

# UNITED STATES DISTRICT COURT

## Western District of North Carolina

UNITED STATES OF AMERICA

V.

DENNIS SWERDLEN

) **JUDGMENT IN A CRIMINAL CASE**

) (For Offenses Committed On or After November 1, 1987)

)

)

) Case Number: DNCW316CR000221-009

) DNCW318CR00055-001

) USM Number: 15950-104

)

) Richard Lubin

) Defendant's Attorney

**THE DEFENDANT:**

- ☒ Pled guilty to count(s) 1,24 (3:16cr221); 1 (3:18cr55).
- ☐ Pled nolo contendere to count(s) which was accepted by the court.
- ☐ Was found guilty on count(s) after a plea of not guilty.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

Title and Section	Nature of Offense	Date Offense Concluded	Counts
18:1349, 18:1343 and 18:2326(2)(A)	Conspiracy to Commit Mail and Wire Fraud	8/18/2016	(3:16cr221) 1
18:1343, 18:2326(2)(A) and 18:2	Wire Fraud and Aiding and Abetting the Same	5/31/2016	24
18:1349, 18:1341 and 18:1343	Conspiracy to Commit Mail and Wire Fraud	9/2017	(3:18cr55) 1


The Defendant is sentenced as provided in pages 2 through 15 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s).
- ☒ Count(s) 2-23, 25-29; 1s-29s (3:16cr221); 4,9 (3:18cr55) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 7/8/2019

Signed: July 18, 2019



Max O. Cogburn Jr.  
United States District Judge

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## PROBATION

The defendant shall be on probation for a term of THREE (3) YEARS on each of Counts 1 and 24 in case 3:16cr221 and Count 1 in case 3:18cr55, all to be served concurrently.

☐ The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

## STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
3. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release on a schedule to be established by the Court.
4. The defendant shall provide access to any personal or business financial information as requested by the probation officer.
5. The defendant shall not acquire any new lines of credit unless authorized to do so in advance by the probation officer.
6. The defendant shall not leave the Western District of North Carolina without the permission of the Court or probation officer.
7. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
8. A defendant on supervised release shall report in person to the probation officer in the district to which he or she is released within 72 hours of release from custody of the Bureau of Prisons.
9. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
10. The defendant shall support his or her dependents and meet other family responsibilities.
11. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer.
12. The defendant shall notify the probation officer within 72 hours of any change in residence or employment.
13. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician.
14. The defendant shall participate in a program of testing and treatment or both for substance abuse if directed to do so by the probation officer, until such time as the defendant is released from the program by the probation officer; provided, however, that defendant shall submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance, subject to the provisions of 18:3563(a)(5) or 18:3583(d), respectively; The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of supervision.
15. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
16. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
17. The defendant shall submit his person, residence, office, vehicle and/or any computer system including computer data storage media, or any electronic device capable of storing, retrieving, and/or accessing data to which they have access or control, to a search, from time to time, conducted by any U.S. Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn other residents or occupants that such premises or vehicle may be subject to searches pursuant to this condition.
18. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed by the probation officer.
19. The defendant shall notify the probation officer within 72 hours of defendant's being arrested or questioned by a law enforcement officer.
20. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
21. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
22. If the instant offense was committed on or after 4/24/96, the defendant shall notify the probation officer of any material changes in defendant's economic circumstances which may affect the defendant's ability to pay any monetary penalty.
23. If home confinement (home detention, home incarceration or curfew) is included you may be required to pay all or part of the cost of the electronic monitoring or other location verification system program based upon your ability to pay as determined by the probation officer.
24. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
25. The defendant shall participate in transitional support services under the guidance and supervision of the U.S. Probation Officer. The defendant shall remain in the services until satisfactorily discharged by the service provider and/or with the approval of the U.S. Probation Officer.

## ADDITIONAL CONDITIONS:

26. The defendant shall be placed on home detention with location monitoring technology for a period of TWENTY-ONE (21) MONTHS, to commence immediately. During this time, the defendant is restricted to the defendant's place of residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the probation officer. The defendant shall maintain a telephone at the defendant's place of residence without any "call forwarding," "Caller ID services," "call waiting," dial-up computer modems, 1-800 long distance call block, fax machine, voice over internet protocol (VOIP), burglar alarm or three-way calling service.

