

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 8:10-CR-550-T-17MAP
USM NUMBER: 54833-018

vs.

RICHARD J. BOBKA

Defendant's Attorney: Kevin Beck, CJA

THE DEFENDANT:

X pleaded guilty to count(s) one, three; six through sixteen; twenty-two through thirty-nine; forty-two and forty-three of the Indictment.

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 371	Conspiracy to Commit Wire Fraud, and to Make False Statements to an FDIC-Insured	March 2008	One

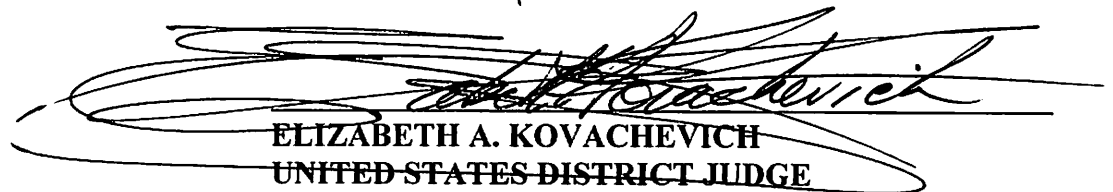
****SEE NEXT PAGE FOR CONTINUATION OF OFFENSES****

The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER 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 any material change in economic circumstances.

Date of Imposition of Sentence: October 29, 2012


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

DATE: October 30th, 2012

Defendant: RICHARD J. BOBKA
Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 2 of 11

****CONTINUATION OF OFFENSES****

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 1014	Making Material False Statements	February 14, 2003	Three
		April 5, 2004	Six
		May 18, 2004	Seven
		June 11, 2004	Eight
		June 29, 2004	Nine
		September 30, 2004	Eleven
		September 30, 2004	Twelve
		February 25, 2005	Thirteen
		March 1, 2005	Fourteen
		June 8, 2005	Sixteen
		August 15, 2005	Twenty-Two
		August 25, 2005	Twenty-Three
		September 15, 2005	Twenty-Four
		September 15, 2005	Twenty-Five
		September 27, 2005	Twenty-Six
		February 24, 2006	Twenty-Eight
		May 31, 2006	Twenty-Nine
		June 30, 2006	Thirty-Two
		October 25, 2006	Thirty-Three
		January 22, 2007	Thirty-Seven
		May 22, 2007	Forty-Two
		May 29, 2007	Forty-Three
18 U.S.C. § 1343	Wire Fraud	June 29, 2004	Ten
		March 1, 2005	Fifteen
		December 30, 2005	Twenty-Seven
		June 15, 2006	Thirty
		June 29, 2006	Thirty-One
		December 4, 2006	Thirty-Four
		December 22, 2006	Thirty-Five
		December 28, 2006	Thirty-Six
		March 23, 2007	Thirty-Eight
		April 20, 2007	Thirty-Nine

Defendant: RICHARD J. BOBKA
Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 3 of 11

IMPRISONMENT

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of **ONE HUNDRED EIGHTY (180) MONTHS** as to one, three; six through sixteen; twenty-two through thirty-nine; forty-two and forty-three of the Indictment. This term consists of a term of **SIXTY (60) MONTHS** as to count one of the Indictment and a term of **ONE HUNDRED EIGHTY (180) MONTHS** as to each of counts three; six through sixteen; twenty-two through thirty-nine; forty-two and forty-three, all such terms to run **CONCURRENTLY**. The defendant shall receive credit for time served to be calculated by the United States Bureau of Prisons.

X The Court makes the following recommendations to the United States Bureau of Prisons:

- (1) Incarceration at Jesup, GA or Coleman, FL.
- (2) 500-hour intensive substance abuse counseling for drugs and alcohol.
- (3) Medical exam for impact chronic back pain has on defendant's ability to walk. Defendant needs appropriate shoes.
- (4) Vocational/academic education in electrical trade, electronics, computers, welding, plumbing, small business administration.
- (5) Counseling for adjustment to federal prison.

