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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN KAO,

Defendant.

CR. NO. 21-00061 LEK

NOTICE OF FILING  
DECLARATION OF INTERNET  
PUBLICATION; DECLARATION  
OF INTERNET PUBLICATION;  
EXHIBIT "A"

NOTICE OF FILING DECLARATION OF INTERNET PUBLICATION

The United States of America, by and through its undersigned attorneys,

attaches for filing the Declaration of Internet Publication as it pertains to the above-captioned defendant in the above-entitled case.

Dated: October 3, 2023, at Honolulu, Hawaii.

Respectfully submitted,

CLARE E. CONNORS  
United States Attorney  
District of Hawaii

By: /s/ Sydney Spector  
SYDNEY SPECTOR  
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN KAO,

Defendant.

CR. NO. 21-00061 LEK

DECLARATION OF INTERNET  
PUBLICATION

DECLARATION OF INTERNET PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, Notice of Forfeiture, as it pertains to the above-captioned defendant, was duly posted on an official government internet website ([www.forfeiture.gov](http://www.forfeiture.gov)). The publication ran for at least 30 consecutive days, beginning on September 2, 2023, as evidenced by the Advertisement Certification Report and the published Notice of Forfeiture Action, copies of which are collectively attached hereto as Exhibit “A.”

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I am authorized to make this declaration and do so based on my personal knowledge and information obtained through official government sources.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 3, 2023 at Honolulu, Hawaii.

/s/ Jane Pascual

JANE PASCUAL

FSA Asset Forfeiture Paralegal

# EXHIBIT A



## Advertisement Certification Report

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between September 2, 2023 and October 01, 2023. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Martin Kao

**Court Case No:** 21-00061 LEK  
**For Asset ID(s):** See Attached Advertisement Copy

| Consecutive Calendar Day Count | Date Advertisement Appeared on the Web Site | Total Hours Web Site was Available during Calendar Day | Verification that Advertisement existed on Web Site |
|--------------------------------|---------------------------------------------|--------------------------------------------------------|-----------------------------------------------------|
| 1                              | 09/02/2023                                  | 24.0                                                   | Verified                                            |
| 2                              | 09/03/2023                                  | 24.0                                                   | Verified                                            |
| 3                              | 09/04/2023                                  | 24.0                                                   | Verified                                            |
| 4                              | 09/05/2023                                  | 23.9                                                   | Verified                                            |
| 5                              | 09/06/2023                                  | 23.9                                                   | Verified                                            |
| 6                              | 09/07/2023                                  | 23.9                                                   | Verified                                            |
| 7                              | 09/08/2023                                  | 23.9                                                   | Verified                                            |
| 8                              | 09/09/2023                                  | 23.9                                                   | Verified                                            |
| 9                              | 09/10/2023                                  | 23.9                                                   | Verified                                            |
| 10                             | 09/11/2023                                  | 23.9                                                   | Verified                                            |
| 11                             | 09/12/2023                                  | 23.9                                                   | Verified                                            |
| 12                             | 09/13/2023                                  | 23.9                                                   | Verified                                            |
| 13                             | 09/14/2023                                  | 23.9                                                   | Verified                                            |
| 14                             | 09/15/2023                                  | 24.0                                                   | Verified                                            |
| 15                             | 09/16/2023                                  | 23.9                                                   | Verified                                            |
| 16                             | 09/17/2023                                  | 24.0                                                   | Verified                                            |
| 17                             | 09/18/2023                                  | 23.9                                                   | Verified                                            |
| 18                             | 09/19/2023                                  | 23.9                                                   | Verified                                            |
| 19                             | 09/20/2023                                  | 23.9                                                   | Verified                                            |
| 20                             | 09/21/2023                                  | 24.0                                                   | Verified                                            |
| 21                             | 09/22/2023                                  | 24.0                                                   | Verified                                            |
| 22                             | 09/23/2023                                  | 24.0                                                   | Verified                                            |
| 23                             | 09/24/2023                                  | 23.9                                                   | Verified                                            |
| 24                             | 09/25/2023                                  | 23.9                                                   | Verified                                            |
| 25                             | 09/26/2023                                  | 23.9                                                   | Verified                                            |
| 26                             | 09/27/2023                                  | 23.9                                                   | Verified                                            |
| 27                             | 09/28/2023                                  | 23.9                                                   | Verified                                            |
| 28                             | 09/29/2023                                  | 23.9                                                   | Verified                                            |
| 29                             | 09/30/2023                                  | 23.9                                                   | Verified                                            |
| 30                             | 10/01/2023                                  | 24.0                                                   | Verified                                            |

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII, FORFEITURE DIVISION  
COURT CASE NUMBER: 21-00061 LEK; NOTICE OF FORFEITURE**

Notice is hereby given that on August 31, 2023, in the case of U.S. v. Martin Kao, Court Case Number 21-00061 LEK, the United States District Court for the District of Hawaii entered an Order condemning and forfeiting the following property to the United States of America:

\$693,986.72 seized from defendant's business operating account: CPB  
#xxxxxx9145 in Honolulu, HI on or about September 30, 2020(20-IRS-000609)

\$8,000,000.00 seized from defendant's business investment account: Merrill Lynch  
#xxx-x3506 on or about September 30, 2020 in Honolulu, HI (20-IRS-000610)

\$2,000,000.00 seized from defendant's personal investment account: Merrill Lynch  
#xxx-x2641 on or about September 30, 2020 in Honolulu, HI (20-IRS-000611)

\$20,200.00 seized from defendant's personal checking account with First Hawaiian Bank: Acct#xx-xx1787 on or about September 30, 2020 in Honolulu, HI  
(20-IRS-000612)

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (September 02, 2023) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, 300 Ala Moana Boulevard, Room C-338, Honolulu, HI 96850, and a copy served upon Assistant United States Attorney Sydney Spector, PJKK Federal Building, 300 Ala Moana Boulevard, Room 6-100, Honolulu, HI 96850. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts

you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Sydney Spector, PJKK Federal Building, 300 Ala Moana Boulevard, Room 6-100, Honolulu, HI 96850. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.