

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUSAN GAFFNEY, in her official	:	
capacity as Inspector	:	
General, U.S. Department of	:	
Housing and Urban Development	:	
	:	
Petitioner,	:	
	:	
v.	:	Misc. No. 98-92 (SS)
	:	
THE HAMILTON SECURITIES	:	
GROUP, INC., and HAMILTON	:	<u>Filed UNDER SEAL</u>
SECURITIES ADVISORY	:	
SERVICES, INC.,	:	
	:	
Respondents.	:	

PETITIONER'S RESPONSE TO
MOTION OF THE HAMILTON SECURITIES GROUP, INC., AND
HAMILTON SECURITIES ADVISORY SERVICES, INC.,
TO UNSEAL RECORD

Petitioner, Susan Gaffney, in her official capacity as Inspector General, United States Department of Housing and Urban Development, by her undersigned counsel, hereby submits this response to the Motion of the Hamilton Securities Group, Inc., and Hamilton Securities Advisory Services, Inc. (collectively "Hamilton"), to Unseal Record.

At the commencement of this proceeding, the Petitioner moved that the record herein be sealed upon the grounds that sealing the record would assist in the preservation of the seal on a related qui tam complaint, would help to protect the confidentiality of a pending law enforcement investigation, and would protect Hamilton from adverse publicity concerning the ongoing investigation. Given that the issues in this proceeding

have been briefed without disclosing the contents of the sealed qui tam action, other than its existence and the fact that Respondents are named defendants, thus greatly reducing risk of compromising the seal on the related qui tam complaint or impairing the related investigation, and that Hamilton has requested that the matter be unsealed, thereby waiving all future claims associated with adverse publicity, Petitioner does not object to unsealing Misc. No. 98-92 (SS), at this time.

Petitioner hereby reserves the right in the future to seek an in camera filing with respect to any particular pleading or document it provides the Court that may contain confidential investigative information or details concerning the qui tam action.

Respectfully submitted,

WILMA A. LEWIS, D.C. Bar #358637
United States Attorney

MARK E. NAGEL, D.C. Bar #416364
Assistant United States Attorney



DANIEL F. VAN HORN, D.C. Bar #924092
Assistant United States Attorney
555 4th Street, N.W.—Room 10-104
Washington, D.C. 20001
(202) 514-7168

Of Counsel:

JUDITH HETHERTON

Counsel to the Inspector General

BRYAN SADDLER

Associate Counsel to the Inspector General

U.S. Department of Housing and Urban Development

451 7th Street, S.W., Room 8260

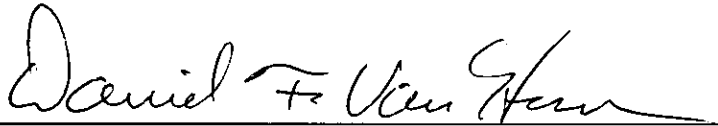
Washington, D.C. 20410-4500

(202) 708-1613

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petitioner's Response to Motion of The Hamilton Securities Group, INC., and Hamilton Securities Advisory Services, Inc., to Unseal Record, was served on September 24, 1998, by hand delivering a copy thereof to Hamilton's counsel at the following address:

MICHAEL J. McMANUS, ESQ.
Drinker, Biddle & Reath, LLP
The McPherson Building
901 15th Street, N.W., Suite 900
Washington, D.C. 20005



DANIEL F. VAN HORN, D.C. Bar #924092
Assistant United States Attorney
555 4th Street, N.W., Room 10-104
Washington, D.C. 20001
(202) 514-7168