FILED
U.S. DISTRICT COURT
CEDAR RAPIDS HDQTRS OFFICE
NORTHERN DISTRICT OF IOWA

DEC 09 2004
By: D. Ratay
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN THE MATTER OF THE REVISED FORFEITURE COLLATERAL SCHEDULE PROMULGATED BY THE FEDERAL PROTECTIVE SERVICE	)	No. ADMINISTRATIVE ORDER 04-AO-0009-P
	)	ORDER OF THE COURT

Now on this 6th day of December, 2004, in the matter of the determination of a revised schedule of appropriate penalties for violations of statutes under Title 41 of the United States Code,[1] by the Federal Protective Service[2] to prescribe the forfeiture of collateral schedule for prohibited conduct on federal property, the Court hereby finds that for the effective, efficient and proper administration of justice in this district, the following schedule of penalties for violations of the above mentioned regulations committed within the Northern District of Iowa should be established and

IT IS THEREFORE ORDERED that the following penalties for violations of rules and regulations promulgated by the Federal Protective Service for the forfeiture of collateral schedule for prohibited conduct on federal property located in the Northern

---

[1]Previously, building and rules regulations were found in 41 C.F.R. §§ 101-20. They are now found in 41 C.F.R. §§ 102-74, Subpart C.

[2]The Federal Protective Service (FPS) is responsible for law enforcement and physical security for federal property. FPS is a division of the Department of Homeland Security (DHS), and falls within the auspice of Immigration and Customs Enforcement, a subdivision of the Border and Transportation Security Directorate (BTS). Prior to the creation of the Department of Homeland Security in March 2003, FPS was under the umbrella of the General Services Administration (GSA).

District of Iowa, as reflected in Exhibit A, attached, is adopted, effective the date of this order.

IT IS FURTHER ORDERED that the Magistrate Judges may depart from the fine schedule established by this Order in their discretion based upon the circumstances of the case and the defendant's resources and ability to pay.

IT IS FURTHER ORDERED that anyone charged with violation of any of the above offenses may, within seven days after being so charged, dispose of the matter by sending the appropriate payment to the clerk of the United States District Court for the Northern District of Iowa at Cedar Rapids, Iowa.

IT IS FURTHER ORDERED that if the fine or penalty is not paid by the person charged with an offense described above within seven days, the matter shall be set down for hearing before a United States Magistrate Judge for the Northern District of Iowa.

IT IS FURTHER ORDERED that the United States Magistrate Judges for the Northern District of Iowa, located at Cedar Rapids and Sioux City, are authorized to try persons accused of the offenses listed in Exhibit A, in accordance with Fed. R. Crim. P. 58.

IT IS FURTHER ORDERED that the Clerk of the United States District Court institute an appropriate collateral forfeiture procedure wherein persons may dispose of the offenses charged by mailing in a sum equivalent to the penalty established in the above Order.

Nothing contained in the above Order shall prevent an officer from requiring a mandatory court appearance by a person charged with any of the above violations when, in the judgement of the officer, the cash payment provided for the violation is inappropriate considering the circumstances surrounding the alleged violations.

Dated this 6th day of December, 2004.

Mark W. Bennett

Mark W. Bennett, Chief Judge
United States District Court
Northern District of Iowa

EXHIBIT A

Rules and Regulations
Governing Conduct on Federal Property July 2004

Federal Management Regulation
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 U.S. 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.

FINE IN LIEU OF APPEARANCE: $50.00

Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

FINE IN LIEU OF APPEARANCE: $50.00

Admission to Property (41 CFR 102-74.375). Federal agencies must:

(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 Sec. 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.

FINE IN LIEU OF APPEARANCE: $50.00

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;

FINE IN LIEU OF APPEARANCE: 50.00

(b) Willfully destroying or damaging property;

MANDATORY APPEARANCE and FINE not to exceed $500 *to be determined by the court* (actual fine to be based on severity of offense)

(c) Stealing property;

MANDATORY APPEARANCE and FINE not to exceed $500 *to be determined by the court* (actual fine to be based on severity of offense)

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

FINE IN LIEU OF APPEARANCE: $50.00

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

FINE IN LIEU OF APPEARANCE: $50.00

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.

