**** FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 5/28/2015 5:31:35 PM.****

Broward County Sheriff's Office

Booking Report

FJ
15-6870

CIS #	501502515	BCCN #	853142	Booking Sheet Control Date and Time	
OBTS	607204649	Print Clearance	5/28/2015 14:26 44	Prints Yes	05/28/15 16:15:52

Arrest # BS 1502515 Offense Report # Agency BS

Last Name
First AVERILL , LYNN ,
Middle

SSN #

Race	Sex	Height	Weight	Eyes	Hair	Comp	Age Admitted	DOB	Place of Birth	State	FDLE
WHITE	F	504	145	BRO	BRO	LGT	64	11/17/1950			7553497

Permanent Address 4600 S OCEAN BLVD #301 HIGHLAND BCH FL 33487 Months of Residence 0

Arrest Date 5/28/2015 09 00 00 Arresting Officer WILSON Place of Arrest PALM BCH CO Badge Number 3394

Inmate Logged Date 5/28/2015 11 04:05 Inmate Log Type Place Admitted MAIN

Intake Comments SP-CO 8075 29/13798 WC/16194

Alias Last name, First, Middle

Warrants Officer Id. bs16194

Scars,Marks,Tattoos

Release Date/Time Release Reason Release Authorized By

Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B.Type	Bond Amount
1	05/28/2015 15 35	895 03	150199AF10	1F	Y	BOND	150000

Charges RACKETEERING VIOLATION Comments

Booking Off. ID bs12228 County BROWARD Judge SCHERER

Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B.Type	Bond Amount
2	05/28/2015 15 36	895 03	150199AF10	1F	Y	BOND	150000

Charges RACKETEERING VIOLATION Comments

Booking Off. ID bs12228 County BROWARD Judge SCHERER

Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B.Type	Bond Amount
3	05/28/2015 15 37	782 07-1	150199AF10	2F	Y	BOND	150000

Charges MANSLAUGHTER - OTHER THAN BY VEHICLE Comments

Booking Off. ID bs12228 County BROWARD Judge SCHERER

Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B.Type	Bond Amount
4	05/28/2015 15 37	782 07-1	150199AF10	2F	Y	BOND	150000

Charges MANSLAUGHTER - OTHER THAN BY VEHICLE Comments

Booking Off. ID bs12228 County BROWARD Judge SCHERER

Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B.Type	Bond Amount
5	05/28/2015 15 37	782 07-1	150199AF10	2F	Y	BOND	150000

Charges MANSLAUGHTER - OTHER THAN BY VEHICLE Comments

Booking Off. ID bs12228 County BROWARD Judge SCHERER

SHORT ARREST INFORMATION FORM

ARREST NUMBER	LAST NAME	FIRST NAME	MIDDLE NAME
	AVERILL	Lynn	

CASE NUMBER	DATE OF BIRTH	ADDRESS
	11/17/50	

RACE	SEX	AGE	TIME	DATE OF ARREST	PLACE OF ARREST
W	F		0900	5-28-15	Palm Bch Co.

ARRESTING DEPUTY / OFFICER / AGENT	IDN#	AGENCY	DIVISION
Dep J. Wilson BSO	3394	BSO	TRANSP.

CHECK APPLICABLE BOXES	CAPIAS/WARRANT	COURT ORDER	BOND SURR.	OTHER
	WC# ✓			

COUNT NUMBER	OFFENSES CHARGED	CAPIAS# WARRANT# CASE#	BOND AMOUNT
1.	Racketeering	#15-0199AF10	150,000.00
2.	Consp to Commit Racketeering	#15-0199AF10	150,000.00
3-10	Manslaughter	#15-0199AF10	150,000.00 each count

COMMENTS:

RELEASE INFORMATION:

DATE: _____

RELEASE REASON: _____

TIME: _____ **BY IDN#** _____

Dep J. Wilson BSO 3394
ARRESTING DEPUTY / OFFICER / AGENT SIGNATURE

2015 MAY 28 AM 11:04

Original Copy (Court) Yellow Copy (State Attorney) Blue Copy (Fingerprints) Pink Copy (Arresting Officer)

BSO DB#12 (Revised 02/08)

SPCO-8075 29-13798 W-16/94

BSO - Warrants/Extradition Division

Confirmation Report

Print Date. May 28, 2015 4:01:48PM

Confirmation Information

Confirmation Number: WC-201507783 Date Issued: 05/28/2015 Issued By: bs16194

Issued To Name/Org: BSO/BSO

Status: Assigned

Notes: IN CUSTODY CIS# 501502515...EXTRADITED FROM PALM BEACH

Case Number: 150199AF10-000 Name: AVERILL, LYNN

Capias Date: 2015/05/26 Origin: BC DOB: 11/17/1950 Race/Gender: WF

NOT OFFICIAL COPY - PUBLIC

AVERILL, LYNN
WF 111750

1501999AMO

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

LYNN E. AVERILL, (A)

Defendant.