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

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 J. BOBKA
Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 4 of 11

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **SIXTY (60) MONTHS** as to one, three; six through sixteen; twenty-two through thirty-nine; forty-two and forty-three. This term consists of a term of **THIRTY-SIX (36) MONTHS** as to count one and a term of **SIXTY (60) MONTHS** as to counts three; six through sixteen; twenty-two through thirty-nine; forty-two and forty-three, all such counts to run **CONCURRENTLY**.

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. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The mandatory drug testing requirements of the Violent Crime Control Act are imposed. The Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.
- The defendant shall not possess a firearm, 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.
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works or is a student, as directed by the probation officer. (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 without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report in the manner and frequency directed by the Court or probation officer.
- 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 his or her dependents and meet other family responsibilities;
- 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 in 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 substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 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 him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of 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; and
- 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.

Defendant: RICHARD J. BOBKA
Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 5 of 11

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

- X The Defendant shall participate in a substance abuse program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Substance Abuse Treatment Services. During and upon the completion of this program, the defendant is directed to submit to random drug testing.
- X The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself/herself for any major purchases without approval of the probation officer.
- X The defendant shall provide the probation officer access to any requested financial information.
- X The defendant shall refrain from engaging in any employment related to the sale of real estate.

Defendant: RICHARD J. BOBKA
 Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 6 of 11

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>Total Restitution</u>
Totals:	\$3,300	\$Waived	\$22,841,625.74

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 non-federal victims must be paid before the United States.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Capital One Bank or successor in interest		\$ 2,425,500.00	
Bank of America or successor in interest		\$ 9,532,250.00	
RBS Financial Products, Inc. or successor in interest		\$ 1,890,000.00	
JPMorgan Chase Bank or successor in interest		\$ 1,799,014.00	
Wells Fargo Bank or successor in interest		\$ 168,761.74	
PNC Bank or successor in interest		\$ 1,286,100.00	
BB&T or successor in interest		\$ 385,000.00	
FDIC		\$ 5,355,000.00	

Note: The probation office is directed to provide the victims' contact information to the Clerk's Office.

The defendant shall receive credit for any principal paid on loans and credit for any proceeds from sale of property.

Totals: \$22,841,625.74

Restitution amount ordered pursuant to plea agreement \$ _____.

The defendant must pay interest on a fine or restitution 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).

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 ____ 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 the offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev 06/05) Sheet 6 - Schedule of Payments (Judgment in a Criminal Case)

Defendant: RICHARD J. BOBKA
 Case No.: 8:10-CR-550-T-17MAP

Judgment - Page 7 of 11**SCHEDULE OF PAYMENTS**

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

A. X Lump sum payment of \$ 3,300 due immediately.

B. X **RESTITUTION PAYMENTS:**

While in Bureau of Prisons custody, the defendant shall either (1) pay at least \$25 quarterly if the defendant has a non-Unicor job or (2) pay at least 50% of her monthly earnings if the defendant has a Unicor job. Upon release from custody, the defendant's financial circumstances will be evaluated, and the Court may establish a new payment schedule accordingly. At any time during the course of post-release supervision, the victim, the government, or the defendant, may notify the Court of a material change in the defendant's ability to pay, and the Court may adjust the payment schedule accordingly.

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 with R. Craig Adams, Thomas M. Brustad, Jonathan L. Glucker, Bonnie J. Katz; and Lisa R. Rotolo; Case No. 8:10-CR-550-T-17MAP. \$2,425,500. Capital One Bank.

Joint and Several with R. Craig Adams, Jeffrey T. Berghorn, George R. Bobka, Sr., Thomas M. Brustad, George R. Cavallo, Joseph J. Dirocco, Jonathan L. Glucker, Paula L. Hornberger, Bonnie J. Katz; and Lisa R. Rotolo; Case No. 8:10-CR-550-T-17MAP. \$9,532,250. Bank of America.

