

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

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In re)	Bankruptcy Case No. 82C-01031
)	
JON C. VASILACOPULOS, dba)	
VASILACOPULOS and ASSOCIATES,)	
)	ORDER OF CERTIFICATION OF FACTS
Debtor.)	IN RE CRIMINAL CONTEMPT

This constitutes this court's certification of facts to the United States District Court pursuant to Rule 920(a)(4) of the Rules of Bankruptcy Procedure and this court's transfer of this proceeding to the United States District Court pursuant to part (d)(1) of the district court's interim rule governing bankruptcy matters. See also 28 U.S.C. § 1480 and Section 405(a) of the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, 92 Stat. 2685.

An involuntary chapter 7 petition against Jon C. Vasilacopulos, dba Vasilacopulos and Associates, was filed on April 29, 1982. Relief was ordered on October 8. On October 15, the court granted the motions of the petitioning creditors to convert the case to a case under chapter 11 and to appoint a trustee. Main-Hurdman, a C.P.A. firm, was appointed trustee. On November 5, 1982, the court authorized the trustee to serve as its own accountant. On December 7, the court authorized the employment of William G. Fowler and the law firm of Roe and Fowler as special counsel to the trustee.

On December 23, 1983, the court held a hearing on a bench warrant issued against the debtor for his failure to appear at the meeting of creditors in this case as required by 11 U.S.C. § 341. The transcript of that hearing is certified to the district court.

On March 21, 1983, the trustee filed a verified application for certification of facts regarding debtor's conduct alleged to constitute criminal contempt. On April 8, 1983, a hearing was held on this application. At that hearing, debtor was accompanied by Ron Yengich and Bradley Rich. Mr. Yengich represented that he had not entered an appearance in the bankruptcy proceeding as debtor's counsel. After debtor had begun to testify, Mr. Yengich and Mr. Rich asked permission to be excused from the hearing. Permission was granted. Later, debtor asked the court to appoint counsel for him. See transcript of April 8, 1983 hearing, at pages 7 and 14. After examining the court's file as well as transcripts of Rule 205 examinations of debtor, the court concluded that Mr. Yengich and Mr. Rich had appeared in the bankruptcy case and that their election to leave the hearing was their own election. Id. at 18.

Based upon the verified application of the trustee and on the evidence received at the April 8 hearing, the court certifies to the district court, in addition to the transcript of the December 23 hearing, the facts in the verified application of the trustee, the application itself, and the transcript of the

April 8 hearing. Included in the facts found at the April 8 hearing are the following:

1. Debtor has attempted to collect assets of the estate without authorization of the court or trustee.
2. Debtor has been in flagrant disregard of his duties to the trustee and the court.
3. Debtor has failed to file schedules as required by law.
4. Debtor has failed to comply with orders of the court as detailed in the trustee's application.
5. Debtor has attempted to obtain money on credit without permission of the court.

IT IS SO CERTIFIED.

DATED and SIGNED this 19 day of April, 1983.

BY THE COURT:



GLEN E. CLARK
UNITED STATES BANKRUPTCY JUDGE