COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: NORTHUMBERLAND

Magisterial District Number: 08-3-03
MDJ: Hon. JOHN GEMBIC
Address: 2 E. ARCH ST.
SHAMOKIN, PA 17802

Telephone: (570)644-0736

# POLICE CRIMINAL COMPLAINT
## COMMONWEALTH OF PENNSYLVANIA
## VS.

DEFENDANT: *(NAME and ADDRESS):*

| JUSTIN | RICHARD | DUNKELBERGER |
|---|---|---|
| *First Name* | *Middle Name* | *Last Name* |

142 ESSEX LANE, NORTHUMBERLAND, PA 17857

**NCIC Extradition Code Type**

- ☐ 1-Felony Full
- ☐ 2-Felony Limited
- ☐ 3-Felony Surrounding States
- ☐ 4-Felony No Extradition
- ☐ 5-Felony Pending Extradition
- ☐ 6-Felony Pending Extradition Determ.
- ☐ A-Misdemeanor Full
- ☐ B-Misdemeanor Limited
- ☐ C-Misdemeanor Surrounding States
- ☐ D-Misdemeanor No Extradition
- ☐ E-Misdemeanor Pending Extradition
- ☐ F-Misdemeanor Pending Extradition
- ☐ Distance: ____

**DEFENDANT IDENTIFICATION INFORMATION**

| Docket Number | Date Filed | OTN/LiveScan Number | Complaint/Incident Number | Request Lab Ser |
|---|---|---|---|---|
| CR-125-19 | / / | U 687189.6 | 21-1536 | ☐ YES ☒ N |

| GENDER | DOB | POB | Add'l DOB | Co-Defendant(s) |
|---|---|---|---|---|
| ☒ Male ☐ Female | 10/23/1977 | Pa | / / | |

| First Name | Middle Name | Last Name |
|---|---|---|
| AKA | | |

RACE: ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown

ETHNICITY: ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

Hair Color: ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown) ☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk./Bald) ☐ GRN (Green) ☐ PNK (Pink) ☐ BLN (Blonde / Strawberry)

Eye Color: ☐ BLK (Black) ☒ BLU (Blue) ☐ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray) ☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

| DNA | ☐ YES ☒ NO | DNA Location | WEIGHT (l |
|---|---|---|---|
| FBI Number | H7K748PAK | MNU Number | 220 |
| Defendant Fingerprinted | ☐ YES ☒ NO | | Ft. HEIG |
| Fingerprint Classification: | | | 6 |

**DEFENDANT VEHICLE INFORMATION**

| Plate # | State | Haz mat ☐ | Registration Sticker (MM/YY) / | Comm'l Veh. Ind. ☐ | School Veh. ☐ | Oth. NCIC Veh. Code |
|---|---|---|---|---|---|---|
| | | | | | | |

| VIN | Year | Make | Model | Style | Color |
|---|---|---|---|---|---|
| | | | | | |

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved because: ____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwea filing. See Pa.R.Crim.P. 507).

Nicole Forzato
(Name of the attorney for the Commonwealth)

Nicole Forzato (SDAG)
(Signature of the attorney for the Commonwealth)

3/12/
(D

I, AGENT RALPH W. RALSTON
(Name of the Affiant)

527
(PSP/MPOETC -Assigned Affiant ID Number & Badge

of Pennsylvania Office of Attorney General
(Identify Department or Agency Represented and Political Subdivision)

PA0222400
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
   ☐ I accuse the defendant whose name is unknown to me but who is described as ____

   ☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe
   with violating the penal laws of the Commonwealth of Pennsylvania at [302] (Subdivision Code) 201 Market St., Sunbury, (Place-Political Subdivision)

in NORTHUMBERLAND County [49] (County Code) on or about MAY 2015-MAY 2016

# POLICE CRIMINAL COMPLAINT

| Number: | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number 21-1536 |
|---|---|---|---|

| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER |
|---|---|---|---|

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
**(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)**