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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$300.00	\$0.00	\$1,949,034.17

☐ The determination of restitution is deferred until. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

**FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

**COURT APPOINTED COUNSEL FEES**

☐ The defendant shall pay court appointed counsel fees.

☐ The defendant shall pay \$0.00 towards court appointed fees.

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**RESTITUTION PAYEES**

The defendant shall make restitution to the following payees in the amounts listed below:

**NAME OF PAYEE AMOUNT OF RESTITUTION ORDERED**

<b><u>NAME OF PAYEE</u></b>	<b><u>AMOUNT OF RESTITUTION ORDERED</u></b>
See Attachments A and B	See Attachments A and B

☒ Joint and Several

☐ Defendant and Co-Defendant Names and Case Numbers *(including defendant number)* if appropriate:

## Attachment A:

Robert Leslie Stencil	3:16cr221-1
Daniel Thomas Broyles, Sr.	3:16cr221-2
Kristian F. Sierp	3:16cr221-3
Martin Delaine Lewis	3:16cr221-5
Michael Allen Duke	3:16cr221-7
Paula Saccomanno	3:16cr221-8
Nicholas Fleming	3:16cr221-6

## Attachment B:

Defendants in Southern District of Florida case 1:17cr20676  
Rockey Hatfield a/k/a  
Steve Lovern  
Steve Bailen  
Wayne Scott Simpson  
Donald Braxton  
William Paul Hamilton  
Paula Saccomanno

☒ Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

☒ The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victim(s) receive full restitution.

☒ Any payment not in full shall be divided proportionately among victims.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$0.00 due immediately, balance due  
☐ Not later than \_\_\_\_\_  
☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☒ (C), ☐ (D) below); or
- C ☒ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$25.00 to commence 60 (E.g. 30 or 60) days after the date of this judgment; or
- D ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$ 50.00 to commence 60 (E.g. 30 or 60) days after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States  
Any properties identified by the United States.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness

**Attachment A**

ANN L THOMAS  
Amount: \$5,000.00

APOLLO SEIKO LTD  
Amount: \$17,000.00

AUSTEN'S CONSTRUCTION AND REMODELING LLC  
Amount: \$7,500.00

BARBARA PIEDMONT  
Amount: \$28,750.00

BOB BERRY  
Amount: \$35,000.00

CAROLE D ALLEY  
Amount: \$5,000.00

CHARLES E BLACK  
Amount: \$2,500.00

CHARLES MORSE  
Amount: \$10,000.00

CHARLES T GILMER SR  
Amount: \$5,000.00

CLEVE HUTCHINS  
Amount: \$2,000.00

CLIFFORD F BLOOM  
Amount: \$2,500.00

CORBETT MILLER  
Amount: \$2,500.00

CRAIG A WALLACE  
Amount: \$10,000.00

DANIEL STEIN  
Amount: \$25,000.00

DAVID B FLORES  
Amount: \$3,750.00

DAVID DAMERJIAN  
Amount: \$16,500.00

DAVID GROOTHUIS  
Amount: \$25,000.00

DCM ROLLOVER TWO LLC  
Amount: \$30,000.00 DEADRA WILLAIMS  
Amount: \$12,000.00

DEER CREEK LAND & CATTLE COMPANY, LLC  
Amount: \$4,000.00

DEVEREN ADDISON

Amount: \$3,500.00

DUANE WOEBBEKING

Amount: \$5,000.00

DYKE THORNBURG

Amount: \$3,000.00

EARL F. SMITH

Amount: \$2,500.00

ED HORTON

Amount: \$4,000.00

EDDIE DUNAGAN

Amount: \$2,500.00

EDWARD L FRONAPFEL

Amount: \$145,000.00

ELLEN GREEN

Amount: \$50,000.00

LAWRENCE FITZGERALD

Amount: \$37,500.00

FLOYD L WISEMAN

Amount: \$20,000.00

GARY C HOSKINS

Amount: \$2,500.00

GARY L HAUSCHILDT

Amount: \$13,750.00

GEORGE D MACKENZIE

Amount: \$28,750.00

GEORGE E. WILSON

Amount: \$5,000.00

HARLAN P KEMPF

Amount: \$5,500.00

HAROLD A LAPHAM

Amount: \$50,000.00

HARRIE M CURTIS

Amount: \$2,500.00 HOWARD ANDERSON

Amount: \$6,250.00

JAMES A RHODE

Amount: \$10,000.00

JAMES C HEALEY

Amount: \$25,000.00

JAMES F HUDSON



Amount: \$5,000.00

JAMES R GAWEL  
Amount: \$3,000.00

JAMES R. WRIGHT  
Amount: \$3,750.00

JAMSHID S MONAFARED  
Amount: \$12,500.00

JERALD SMITH  
Amount: \$10,000.00

JOHN A FLOWERS  
Amount: \$7,500.00

JOSEPH WASSERSTROM REV TRUST  
Amount: \$15,000.00

JULES M MOFFETT  
Amount: \$50,000.00

KAREN SMITH  
Amount: \$10,000.00

KENNETH SCHIFFER  
Amount: \$5,000.00

LEE TATE  
Amount: \$1,000.00

LEO D DERUNGS  
Amount: \$5,000.00

MARTIN S HAGENSON  
Amount: \$2,500.00

MATHEW COOK  
Amount: \$10,000.00

MICHAEL NOONAN  
Amount: \$10,000.00

MIDWEST RECREATION PARTNERS LLC  
Amount: \$10,000.00

PAUL DELANCEY  
Amount: \$25,000.00

PAUL LINTHORST  
Amount: \$12,500.00

PAUL MONTANARELLA  
Amount: \$50,000.00

PREMIUM ENERGY ASSETS LLC  
Amount: \$5,000.00

REX J HESS

Amount: \$5,000.00

ROBERT H ASTONE

Amount: \$5,000.00

ROBERT M KUHNERT

Amount: \$65,000.00

ROBERT OTT

Amount: \$37,500.00

RODNEY DURHAM

Amount: \$10,000.00

ROSALYN A. RICH

Amount: \$5,000.00

STRANG HEATING AND AIR CONDITIONING INC.

Amount: \$37,500.00

TERRANCE P BUHR

Amount: \$10,000.00

TERRY SAYERS

Amount: \$7,500.00

THE DUARTE TRUST

Amount: \$37,500.00

THE ENTRUST GROUP

Amount: \$36,750.00

THOMAS R CRAY

Amount: \$5,000.00

THOMAS S OLSEN III

Amount: \$36,250.00

TIM L GAEBE

Amount: \$2,750.00

TOM REINHART

Amount: \$5,000.00

TOMASZ WASNIEWSKI

Amount: \$10,000.00

TREVOR D TAYLOR

Amount: \$6,250.00

VERNON MCALLISTER

Amount: \$40,000.00

W&J PALMER LIMITED PARTNERSHIP

Amount: \$15,000.00

WAYNE R HIERSEMAN

Amount: \$30,000.00

WELDON HOLLEY

Amount: \$2,500.00

WILLIAM HASHIMOTO

Amount: \$2,250.00

WILLIAM J GRAFF

Amount: \$60,000.00

WILLIAM J NEELY

Amount: \$50,000.00

WILLIAM UHLENKOTT

Amount: \$2,500.00

Total Restitution: \$1,448,250.00

\*Pursuant to the Plea Agreement, the parties agree that the defendant should pay restitution in the amount of \$1,492,164.17.