Joint and Several with R. Craig Adams, Bonnie J. Katz; and Lisa R. Rotolo; Case No. 8:10-CR-550-T-17MAP. \$1,890,000. RBS Financial Products, Inc.

Joint and Several with R. Craig Adams, George R. Bobka, Sr., George R. Cavallo, Jonathan L. Glucker, Paula L. Hornberger, Heather L. Kabobel, Bonnie J. Katz, Lisa R. Rotolo; and Joel A. Streinz; Case No. 8:10-CR-550-T-17MAP; and with Edward M. Bangasser; Case No. 8:11-CR-635-T-33TBM. \$1,799,014. JPMorgan Chase Bank.

Joint and Several with Jeffrey T. Berghorn, George R. Cavallo, Paula L. Hornberger, Bonnie J. Katz; and Lisa R. Rotolo; Case No. 8:10-CR-550-T-17MAP. \$168,761.74. Wells Fargo Bank.

Joint and Several with R. Craig Adams, George R. Bobka, Sr., George R. Cavallo, Paula L. Hornberger, Bonnie J. Katz; and Lisa R. Rotolo; Case No. 8:10-CR-550-T-17MAP; and with Michael J. Sloan and Linda R. Sloan; Case No. 8:11-CR-605-T-27TGW. \$1,286,100. PNC Bank.

Joint and Several with R. Craig Adams, George R. Cavallo; and Paula L. Hornberger; Case No. 8:10-CR-550-T-17MAP. \$385,000. BB&T.

Joint and Several with R. Craig Adams, George R. Bobka, Sr., George R. Cavallo, Jonathan L. Glucker, Paula L. Hornberger, Heather L. Kabobel, Bonnie J. Katz, Lisa R. Rotolo; and Joel A. Streinz; Case No. 8:10-CR-550-T-17MAP; and with Edward M. Bangasser; Case No. 8:11-CR-635-T-33TBM. \$5,355,000. FDIC.

X The Court Orders that the defendant forfeit to the United States immediately and voluntarily any and all assets that are previously identified in the Indictment, that are subject to forfeiture.

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.\

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:10-cr-550-T-17MAP

RICHARD J. BOBKA

**FORFEITURE MONEY JUDGMENT AND
PRELIMINARY ORDER OF FORFEITURE FOR SUBSTITUTE ASSETS**

THIS CAUSE comes before the Court upon the United States' Motion for a Forfeiture Money Judgment in the amount of \$13,563,413.00, pursuant to 18 U.S.C. §§ 982(a)(2)(A), 981(a)(1)(C), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(2), which, at sentencing, shall become final as to the defendant. The United States further moved the Court, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(e)(1)(B), to enter a Preliminary Order of Forfeiture for the following substitute assets in partial satisfaction of the defendant's forfeiture money judgment:

- a. The contents of any and all Synovus Bank accounts held in the name of Richard Bobka;
- b. Five Gold Coins seized from Julie Ickes on June 23, 2011;
- c. 600 Silver Collector Coins seized from Dave Beachy on July 15, 2011;
- d. 257 Miscellaneous Silver and Gold Coins and Bars seized from Dave Beachy on August 1, 2011;
- e. 636 Miscellaneous Gold & Silver Coins and Gold Bars seized from Valeria Correa on July 12, 2011;

- f. 392 Gold and Silver Coins and Silver Dollars seized from Richard Bobka on June 8, 2011;
- g. 239 1.5 Euro Silver Coins seized from Richard Bobka on June 10, 2011;
- h. Two Silver Coins seized from Richard Bobka on July 13, 2011; and
- i. Ten .999 troy ounce silver pieces, left with Julie Ickes by Richard Bobka.

