

OFFICE OF THE NASSAU COUNTY CLERK 2016 ANNUAL REPORT

**MAUREEN
O'CONNELL**
NASSAU COUNTY CLERK



MAUREEN O'CONNELL, RN, JD
NASSAU COUNTY CLERK



OFFICE OF THE COUNTY CLERK
240 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501

Dear Fellow Residents:

I am pleased to provide the Annual Report of the Nassau County Clerk's Office for fiscal year 2016.

Created by the New York State Constitution, the Nassau County Clerk's Office acts as agent for the state and is part of the New York State Unified Court System serving as the Clerk of Supreme and County Courts. The office has unique duties dictated by legal statutes pertaining to processing and indexing all real property ownership records dating back to 1899, as well as filing and maintaining court records. Every record must be reviewed for statutory compliance and is required to be retained in perpetuity. In addition, the County Clerk is responsible for safeguarding vital historic records of the County including the storage and retrieval of records belonging to many county departments.

While one of the most public offices in Nassau County government, the matters handled by the Clerk's Office are of a personal nature to the hundreds of residents who utilize our services daily. My dedicated staff assists residents, legal professionals, other governmental agencies, court staff and the judiciary with numerous services including: court filings, name change orders, small claims assessment review petitions (SCAR), deeds, mortgages, mortgage satisfactions, real property maps, judgments and liens, business certificates, notary public requests, passports, and veteran's discharge filings. Accordingly, the County Clerk exercises a non-delegable fiduciary duty as collection agent for the funds generated by these services on behalf of other jurisdictions, including New York State and the Unified Court System.

In 2016 the County Clerk's Office processed over 695,000 transactions equating to more than 2,600 on the public's behalf each business day totaling nearly \$250 million in receipts and disbursements. Included in these transactions was substantial expansion and growth of e-recording of land documents, e-filing of court records and other electronic filing interfaces, creating greater efficiencies and streamlined services.

The Clerk's Office introduced an upgraded electronic document database and imaging system in 2016. This initiative also brought land and miscellaneous records online for the public at no additional cost. 2016 also saw the expanding of ease of access to County Clerk services including mobile office operations in communities throughout the county and extended office hours.

The Clerk's Office continues to meet objectives by providing real time recording of documents through implementation of new technologies, responsive constituent services, operational efficiency, document preservation and personal privacy protection to best serve the public.

During my tenure as County Clerk, I consistently perform my prescribed Constitutional, fiduciary and statutory obligations to the residents of Nassau County and New York State through the efficient allocation of the resources provided by the County. My office remains committed to providing the optimum level of service the residents of Nassau County deserve.

Very truly yours,

MAUREEN O'CONNELL
Nassau County Clerk

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FEES & TAXES

STATUTORY AUTHORITY

Fees and taxes collected by the Office of the County Clerk are remitted to various Federal, State and local municipalities as follows:

MORTGAGE TAX

In accordance with Article 11 of the New York State Tax Law assessed on mortgages for single and multi family dwellings, commercial property and vacant land through private lenders, natural persons or Federal Credit Unions.

REAL ESTATE TRANSFER TAX

In accordance with Article 31 of the New York State Tax Law assessed on conveyances of real property.

SUPREME AND COUNTY COURT FEES

In accordance with Article 12 of Nassau County Laws and Article 80 of the New York State Civil Practice Law (CPLR) for County Clerk services as Clerk of the Supreme and County Courts.

RECORD MANAGEMENT

In accordance with §8018 and §8021 of the New York State Civil Practice Law, Records Management Surcharge for document processing.

EQUALIZATION AND ASSESSMENT

In accordance with §333(3) and §574 of the New York State Real Property Law (RPL), assessed on each RP-5217 form filed with the Clerk's Office.

NOTARY LICENSING

In accordance with New York State Executive Law §131, for the processing of Notary Public Commissions.

SCOPE OF SERVICES PROVIDED

- Recording all deeds, mortgages, mortgage satisfactions and other real property related filings
- Filing and maintaining county land and subdivision maps
- Issuing civil case index numbers, requests for judicial intervention, notes of issue and jury demands
- Indexing all Supreme Court files and related documents
- Maintaining Supreme and County Court case files
- Processing name change applications
- Receiving and processing Notices of Appeal to the Appellate Division
- Processing Small Claims Assessment Review (SCAR) matters
- Processing Tax Certiorari cases
- Recording Powers of Attorney
- Indexing judgments, judgment dispositions and satisfactions
- Providing certificates of disposition of judgments
- Filing transcripts of judgments from other courts
- Indexing all liens, lien satisfactions and discharges
- Filing New York State warrants and federal tax liens
- Filing Broker Affidavit of Entitlement to Commission
- Registering and filing business names
- Notary Public licensing and renewals; maintaining signature cards of all notary publics qualified in Nassau County; authenticating notary signatures
- Maintaining Oaths of Office registry
- Recording and maintaining Veteran's Discharge (DD-214) documents
- Issuing Veteran's Peddlers licenses
- Passport Acceptance Agent
- Recording Uniform Commercial Code filings
- Recording Firefighter's Exemption Certificates
- Maintaining naturalization records from 1899 to 1997
- Conduct title, judgment and lien searches
- Providing certified copies of all filed and recorded documents
- Recording various documents for other municipalities and agencies

COUNTY CLERK DEPARTMENTS

ADMINISTRATION

The Administration is responsible for planning and directing all phases of the Clerk's Office operations. It processes and maintains all personnel and payroll records, prepares the budget, effectuates purchases and expenditures, provides public information, community outreach, constituent services and acts as liaison for inter-governmental affairs.

ACCOUNTING

The Accounting Department is responsible for all accounting operations, including daily reconciliation of all accounts and maintenance of general ledgers and journals. It is responsible for depositing and remitting all fees and taxes collected by the County Clerk. This department verifies that accurate mortgage tax is collected and remitted to the appropriate entity on every mortgage recorded in accordance with Tax Law, Article II, §250-267. Court related filing fees, business and other filings fees are collected and remitted to the proper entities in accordance with applicable law.

COURT DOCUMENT ROOM

The County Clerk is the Clerk of the Supreme and County Courts and maintains all court files for civil and criminal matters including matrimonial files, tax certioraris and Criminal Court minutes received from attorneys, parties, courts, and process servers. The Clerk's Minutes, a listing of various documents filed by index number, is available on the public access database. The public is able to view on-site most Supreme Court documents. Court requisitions, subpoena responses, requests by mail, are also processed by this department.

COURT RECORDING

In accordance with the CPLR, this department indexes and maintains all court actions received from Supreme and County Courts. It also processes all subsequent pleadings and papers, including decisions, judgments of divorce, stipulations, orders, judgments, transfer orders, commissions to committee, and other court documents.

LAND RECORDING DEPARTMENT

This Department's operations are in compliance with numerous sections of the Real Property Law. Its functions include recording deeds, mortgages, mortgage assignments, mortgage satisfactions, easements, covenants, powers of attorneys, etc. This department also records liens, lis pendens, notices of violation, and real estate broker affidavits of entitlement to commission to be filed against real property. Recording fees and taxes are collected as required by law.

LAND RECORDS

The County Clerk is responsible for maintaining a Land Records registry, including the archival records of mortgages, deeds and maps dating back to 1899. Over the years, this registry was maintained in various media formats, and since 1992, on the Clerk's electronic database. The Clerk's website and in house public access computer terminals allow access to the electronic database for searching and printing of land records. All media documents a property's genealogy and all instruments are available for public viewing. This department is also responsible for maintaining real property subdivision and highway maps, which currently total in excess of 12,000 maps. As the Clerk's Office most publicly visited department, it handles hundreds of inquiries daily assisting residents, professionals, other county agencies and municipalities in locating documents.

LICENSING & RECEIVING

This department files judgments and several types of court documents including liens, separation agreements, Family Court Orders and Notices of Violations, lis pendens, confessions of judgment, and judgments of foreclosure. All judgments and liens are verified and quality controlled to ensure the accuracy of the public record.