_____/

CASE NO.:

JUDGE: Scherer

OSP NO.: 2013-0305-FLL

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, AND HIS DULY CONSTITUTED SPECIAL AGENTS, TO ALL AND SINGULAR SHERIFFS OF THIS STATE, AND THEIR DULY CONSTITUTED DEPUTIES, TO ALL AND SINGULAR CHIEFS OF POLICE OF THIS STATE, AND THEIR DULY CONSTITUTED OFFICERS, AND TO THE ADMINISTRATOR OF THE U.S. DRUG ENFORCEMENT ADMINISTRATION OR ANY OF HIS APPOINTED OFFICERS, SPECIAL AGENTS, TASK FORCE OFFICERS AND DETECTIVES:

The Court finds that there is probable cause to believe, based on the attached Affidavit of Special Agent Jeffrey Himes, Investigator Victoria McRae and Detective William Schwartz, that the Defendant **LYNN E. AVERILL,** has committed in Broward County, Florida and other counties as stated in the Probable Cause Affidavit, the crimes of: Racketeering, F.S. 895.03(3); Conspiracy to Commit Racketeering, F.S. 895.03(4); Manslaughter, F.S. 782.07(1) and 777.011; against the peace and dignity of the State of Florida.

You are hereby commanded to arrest:

LYNN E. AVERILL (A)

a. Race: White
b. Sex: Female
c. DOB: 11/17/1950
d. SSN: [redacted]
e. LKA (Last Known Address): 4600 S. Ocean Blvd #301, Highland Beach, FL 33487
f. Florida DL: A-164-525-50-917-0
g. Height: 5'04"

2015 MAY 26 PM 2:45
BROWARD COUNTY, FLORIDA

and bring her before the Court to answer a complaint brought by the Statewide Prosecutor charging her with the crimes listed below.

COUNT 1: Racketeering, F.S. 895.03(3), 1° Felony

Arrest Warrant re LYNN E. AVERILL 1501994MO

COUNT 2: Conspiracy to Commit Racketeering, F.S. 895.03(4), 1° Felony

COUNT 3: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 4: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 5: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 6: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 7: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 8: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 9: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 10: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

WITNESS my hand and seal this 26 day of May, 2015, at Broward County, Florida.

Return date on this warrant to be not later than 24 day of May 2016.

HONORABLE SEVENTEENTH JUDICIAL CIRCUIT COURT JUDGE

Received this Warrant the _____ day of _____, 2015, and executed it on the _____ day of _____, 20____, by arresting the above-named defendant, **LYNN E. AVERILL**, and having her now before the Court.

Arresting Officer

_____ Judge's Initials

15019944O

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

LYNN E. AVERILL, (A)

Defendant.

_____/

CASE NO.:

JUDGE:

OSP NO.: 2013-0305-FLL

ORDER SETTING BOND

The bail shall be set in the amounts listed below. Bail may only be modified by the trial judge to whom this case is assigned or the Chief Judge of the Circuit Court upon the conditions set forth herein.

COUNT 1: Racketeering
1° Felony, F.S. 895.03(3)
Bond $ 150,000.00

COUNT 2: Conspiracy to Commit Racketeering
1° Felony, F.S. 895.03(4)
Bond $ 150,000.00

COUNT 3: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 4: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 5: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 6: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 7: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 8: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 9: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 10: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

TOTAL BOND AMOUNT: $ 1.5 million

1501994AHC

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

LYNN E. AVERILL, (A)

Defendant.

_____/

CASE NO.:

JUDGE:

OSP NO.: 2013-0305-FLL

MAY 26 2015

ORDER SETTING BOND

The bail shall be set in the amounts listed below. Bail may only be modified by the trial judge to whom this case is assigned or the Chief Judge of the Circuit Court upon the conditions set forth herein.

COUNT 1: Racketeering
1° Felony, F.S. 895.03(3) — Bond $ 150,000.00

COUNT 2: Conspiracy to Commit Racketeering
1° Felony, F S. 895 03(4) — Bond $ 150,000.00

COUNT 3: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011 — Bond $ 150,000.00

COUNT 4: Manslaughter
2° Felony, F.S 782.07(1) and 777.011 — Bond $ 150,000.00

COUNT 5: Manslaughter
2° Felony, F.S. 782 07(1) and 777.011 — Bond $ 150,000.00

COUNT 6: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011 — Bond $ 150,000.00

COUNT 7: Manslaughter
2° Felony, F S 782 07(1) and 777.011 — Bond $ 150,000.00

COUNT 8: Manslaughter
2° Felony, F S. 782 07(1) and 777 011 — Bond $ 150,000.00

COUNT 9: Manslaughter
2° Felony, F.S 782 07(1) and 777 011 — Bond $ 150,000.00

COUNT 10: Manslaughter
2° Felony, F S. 782.07(1) and 777 011 — Bond $ 150,000.00

TOTAL BOND AMOUNT: $ 1.5 million

150199AMO

SPECIAL BOND CONDITIONS

1. Bail may only be modified by the trial judge to whom this case is assigned or the Chief Judge of the Circuit Court and upon proof that the funds for bond are not tainted by illegal activity. See *United States v. Nebbia*, 357 F.2d 303 (2nd Cir. 1986), F.S. 903.046(2)(f), *Winer v Spears*, 771 So.2d 621 (Fla 3rd DCA 2000).

2. Prior to the Defendant's release, the Defendant must fulfill a *Nebbia* requirement wherein the Defendant will submit for the State's review documentation showing proof that the bond is fully collateralized and the legality of the funds used for both the bond premium and bond collateral. The State or Defendant has the right to object and request a further hearing as to the sufficiency of collateral and legality of the funds.

3. The Defendant shall secure her release pursuant to a surety bond that is fully collateralized; net asset value of the collateral must be in an amount equal to or in excess of bond amounts

4. Any property used to collateralize the bond shall not be further encumbered or liquidated by the Defendant or owner during the pendency of the bond.