Being fully advised in the premises, the Court hereby finds that the United States has established that the defendant obtained at least \$13,563,413.00 in proceeds from the conspiracy to commit wire fraud and to make material false statements to an FDIC-insured bank, in violation of 18 U.S.C. § 371, as charged in Count One of the Indictment, making false statements to an FDIC-insured bank, in violation of 18 U.S.C. § 1014, as charged in Counts Three, Six through Nine, Eleven through Fourteen, Sixteen, Twenty-Two through Twenty-Six, Twenty-Eight through Twenty-Nine, Thirty-Two through Thirty-Three, Thirty-Seven, and Forty-Two through Forty-Three of the Indictment, and wire fraud, in violation of 18 U.S.C. § 1343, as charged in Counts Ten, Fifteen, Twenty-Seven, Thirty through Thirty-One, Thirty-Four through Thirty-Six, and Thirty-Eight through Thirty-Nine of the Indictment, for which the defendant pled guilty. Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED that for good cause shown, the United States' motion is GRANTED.

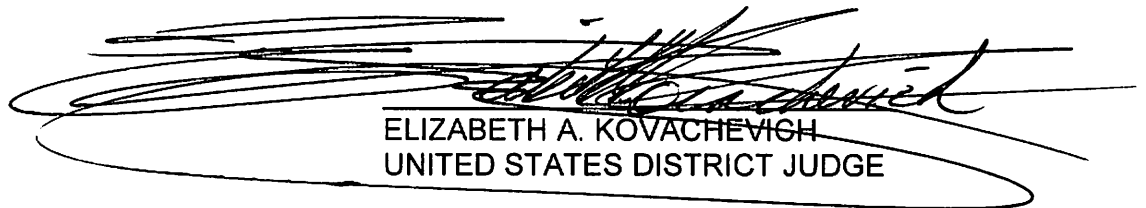
It is FURTHER ORDERED that pursuant to the provisions of 18 U.S.C. §§ 982(a)(2)(A), 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), defendant Richard Bobka shall be held jointly and severally liable with co-conspirators R. Craig Adams (\$11,478,314.00 for Southpointe Drive, Baywinds Lane, Anchorage Street, Ridgewood Lane, Baywood Way, Belgrave Drive, Captain Kidd Avenue, Waterside Way, and Contento Drive), Paula Hornberger and George Cavallo (\$7,355,249.00 for Southpointe Drive, Anchorage Street, Commonwealth Lane, Ridgewood Lane, North Holiday Drive, Belgrave Drive, Kenmore Drive, Waterside Way, Markridge Road, and Contento Drive), Bonnie Katz (\$11,750,863.00 for Southpointe Drive, Baywinds Lane, Anchorage Street, Commonwealth Lane, Ridgewood Lane, Baywood Way, Belgrave Drive, Spyglass Hill Road, Captain Kidd Avenue, and Kenmore Drive), Lisa Rotolo (\$7,580,563.00 for Baywinds Lane, Anchorage Street, Commonwealth Lane, Ridgewood Lane, Baywood Way, and, Kenmore Drive), Joel Streinz (\$633,700.00 for Commonwealth Lane), Jeffrey Berghorn (\$1,356,700.00 for Ridgewood Lane), Jonathan Glucker (\$2,692,900.00 for Ridgewood Lane and Captain Kidd Avenue), George Bobka, Sr. (\$1,727,650.00 for North Holiday Drive, Belgrave Drive, and Waterside Way), and Mark Leetzow, who pled guilty in *U.S. v. Leetzow*, Case No. 8:11-cr-599-T-33MAP (\$2,364,300.00 for Anchorage Street

and Captain Kidd Avenue), for a forfeiture money judgment in the amount of \$13,563,413.00.

It is FURTHER ORDERED that pursuant to the provisions of 21 U.S.C. § 853(p) and Rule 32.2(e)(1)(B), the substitute assets identified above, are hereby forfeited to the United States for disposition according to law.

The Court retains jurisdiction to address any third party claim that may be asserted in these proceedings, to enter any further order necessary for the forfeiture and disposition of such property, and for any other substitute assets that the United States may entitled to seek up to the amount of the forfeiture money judgment.

DONE and ORDERED in Chambers in Tampa, Florida, this 29th day of OCTOBER, 2012.


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
Anita M. Cream, AUSA
Counsel of Record