

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

IN THE MATTER OF THE)
ESTABLISHMENT OF PENALTIES FOR)
VIOLATION OF REGULATIONS) Administrative Order: 20-AO-10-P
PROMULGATED BY THE)
ADMINISTRATOR OF VETERANS')
AFFAIRS FOR PROTECTION OF)
PERSONS AND PROPERTY ON LANDS)
AND IN BUILDINGS UNDER VETERANS')
ADMINISTRATION JURISDICTION)

Now on the 28th of April, 2020, the matter of the determination of a schedule of appropriate penalties for violation of regulations promulgated under Title 38 of the United States Code by the Administrator of Veterans' Administration to prescribe rules and regulations for the purpose of protecting persons and property on lands and in buildings under the Veterans' Administration jurisdiction located in the Southern District of Iowa, and the Court being fully advised in the premises, 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 Southern District of Iowa should be established and

IT IS THEREFORE ORDERED that, pursuant to F.R.Cr.P. 58(d)(1) and LCrR 58, the following penalties for violations of rules and regulations promulgated under Title 38 of the United States Code and set out in detail in Title 38 Code of Federal Regulations Section 1.218 by the Administrator of the Veterans' Administration for the purpose of protecting persons and property on lands and in buildings under the Veterans' Administration located within the Southern District of Iowa are hereby adopted:

<u>Violation</u>		<u>Description of Violation</u>	<u>Fine Amount</u>
(1)	38 CFR 1.218(b)(1)	Improper disposal of rubbish on property	\$200.00
(2)	38 CFR 1.218(b)(2)	Spitting on property	\$25.00
(3)	38 CFR 1.218(b)(3)	Throwing of articles from a building or the unauthorized climbing upon any part of a building	\$50.00
(4)	38 CFR 1.218(b)(4)	Willful destruction, damage, or removal of Government property without authorization	\$500.00
(5)	38 CFR 1.218(b)(5)	Defacement, destruction, mutilation or injury to, or removal, or disturbance of, grave marker or headstone	\$500.00
(6)	38 CFR 1.218(b)(6)	Failure to comply with signs of a directive and restrictive nature posted for safety purposes	\$50.00
(7)	38 CFR 1.218(b)(7)	Tampering with, removal, marring, or destruction of posted signs	\$150.00
(8)	38 CFR 1.218(b)(8)	Entry into areas posted as closed to the public or others (trespass)	\$50.00
(9)	38 CFR 1.218(b)(9)	Unauthorized demonstration or service in a national cemetery or on other VA property	\$250.00
(10)	38 CFR 1.218(b)(10)	Creating a disturbance during a burial ceremony	\$250.00
(11)	38 CFR 1.218(b)(11)	Disorderly conduct which creates loud, boisterous, and unusual noise, or which obstructs the normal use of entrances, exits, foyers, offices, corridors, elevators, and stairways or which tends to impede or prevent the normal operation of a service or operation of the facility	\$250.00
(12)	38 CFR 1.218(b)(12)	Failure to depart premises by unauthorized persons	\$50.00
(13)	38 CFR 1.218(b)(13)	Unauthorized loitering, sleeping or assembly on property	\$50.00
(14)	38 CFR 1.218(b)(14)	Gambling-participating in games of chance for monetary gain or personal property; the operation of gambling devices, a pool or lottery; or the taking or giving of bets	\$200.00

(15)	38 CFR 1.218(b)(15)	Operation of a vehicle under the influence of alcoholic beverages or non-prescribed drugs, hallucinogens, marijuana, barbiturates, or amphetamines	\$500.00
(16)	38 CFR 1.218(b)(16)	Entering premises under the influence of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines	\$200.00
(17)	38 CFR 1.218(b)(17)	Unauthorized use on property of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines	\$300.00
(18)	38 CFR 1.218(b)(18)	Unauthorized introduction on VA controlled property of narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines or unauthorized giving of same to a patient or beneficiary	\$500.00
(19)	38 CFR 1.218(b)(19)	Unauthorized solicitation of alms and contributions on premises	\$50.00
(20)	38 CFR 1.218(b)(20)	Commercial soliciting or vending, or the collection of private debts on property	\$50.00
(21)	38 CFR 1.218(b)(21)	Distribution of pamphlets, handbills, and flyers	\$25.00
(22)	38 CFR 1.218(b)(22)	Display of placards or posting of material on property	\$25.00
(23)	38 CFR 1.218(b)(23)	Unauthorized photography on premises	\$50.00
(24)	38 CFR 1.218(b)(24)	Failure to comply with traffic directions of VA Police	\$25.00
(25)	38 CFR 1.218(b)(25)	Parking in spaces posted as reserved for physically disabled persons	\$50.00
(26)	38 CFR 1.218(b)(26)	Parking in no-parking areas, lanes, or crosswalks so posted or marked by yellow borders or yellow stripes	\$25.00
(27)	38 CFR 1.218(b)(27)	Parking in emergency vehicle spaces, areas and lanes bordered in red or posted as EMERGENCY VEHICLES ONLY or FIRE LANE, or parking within 15 feet of a fire hydrant	\$50.00