5 Only after the Court's subsequent review and issuance of an Order approving the sufficiency of the collateral, will the Defendant then be eligible for release upon the posting of the said bond

6. The Surety shall provide to the State an updated title search within ten (10) days of the Defendant's release reflecting the Surety's recorded mortgages on the properties utilized for bond collateral

7. The Defendant will be monitored by Pretrial Services.

8. The Defendant will not possess any firearms.

9. The Defendant shall not have any direct or indirect involvement with pain clinics.

10. The Defendant shall surrender her passport and travel documents to the Broward County Clerk prior to her release. The Defendant's surrendered passport and travel documents shall remain in the custody of the Broward County Clerk and the Defendant shall not reapply for any passport and travel documents.

Given under my hand and seal this 26 day of May, 2015, in Fort Lauderdale, Broward County, Florida.

TRUE COPY
Clerk Circuit Court Seal

SEVENTEENTH JUDICIAL
CIRCUIT COURT JUDGE

150199A70

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

AFFIDAVIT IN SUPPORT OF ARREST WARRANTS

STATE OF FLORIDA}
COUNTY OF BROWARD}

PROBABLE CAUSE AFFIDAVIT SUPPORTING THE ARREST WARRANTS OF:

1. **Lynn E. AVERILL**
   a. Race: White
   b. Sex: Female
   c. DOB: 11/17/1950
   d. SSN: [redacted]
   e. LKA (Last Known Address): 1617 S. Federal Highway #117, Pompano, FL
   f. Florida DL: A-164-525-50-917-0
   g. Height: 5'04"

2. **Richard Thomas PHILIPOFF**
   a. Race: White
   b. Sex: Male
   c. DOB: 07/29/1981
   d. SSN: [redacted]
   e. LKA: 4305 Chamberlin Court, Saint Cloud, FL 34772
   f. Florida DL: P-411-758-81-269-0
   g. Height: 6'00"

3. **Nikhil S. BHASIN**
   a. Race: African-American
   b. Sex: Male
   c. DOB: 12/25/1986
   d. SSN: [redacted]
   e. LKA: 2 White Buck Run, Warren, New Jersey 07059
   f. Florida DL: B-250-620-86-465-0
   g. Height: 5'08"

4. **Diana April PHILIPOFF**
   a. Race: White
   b. Sex: Female
   c. DOB: 04/06/1983
   d. SSN: [redacted]
   e. LKA: 2760 Pennsylvania Street, Melbourne, FL 32904
   f. Florida DL: P-411-161-83-626-0
   g. Height: 5'02"

5. **Calvin Myers BYNUM**
   a. Race: White
   b. Sex: Male
   c. DOB: 09/27/1990
   d. SSN: [redacted]
   e. LKA: 8620 Mill Hopper Road, Gainesville, FL 32653
   f. Florida DL: B-550-113-90-347-0
   g. Height: 5'10"

6. **Omar LORDEN**
   a. Race: Latino
   b. Sex: Male
   c. DOB: 12/20/1964
   d. SSN: [redacted]
   e. LKA: 106 Pine Tree Lane, Altamonte, Florida 32714
   f. Florida DL: L-635-640-64-460-0
   g. Height: 6'01"

7. **Keith F. PETNEL**
   a. Race: White
   b. Sex: Male
   c. DOB: 12/19/1985
   d. SSN: [redacted]
   e. LKA: 3937 Saint Armens Circle, Melbourne, Florida 32934
   f. Florida DL: P-354-506-85-459-0
   g. Height: 5'11"

8. **Presmil Julian MASSON Jr.**
   a. Race: African-American
   b. Sex: Male
   c. DOB: 6/11/1970
   d. SSN: [redacted]
   e. LKA: 2874 Eastham Lane, Kissimmee, Florida 34741
   f. Florida DL: M-250-670-70-211-0
   g. Height: 5'09"

II. INTRODUCTION OF YOUR AFFIANTS

a. Your first Affiant, Drug Enforcement Administration (DEA) Special Agent Jeffrey Himes is currently assigned to the Drug Enforcement Administration (DEA) Miami Field Division, Tactical Diversion Squad. Affiant Agent Himes has twenty-six (26) years of combined law enforcement and investigative experience; ten years with the Houston (Texas) Police Department and sixteen years with DEA. Affiant Himes has conducted numerous federal, state and international narcotics investigation in the State of Texas, New Mexico, Florida and Afghanistan.

b. In March 1999, Affiant Himes attended basic training at the DEA Academy in Quantico, Virginia and has received additional training throughout his career. Affiant Himes has received training relating to the investigation of the diversion of controlled substances and has also participated in several separate investigations involving pain clinics involved in criminal activities. Your Affiant received his Bachelor's degree in Criminal Justice from Texas State University in 1987.

c. Affiant Himes is responsible for enforcing federal violations of the Controlled Substance Act, more specifically Title 21 of the United States Code. Affiant Himes has participated in this investigation and personally interviewed many of those whose information is set forth herein, and/or reviewed documents related to this investigation.

d. Your second Affiant, Detective William Schwartz, is a duly appointed Deputy Sheriff with the Broward County Sheriff Office and has served in such a capacity since August 2000. Prior to that date Affiant Schwartz was a sworn law enforcement officer with the State of Florida since August of 1995 working with the City of Belle Glade in Palm Beach County and the City of Oakland Park in Broward County.

