

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2581 Disciplinary Docket No. 3
: :
Petitioner : No. 34 DB 2019
: :
v. : Attorney Registration No. 45333
: :
KENNETH LASCH SMUKLER, : (Montgomery County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 24th day of June, 2019, upon consideration of the Verified Statement of Resignation, Kenneth Lasch Smukler is disbarred on consent from the Bar of this Commonwealth, retroactive to April 1, 2019. See Pa.R.D.E. 215. Respondent shall comply with the provisions of Pa.R.D.E. 217, and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

Justice Todd and Justice Wecht did not participate in this matter.

A True Copy Patricia Nicola
As Of 06/24/2019


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

In the matter of : No. 2581 DD No. 3
: :
KENNETH LASCH SMUKLER : No. 34 DB 2019
: :
: Attorney Registration No. 45333
: :
: (Montgomery County)

RESIGNATION
UNDER Pa.R.D.E. 215

Kenneth Lasch Smukler, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney formerly admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 26, 1985. His attorney registration number is 45333. By Order dated April 1, 2019, the Supreme Court of Pennsylvania placed Respondent on temporary suspension.

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.

FILED
06/10/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He ~~has~~^{KMS} has not retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

5. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by service of a letter dated February 25, 2019 in connection with his December 3, 2018 criminal conviction in the case of *United States of America v. Kenneth Smukler*, Docket No. 2:17-cr-00563-JD-2, in the United States District Court for the Eastern District of Pennsylvania. A true and correct copy of the February 25, 2019 letter is attached hereto, made a part hereof and marked Exhibit "A". A true and correct copy of the May 3, 2019 Judgment in a Criminal Case is attached hereto, made a part hereof and marked Exhibit "B".

6. He acknowledges that the material facts contained in Exhibit "A" and Exhibit "B" are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

8. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for

reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Disciplinary Board.

10. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

11. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

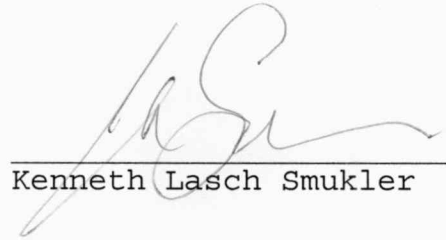
12. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e) (1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

13. He requests that his disbarment be made retroactive to April 1, 2019, the date the temporary suspension Order was entered. He is advised that the Office of Disciplinary Counsel does not oppose his request. He understands that the decision to grant his

request lies solely within the discretion of the Supreme Court of Pennsylvania.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 29th day of MAR, 2019.



Kenneth Lasch Smukler

WITNESS: 

THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA

Paul J. Killion, Esquire
Chief Disciplinary Counsel
601 Commonwealth Avenue
Suite 2700
P.O. Box 62485
Harrisburg, PA 17106-2485
(717) 783-0990
(717) 783-4963 (Fax)

Disciplinary Counsels-in-Charge

DI- Anthony P. Sodroski
DII-Raymond S. Wierciszewski
DIII- Ramona M. Mariani
DIV- Angelea A. Mitas



CHIEF DISCIPLINARY COUNSEL
www.padisciplinaryboard.org

February 25, 2019

Prothonotary
Supreme Court of Pennsylvania
Western District Office
801 City-County Building
414 Grant Street
Pittsburgh, PA 15219

ATTN: John A. Vaskov, Esquire
Deputy Prothonotary

Re: Certificate of Conviction
KENNETH LASCH SMUKLER
Attorney Registration No. 45333
File Reference #C2-18-1084

Dear Mr. Vaskov:

Pursuant to Rule 214(c), Pa.R.D.E., enclosed are certified copies of the Judgement and Verdict Form relating to the December 3, 2018 guilty verdict in the case of *United States of America v. Kenneth Smukler*, Docket No. 2:17-cr-00563-JD-2, in the United States District Court for the Eastern District of Pennsylvania, on Mr. Smukler's criminal convictions of conspiracy to commit offense or to defraud the United States, in violation of 18 U.S.C. § 371; causing unlawful campaign contributions in violation of 52 U.S.C. §§ 30109(d)(1)(A)(i), 30116(f), and 18 U.S.C. § 2; causing false campaign reports in violation of 52 U.S.C. §§ 30104(a)(1), 30104(b)(5)(A), 30109(d)(1)(A)(i), and of 18 U.S.C. § 2; causing false statements in violation of 18 U.S.C. §§ 2 and 1001(a)(1); making contributions in the name of another in violation of 52 U.S.C. §§ 30109(d)(1), 30116(f), 30122, and 18 U.S.C. § 2 and obstruction of a pending agency proceeding in violation of 18 U.S.C. §§ 2 and 1505.

The crimes for which Mr. Smukler were convicted are punishable by imprisonment. They are "crimes" as defined by Rule 214(h), Pa.R.D.E.

Exhibit A

John A. Vaskov, Esquire
Page 2

Current Attorney Registration records indicate Mr. Smukler is on administrative suspension status and his Registration Number is 45333. His address of record is 127 Red Rose Lane, Villanova, Pennsylvania 19085.

Currently Mr. Smukler is scheduled to be sentenced on March 13, 2019. Mr. Smukler did not report his convictions to the Office of Disciplinary Counsel, as required by Pa.R.D.E. 214(a).

Mr. Smukler has no discipline of record.

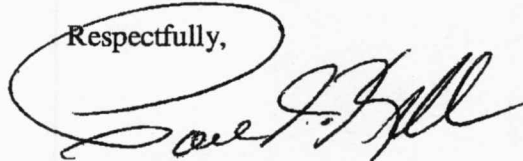
I respectfully and strongly recommend in this particular instance that the Supreme Court seriously consider, pursuant to Rule 214(d), entering a rule directing Mr. Smukler to show cause why he should not be placed on temporary suspension as a result of the crimes of which he has been convicted. Enclosed is a proposed form of an Order appropriate for that purpose.

Pursuant to Rule 214(f)(1) and the explanatory Note that follows subdivision (f)(1), Office of Disciplinary Counsel will be instituting a formal proceeding before a hearing committee by filing a petition for discipline with the Board.

This letter should serve as notice to Mr. Smukler, the Respondent, that a conforming copy of all filings with the Court is to be served on Harold E. Ciampoli, Jr., Disciplinary Counsel, District II Office, Office of Disciplinary Counsel, 820 Adams Avenue, Suite 170, Trooper, Pennsylvania 19403.

I certify that I have this day sent a copy of this letter and its attachments to Mr. Smukler, by certified mail and by first class mail addressed to 1127 Red Rose Lane, Villanova, PA 19085.

Respectfully,



Paul J. Killion
Chief Disciplinary Counsel

PJK/ jll
Enclosures

cc: (w/enc.)
Kenneth Lasch Smukler
Disciplinary Board Prothonotary
Raymond S. Wierciszewski, Disciplinary Counsel-in-Charge, DII (w/o enc.)
Harold E. Ciampoli, Jr., Disciplinary Counsel, DII (w/o enc.)

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. Disciplinary Docket
: No. 3 Supreme Court
KENNETH LASCH SMUKLER :
: Board File No. C2-18-1084
:
: (United States District Court for the
: Eastern District of Pennsylvania,
: Docket No. 2:17-cr-00563-JD-2)
:
: Attorney Registration No. 45333
:
: (Montgomery County)

RULE TO SHOW CAUSE

PER CURIAM:

AND NOW, this day of , 2019, KENNETH LASCH SMUKLER having been convicted in the case of *United States of America v. Kenneth Smukler*, Docket No. 2:17-cr-00563-JD-2, in the United States District Court for the Eastern District of Pennsylvania, of conspiracy to commit offense or to defraud the United States; causing unlawful campaign contributions; causing false campaign reports; causing false statements; making contributions in the name of another, and obstruction of a pending agency proceeding, a Rule is hereby entered pursuant to Rule 214(d)(1), Pa.R.D.E., directing him to show cause why he should not be placed on temporary suspension.

