

UNITED STATES DISTRICT COURT

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

RICHARD CLARK
a/k/a "Rick Clark"

Case Number: 09-CR-013-002-JHP
USM Number: 10560-062

Anthony Lee Allen and Scott Alan Graham
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
[x] was found guilty on counts One through Three, Six through Fifteen, and Eighteen of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 U.S.C. § 371, 18 U.S.C. § 1343 & 2(a), 15 U.S.C. §§ 78j(b), 78ff & 17 C.F.R. § 240.10b-5; 18 U.S.C. § 2(a), 18 U.S.C. §§ 1957(a) & 2(a).

The defendant is sentenced as provided in pages 2 through 12 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts Four, Five, Seventeen, Nineteen, Twenty, and Twenty-one of the Indictment.
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must 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 restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

October 29, 2010
Date of Imposition of Judgment

Signature of James H. Payne
James H. Payne
United States District Judge
Northern District of Oklahoma

November 8, 2010
Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 151 months. This sentence consists of 151 months as to each of Counts Two, Three and Six through Fifteen, 120 months as to Count Eighteen, and 60 months as to Counts One, all counts to run concurrently, each with the other, for a total sentence of 151 months.

The court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons designate FCI Seagoville, Seagoville, Texas, as the place of confinement.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 12 noon on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Richard Clark
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : Three years. This sentence consists of three years as to each of Counts Six through Fifteen and Eighteen, said counts to run concurrently, each with the other. Should the terms of supervised release be revoked, an additional term of imprisonment of up to two years could be imposed as to each count at each revocation.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests within 120 days for use of a controlled substance.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse, but authority to administer drug testing for cause is retained. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prison, or any state sex offender registration agency in which he or she resides, works, or is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer.
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
4. The defendant shall support the defendant's dependents and meet other family responsibilities (including, but not limited to, complying with the terms of any court order or administrative process pursuant to the law of a state, the District of Columbia, or any other possession or territory of the United States requiring payments by the defendant for the support and maintenance of any child or of a child and the parent with whom the child is living).
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
6. The defendant shall notify the probation officer at least ten days prior to any change of residence or employment.
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered, or other places specified by the court.
9. 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.
10. The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
12. 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.
13. 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 (any objection to such notification shall be decided by the district court).
14. The defendant shall pay the special assessment imposed or adhere to a court-ordered installment schedule for the payment of the special assessment.
15. The defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay any unpaid amount of restitution, fines, or special assessments.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall abide by the “Special Financial Conditions” previously adopted by the Court, as follows:
 1. The defendant shall maintain a checking account in the defendant’s name and deposit into this account all income, monetary gains or other pecuniary proceeds, and make use of this account for payment of all personal expenses. All other bank accounts must be disclosed to the probation officer.
 2. The defendant shall not make application for any loan or enter into any credit arrangement, without first consulting with the probation officer.
 3. The defendant shall disclose all assets and liabilities to the probation officer. The defendant shall not transfer, sell, give-away, or otherwise convey any asset, without first consulting with the probation officer.
 4. If the defendant owns or maintains interest in any profit or nonprofit entity, you shall, upon request, surrender and/or make available for review, any and all documents and records of said profit or nonprofit entity to the probation officer.
 5. The defendant shall, upon request of the probation officer, complete a personal financial affidavit and authorize release of any and all financial information, to include income and tax return records, by execution of a Release of Financial Information form, or by any other appropriate means.
2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. The defendant shall not accept any employment offer or engage in any form of self-employment without the prior approval of the probation officer.
4. The defendant shall successfully participate in a program of testing and treatment, to include inpatient treatment, for drug and alcohol abuse, at a treatment facility and on a schedule determined by the probation officer. The defendant shall abide by the policies and procedures of the testing and treatment program to include directions that the defendant undergo urinalysis or other types of drug testing consisting of no more than eight tests per month if contemplated as part of the testing and treatment program. The defendant shall waive any right of confidentiality in any records for drug and alcohol treatment to allow the probation officer to review the course of testing and treatment and progress with the treatment provider.
5. The defendant shall abstain from the use of any form of alcohol or intoxicating beverages.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,400	\$ N/A	\$ 6,150,136.79