**Attachment B**

ALEXANDER SHARONE  
Amount: \$60,000.00

ALEXANDROS GIANAKAKOS  
Amount: \$250,000.00

ALLEN AND ERIC L KINWORTHY  
Amount: \$237,500.00

ARTHUR G MITTON III  
Amount: \$0.00

BARTHOLEMEW KILKENNY  
Amount: \$12,000.00

BESTTECH BRANDS  
Amount: \$0.00

CARROLL BOLICK  
Amount: \$90,000.00

DANIEL G BROOKS  
Amount: \$0.00

DANIEL O RITT  
Amount: \$100,000.00

DARRELL A HEINECKE  
Amount: \$42,167.40

DON ALTHEN  
Amount: \$0.00

DON G AND BECKY BERGERT  
Amount: \$150,000.00

DORIS I BENSON  
Amount: \$0.00

E.H. LEWIS MD Amount: \$0.00

EDWARD ZINIEL  
Amount: \$30,000.00

EUGENE WINSTON  
Amount: \$0.00

FLOYD L AND JANE C WISEMAN  
Amount: \$0.00

FRANK L WELLS  
Amount: \$0.00

GARY R WILSON

Amount: \$0.00

H&B INDUSTRIES INC LUBRICANTS - CHEMICALS - FILTER

Amount: \$2,500.00

HARA MISRA

Amount: \$20,000.00

HARRIET AND MATTHEW RENSEN

Amount: \$0.00

JAMES AND TRICIA LUKE

Amount: \$35,000.00

JAMES N BRISTOW

Amount: \$0.00

JAMES S SINGLETON III

Amount: \$50,000.00

JAMES WILLIAM NYE

Amount: \$30,000.00

JESSICA JOHNSON HARKINS

Amount: \$0.00

JIM COPLEY

Amount: \$0.00

JOEL D MLYNARSKI

Amount: \$0.00

JOHN A FLOWERS

Amount: \$30,000.00

JOHN LYONS

Amount: \$0.00

JT AND TL LUKE

Amount: \$0.00

LARRY L TAYLOR

Amount: \$10,000.00

LEE C LUNDBERG

Amount: \$0.00

LEE TATE

Amount: \$0.00

LENORA B AND EDWARD D ZINIEL

Amount: \$0.00

LEONARD A NEWMAN

Amount: \$0.00

LESTER GANN

Amount: \$5,000.00

LINDA M AND SANTUCCIO MD RICCIARDI  
Amount: \$0.00

MARSHALL RICHARDSON  
Amount: \$0.00

MATTHEW AND HARRIET RENSEN  
Amount: \$45,000.00

MR JAMES NYE  
Amount: \$0.00

MURRAY AND DEBORAH ROTBERT  
Amount: \$25,000.00

NEAL L ROGERS  
Amount: \$15,000.00

NOLAN B AND JULIE L PATTERSON  
Amount: \$30,000.00

OBERT AABERG  
Amount: \$60,600.00

PAMELA SPIVEY  
Amount: \$30,000.00

PHILLIP OVADIA  
Amount: \$0.00

REV. LEONARD T MARTZ  
Amount: \$0.00

REX E AND JONADYNE A CARPENTER  
Amount: \$0.00

RICHARD P MAVES  
Amount: \$0.00

RICHARD W BRUGGEMANN  
Amount: \$0.00

ROBERT AND HELEN KUHNERT FAMILY TRUST  
Amount: \$0.00

ROBERT AND SHARON OTT  
Amount: \$0.00

ROBERT L AND SANDRA L MANTZ  
Amount: \$0.00

ROBERT L BUSH  
Amount: \$0.00

ROBERT M KUHNERT  
Amount: \$0.00

RODGER L MAECHTLEN  
Amount: \$0.00

ROGER H KLEIN SR BUSINESS ACCT  
Amount: \$0.00

ROGER H OR JOANNE M KLEIN  
Amount: \$90,000.00

SIEGFRIED SCHULZ LIVING TRUST/ SIEGFIED SCHULZ TTE  
Amount: \$0.00

SYED M REHMAN  
Amount: \$80,000.00

THOMAS A AND ALICE S PRICE  
Amount: \$0.00

THOMAS PRICE  
Amount: \$0.00

TOM REINHEART  
Amount: \$30,000.00

VERNON L MCALLISTER  
Amount: \$0.00

WAYNE A AND DOTTIE M ROSS  
Amount: \$10,000.00

WAYNE FRIBERG  
Amount: \$20,000.00

WILLIAM COBURN MD  
Amount: \$5,000.00

WILLIAM POPYUK  
Amount: \$5,000.00

Total Restitution: \$1,599,767.40

\*Pursuant to the Plea Agreement, the parties agree that the defendant should pay restitution in the amount of \$456,870.00.