(28)	38 CFR 1.218(b)(28)	Parking within an intersection or blocking a posted vehicle entrance or posted exit lanes	\$25.00
(29)	38 CFR 1.218(b)(29)	Parking in spaces posted as reserved or in excess of a posted time limit	\$15.00
(30)	38 CFR 1.218(b)(30)	Failing to come to a complete stop at a Stop sign	\$25.00
(31)	38 CFR 1.218(b)(31)	Failing to yield to a pedestrian in a marked and posted crosswalk	\$25.00
(32)	38 CFR 1.218(b)(32)	Driving in the wrong direction on a posted one-way street	\$25.00
(33)	38 CFR 1.218(b)(33)	Operation of a vehicle in a reckless or unsafe manner, too fast for conditions, drag racing, overriding curbs, or leaving the roadway	\$100.00
(34)	38 CFR 1.218(b)(34)	Exceeding posted speed limits: By up to 10 MPH By up to 20 MPH By over 20 MPH	 \$25.00 \$50.00 \$100.00
(35)	38 CFR 1.218(b)(35)	Creating excessive noise in a hospital or cemetery zone by muffler cut out, excessive use of a horn, or other means	\$50.00
(36)	38 CFR 1.218(b)(36)	Failure to yield right of way to other vehicles	\$50.00
(37)	38 CFR 1.218(b)(37)	Possession of firearms, carried either openly or concealed, whether loaded or unloaded (except by Federal or State law enforcement officers on official business)	\$500.00
(38)	38 CFR 1.218(b)(38)	Introduction or possession of explosives, or explosive devices which fire a projectile, ammunition, or combustibles	\$500.00
(39)	38 CFR 1.218(b)(39)	Possession of knives which exceed a blade length of 3 inches; switchblade knives; any of the variety of hatches, clubs, and hand-held liquid or gas-emitting weapon	\$300.00
(40)	38 CFR 1.218(b)(40)	The unauthorized possession of any of the variety of incapacitating liquid or gas-emitting weapons	\$200.00

(41)	38 CFR 1.218(b)(41)	Unauthorized possession, manufacture, or use of keys or barrier card-type keys to rooms or areas on the property	\$200.00
(42)	38 CFR 1.218(b)(42)	The surreptitious opening, or attempted opening, of locks or card-operated barrier mechanisms on property	\$500.00
(43)	38 CFR 1.218(b)(43)	Soliciting for, or the act of, prostitution	\$250.00
(44)	38 CFR 1.218(b)(44)	Any unlawful sexual activity	\$250.00
(45)	38 CFR 1.218(b)(45)	Jogging, bicycling, sledding or any recreational physical activity conducted on cemetery grounds	\$50.00

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 ten (10) days after being so charged, dispose of the matter by sending the appropriate payment to the Central Violations Bureau.

IT IS FURTHER ORDERED that if the fine or penalty is not paid by the person charged with an offense described above within ten (10) days, the matter may be set down for hearing before a United States Magistrate for the Southern District of Iowa.

IT IS FURTHER ORDERED that if a person charged with an offense under this Order fails to post and forfeit collateral, any punishment, including fine, or probation, may be imposed within the limits established by law upon conviction by plea or after trial.

IT IS FURTHER ORDERED that nothing contained in this Order shall prohibit a law enforcement officer from arresting anyone for the commission of any offense, including those for which collateral may be posted before a United States Magistrate Judge, or upon arrest, taking them immediately before a United States Magistrate Judge. Existence of this Order does not create

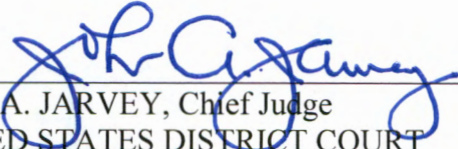
any rights on the part of an alleged violator, and does not preclude the United States from taking any other action authorized by law.

IT IS FURTHER ORDERED that the United States Magistrate Judges, for, or designated to exercise judicial authority in, the Southern District of Iowa, are hereby specifically authorized to try persons accused of the offenses listed above, in accordance with the rules of procedure for United States Magistrate Judges which were adopted by the Supreme Court of the United States and as set forth in LR 72(b).

IT IS FURTHER ORDERED that the Clerk of the United States District Court institute an appropriate collateral forfeiture 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 judgment of the officer, the cash payment provided for the violation is inappropriate considering the circumstances surrounding the alleged violation.

DATED this 28th day of April, 2020.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA