U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JAN 22 2013
CLERK, U.S. DISTRICT COURT
By Jimmy Shipley
Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: FORFEITURE OF	§	
COLLATERAL SCHEDULE FOR	§	MISCELLANEOUS ORDER NO. 7
GSA PROPERTY	§	

ORDER

IT IS HEREBY ORDERED, that the government's Motion to Adopt Collateral Schedule is approved and effective in the United States District Court for the Northern District of Texas.

SIGNED this 18th day of January, 2013.

SIDNEY A. FITZWATER
CHIEF UNITED STATES DISTRICT JUDGE

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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2013 JAN 17 PM 1:39
DEPUTY CLERK

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MOTION TO ADOPT COLLATERAL SCHEDULE

The United States Attorney for the Northern District, by and through the undersigned Assistant United States Attorney, moves this Honorable Court to adopt the Forfeiture of Collateral Schedule as shown in the attached schedule.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CODE OF FEDERAL REGULATIONS
Title 41 – Public Contracts and Property Management
Subtitle C – Federal Property Management Regulations System
Chapter 102 – Federal Management Regulation
Subchapter C – Real Property
Part 102-74 – Facility Management

Appendix to Part 102-74 – Rules and Regulations Governing Conduct on Federal Property

Federal Management Regulations

Title 41, Code of Federal Regulations, Part 102-74, Subpart C

APPLICABILITY
41 CFR 102–74.365
The rules in this subpart apply to all property under the authority of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations. Federal agencies must post the notice in the Appendix to part 102-74 at each public entrance to each Federal facility.

INSPECTION
41 CFR 102–74.370
Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on, working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

ADMISSION TO PROPERTY
41 CFR 102–74.375
Federal agencies must:

Fine Amount
$50.00

(a) Close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by subpart D of this part, Federal agencies must not close the property (or affected portions thereof) to the public.

(b) Close property to the public during working hours only when situations require this action to ensure the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in § 102–71.20 of this chapter as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials.

(c) Ensure, when property or a portion thereof is closed to the public, that admission to the property, or the affected portion, is restricted to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property.

Failure to comply with any of the applicable provisions is a violation of these regulations.

PRESERVATION OF PROPERTY
41 CFR 102–74.380

All persons entering in or on Federal property are prohibited from:

(a) Improperly disposing of rubbish on property;

(b) Willfully destroying or damaging property;

(c) Stealing property;

(d) Creating any hazard on property to persons or things;

(e) Throwing articles of any kind from or at a building or the climbing upon statues, fountains or any part of the building.

Mandatory Court Appearance (MCA) is required and Fine not to exceed $500.00* (*actual fine to be based on severity of offense)

CONFORMITY WITH SIGNS AND DIRECTIONS
41 CFR 102–74.385

Persons in and on property must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

$75.00

DISTURBANCES
41 CFR 102–74.390
All persons entering in or on Federal property are prohibited from loitering, exhibiting disorderly conduct or exhibiting other conduct on property which:

(a) Creates loud or unusual noise or a nuisance;	**$50.00**
(b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;	**$50.00**
(c) Otherwise impedes or disrupts the performance of official duties by Government employees; or	**$250.00**
(d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.	**$100.00**

GAMBLING
41 CFR 102–74.395
Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*), all persons entering in or on Federal property are prohibited from:

(a) Participating in games for money or other personal property;	**$50.00**
(b) Operating gambling devices;	**$500.00**
(c) Conducting a lottery or pool; or	**$50.00**
(d) Selling or purchasing of numbers tickets.	**$50.00**

NARCOTICS AND OTHER DRUGS **41 CFR 102–74.400** Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from:	
(a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or	**MCA is required <u>and</u> Fine not to exceed $500.00* (actual fine to be based on severity of offense)**
(b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.	**MCA is required <u>and</u> Fine not to exceed $750.00* (actual fine to be based on severity of offense)**
ALCOHOLIC BEVERAGES **41 CFR 102–74.405** Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.	**$350.00**

