

David W. Newman, ISBN 8251  
Mary P. Kimmel, ISBN 3786  
United States Department of Justice  
Office of the United States Trustee  
720 Park Blvd, Ste 220  
Boise, Idaho 83712  
(208) 334-1300  
(208) 334-9756 [Facsimile]  
ustp.region18.bs.ecf@usdoj.gov

Attorneys for Plaintiff United States Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF IDAHO**

In re:	)	Case No. 11-40571-JDP
	)	Chapter 7
KEITH F. RASMUSSEN and	)	
RENEE J. RASMUSSEN,	)	
	)	
Debtors.	)	
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UNITED STATES TRUSTEE,	)	Adv. No.
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
KEITH F. RASMUSSEN,	)	
	)	
Defendant.	)	
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COMPLAINT TO DENY DISCHARGE UNDER 11 U.S.C. § 727(a)(7) AND (a)(2)

Plaintiff, Robert D. Miller Jr., United States Trustee, for his complaint objecting to the discharge of Defendant Keith F. Rasmussen, states and alleges as follows:

1. This Court has jurisdiction over this adversary proceeding under 28 U.S.C.

§ 1334(a) and 28 U.S.C. § 157. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (J) and (O). Venue is proper in this Court. 28 U.S.C. § 1409(a).

2. On December 17, 2010, Defendant Keith Rasmussen, as manager/member of Gables Management, LLC, (“Gables”) filed a voluntary Chapter 11 petition (case no. 10-42241-JDP). Defendant Keith Rasmussen signed the bankruptcy petition verifying the truthfulness of the information contained therein, under penalty of perjury, as evidenced by his signature dated December 17, 2010. Defendant exercised the powers and duties of the debtor in possession and managed Gables until a Chapter 11 Trustee was appointed by Court Order on August 23, 2011 (docket no. 184).

3. On February 4, 2011, Defendant Keith Rasmussen, as owner/manager of Gables, testified at the section 341 meeting of creditors for Gables, that among other things: he had read the United States Trustee’s Chapter 11 Guidelines and Reporting Requirements for Chapter 11 Debtors; that he understood he owed a fiduciary duty to the creditors; and that he understood the limitations on engaging in transactions outside the ordinary course of business.

4. On April 18, 2011, Defendant Keith Rasmussen and his wife, Renee J. Rasmussen, filed a joint voluntary Chapter 11 petition in the United States Bankruptcy Court for the District of Idaho, case number 11-40571-JDP. Defendant signed the bankruptcy petition verifying the truthfulness of the information contained therein, under penalty of perjury, as evidenced by his signature dated April 18, 2011.

5. Defendant Keith Rasmussen and Renee Rasmussen were debtors-in possession of their Chapter 11 bankruptcy until they voluntarily converted it to a Chapter 7, on July 21, 2011. R. Sam Hopkins was the duly appointed Chapter 7 trustee in this bankruptcy case and remains so to

date.

6. On May 26, 2011, Defendant Keith Rasmussen testified at his personal Chapter 11, section 341 meeting of creditors, that among other things: he had read the United States Trustee's Chapter 11 Guidelines and Reporting Requirements for Chapter 11 Debtors; that he understood he owed fiduciary duties to his creditors; and that he understood the limitations on engaging in transactions outside the ordinary course of business.

7. Gables' late filed April Monthly Operating Report ("MOR") (docket no. 147), signed by Defendant Keith Rasmussen and filed on July 15, 2011, shows on page 3, next to the column for officers' salaries the notation "\$2,839.84 was purchases on the business debit card." Additionally, on page 43, under Payments to Principals, next to Defendant's name, is the amount of \$2,840, with the description "Personal money spent on business card."

8. Gables' late filed May MOR (docket no. 148), signed by Defendant Keith Rasmussen and filed on July 15, 2011, shows on page 85, under Payments to Principals, next to Defendant's name, the amount of \$14,228, with the description "Personal money spent outside of the business."

9. Gables' June MOR (docket no. 162) signed by Defendant Keith Rasmussen and filed on July 25, 2011, shows on page 3, next to a column for post-petition loans, \$5,268 with the notation "was business money used for Keith personal," with the total post-petition amount listed as \$22,336. Additionally, on page 72, under Payments to Principals, next to Defendant's name, is the amount of \$5,268, with the description "Personal money spent outside of the business."

10. On July 15, 2011, Gables filed a Motion for Approval of Post Petition Loan *Nunc Pro Tunc* (docket no. 142) and Defendant Keith Rasmussen's Affidavit (docket no. 144).

Attached to Defendant's affidavit as Exhibit A, was a list showing the dates, locations and the amounts of money, Defendant Keith Rasmussen diverted from Gables' bankruptcy estate for his personal use. The total amount Defendant Keith Rasmussen took from Gables bankruptcy estate was listed as \$22,336.81, from April 18, 2011 to June 14, 2011.

11. Defendant Keith Rasmussen and Renee Rasmussen never filed MORs in their personal Chapter 11 bankruptcy for April, May, June and July 2011.

12. Defendant Keith Rasmussen and Renee Rasmussen filed their motion to convert their Chapter 11 to a Chapter 7, on July 15, 2011.

13. On September 21, 2011, Defendant testified at the section 341 meeting for his personal Chapter 7 bankruptcy proceeding that he had questions in his mind about taking the money from Gables, and that he did not initially tell his attorney or ask for the Court for permission to borrow money from Gables, in order to avoid the "red tape" and because he believed "if the goal is good and the end is good, why, why, hold it all up in 20 months of court for \$19,000."

14. Defendant Keith Rasmussen is an insider of Gables Management, LLC.

CAUSE OF ACTION  
11 U.S.C. § 727(a)(2)(B) and (a)(7)

15. The United States Trustee incorporates by reference paragraphs 1-14 as if alleged in full herein.

16. The United States Trustee is informed and believes and, based thereon, alleges that during the course of Gables' bankruptcy case Defendant Keith Rasmussen, as an insider of Gables, with the intent to hinder, delay or defraud a creditor, transferred or removed or permitted

to be transferred or removed, money from Gables to himself personally as alleged above, which at all relevant times was property of the Gables' bankruptcy estate, as alleged below.

17. The United States Trustee is informed and believes, and based thereon, alleges that in or around April, May and June 2011, Defendant Keith Rasmussen, as an insider of Gables, transferred or removed around \$22,000 from Gables' estate to himself so he could use the money for personal benefit.

18. Defendant Keith Rasmussen's discharge should be denied pursuant to 11 U.S.C. § 727(a)(2)(B) and (a)(7).

PRAYER FOR RELIEF

Wherefore, the United States Trustee respectfully prays for judgment denying Defendant Keith Rasmussen's discharge and for such other relief as the Court deems proper.

Dated: November 17, 2011

ROBERT D. MILLER JR  
United States Trustee

/s/ Mary P. Kimmel  
MARY P. KIMMEL  
Attorney for Plaintiff United States Trustee  
[Non CM/ECF] [mary.p.kimmel@usdoj.gov](mailto:mary.p.kimmel@usdoj.gov)