**Inchoate Offense** ☐ Attempt *18 901 A* ☐ Solicitation *18 902 A* ☐ Conspiracy *18 903* — **Number of Victims Age 60 or Older** _____

| Lead? | Offense # | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
|---|---|---|---|---|---|---|---|---|---|
| ☒ | 1 | 3921 | (A) | of the | TITLE 18 | 2 | F3 | | |

**PennDOT Data (if applicable)** Accident Number _____ ☐ Interstate ☐ Safety Zone ☐ Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY UNLAWFUL TAKING OR DISPOSITION**

Acts of the accused associated with this Offense: In that the above named defendant did unlawfully take, or exercise unlawful control over, movable property of another with intent to deprive him thereof. To wit: in May and June 2015, while the defendant was the Prothonotary of Northumberland County, PA, he unlawfully wrote two (2) Northumberland County Prothonotary checks totalling $30,000, which he deposited into a Bank of America account that he created under the company name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into Bank of America account for personal use.

**Inchoate Offense** ☐ Attempt *18 901 A* ☐ Solicitation *18 902 A* ☐ Conspiracy *18 903* — **Number of Victims Age 60 or Older** _____

| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | 2 | 3927 | (A) | of the | TITLE 18 | 2 | F3 | | |

**PennDOT Data (if applicable)** Accident Number _____ ☐ Interstate ☐ Safety Zone ☐ Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED**

Acts of the accused associated with this Offense: A person who obtains property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he intentionally deals with the property obtained as his own and fails to make the required payment or disposition. To wit: in May and June 2015, whil the defendant was the Prothonotary of Northumberland County, PA, he unlawfully wrote two (2) Northumberland County Prothonotary checks totalling $30,0 which he deposited into a Bank of America account that he created under the company name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into Bank of America account for personal use.

**Inchoate Offense** ☐ Attempt *18 901 A* ☐ Solicitation *18 902 A* ☐ Conspiracy *18 903* — **Number of Victims Age 60 or Older** _____

| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Co |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | 3 | 3925 | (A) | of the | TITLE 18 | 2 | F3 | | |

**PennDOT Data (if applicable)** Accident Number _____ ☐ Interstate ☐ Safety Zone ☐ Work Zon

Statute Description (include the name of statute or ordinance): **RECEIVING STOLEN PROPERTY**

Acts of the accused associated with this Offense: In that the above named defendant did intentionally receive, retain, or disposed of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed wi intent to restore it to the owner. To wit: in May and June 2015, while the defendant was the Prothonotary of Northumberland County, PA, he unlawfully two (2) Northumberland County Prothonotary checks totalling $30,000, which he deposited into a Bank of America account that he created under the com name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into the Bank of America account for personal use.

# POLICE CRIMINAL COMPLAINT

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| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER |
|---|---|---|---|

Inchoate Offense: ☐ Attempt 18 901 A ☐ Solicitation 18 902 A ☐ Conspiracy 18 903

Number of Victims Age 60 or Older _____

| Lead? | Offense# | Section | Subsection | of the | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | 4 | 4911 | (A)(2) | of the | TITLE 18 | 2 | F3 | | |

PennDOT Data (if applicable) | Accident Number _____ | ☐ Interstate | ☐ Safety Zone | ☐ Work Zone

Statute Description (include the name of statute or ordinance): **TAMPERING WITH PUBLIC RECORDS OR INFORMATION**

Acts of the accused associated with this Offense: In that the abve named defendant makes, presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in paragraph (1) of this subsection. To wit: in May and June 2015, while the defendant was the Prothonotary of Northumberland County, PA, he utilized several IMR Ltd. invoices to create unauthorized expenses for the Northumberland County Prothonotary. He then wrote two (2) Northumberland County Prothonotary checks totalling $30,000, which he deposited into a Bank of America account that he created under the company name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into the Bank of America account for personal use.