e. Detective Schwartz is currently assigned to the Strategic Investigation Division, Broward County Major Drug Task Force, of the Broward County Sheriff's Office. From May 2005 to May 2014, Detective Schwartz was assigned as a DEA Task Force Officer with the Tactical Diversion Squad. In this capacity, Affiant Schwartz investigated the diversion of narcotics, controlled and prescription medications, "pill" dealers, pharmacies, physicians, and their employees. Affiant Schwartz has successfully completed over three hundred hours of instruction in the area of drug identification, investigation and the diversion of pharmaceutical drugs and has since become an instructor in the field. During the noted time frame, Detective Schwartz has conducted numerous undercover buys, made numerous narcotic related arrests both state and federal.

f. Your third Affiant, Victoria McRae is currently assigned as a Diversion Investigator to the DEA Tactical Diversion Squad. Affiant McRae has twenty-six (26) years of investigative experience with the DEA. Affiant McRae's duties include the monitoring of the pharmaceutical industry and attempting to prevent the diversion of legitimately produced controlled substances into the illicit market. Affiant McRae has conducted numerous federal and state criminal, civil, and administrative investigations regarding the diversion of controlled substances.

g. Affiant McRae has received specialized training throughout her career relating to the diversion of controlled substances, including investigations of physicians, pharmacies, the Internet, and pain clinics. In October 1988, Affiant McRae attended basic training at the DEA Academy in Quantico, Virginia. Affiant McRae has also trained colleagues, state and local law enforcement officers on how to conduct investigations of pain clinics at the DEA Academy in Quantico, Virginia. Your Affiant received her Bachelor's degree in Sociology/Criminal Justice from Hampton University in 1986.

h. Affiant McRae is responsible for enforcing federal violations of the Controlled Substances Act, specifically Title 21, United States Code. Affiant McRae has participated in this investigation and/or reviewed documents related to this investigation.

III. BASIS OF INFORMATION

a. Your Affiants make this Affidavit based upon personal knowledge derived from their personal participation in this investigation and other law enforcement officers that your Affiant's believe to be reliable from the following sources:

i. Your Affiants' experience investigating drug distribution organizations, money laundering, and racketeering offenses;
ii. Oral and written reports, documenting this investigation that your Affiants have received from agents of the DEA, and other state and local law enforcement agencies;
iii. Discussions your Affiants personally had concerning this investigation with experienced drug enforcement, local law enforcement, and other Diversion Investigators;
iv. Interviews with former employees of the pain clinic;
v. Documents that were reviewed include; public records, including death certificates, public access websites, subpoenaed or court ordered records, including but not limited to bank records, vehicle records, pharmacy records; and,
vi. The review of documents pertaining to undercover operations conducted at REAL CARE MEDICAL GROUP (hereafter referred to as RCMG), in Plantation, Florida.
vii. The review of documents seized pursuant a search warrant issued by the Honorable Robin S. Rosenbaum, United States Magistrate for the Southern District of Florida and executed at the premises of RCMG located at 660 N. State Road 7, Plantation, FL on September 28, 2010.

b. Except as otherwise noted, the information set forth in this Affidavit has been provided to your Affiant Himes, directly or indirectly from the Florida Department of Health, and other investigators of the DEA. Unless otherwise noted, wherever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom your Affiant has spoken or whose report your Affiant has read and reviewed. Citizen witnesses were interviewed and their statements are included in this Affidavit.

c. Similarly, information resulting from surveillance, except where otherwise indicated, does not set forth your Affiant Himes personal observations. Information resulting from surveillance, except where otherwise indicated has been provided directly or indirectly by other law enforcement officers who conducted such surveillance or tape recording made by them contemporaneously with the surveillance and/or undercover buys. Any and all conclusion drawn and/or opinions rendered are based on the totality of the facts and circumstances as your Affiant knows them and in light of your Affiant's training and experience.

TECHNICAL TERMS

As a preliminary matter, the following terms may be discussed in this Affidavit. Based on my training and experience, your affiant uses the following terms to convey the following meanings:

"Controlled substances" are a subset of drugs that carry a risk of abuse or misuse. There are five levels, or schedules, of controlled substances. Schedule I drugs, such as heroin, are drugs with no accepted medical use in treatment. Schedule I drugs have the highest level of abuse or misuse. Schedule II drugs, such as oxycodone, have a recognized medical use but their use is severely restricted in the United States. Schedule II drugs also have a high level of abuse or misuse, so their use must be closely supervised. Schedule III and IV drugs have fewer controls than Schedule I or II. However, use of Schedule III and IV drugs must also be properly supervised, particularly when prescribed in a "cocktail" and used in combination with Schedule II drugs. Schedule V drugs have less potential for abuse than Schedule IV drugs.

"Oxycodone" (also known by its brand names, Roxicodone® and OxyContin®) is a strong narcotic pain-reliever similar to morphine, codeine, and hydrocodone. Oxycodone is a potent and addictive opioid that is classified as a Schedule II drug under the Controlled Substances Act. See 21 U.S.C. § 812 (2000); 21 C.F.R. § 1308.12(b)(1) (2004). Oxycodone is mixed with acetaminophen in forms commonly referred to as Percocet®, Roxicet® and Tylox®, and aspirin in forms commonly referred to as Percodan®. It is also available without acetaminophen or aspirin in stronger forms such as oxycodone 15 milligrams ("mgs") and oxycodone 30mg. It also comes in a continuous release form known as OxyContin®. Street names for Oxycodone include "Oxys," "Roxis," "thirties" or "blues" (referring to 30mg pills), and "fifteens" or "greens" (referring to 15mg pills).