- **Licensing** - This division accepts for filing several Federal, State and County licenses and certificates, records Veteran Certificates of Release or Discharges from Active Duty (DD-214), provides certified copies thereof, issues Veterans Peddler's Licenses, records Firefighter Exemption certificates, and maintains Naturalization records from 1899 to 1987.
- **Business Names** - This division records and maintains all filings relative to business certificates, corporations, assumed business names (DBA), and religious corporations.
- **Notary** - The Notary division handles notary renewals on behalf of New York State, maintains notary signature cards for every notary qualified in Nassau County and authenticates notary signatures. On-site notaries are also available to notarize signatures.
- **Passports** - The County Clerk acts as an agent for the United States Passport Service and processes passports.

MICROGRAPHICS & IMAGING

Microfilms and digitizes paper records that are permanent instruments and part of Nassau County's history. The records include: land instruments, court filings, judgments, Uniform Commercial Code filings, business name filings and other Receiving Department documents.

RECORD MANAGEMENT CENTER

The Records Management Center for Nassau County is located in Westbury, and is under the purview of the County Clerk's Office. The department maintains millions of inactive Court files and county records from 54 county agencies. The goal of this Department is to provide a secure storage facility for County Government and Court records, while ensuring the timely retrieval of those records and proper disposal of records that reach the end of their legally prescribed retention period.

INITIATIVES

TECHNOLOGY ENHANCEMENTS

The Nassau County Clerk implemented a new electronic document management system. This system utilizes up to date technology to maintain the County Clerk index and document images. All historically digitized data was converted to this new platform eliminating the need to run multiple systems.

As part of this innovative technology upgrade the County Clerk began offering online access to land and miscellaneous records. The website provides residents and professionals greater access to County Clerk records remotely at no additional cost. This ease of access advances one of the top priorities of the Clerk's Office in service to the residents of Nassau County.

REMOTE ACCESS

The Nassau County Clerk launched an online court record requisition system. This allows residents and legal professionals to submit their requests to access court records through the County Clerk's website. Once the request is reviewed and processed by the office the submitter is notified electronically that the records are available for viewing in the Clerk's Office, in accordance with applicable laws.

ELECTRONIC DOCUMENT PROCESSING

The Nassau County Clerk continues to partner with the Unified Court System on expanding the New York State Courts Electronic Filing (NYSCEF) system in Nassau County, which provides electronic filings of various court documents for cases in Nassau's Supreme Court. The e-filing volume handled by the Nassau County Clerk is among the highest in the state. The Nassau County Clerk is continually expanding the use of this methodology improving the flow of document processing between the Clerk's Office, Supreme Court and civil litigants. Since the County Clerk's Office must retain legal files permanently, the NYSCEF system creates greater efficiencies in the filing, storage, maintenance and retrieval of court files.

The electronic recording of records pertaining to the ownership of real property in Nassau has also increased significantly through the County Clerk's Office. More than half of the land recordings are processed in this way. Documents presented for e-recording eliminates the need for original papers to be sent and processed through the Clerk's Office creating a streamlined and efficient interface.

Working with New York State, the County Clerk's Office has created complete electronic transfer of tax warrants, child support warrants, notary public commissions and corporation names. These replace paper filings that had to be entered into the Clerk's database, scanned and quality controlled by staff. This elimination of manually processing documents greatly improves efficiency.

The County Clerk continues to partner with New York State agencies to create data interfaces wherever possible. In addition the Clerk's office consistently monitors advancements in the electronic filing of various documents, as the courts and state law permits.

COMMUNITY OUTREACH

To better serve the residents of Nassau County, the County Clerk has developed opportunities for the public to easily access the services of the office.

The County Clerk implemented mobile office operations bringing the Clerk's Office directly to residents within their community. Many of the vital transactions conducted at the Clerk's Office can be done for the public at these mobile office events. They are scheduled all year long at various locations throughout Nassau County.

Knowing that all resident's schedules are busy, the County Clerk as instituted extended office hours at our Mineola location on Tuesday evenings. This allows those who cannot access Clerk's Office services during normal business hours or through the remote methods offered the opportunity to take of necessary business at a time that is convenient to them.