Inchoate Offense: ☐ Attempt 18 901 A ☐ Solicitation 18 902 A ☐ Conspiracy 18 903

Number of Victims Age 60 or Older _____

| Lead? | Offense# | Section | Subsection | of the | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | 5 | 3922 | (A) | of the | TITLE 18 | 2 | F3 | | |

PennDOT Data (if applicable) | Accident Number _____ | ☐ Interstate | ☐ Safety Zone | ☐ Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY DECEPTION**

Acts of the accused associated with this Offense: In that the above named defendant did intentionally obtains or withholds property of another by deception when he created or reinforced a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise. To wit:in May and June 2015, while the defendant was the Prothonotary of Northumberland County, PA, he unlawfully wrote two (2) Northumberland County Prothonotary checks totalling $30,000, which he deposited into a Bank of America account that he created under the company name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into the Bank of America account for personal use.

Inchoate Offense: ☐ Attempt 18 901 A ☐ Solicitation 18 902 A ☐ Conspiracy 18 903

Number of Victims Age 60 or Older _____

| Lead? | Offense# | Section | Subsection | of the | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
|---|---|---|---|---|---|---|---|---|---|
| ☐ | 6 | 4113 | (A) | of the | TITLE 18 | 2 | M2 | | |

PennDOT Data (if applicable) | Accident Number _____ | ☐ Interstate | ☐ Safety Zone | ☐ Work Zone

Statute Description (include the name of statute or ordinance): **MISAPPLICATION OF ENTRUSTED PROPERTY AND PROPERTY OF GOVERNMENT OR FINANCIAL INSTITUTIONS**

Acts of the accused associated with this Offense: In that the above named defendant applied or disposed of property that had been entrusted to him as a fiduciary, or property of the government or of a financial institution, in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted. To wit: in May and June 2015, while the defendant was the Prothonotary of Northumberland County, PA, he unlawfully wrote two (2) Northumberland County Prothonotary checks totalling $30,000, which he deposited into a Bank of America account that he created under the company name IMR KEY MARK, LLC. The defendant then utilized the funds he deposited into the Bank of America account for personal use.

# POLICE CRIMINAL COMPLAINT

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| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER |

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

4. This complaint consists of the preceding page(s) numbered 1 through 4.

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

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
**(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

March 12 2019
(Date) (Year)

(Signature of Affiant)

AND NOW, on this date 3-12-19 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

08303
(Magisterial District Court Number)

(Issuing Authority)

SEAL

| Docket Number: | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number 21-1536 |
|---|---|---|---|
| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER |

# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT of PROBABLE CAUSE

Your affiant is employed as a Special Agent with the Office of the Pennsylvania Attorney General, Bureau of Criminal Investigations. Your affiant has over 39 years of law enforcement experience, 35 of which were spent with the State College Police Department. Your affiant served as a Detective for 25 years and was responsible for the investigation of many types of crimes including, but not limited to, criminal homicide, sexual assault, elder abuse, assault, arson, robbery, theft, fraud and financial exploitation, to name a few. Your affiant is a graduate of the PA State Police Academy and has attended specialized training provided by the PA Office of Attorney General, the University of North Florida, the Federal Bureau of Investigation, St. Petersburg (FL) College, the Pennsylvania State University and many other training institutions. Your affiant has received specialized training in the areas of basic and advanced criminal investigations, crime scene management, homicide, DUI, financial crime, computer crime, electronic surveillance, etc. Your affiant, through years of training and experience, has become very familiar with the techniques and the methods of operation used by suspects in their quest to violate the law.

On September 15, 2015, then Northumberland County Commissioner Vinny Clausi forwarded a letter to the Northumberland County District Attorney's Office, the Office of Attorney General, and the Pennsylvania State Auditor General's office regarding possible financial improprieties in the Northumberland County Prothonotary's office, which was under the control of then Prothonotary, Justin Dunkelberger. Then Northumberland County District Attorney, Ann Targonski, referred the matter to the Pennsylvania Office of Attorney General due to a conflict of interest.