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

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See Attachment: Judgment Restitution Schedule		\$ 6,150,136.79	

TOTALS \$ _____ \$ 6,150,136.79

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

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

the interest requirement is waived for the fine X restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

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

- A** Lump sum payment of \$ _____ due immediately, balance due
- not later than _____, or
- in accordance with C, D, E, or F below; or
- B** Payment to begin immediately (may be combined with C, D, or F below); or
- C** Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** Special instructions regarding the payment of criminal monetary penalties:

Any criminal monetary penalty is due in full immediately, but payable on a schedule of the greater of \$25 quarterly or 50% of income pursuant to the Federal Bureau of Prisons' Inmate Financial Responsibility Program while in prison. If a monetary balance remains, payment is to commence no later than 60 days following release from imprisonment to a term of supervised release in equal monthly payments of \$100 or 10% of net income (take home pay), whichever is greater, over the duration of the term of supervised release and thereafter as prescribed by law for as long as some debt remains. Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant discovered before or after the date of this Judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Said restitution order is joint and several with any restitution ordered in the case of codefendant, George David Gordon, Case Number 09-CR-013-001-JHP, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:
A Joint and several money judgment and the forfeiture of personal and real properties is entered against the defendant as set out in the Order for Criminal Forfeiture Money Judgments, Preliminary Order of Forfeiture of Property and Order of Forfeiture of Substitute Assets, entered as Dkt. # 313.

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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JUDGMENT RESTITUTION SCHEDULE

Anthony Acri	New Haven, Connecticut	\$34,000
Silvie and Margaret Alfonso, Margaret Ann Alfonso	Tulsa, Oklahoma	\$71,383.58
Alan Louis Alarid	Huntington Beach, California	\$709.95
Michael Alexander	Sewickley, Pennsylvania	\$7,590
Jensine Andresen	Kula, Hawaii	\$225,000
Kevin Arriola	Bakersfield, California	\$12,000
Glen J. Asher	Seattle, Washington	\$5,215
Brad & Cassie Bacon	Mesa, Arizona	\$4,910
John T. Baldwin	Oklahoma City, Oklahoma	\$21,300
George J. Ballantine	New Lenox, Illinois	\$7,000
Giacomo Bari	Rochelle Park, New Jersey	\$14,248
William Barnick	Poway, California	\$250,000
Rita Bartlett Rita Bartlett, Power of Attorney for Ethel Marzano	Tulsa, Oklahoma Tulsa, Oklahoma	\$37,510 \$13,136
Ronnie Bassham	Burlesow, Texas	\$9,741
Russell & Julie Bell	Burbank, California	\$131,940
Robert Blount	Vassalboro, Maine	\$10,691
Kimberly Braithwaite	Albuquerque, New Mexico	\$500
Melvin Brenner	Silver Springs, Maryland	\$13,060
Eugene Brock	Wichita Falls, Texas	\$7,650
Luke Brown	Miami, Florida	\$60,000
Jason R. Burkhart	Harrisburg, Pennsylvania	\$7,500
David E. Burnham	Farmington, Utah	\$244
Phillip Cabrerros	Canton, Michigan	\$4,753
David Carlson	Irving, Texas	\$29,800
G. Blake Chanslor	Albuquerque, New Mexico	\$48,174
Opal Christine Clark	St. Petersburg, Florida	\$53,200
William Clark	Rancho Murieta, California	\$5,000