FINE IN LIEU OF APPEARANCE: $50.00

Regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

FINE IN LIEU OF APPEARANCE: $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;

FINE IN LIEU OF APPEARANCE: $50.00

(b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;

FINE IN LIEU OF APPEARANCE: $50.00

(c) Otherwise impedes or disrupts the performance of official duties by Government employees; or

FINE IN LIEU OF APPEARANCE: $100.00

(d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.

FINE IN LIEU OF APPEARANCE: $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;

FINE IN LIEU OF APPEARANCE: $50.00

(b) operating gambling devices;

FINE IN LIEU OF APPEARANCE: $150.00

(c) Conducting a lottery or pool; or

FINE IN LIEU OF APPEARANCE: $50.00

(d) selling or purchasing of numbers tickets.

FINE IN LIEU OF APPEARANCE: $50.00

Narcotics and Other Drugs (41 CPR 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

FINE IN LIEU OF APPEARANCE: $100.00

(b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.

MANDATORY APPEARANCE and FINE not to exceed $750 *to be determined by the court* (actual fine to be based on severity of offense)

Alcoholic Beverages (41 CPR 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.

FINE IN LIEU OF APPEARANCE: $100.00

Soliciting, Vending and Debt Collection (41 CPR 10274.410). 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 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. 581(h)). Public areas of GSA-controlled property may be used for other activities in accordance with subpart D of this part.

Soliciting for contributions:

FINE IN LIEU OF APPEARANCE: $50.00

Soliciting for commercial purposes:

FINE IN LIEU OF APPEARANCE: $50.00

Displaying commercial advertising:

FINE IN LIEU OF APPEARANCE: $50.00

Collecting private debt:

FINE IN LIEU OF APPEARANCE: $50.00

Posting and Distributing Materials (41 CPR 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.

FINE IN LIEU OF APPEARANCE: $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 Sec.

102- 74.410, or when these displays are conducted as part of authorized Government activities.

FINE IN LIEU OF APPEARANCE: $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 Sec. 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

(d) accordance with the provisions of subpart D of this part. Failure to comply with those provisions is a violation of these regulations.

FINE IN LIEU OF APPEARANCE: $50.00

Photographs for News, Advertising, or Commercial Purposes (41 CFR 102-74.420). 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.

(a) Taking photo in space occupied by a tenant without consent:

FINE IN LIEU OF APPEARANCE: $50.00

(b) Taking a photo for news purposes in an unauthorized area or when prohibited by security or by Federal court order:

FINE IN LIEU OF APPEARANCE: $50.00

(c) Taking a photo for advertising or commercial purposes in an unauthorized area without permission:

FINE IN LIEU OF APPEARANCE: $50.00

Dogs and Other Animals (41 CFR 102-74.425). Except seeing eye dogs, other guide dogs, and animals used or being trained to guide or assist handicapped persons, persons may not bring dogs or other animals on Federal property for other than official purposes.

FINE IN LIEU OF APPEARANCE: $50.00

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;

FINE IN LIEU OF APPEARANCE: $50.00

(b) Must comply with the signals and directions of Federal police officers or other authorized individuals;

FINE IN LIEU OF APPEARANCE: $75.00

(c) Must comply with all posted traffic signs;

FINE IN LIEU OF APPEARANCE: $50.00

(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;

FINE IN LIEU OF APPEARANCE: $50.00

(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and

FINE IN LIEU OF APPEARANCE: $50.00

(f) Are prohibited from parking on Federal property without a permit.

FINE IN LIEU OF APPEARANCE: $30.00

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.

FINE IN LIEU OF APPEARANCE: $30.00
Handicapped parking violation: $100.00

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.

MANDATORY APPEARANCE

Weapons (41 CFR 102-74.440). 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 a fine.

MANDATORY APPEARANCE

Nondiscrimination (41 CFR 102-74.445). 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.

MANDATORY APPEARANCE

Penalties (41 CFR 102-74.450). A person found guilty of violating any rule or regulation in subpart C of this part 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.

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 a fine.*