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of
KENNETH LASCH SMUKLER

: No. Disciplinary Docket
: No. 3 Supreme Court
:
: Board File No. C2-18-1084
:
: (United States District Court for the
: Eastern District of Pennsylvania,
: Docket No. 2:17-cr-00563-JD-2)
:
: Attorney Registration No. 45333
:
: (Montgomery County)

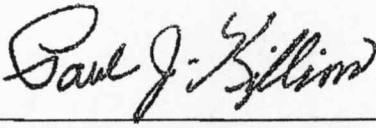
PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing documents upon the person
and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service by First Class and
Certified Mail addressed as follows:

Kenneth Lasch Smukler
1127 Red Rose Lane
Villanova, PA 19085

2/25/19
Date



PAUL J. KILLION (Atty. Reg. No. 20955)
Chief Disciplinary Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

CRIMINAL ACTION

v.

KENNETH SMUKLER

NO. 17-563-02

JUDGEMENT

AND NOW, this 3rd day of December, 2018, following jury trial commencing on November 13, 2018, and concluding on December 3, 2018, the jury having found defendant guilty as to Counts One, Two, Five, Six, Seven, Eight, Nine, Ten, and Eleven of the Superseding Indictment, and not guilty as to Counts Three and Four of the Superseding Indictment, **IT IS ORDERED** that Judgment in accordance with the above verdict is hereby entered pursuant to Rule 32(k)(1), Federal Rules of Criminal Procedure.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.

A TRUE COPY CERTIFIED FROM THE RECORD

DATED: February 7, 2019

ATTEST: Mair R. Olson
**DEPUTY CLERK UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES

CRIMINAL ACTION

v.

KENNETH SMUKLER

NO. 17-563-02

VERDICT FORM

The jury unanimously agrees to the following verdict for Counts One through Eleven of the Superseding Indictment as to defendant, Kenneth Smukler:

COUNT ONE

GUILTY NOT GUILTY

On Count One of the Superseding Indictment, charging conspiracy, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT TWO

GUILTY NOT GUILTY

On Count Two of the Superseding Indictment, charging willfully causing contributions to Jimmie Moore for Congress in excess of the limits of the Election Act, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

November 29, 2018

A TRUE COPY CERTIFIED FROM THE RECORD
DATED: January 7, 2019
ATTEST: Maik R. Olson
DEPUTY CLERK UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

COUNT THREE

GUILTY

NOT GUILTY

On Count Three of the Superseding Indictment, charging willfully causing Bob Brady for Congress to falsely report to the Federal Election Commission disbursements made by that authorized campaign committee over \$200, and aiding and abetting, we the jury find the defendant, Kenneth Smukler:

_____ X _____

COUNT FOUR

GUILTY

NOT GUILTY

On Count Four of the Superseding Indictment, charging willfully causing Jimmie Moore for Congress to falsely omit from reports to the Federal Election Commission the receipt of contributions over \$200, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

_____ X _____

COUNT FIVE

GUILTY

NOT GUILTY

On Count Five of the Superseding Indictment, with respect to the charge of false statements where the defendant caused Bob Brady for Congress to report to the Federal Election Commission disbursements that were in fact contributions to Jimmie Moore for Congress, and caused Jimmie Moore for Congress to fail to report to the Federal Election Commission contributions from Bob Brady for Congress in the form of payment of debts owed by Jimmie Moore for Congress, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT SIX

GUILTY

NOT GUILTY

On Count Six of the Superseding Indictment, with respect to the charge of false statements where the defendant caused Marjorie 2014 to report to the Federal Election Commission that certain payments were "refunds" of money advanced to the defendant's companies for general election expenses, when those payments were in fact unlawful campaign contributions funneled through those companies, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT SEVEN