The County Clerk remains committed to enhancing the level of service provided to the public in an accessible and efficient manner.

YEAR IN REVIEW

In fiscal year 2016, the Office of the County Clerk:

- Collected over \$244 million in revenue
 - \$56 million contributed to the Nassau County General Fund
 - \$131 million remitted to New York State
 - \$57 million in mortgage tax revenues distributed to the 3 townships and 2 cities within Nassau County
- Processed more than 695,000 transactions
- Recorded over 288,000 real property related documents
- Filed more than 208,000 court related documents
- Processed more than 20,000 business filings
- Processed more than 25,000 judgment filings
- Recorded over 9,000 lien filings
- Processed more than 6,000 Notary Public License related filings
- Recorded over 7,000 Uniform Commercial Code related filings
- Processed more than 57,000 searches, certifications and copy requests
- Processed more than 62,000 miscellaneous filings

SUMMARY OF RECEIPTS & DISBURSEMENTS

FOR YEAR ENDING DECEMBER 31, 2016

<u>Receipts</u>		
County Fees (Schedule 1)	54,507,690	
NYS Office of Court Administration Fees (Schedule 1)	9,415,245	
State Fees (Schedule 1)	3,186,949	
Surcharge Fees (Schedule 1)	3,393,250	
Real Estate Transfer Tax (RETT) (Schedule 1)	57,367,161	
Mortgage Tax (Schedule 1)	116,513,753	
		\$ 244,384,047
Interest Earned (Schedule 1)	32,078	
		\$ 32,078
TOTAL RECEIPTS		\$ 244,416,126
<u>Disbursements</u>		
<u>Nassau County Treasurer:</u>		
Local Mortgage Tax Distribution (Schedule 3 & 4)	57,005,298	
Fees & Interest (Schedule 5)	54,933,911	
Mortgage Tax Recording Administrative Fees & Interest (Schedule 5)	1,363,516	
Total to Nassau County Treasurer		\$ 113,302,725
<u>NY State:</u>		
NYS Office of Court Administration (Schedule 2)	9,414,280	
Metropolitan Transit Authority - Mortgage Tax (Schedule 3)	53,979,820	
State of New York Mortgage Authority (SONYMA) - Mortgage Tax Schedule 3)	4,294,325	
New York State Tax Commission - Real Estate Transfer Tax (RETT) (Schedule 6)	57,348,298	
New York State Tax Commission - Equalization & Assessment (Schedule 7)	3,160,749	
New York State Tax Commission - Record Management Fund (Schedule 8)	765,486	
New York State Tax Commission - Cultural Education Fund (Schedule 8)	2,296,430	
New York State Tax Commission - Notary Division (Schedule 1)	124,120	
Total to New York State		\$ 131,383,508
<u>Other State Ordered Disbursements:</u>		
Mortgage Tax Apportionments to other Counties	962,682	
Mortgage Tax Other Refunds	47,401	
Mortgage Tax Adjustments of Year End Holds for Apportionment	(1,280,191)	
Total to Other Jurisdictions & Holds		\$ (270,107)
TOTAL DISBURSEMENTS		\$ 244,416,126

TOTAL RECEIPTS BY TYPE

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 1

Services & Filings	Number of Filings	Nassau County Receipts	NYS Receipts	RETT Receipts	Surcharge Receipts	Court Receipts	Mortgage Tax Receipts	Total Receipts
Business Names & Corporations	20,411	\$ 215,448						\$ 215,448
Court Filings	208,653	502,172	519,555			9,415,245		10,436,972
Deeds, Fees & Taxes	58,554	10,005,525	714,932	57,367,161	3,393,250			71,480,868
Judgments	25,864	108,626						108,626
Liens	9,697	146,695	1,083					147,778
Mortgages – Fees & Taxes	229,977	35,192,297	1,827,259				116,513,753	153,533,309
Uniform Commercial Code	7,513	298,090						298,090
Miscellaneous Filings/Fees	62,986	6,445,548						6,445,548
Notary Licenses	6,069	91,000	124,120					215,120
Searches, Certifications, Images, Copies	65,532	1,502,289						1,502,289
Net Receipts		54,507,690	3,186,949	57,367,161	3,393,250	9,415,245	116,513,753	244,384,047
Interest Earned		9,981	631	4,377			17,089	32,078
Total Receipts	695,256	\$54,517,671	\$ 3,187,580	\$57,371,538	\$ 3,393,250	\$ 9,415,245	\$ 116,530,842	\$ 244,416,126