SOLICITING, VENDING AND DEBT COLLECTION
41 CFR 102–74.410 **$50.00**

All persons entering in or on Federal property are prohibited from soliciting commercial or political donations; vending merchandise of all kinds; displaying or distributing commercial advertising, or collecting private debts, except for:

(a) National or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950, entitled "Solicitation of Federal Civilian And Uniformed Service Personnel For Contributions To Private Voluntary Organizations," and sponsored or approved by the occupant agencies;

(b) Concessions or personal notices posted posted by employees on authorized bulletin boards;

(c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Public Law 95–454); and

(d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a)(16)). Public areas of GSA-controlled property may be used for other activities in accordance with subpart D of this part.

POSTING AND DISTRIBUTING MATERIALS
41 CFR 102–74.415
All persons entering in or on Federal property are prohibited from:

(a) Distributing free samples of tobacco products in or around Federal buildings, under Public Law 104–52, Section 636.	**$50.00**
(b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in § 102–74.410, or when these displays are conducted as part of authorized Government activities.	**$50.00**
(c) Distributing materials, such as pamphlets, handbills, or flyers, unless conducted as part of authorized Government activities. This prohibition does not apply to public areas of the property as defined in § 102–71.20 of this chapter. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager as specified in subpart D of this part. Any such person or organization must distribute materials only in accordance with the provisions of subpart D of this part. Failure to comply with those provisions is a violation of these regulations.	**$50.00**

PHOTOGRAPHS FOR NEWS, ADVERTISING, OR COMMERCIAL PURPOSES
41 CFR 102–74.420 **$50.00**

Except where security regulations apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of:

(a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;

(b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and

(c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.

DOGS AND OTHER ANIMALS
41 CFR 102–74.425 **$50.00**

Except seeing eye dogs, other guide dogs and animals used to guide or assist handicapped persons, persons may not bring dogs or other animals on Federal property for other than official purposes.

VEHICULAR AND PEDESTRIAN TRAFFIC
41 CFR 102–74.430

All vehicle drivers entering or while on Federal property:

(a) Must drive in a careful and safe manner at all times; **$75.00**

(b) Must comply with the signals and directions of Federal police officers or **$75.00**

other authorized individuals;	
(c) Must comply with all posted traffic signs;	**$75.00**
(d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as these regulations;	**$75.00**
(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and	**$75.00**
(f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of these regulations or directives as prima facie evidence that the registered owner was responsible for the violation.	**$30.00* (*except $200.00 for parking in handicapped spaces)**
EXPLOSIVES **41 CFR 102–74.435** No person entering or while on Federal property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.	**MCA is required <u>and</u> Fine cannot exceed $5,000.00**

WEAPONS
41 CFR 102–74.440 **MCA**
Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

NONDISCRIMINATION
41 CFR 102–74.445 **$100.00**
Federal agencies must not discriminate by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

PENALTIES
41 CFR 102–74.450
A person found guilty of violating any rule or regulation in this subpart while on any property under the charge and control of the U.S. General Services Administration shall be fined under title 18 of the United States Code, imprisoned for not more than 30 days, or both.

IMPACT ON OTHER LAWS OR REGULATIONS
41 CFR 102–74.455
No rule or regulation in this subpart may be construed to nullify any other Federal laws

or regulations or any State and local laws
and regulations applicable to any area in
which the property is situated (section 205(c),
63 Stat. 390; 40 U.S.C. 486(c)).

AUTHORITY TO PRESCRIBE REGULATIONS AND REASONABLE PENALTIES

40 U.S.C. § 1315(c)(1) and (c)(2) provides as follows:

"(c) Regulations.--

(1) In general.--The Secretary, in consultation with the Administrator of General Services, may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

(2) Penalties.--A person violating a regulation prescribed under this subsection shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both."