"Alprazolam" (commonly known by its brand name Xanax®) is a benzodiazepine, which is often used to treat anxiety disorders or panic attacks. It is classified as a Schedule IV drug under the CSA. Xanax® comes in .25mg, .5mg, 1mg, 2mg, and 3mg tablets. Street name for Xanax includes "totem poles".

"Magnetic Resonance Imaging" or "MRI" is a technique that uses a magnetic field and radio waves to create detailed images of the organs and tissues within the body.

IV. BACKGROUND INFORMATION/OVERVIEW OF INVESTIGATION

a. On September 9, 2009, RCMG was incorporated with the State of Florida with the physical address being at 660 N State Road 7, Suite 1, Plantation, Broward County, Florida 33317.

b. On or about January 2010, Special Agents with the Drug Enforcement Administration (DEA) initiated an investigation into "pain clinics" operating throughout South Florida for unlawful distribution of oxycodone and other controlled substances. Your Affiant learned from other law enforcement officers that although some of the pain clinic patients are from Florida, many travel to South Florida from other states, including Kentucky, Tennessee, Ohio and South Carolina to obtain prescribed controlled substances. The patients then return to their home states where the oxycodone pills were personally consumed or sold on the streets at a high profit. For example a 30 milligram (mg) oxycodone pill can be obtained from a pharmacy in South Florida for approximately $1.00 - $5.00 per pill and sold in Tennessee for approximately $30 a pill.

c. It has been determined that patients seek out pain clinics that are known to prescribe large quantities of pain medication without legitimate medical purpose, with no or limited medical examination. Law enforcement also learned that individuals known as "sponsors" would form a relationship with one or more clinics and sponsor other individuals at these clinics who would see a doctor and receive prescriptions for oxycodone for resale. These patients would then turn over the oxycodone scripts or the actual substances filled from the prescription to their sponsor in exchange for a nominal sum of money and/or receive a few pills for their personal consumption. Sponsors often recruit individuals from outside the State of Florida who would drive great distances to clinics to receive large quantities of oxycodone before returning to their state and/or sponsor. These pain clinics, also known in street terms as "pill mills," operate a cash only business and do not accept private insurance, Medicare, Medicaid or credit cards. Many of the patients pay $150 - $250 (in cash) for a doctor's visit and an additional $300 - $1,300 (in cash) for prescriptions filled at the clinic's own in-house pharmacy. This investigation as to RCMG confirmed these amounts and method of payment.

REAL CARE MEDICAL GROUP - DR. LYNN AVERILL

d. As it relates to RCMG, specific information was provided to law enforcement that the doctor at RCMG, Dr. Lynn AVERILL, was prescribing significant quantities of oxycodone and methadone (controlled substances) without medical necessity.

e. A review of the Automation of Reports and Consolidated Orders System (ARCOS) between the dates of January 7, 2010 to July 31, 2010, established that Dr. AVERILL purchased 271,980 oxycodone 30mg; 163,900 15mg; 2,000 oxycodone 10mg for a total of 437,880 pills. Between the same dates the average amounts of oxycodone (30mg, 15mg and 10mg) purchased by 533 practitioners in the State of Florida was 76,761 pills and the national average of 1,969 practitioners was 23,659 pills.

f. Based on an ARCOS analysis, from January 7 through July 31, 2010, Dr. AVERILL purchased 437,880 units of oxycodone, rendering her the 25th of the top 100 practitioners in the United States and ranked 12th in the State of Florida. By way of comparison for the same time frame, an analysis of four practitioners located in the 33317 zip code in which RCMG was located purchased a collective total of 180,490 of oxycodone.

g. In furtherance of the DEA investigation, between the dates of March 3 and May 6, 2010, DEA Special Agents (SA) visited RCMG in undercover capacities in an effort to obtain controlled substances from Dr. AVERILL. During this time frame, a total of five visits were successfully completed by undercover DEA Agents who obtained prescriptions from Dr. AVERILL for or the actual controlled substances from the RCMG dispensary (clinic's in-house pharmacy) for a total of 720 oxycodone 30mg tablets, 420 oxycodone 15mg tablets, and three 30ml bottles of liquid oxycodone 20mg/ml, 330 alprazolam 2mg tablets, and 30 Percocet tablets.

h. See attached Exhibit 1 showing the amounts of oxycodone purchased by Dr. AVERILL and received at RCMG. Between January to June 2010, AVERILL ordered 445,780, the Florida average was 77,195 and US average was 23,494, attached hereto as Exhibit 1.

i. On September 28, 2010, DEA agents executed a federal search warrant at the offices of RCMG located at 660 N State Road 7, Suite 1, Plantation, Broward County, Florida 33317. At this time agents seized patient files, business documents and computers.

j. On March 11, 2011, a federal search warrant was executed at the current place of employment for Dr. Lynn AVERILL, Biscayne Wellness Center of South Florida, located at 1380 N.E. Miami Gardens Drive, North Miami Beach, Florida 33179. DEA Diversion Supervisor Gayle Lane presented Dr. AVERILL with an Order to Show Cause and Immediate Suspension Order dated March 9, 2011 and signed by the DEA Administrator Michele Leonhart. Dr. AVERILL was advised that her DEA Number FA1217834 was being immediately suspended. The Investigators explained that her DEA certificates, unused order forms, and controlled substances would be removed from the clinic because she no longer had authority to possess them. Dr. AVERILL was asked if she were willing to voluntarily relinquish her DEA registration, to which she declined. Dr. AVERILL was represented by two attorneys who were present and advised her not to speak. Subsequently on March 9, 2011, Dr. Lynn AVERILL's DEA Registration was revoked and she has failed to reapply for a new number.