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Albert M. Cohen	Wildwood, Missouri	\$38,165
Peter & Sharon Coppola	Springlake, New Jersey	\$11,600
Mark P. Cronin	Centrebill, Virginia	\$7,480
Michael Cummings	Hartford, Wisconsin	\$4,905.80
Dorothy or MD Davis	Houston, Texas	\$30,849.97
Oliver Warren & Laurete B. Davis	Riverton, Utah	\$2,000
Greg Deist	Lanesville, Indiana	\$40,000
Divine Mercy Eucharistic Society (by Thelma Orias)	El Cerrito, California	\$16,640
George T. Dort	Pleasanton, California	\$28,000
Joseph Duffy	New Hartford, Connecticut	\$24,350
Alain Dupuy	Toledo, Ohio	\$7,903
Rocky Jay Edelman	Centerville, Utah	\$4,830
Hans G. Ehlers	Kansas City, Missouri	\$76,941
Joseph & Robbie Elison	Toquerville, Utah	\$105,983
Steven R. Elliot	Tulsa, Oklahoma	\$31,707
Daryl Fick	LeMesa, California	\$75,373.17
Alfred J. Figueroa	Indianapolis, Indiana	\$5,181
Nancy Fine	Chickasha, Oklahoma	\$70,231
Daniel Finkelstein	New York, New York	\$1,600
Eddie R. Fischer	Fullerton, California	\$11,180
A. Gerald Fishbeck	Georgetown, South Carolina	\$67,265
Michael Fleming	Tucson, Arizona	\$16,301
Flintshire Enterprises, LLC (Mark Hickney)	Dallas, Texas	\$11,550
Damon Fowler	Brooklyn, New York	\$4,335
Roger Frago	Pleasanton, California	\$103,687
Dean Arnold Fullinwider, Sr.	Tuscola, Texas	\$1,904
Renato Gambetta	Capre May, New Jersey	\$9,187
Robert Gazzier	League City, Texas	\$13,366

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Mark & Tanya Geisel	Lakeside, California	\$114,198
Christian Gheradi	Key Biscayne, Florida	\$23,106.88
Ruiz L. Gilmar	Beltsville, Maryland	\$10,000
Dean Gochis	Tooele, Utah	\$5,963
Garry Goett	Las Vegas, Nevada	\$114,495
Billy Griffin	Burlington, North Carolina	\$930
Jeffrey & Ellen Groene	Newberg, Oregon	\$7,650
Howard Guten	St. Petersburg, Florida	\$90,000
David S. Harkness	Nashville, Tennessee	\$186,000
David Harpster	Fort Worth, Texas	\$5,490
John & Lindsey Higginson	Scottsdale, Arizona	\$96,066
Mark & Kathleen Hinton	Gilbert, Arizona	\$3,250.52
Lisa Hitt	Vallejo, California	\$2,220
Tim Hohlt	Marine, Minnesota	\$5,417
William Holek	Tonganoxie, Kansas	\$12,199
Jeannette Howard	Forham Park, New Jersey	\$4,963
Carl H. Hulsman	Culpepper, Virginia	\$7,000
Thang Huynh	San Jose, California	\$16,475
Robert D. Katilus	East Bridgewater, Massachusetts	\$15,324
Mary Kelleher-Bodendorfer	Davis, California	\$2,000
Donald Kent	Gulf Breeze, Florida	\$27,253
George H. Kerner	Claremont, California	\$3,846
Sovannary & Sokham Ket	Stockbridge, Georgia	\$15,000
Allen Kingsland	Coral Springs, Florida	\$13,112
Barbara J. Kline	Largo, Florida	\$7,724
Brenda & Kurt Klink	Rubicon, Wisconsin	\$4,961
Paul Kueny	Cherry Hill, New Jersey	\$32,788
Wilson & Tammy Kwong	Monterey Park, California	\$39,600
Rick Larson	Napele, Florida	\$27,000
John Lee	Copertino, California	\$3,150