NEW YORK STATE OFFICE OF COURT ADMINISTRATION

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 2

Index Numbers:	
Civil	\$ 2,904,385
<i>Matrimonial</i>	527,505
<i>Tax Certioraris</i>	1,080,270
Notes of Issue	253,860
Jury Demand	166,205
Request for Judicial Intervention (RJI)	1,886,629
Notice of Appeal	120,575
Motions	1,098,146
Stipulations of Settlement or Voluntary Discontinuance	402,710
Assessment Review Petitions (SCAR)	369,225
Default Judgments	
Foreclosures	604,770
Total	9,414,280

MORTGAGE TAX DISTRIBUTION

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 3

	Total Fees Disbursed	Remitted to Nassau County Treasurer	Remitted to NYS MTA	Remitted to SONYMA
January	\$ 10,581,620	\$ 5,264,984	\$ 4,495,083	\$ 821,554
February	7,220,419	3,591,405	3,441,901	187,113
March	8,448,533	4,176,956	4,046,008	225,570
April	9,609,997	4,716,141	4,415,129	478,727
May	8,461,656	4,193,076	3,890,035	378,546
June	8,593,408	4,220,940	4,190,652	181,816
July	8,620,385	4,263,980	4,152,472	203,933
August	10,763,382	5,324,202	5,214,105	225,076
September	10,675,140	5,277,219	5,121,631	276,291
October	10,589,246	5,227,720	4,964,884	396,642
November	9,120,081	4,498,333	4,316,528	305,220
December	12,595,575	6,250,344	5,731,392	613,839
Total	\$ 115,279,443	\$ 57,005,298	\$ 53,979,820	\$ 4,294,325

LOCAL MORTGAGE TAX DISTRIBUTION

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 4

Town of Hempstead	\$26,838,498
Town of North Hempstead	13,909,296
Town of Oyster Bay	14,229,599
City of Glen Cove	775,078
City of Long Beach	1,252,827
Total Distributions	\$57,005,298

COUNTY DISBURSEMENT

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 5

County Fees (See Schedule 1)	54,507,690	
Bank Interest Earnings (See Schedule 1)	9,981	
Subtotal County Fees & Interest		54,517,671
New York State Real Estate Transfer Tax (See Schedule 6)	\$ 23,240	
New York State Division of Equalization & Assessment (Surcharge) (See Schedule 7)	231,561	
New York State Commission of Taxation & Finance - Records Management (See Schedule 8)	161,439	
Subtotal County Portion NYS Fees, Taxes & Interest		416,240
Mortgage Tax: Administration Fee Allowed by New York State	\$ 1,359,198.96	
Mortgage Tax Interest: County Portion	4,317	
Subtotal County Portion Mortgage Tax & Interest		1,363,516
Total Receipts Disbursed to Nassau County		56,297,427

* Total Disbursed not inclusive of Local Mortgage Tax Distribution (See Schedule 3 & 4)

REAL ESTATE TRANSFER TAX (RETT)