As a result of the aforementioned allegations, Northumberland County also enlisted the services of Boyer and Ritter (B&R), LLC, Certified Public Accountants (CPA) and Consultants, to conduct an independent audit of the Prothonotary's Office for the time frame January 1, 2014 through June 30, 2017. Dunkelberger was the elected Northumberland County Prothonotary during this time period. Based on their audit, Lisa A. Myers, principal CPA, and Justin Schaffer, CPA, of B&R, authored a report regarding their findings. They opined that "although we did not identify any quantifiable misappropriations of funds, we did identify one instance, check number 1875, and two vendors, "MePush, Inc." and IMR Keymark, related to the Public Funds Account, that we encourage Northumberland County to investigate further: 1) with follow up to IMR Keymark regarding their receipt of the funds; 2) with a handwriting expert with regards to the endorsement on this particular check (#1875); and 3) with follow up to MePush regarding receipt of funds due to key Prothonotary office employees identifying MePush as an unknown vendor." B&R also compared check #1875 with check #1887, both of which were made payable to IMR Keymark for $15,000.00 each. Check #1875 contained a handwritten endorsement signifying that it had been negotiated by an individual. In this case, the endorsement bore significant resemblance to Dunkelberger's signature. Check #1887 bore a stamped endorsement, "Pay to the Order of Bank of America, Bethlehem, PA, For Deposit Only, IMR KEY MARK LLC, XXXXXXXX9627."

"MePush" was not known as an established vendor. On November 1, 2018, your affiant spoke with current Prothonotary, Jamie Saleski. She reported that she had contacted vendor "MePush" and learned that Dunkelberger sought them out for web services and paid them for initial consulting work. This eliminates suspicion surrounding the check payable to "MePush."

"IMR" also known as "IMR Limited" and/or "IMR Digital" was a recognized vendor in Northumberland County. They offered document scanning services and billed Northumberland County on a regular basis. This investigation revealed on two separate occasions: on or about May 4, 2015 and June 1, 2015, Justin Dunkelberger, provided his employee, Deputy Prothonotary Geraldine Yagle (Yagle) invoices from IMR for payment from the Public Funds account. At Dunkelberger's direction, she reviewed the invoices he provided her, signed and authorized the checks for IMR Key Mark, LLC., and returned them to him for further handling. Those two payments are identified as checks #1875 and #1887. The investigation further revealed that Yagle had previously advised Dunkelberger that the Public Funds account, an account under the Prothonotary's direct control, was only appropriate for certain specific payments but that other expenses were to be run through the County Controller's office. Dunkelbeger retorted "I'll cross that bridge when I come to it." Since the invoices appeared to be legitimate, she authorized the payments as instructed.

Through July-August 2018, Special Agent Michael Carlson of the PA Office of Attorney General was in contact with Daniel Christie, Vice President of Finance and Legal for KeyMark, Inc., parent company for KeyMark, Inc., KeyMark IMR, IMR Digital, LLC, and IMR Ltd., to inquire about check #1875 and check #1887. Christie reported that they have never held an account at Bank of America nor did he believe they ever received either check.

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| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER | Complaint/Incident Number 21-1536 |

Through the course of this investigation, your affiant obtained the records regarding the Bank of America (BOA) in the name of "IMR KEY MARK, LLC," which is associated with account number XXXXXXXX9627, Party Identification number XXXXXXX1134, for the time period May 2015 through September 2016. Upon review of the BOA documents, your affiant learned that the account was opened in May 2015. The address associated with the account at all times material hereto was 142 Essex Lane, Northumberland Pennsylvania, the home address of Justin Dunkelberger. Further, your affiant determined that Justin Dunkelberger, was identified as the "President" of IMR Key Mark, LLC, on the "Certified Copy of Limited Liability Company Resolutions Opening and Maintaining Deposit Accounts and Services" document used to open the BOA account material hereto and associated with the account number XXXXXXXX9627.

