleged involvement with Longo, Sapperstein, and certain of their associates by withholding certain documents from public disclosure.

The misconduct of the DOJ was best defined by the federal judge, Ryskamp in Stone vs. Warfield in 1998 in his motion to dismiss without prejudice as “Schemes to Thwart Justice”.

For these reasons and others Donald Stone appeals the FBI decision in **FOIPA Request No.: 1384606-000 Subject: FBI Corruption Allegations.**

Best Regards
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