Undercover Operations

During the course of this investigation, four DEA agents acting in an undercover (UC) capacity, conducted operations at RCMG located at 660 North State Road 7, Suite 1, Plantation, Florida between the dates of March 3, 2010 to May 6, 2010:

1) On March 3, 2010, at approximately 10:00 a.m., Special Agent (SA) Priymak, operating in an undercover capacity, entered RCMG to meet with Dr. Lynn AVERILL. He noticed that the sign in sheet was half full with patient's names and that SA Priymak was 22nd on the list. He signed in using a fictitious name.

2) SA Priymak noticed that the reception area contained at least 18 people appearing to be consisting of new and return patients. SA Priymak spoke with some of the waiting patients and overheard other conversations of some and determined that most of the patients were from out-of-town and traveling in groups with some saying they had stayed in local motels just to see Dr. AVERILL. Conversations in the reception/waiting room were also about illicit drugs, drug prices, concealment of drugs, referral fees of $45.00 for bringing in another patient to RCMG, and selling of pills received from the clinic for cash. During the course of these various conversations, the staff warned patients to stop talking about drugs because of the possibility of being heard by law enforcement.

After being in the waiting room for some time, SA Priymak was approached by Omar LORDEN, who appeared to be a person responsible for running the office operations. LORDEN asked SA Priymak if he had an appointment, which SA Priymak told LORDEN that he was at the clinic the day before and was told to come in today. SA Priymak filled out the forms and handed them back to the receptionist then gave her $200 for the office visit.

SA Priymak overheard a conversation between two white males (Shane and Shelton) who traveled to Florida from Tennessee who were both observed at the clinic the day before. The men

were well versed in drug prices, transporting and concealing drugs, including marijuana and cocaine. During the course of the conversation, Shane told SA Priymak that the street price for OxyContin 80mg (TR) is approximately $80.00 per tablet.

At approximately 8:00 p.m., Carissa Johnson (Carissa), the medical assistant, called SA Priymak in for a preliminary exam, which consisted of a review of the completed paperwork, weight and blood pressure check and to provide a urine sample. SA Priymak provided Carissa with an MRI report, which she accepted. While conducting the exam, Carissa coached SA Priymak for the visit with Dr. AVERILL. SA Priymak asked Carissa if he would have any problems getting a prescription from Dr. AVERILL for Oxycodone 30mg. Carissa stated that it would not be a problem but for SA Priymak to concentrate only on the part of the body for which the MRI was provided, and not to bother Dr. AVERILL with anything else because this would prolong the visit.

At approximately 8:30 p.m., Carissa called SA Priymak and placed him in an examination room. While waiting to be seen, SA Priymak overheard a conversation between Carissa and a caller inquiring about the total count of drug sales. Carissa referred to the caller as "Rich" LNU (Last Name Unknown) and told him that the count was $5,717, without counting two other patients (that included SA Priymak). SA Priymak overheard Carissa tell the receptionist that they would receive a bonus for processing 29 or 30 (possibly new patients). Several minutes later Omar LORDEN came inside the exam room and asked SA Priymak to follow him into Dr. AVERILL's office. Dr. AVERILL greeted SA Priymak and asked what brought him in, which he replied he wanted to obtain medication for his neck pain. Dr. AVERILL asked what happened to him, and he stated that ten years ago he "tweaked"/pulled his neck while playing basketball. He stated that he went to a doctor who said there was nothing seriously wrong with his neck. Dr. AVERILL then flipped a few pages in SA Priymak's patient file and found the MRI report. SA Priymak noted a red stamp "verified" and what appeared to be initials. SA Priymak stated that he had pain, but not presently and he wanted to get medication in case he had pain. Dr. AVERILL inquired where the pain was located and SA Priymak pointed to the middle of the right side of his neck and he pressed/tapped his fingers pointing out the spot of the imaginary pain. Dr. AVERILL then asked if the pain was radiating anywhere, and SA Priymak said no. Dr. AVERILL asked if SA Priymak had spasms, and he replied sometimes but he did not have any presently. Dr. AVERILL asked what medication he was receiving from his physician and SA Priymak replied OxyContin 40mg (TR) tablets, taking two per day. Dr. AVERILL then asked what other medication he was taking and he replied Soma 350mg, two tablets per day. Dr. AVERILL asked if he was sleeping okay, and he stated that he had a hard time sleeping. Dr. AVERILL suggested that SA Priymak take Xanax 2mg at least once per day, and sometimes two tablets per day. Dr. AVERILL wanted to prescribe oxycodone 40mg but said that the prescription to be filled at the regular pharmacy because the clinic did not have it. SA Priymak stated that she could prescribe 30mg, and after doing some math, Dr. AVERILL prescribed 90 oxycodone 30mg tablets. SA Priymak asked Dr. AVERILL if she would increase the number of tablets so she prescribed 12 Roxicodone IR (Immediate Release) 30mg tablets.