GUILTY

NOT GUILTY

On Count Seven of the Superseding Indictment, charging willfully making and causing to be made contributions to Marjorie 2014 in excess of the limits of the Election Act, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT EIGHT

GUILTY

NOT GUILTY

On Count Eight of the Superseding Indictment, charging willfully making and causing to be made a contribution to Marjorie 2014, which aggregated to \$2,000 and more in calendar year 2014, in the name of another, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT NINE

GUILTY

NOT GUILTY

On Count Nine of the Superseding Indictment, charging willfully making and causing to be made a contribution to Marjorie 2014, which aggregated more than \$10,000 in calendar year 2015, in the name of another, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

X _____

COUNT TEN

On Count Ten of the Superseding Indictment, charging willfully causing Marjorie 2014 to falsely report to the Federal Election Commission contributions received by that authorized campaign committee over \$200, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

GUILTY NOT GUILTY

X _____

COUNT ELEVEN

On Count Eleven of the Superseding Indictment, charging corruptly influencing, obstructing, and impeding, and endeavoring to influence, obstruct, and impede a matter under review by the Federal Election Commission, and aiding and abetting, we the jury unanimously find the defendant, Kenneth Smukler:

GUILTY NOT GUILTY

X _____

After you have completed this jury verdict form in accordance with the instructions, the foreperson should sign and date the form below and the jury should return to the courtroom.

12/3/18

DATE

Paul Kream

FOREPERSON

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel
Signature: [Handwritten Signature]
Name: Harold E Ciampoli Jr
Attorney No. (if applicable): 51159

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of: Kenneth Lasch Smukler :
: :
:

PROOF OF SERVICE

I hereby certify that this 25th day of February, 2019, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served: Disciplinary Board of the Supreme Court
Service Method: eService
Service Date: 2/25/2019
Address: 601 Commonwealth Ave
Suite 5600
Harrisburg, PA 17106
Phone: (71-7) -231-3380

Served: Kenneth Lasch Smukler
Service Method: First Class Mail
Service Date: 2/25/2019
Address: 1127 Red Rose Ln
Villanova, PA 19085
Phone: -
Representing: Respondent Kenneth Lasch Smukler

/s/ Paul J. Killion

(Signature of Person Serving)

Person Serving: Killion, Paul J.
Attorney Registration No: 020955
Law Firm: Disciplinary Board of the Supreme Court of PA
Address: Chief Disciplinary Counsel
Po Box 62485
Harrisburg, PA 171062485
Representing: Petitioner Office of Disciplinary Counsel

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

KENNETH SMUKLER

JUDGMENT IN A CRIMINAL CASE

DPAE2:17CR000563-002

Case Number:

USM Number:

76315-066

Brian McMonagle, Esquire

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 count(s) 1, 2, 5, 6, 7, 8, 9, 10, and 11 of the Superseding Indictment.
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §371	Conspiracy	06/30/2013	1
52 U.S.C. §§30109(d)(1)(A)(i) and 30116(f) and 18 U.S.C. §2	Causing unlawful campaign contributions and aiding and abetting.	08/31/2012	2

(continued on next page)

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- X The defendant has been found not guilty on count(s) 3 and 4 of the Superseding 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

May 3, 2019
Date of Imposition of Judgment

Jan E. DuBois
Signature of Judge

Jan E. DuBois, U.S.D.J.
Name and Title of Judge

May 3, 2019
Date

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAE2:17CR000563-002

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1001(a)(1) and 2	Causing false statements and aiding and abetting.	06/30/2013	5
18 U.S.C. §§ 1001(a)(1) and 2	Causing false statements and aiding and abetting.	10/31/2015	6
52 U.S.C. §§ 30109(d)(1)(A)(i) and 30116(f) and 18 U.S.C. § 2	Causing unlawful campaign contributions and aiding and abetting.	07/31/2014	7
52 U.S.C. §§ 30109(d)(1), 30116(f), 30122 and 18 U.S.C. § 2	Making contributions in the name of another and aiding and abetting	05/31/2014	8
52 U.S.C. §§ 30109(d)(1), 30116(f), 30122 and 18 U.S.C. § 2	Making contributions in the name of another and aiding and abetting	07/31/2015	9
52 U.S.C. §§ 30104(a)(1) and 30104(b)(5)(A) and 30109(d)(1)(A)(i) and 18 U.S.C. § 2	Causing false campaign expenditure reports and aiding and abetting.	10/31/2015	10
18 U.S.C. §§ 1505 and 2	Obstruction and aiding and abetting	08/31/2015	11