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Christopher Leng	Los Angeles, California	\$5,000
Dennis Malatek	Blythewood, South Carolina	\$14,168
Timothy Manuszak	Beavercreek, Ohio	\$74,370.87
Carol Markus	Horsham, Pennsylvania	\$8,190
Ethel M. Marzano	Norridge, Illinois	\$13,136
Phillip S. McDowell	Pittsburgh, Pennsylvania	\$11,368
Tim & Dayna McGuire	Bentonville, Arkansas	\$14,099
Michael Melvin	Taylorsville, North Carolina	\$305,000
Thomas E. Melvin	Taylorsville, North Carolina	\$135,000
Kenneth Michaelsen	Chesterfield, Missouri	\$38,545
William Mildren	Tulsa, Oklahoma	\$27,000
Elaine D. Miller	Parlin, New Jersey	\$11,750
Joe Moore	Torrance, California	\$2,959
Paul Moore	Lubbock, Texas	\$12,600
Robert Moore	Glenwood, New Mexico	\$170,686
Robert Moore (Custodian Accounts)	Glenwood, New Mexico	\$95,245
William Moore	Crystal River, Florida	\$6,428
Michael Morrison	Austin, Texas	\$16,751
Penny Stites Morrison	Deer Park, Texas	\$6,570
Frank Matthew Murphy	Huntington Beach, California	\$712.94
Charles T. Nies	Lebanon, Indiana	\$7,221
Elmo Nossaman	Del City, Oklahoma	\$162,081.24
Chester Nowak	Port Richey, Florida	\$5,255
Charles R. Obaugh	Staunton, Virginia	\$17,622.24
Joe Olbrys	Fort Collins, Colorado	\$11,839.68
David Olender	Ellington, Connecticut	\$13,547
Thelma Orias	Union City, California	\$22,387
Robert K. Peterson, Sr.	Yorba Linest, California	\$36,456
Delenia Pickthorn	Oklahoma City, Oklahoma	\$31,153

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Stephen Pitts	Conway, Arkansas	\$6,749.83
Matthew Polidoro	Ocoee, Florida	\$9,310
Bryan Poplin	Antioch, Tennessee	\$10,077.90
Sherwin Prakash	Hayward, California	\$21,500
John M. Price	Manahawkin, New Jersey	\$18,027
John Quaguata	Gater Mills, Ohio	\$59,750
Dean Raymond	Pasadena, Maryland	\$32,878
Rabah Razzoq	El Cajon, California	\$31,729
Eugene & Patricia Reed	McMurray, Pennsylvania	\$15,453
Adam Reese	Kensington, Maryland	\$12,694
Felipe A. Rodriguez	Bryans Road, Maryland	\$13,132.22
John W. Roher	Burbank, Washington	\$55,709
Johnathan & Lois Sastic	Oneonta, New York	\$14,600
William & Sandra Schmidtman	Parker, Colorado	\$7,868
Arezu Sesoleimany	San Jose, California	\$5,429
Steven Silveus	Clearwater Beach, Florida	\$115,000
Alan E. Smith	Staten Island, New York	\$7,934
George Solonos	Demarest, New Jersey	\$75,733
Megan Speirs Mack	Tucson, Arizona	\$6,065.24
Roger C. & Heidi D. Speirs	Gilbert, Arizona	\$350,730.76
Varel Springer	Livermore, California	\$25,810
Charles & Nicole Stansbury	Weeki Wachee, Florida	\$1,233
William Stasco	Garden City, New York	\$59,033
James Stevens	Twenty Nine Palms, California	\$68,500
Timothy Stockton	Melbourne Beach, Florida	\$48,750
Jeffrey D. Swanson	Seattle, Washington	\$58,600
Tim Szymanski	Highlands Ranch, Colorado	\$81,672
Andrew Thompson	Heathrow, Florida	\$23,360
Robert Tomasula	Clayton, North Carolina	\$40,292
Gary Trautman	Labadie, Missouri	\$138,716

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Richard Troth	Dalton, Pennsylvania	\$124,157
Stanley Turner	Appling, Georgia	\$80,000
Albert H. Tzen	Signal Hill, California	\$5,572
Kenneth & Dawn Van Damme	Hondo, Texas	\$43,990
Rhoby Van Derlip	Ingelside, Illionois	\$11,281
Douglas Vincent	Mesa, Arizona	\$480
Susan Ward	Ballwin, Missouri	\$14,633
Winstrom Properties c/o Willis L. Winstrom	Omaha, Nebraska	\$18,605
Barry Wolff	Lakewood, California	\$52,477
Julia Yan	Salinas, California	\$6,600
Kun & Chon Carl Yun	Dubith, Georgia	\$9,640
Roy Zang	Northeast, Maryland	\$280,000
William J. Zive	San Clemente, California	\$3,273
Total		\$6,150,136.79