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 6

	Total Transfer Tax Disbursed	NYS Share Interest on Deposits	Remitted to NYS Tax Commission	Recording Officer's Fees	Nassau County Share Interest on Deposits	Remitted to Nassau County Treasurer
January	\$ 3,306,446	\$ 128	\$ 3,305,054	\$ 1,393	\$ 128	\$ 1,521
February	\$ 3,752,681	\$ 179	\$ 3,751,229	\$ 1,452	\$ 179	\$ 1,631
March	\$ 4,507,615	\$ 195	\$ 4,505,820	\$ 1,795	\$ 195	\$ 1,989
April	\$ 4,296,772	\$ 170	\$ 4,295,129	\$ 1,643	\$ 170	\$ 1,813
May	\$ 3,745,835	\$ 123	\$ 3,744,402	\$ 1,433	\$ 123	\$ 1,556
June	\$ 5,207,924	\$ 138	\$ 5,206,257	\$ 1,667	\$ 138	\$ 1,805
July	\$ 5,399,065	\$ 100	\$ 5,397,530	\$ 1,535	\$ 100	\$ 1,634
August	\$ 6,572,348	\$ 194	\$ 6,569,788	\$ 2,560	\$ 194	\$ 2,754
September	\$ 5,640,885	\$ 289	\$ 5,638,438	\$ 2,447	\$ 289	\$ 2,735
October	\$ 4,783,734	\$ 178	\$ 4,782,100	\$ 1,634	\$ 178	\$ 1,813
November	\$ 5,003,329	\$ 259	\$ 5,001,725	\$ 1,604	\$ 259	\$ 1,864
December	\$ 5,152,715	\$ 236	\$ 5,150,826	\$ 1,889	\$ 236	\$ 2,126
Total	\$ 57,369,350	\$ 2,188	\$ 57,348,298	\$ 21,052	\$ 2,188	\$ 23,240

* Recording Officer's Fees, in accordance with New York State statute, retained by the County Clerk and remitted to the Nassau County Treasurer based on the number of documents recorded.

EQUALIZATION AND ASSESSMENT

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 7

	Total Fees Disbursed	Remitted to New York State	Remitted to Nassau County Treasurer
January	\$ 241,500	\$ 225,246	\$ 16,254
February	249,420	232,419	17,001
March	305,500	285,034	20,466
April	281,625	262,455	19,170
May	246,000	229,224	16,776
June	287,140	267,592	19,548
July	265,000	246,856	18,144
August	325,875	303,384	22,491
September	315,000	293,265	21,735
October	275,625	256,590	19,035
November	275,500	256,636	18,864
December	324,125	302,048	22,077
Total	\$ 3,392,310	\$ 3,160,749	\$ 231,561

RECORD MANAGEMENT

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 8

	Total Fees Disbursed	NYS Record Management Interest Share	Remitted to NYS Record Management Fund	NYS Cultural Education Interest Share	Remitted to NYS Cultural Education Fund	Remitted to Nassau County Treasurer
January	262,064.48	5.56	62,235.31	16.68	186,705.93	13,123.24
February	226,397.40	7.18	53,762.93	21.52	161,288.77	11,345.70
March	271,859.98	5.00	64,562.25	14.99	193,686.74	13,610.99
April	318,019.11	4.89	75,525.14	14.66	226,575.41	15,918.56
May	260,114.08	4.26	61,778.01	12.78	185,334.03	13,002.04
June	262,044.27	3.03	62,232.78	9.10	186,698.35	13,113.14
July	236,270.40	3.80	56,110.80	11.40	168,332.40	11,827.20
August	277,083.32	1.66	65,812.91	5.00	197,410.25	13,860.16
September	287,641.03	10.13	68,305.63	30.38	204,916.88	14,418.52
October	269,949.53	11.19	64,102.94	33.57	192,308.82	13,537.77
November	245,500.05	12.51	58,295.01	37.51	174,885.01	12,320.03
December	306,410.82	11.35	72,762.38	34.04	218,287.04	15,361.40
Total	\$ 3,223,354	\$ 81	\$ 765,486	\$ 242	\$ 2,296,430	\$ 161,439

OPERATING EXPENSES

FOR YEAR ENDING DECEMBER 31, 2016

SCHEDULE 9

				County Clerk	Records Management
Salaries, Wages & Fees Expenses				\$ 4,827,579	\$ 718,329
Equipment				\$ 26,229	\$ 582,884
Consumables				\$ 121,756	\$ 18,358
Contractual Services				\$ 364,599	\$ 21,617
Total				\$ 5,340,163	\$ 1,341,188
Total Operating Expenses				\$ 6,681,351	