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAE2:17CR000563-002

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: Eighteen (18) months on Counts One, Two, Five, Six, Seven, Nine, Ten and Eleven of the Superseding Indictment, such terms to be served concurrently, and to a concurrent term of imprisonment of twelve (12) months on Count Eight of the Superseding Indictment, for a total term of imprisonment of eighteen (18) months on Counts One, Two and Five through Eleven of the Superseding Indictment.

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

That defendant be designated to an institution in close proximity to Philadelphia, Pennsylvania, where his family resides.

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.

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

X before 2 p.m. on Monday, June 17, 2019*

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

* In the event no institution is designated by the Bureau of Prisons as of that date, defendant shall self-surrender no later than 2:00 P.M. on Monday, June 17, 2019, at the Office of the United States Marshal, United State Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

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: KENNETH SMUKLER
CASE NUMBER: DPAE2:17CR000563-002

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

One (1) year on Counts One, Two, Five, Six, Seven, Eight, Nine, Ten and Eleven of the Superseding Indictment, such terms to be served concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must 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 above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5. You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7. You must participate in an approved program for domestic violence. (check if applicable)

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

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAAE2:17CR000563-002

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers)
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAE2:17CR000563-002

ADDITIONAL SUPERVISED RELEASE TERMS

1. Defendant shall pay the fine imposed by this Judgment that remains unpaid at the commencement of his supervised release at the rate of not less than \$500.00 per month;
2. Defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the United States Probation Office, unless the defendant is in compliance with the payment schedule for his fine;
3. Defendant shall provide the United States Probation Office with full disclosure of his financial records including yearly tax returns upon the request of the United States Probation Office. The defendant shall cooperate with the United States Probation Office in any investigation of his finances and shall provide monthly statements of his income; and,
4. Defendant shall not encumber or liquidate his interest in any assets unless the proceeds are to be used in payment of defendant's fine obligation or defendant has permission of the Court to do so.

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAAE2:17CR000563-002

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 825.00	\$ 0.00	\$ 75,000.00	\$ 0.00

The determination of restitution is deferred An Amended Judgment in a Criminal Case (AO 245C) will be entered until 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>
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TOTALS	\$ _____	\$ _____	
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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:

X the interest requirement is waived for X fine restitution.

the interest requirement for fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** 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.

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAAE2:17CR000563-002

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

Defendant shall pay to the United States of America a fine of \$75,000.00. The fine is due immediately. Interest on the fine is waived. The Court recommends that, while in custody, defendant pay his fine pursuant to the Bureau of Prisons Inmate Financial Responsibility Program provided, however, that defendant shall pay the fine in quarterly installments of not less than \$25.00 out of his prison earnings, unless his prison earnings after payment of his special assessment are less than \$25.00 a quarter, in which event, the quarterly installment shall be the amount of his prison earnings. Beginning thirty (30) days after defendant is released from custody, defendant shall pay the balance due on his fine obligation in monthly installments of not less than \$500 00.

The Court finds that defendant has sufficient assets, income and income earning potential to warrant imposition of the fine and payment schedule, taking into account his expenditures for food, clothing, shelter and other necessities for himself and his family.

Defendant shall pay a special assessment of \$825 00 to the United States of America on or before May 6, 2019.

DEFENDANT: KENNETH SMUKLER
CASE NUMBER: DPAE2:17CR000563-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is 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:
See page 8 (Sheet 5A).

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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.

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:

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) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.