At some point during the visit, Omar LORDEN entered Dr. AVERILL's office and briefly discussed with her the office's operation and that he wanted to make sure that Dr. AVERILL would not ruin everything for him as the owner of the clinic. During the visit Dr. AVERILL did

not attempt to examine SA Priymak for his neck pain. After LORDEN left the room, Dr. AVERILL prescribed #60 (# indicates number of pills) tablets of Soma, #30 Xanax 2mg tablets, and #120 oxycodone 30mg tablets (increased from 90 tables) to SA Priymak.

SA Priymak left the Dr. AVERILL's office and went to the reception area to get the medication filled. Carissa informed SA Priymak that she was not able to confirm the MRI and would not be able to fill the prescriptions. SA Priymak did not see in the clinic or in Dr. AVERILL's office any signs or literature referencing detoxification, rehabilitation, addiction treatment programs or medications. SA Priymak visit on March 3, 2010, took approximately 10 hours to complete.

3) On March 5, 2010, at approximately 9:00 a.m., SA Jeffrey O'Neil entered at the clinic in an undercover capacity and signed in as a new patient under a fictitious name. While sitting in the waiting room SA O'Neil overheard individuals discussing how far they had traveled to come to the clinic.

At approximately 10:15 a.m. SA O'Neil asked Carissa to use the restroom and before entering the restroom SA O'Neil told Carissa he would give her $100 to speed up his wait time. Carissa agreed and told SA O'Neil there were cameras in the office, so pay her in the examining room when she takes his blood pressure later.

At approximately 10:45 a.m. SA O'Neil approached the reception area and paid $200.00 for the office visit.

At approximately 11:05 a.m., Carissa called SA O'Neil to the exam room where she took his blood pressure and she was given the $100 for him receiving V.I.P. treatment. She asked him what caused his injury and if it was a car accident. SA O'Neil stated that it was probably from playing football in 1998.

At approximately 11:15 a.m., Carissa moved SA O'Neil to another exam room, and told him that he was required to take a urine drug screening test. SA O'Neil told Carissa that the results were going to be negative. The purpose of the urine test is to determine if oxycodone is present in the patient's system and if the test comes back as "negative or clean" this would indicate the patient is possibly diverting the medications.

At approximately 11:25 a.m. Dr. AVERILL called SA O'Neil into another exam room and asked him how many prescription pills he was taking per day. SA O'Neil stated that he had nothing prescribed but was sniffing 8 to 10 Oxycodone 30mg tablets per day, and 10 OxyContin 80mg tablets per day. SA O'Neil asked Dr. AVERILL how many tablets did he have to take to die, and she did not respond. Dr. AVERILL asked SA O'Neil how many Xanax 2mg tablets he wanted per day, and he stated that he did not want any but Dr. AVERILL replied that she was going to prescribe Xanax for him to help him sleep. Dr. AVERILL asked SA O'Neil what injuries he had and he stated a 1998 football injury, and that his back hurts. SA O'Neil stated that he is getting "sick" (starting to detoxify) from not taking oxycodone for a week, and doesn't want to get sick from not taking pills. Dr. AVERILL then asked again how his back hurts, and stated that right now it feels good but sometimes it hurts when he sleeps. SA O'Neil then bent down and touched his ankles in front of Dr. AVERILL. Again he repeated to Dr. AVERILL that he had not taken

Oxycodone for a week, and she asked if SA O'Neil had been sick, and he stated yes. Dr. AVERILL told SA O'Neil that she was going to give him Xanax, which he asked if he would die if Xanax and Oxycodone were mixed, and Dr. AVERILL said no, that she gives it to everybody. She then drew a chart and instructed SA O'Neil how to take the Oxycodone and asked if he ever heard of liquid Roxicodone. SA O'Neil stated that he did not want any, and she asked if he was in pain right now, and he responded not right now. Dr. AVERILL stated that she thought it was weird that SA O'Neil could bend over with a herniated disk, he told her he couldn't, and she responded that she saw him do it. Dr. AVERILL then left the exam room.

At approximately 12:05 p.m. Dr. AVERILL returned to the examination room and SA O'Neil told her he was just going back to taking dope. Moments later DR. AVERILL wrote four prescriptions for oxycodone 30 mg #180, oxycodone 15 mg #150, Xanax 2 mg #60, Soma 350 mg #30, which were filled at the clinic. After approximately three hours SA O'Neil exited the clinic.

- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4)(a) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

4) On March 30, 2010, at approximately 12:20 p.m., SA de Viteri and SA Jeffrey O'Neil both working in an undercover capacity entered RCMG to meet with Dr. Lynn AVERILL. Both wrote their name on the sign-in sheet and SA de Viteri received a stack of forms to complete. SA de Viteri did mark on a diagram that her right shoulder was the source of pain. After returning the completed forms, SA de Viteri provided an MRI and her Florida identification card which were copied and returned to her. SA de Viteri paid the receptionist $200 for the office visit.

At approximately 1:35 p.m., Carissa escorted SA de Viteri to an exam room and requested she provide a urine sample. Later Carissa called SA de Viteri to take her weight and blood pressure when Carissa asked SA de Viteri how she hurt her back; if it was the result of a car accident, and when did it start to bother her. SA de Viteri stated that she hurt her back working out, and it started to bother her approximately six months ago. Approximately 30 minutes later, Dr. AVERILL took SA de Viteri to her office. Dr. AVERILL asked if it was the first time at the clinic (RCMG), and if she had been on oxycodone before. SA de Viteri stated that she had been on and off oxycodone for about six months. Dr. AVERILL asked why SA de Viteri was on oxycodone. She replied she had hurt her back working out about six months ago. Dr. AVERILL referred to SA de Viteri's MRI and asked her to show here where she felt pain. SA de Viteri stated that she did not feel pain at the moment, and Dr. AVERILL asked her show her where it normally hurts. SA de Viteri pointed to her lower back. Dr. AVERILL asked if the pain traveled down her legs. She stated that it did not, and was just concentrated in one area. The doctor asked SA de Viteri how often she experienced pain and she responded that exercise aggravates her back, but she could go two to three days without any pain depending on what she was doing.