Additionally, the "Certified Copy of Limited Liability Company Resolutions Opening and Maintaining Deposit Accounts and Services" states that "IMR Key Mark, LLC" is duly organized and existing under the laws of the state of Nevada. That form is dated May 12, 2015, and contains a signature which resembles the known signature of Justin Dunkelberger. The account was opened on or about May 13 or 14, 2015, with a $100 deposit, made with a credit card ending in XXXXXXXX9820. Thereafter, your affiant obtained the Articles of Organization for "IMR Key Mark, LLC" from the Nevada Department of State. Your affiant learned "IMR Key Mark, LLC" was registered with the Nevada Department of State on April 8, 2015. The identified manager or managing member on the Articles of Organization for "IMR Key Mark, LLC" is "Irish Valley Holdings."

A review of the account records in the name of "IMR Key Mark, LLC" and associated with the account number XXXXXXXX9627, revealed the following as some of the checks issued therefrom:

1) On May 20, 2015, a check was written out to "Justin Dunkelberger" in the amount of $9500.00 for "reimbursement of startup;"
2) On June 9, 2015, a check was written out to "Justin Dunkelberger" in the amount of $6500.00 for "reimbursement;"
3) On June 7, 2015, a check was written out to "Irish Valley Holdings" in the amount of $1500.00 for "payment;"
4) On June 18, 2015, a check was written out to the "Phil Lockcuff Memorial Fund" in the amount of $5,000.00 for "donation," and
5) On May 16, 2016, a check was written to the "Northumberland Co. Prothonotary's Office" in the amount of $30,000.00 for "scanning contract."

Your affiant confirmed that check #1875 and check #1887, which were flagged by B&R and are the subject of this investigation, were issued from the Northumberland County Prothonotary Public Funds account and subsequently deposited into the BOA account in the name of "IMR Key Mark, LLC" bearing the account number XXXXXXXX9627. Specifically, check #1875 in the amount of $15,000.00 was deposited on May 15, 2015, and check #1887, also in the amount of $15,000.00 was deposited on June 4, 2015.

On February 24, 2016, Justin Dunkelberger was arrested for the misapplication of funds from the "Lockcuff Memorial Fund," where he served in his personal capacity as a signatory on the memorial fund bank account.

Thereafter, on May 12, 2016, a $30,000.00 check payable to IMR KeyMark, LLC and drawn on a Northumberland National Bank account in Justin Dunkelberger's name was deposited into the BOA account. Dunkelberger's name and home address of 142 Essex Lane, Northumberland, Pennsylvania, was printed on the check. The BOA account was also used for Dunkelberger's personal expenses, such as gas and food. On May 16, 2016, the final check was written from the BOA "IMR Key Mark, LLC" account in the amount of $30,000.00 to the Northumberland County Prothonotary's Office purportedly for a "scanning contract."

Through the course of this investigation, your affiant has determined that there was no such contract between the Nevada company known as "IMR Key Mark, LLC" and the Northumberland County Prothonotary. Your affiant has also confirmed that the Nevada company known as "IMR Key Mark, LLC" is not associated with KeyMark, Inc., parent company for KeyMark, Inc., Keymark IMR, IMR Digital, LLC, and IMR Ltd.



DMK

# POLICE CRIMINAL COMPLAINT

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| Defendant Name: | First: JUSTIN | Middle: RICHARD | Last: DUNKELBERGER |

I, AGENT RALPH W. RALSTON, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE *CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA* THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

(Signature of Affiant)

Sworn to me and subscribed before me this 12 day of March 2019

_____ Date _____, Magisterial District Judge

My commission expires first Monday of January, 3.24

SEAL