Dr. AVERILL asked SA de Viteri what pain clinic had she been seen at. SA de Viteri stated that she went to a clinic in Pembroke Pines, but could not remember the name. She said that she was

prescribed #120 30's (referring to 30mg oxycodone),# 90 15's (referring to 15mg oxycodone), and #30 Xanax (referring to 2mg Alprazolam). The UC responded that she only took the pills when her back hurt, which meant she did not take the pills every day, and the prescriptions lasted a little more than one month. Dr. AVERILL stated that they only treat people who have a lot of pain every day, and would only prescribe that type of medication (referring to oxycodone) if SA de Viteri's pain got worse and prevented daily activity. Dr. AVERILL suggested prescribing Percocet, and told SA de Viteri to take it on the days she had pain. SA de Viteri estimated that she had pain about four times per week, mostly in the morning and at night, typically lasting for about two hours. Dr. AVERILL went back and forth between prescribing 30 or 60 Percocet tablets. She asked SA de Viteri if 60 tablets sounded okay, and that she did not want her to get hooked on it unless she really needed it. At this point SA de Viteri did not know whether Dr. AVERILL was referring to her getting hooked on Percocet or oxycodone. Dr. AVERILL told SA de Viteri that the Percocet will work until she starts to experience pain every day. SA de Viteri asked if the Percocet did not work if she could return. Dr. AVERILL agreed that after one month she could return to be re-evaluated. Dr. AVERILL told SA de Viteri that she could give her a stronger dose, and then she would only have to take one in the morning and one in the evening. Dr. AVERILL asked SA de Viteri why she stopped going to the other clinic, and she stated because the people who were going to the other clinic were shady.

Carissa input SA de Viteri's information into the computer, and before she left Dr. AVERILL asked if the clinic had any Percocet. Carissa stated they only had 650mg, and Dr. AVERILL stated that that was okay because that is what she was prescribing. Dr. AVERILL asked SA de Viteri if she needed Xanax. SA de Viteri stated that she did, but did not need it every day. Dr. AVERILL told SA de Viteri that she could prescribe 15 pills, but AVERILL decided on 30 so that the prescription could go into the following month.

During the office visit, Dr. AVERILL never spoke to SA de Viteri regarding detoxification, rehabilitation, addiction treatment programs or medications. SA de Viteri did not observe Dr. AVERILL reviewing any of the forms she completed prior to being seen by her. Dr. AVERILL did not conduct any physical exam or any exercises such as toe touches on SA de Viteri during the visit.

Dr. AVERILL wrote SA de Viteri wrote prescription for Percocet 10mg-650mg #30 tablets and Xanax 2mg tables #30. SA de Viteri was asked by the Pharmacy Technician (name unknown) if was going to fill her prescriptions at the clinic SA de Viteri decided against filling the prescription. SA de Viteri exited the clinic at approximately 2:30 p.m. with her RCMG issued prescriptions.

- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax

On this same date Dr. AVERILL prescribed SA O'Neil #210 tablets of oxycodone 30mg, #90 tablets of oxycodone 15mg, one bottle of liquid oxycodone 20mg/mL concentrate 30mL, #30 tablets of Soma 350mg and #90 tablets of Xanax 2mg.

- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone

- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

5) On May 6, 2010, at approximately 9:45 a.m., SA de Viteri, working in an undercover capacity entered RCMG she signed in and told the receptionist Carissa that she was there for a follow-up visit. SA de Viteri received forms to fill out and a pain questionnaire, on which SA de Viteri indicated her pain level was not more than five on a scale from one to ten. Approximately 45 minutes later SA de Viteri and SA O'Neil were called to the front desk and asked for their phone numbers and paid $300 each. The regular office visit was $250.

At approximately 11:40 a.m., SA de Viteri was called to the triage. Carissa asked SA de Viteri if the medication was working. SA de Viteri told Carissa that Dr. AVERILL prescribed her Percocet the last time she was there. Carissa stated "what, why". Carissa made a notation in SA de Viteri's chart that she needed more medication, and instructed SA de Viteri to tell the doctor that she had a rough month.

At approximately 12:25 p.m., SA de Viteri was called to Dr. AVERILL's office for her visit. Dr. AVERILL showed SA de Viteri the prescription price list and advised SA de Viteri that she had a $50.00 credit toward the cost to fill her prescription at RCMG. Dr. AVERILL told SA de Viteri that she would prefer SA de Viteri to fill her prescription at the clinic and stated "DEA is everywhere these days." Dr. AVERILL made an exception if SA de Viteri had insurance, as the office did not accept insurance.

SA de Viteri told Dr. AVERILL that the prescription was not helping her at all. Dr. AVERILL asked SA de Viteri if the pain was constant or intermittent, which SA de Viteri stated that it was more than before, referring to the previous visit. Dr. AVERILL asked her how many hours did she work, and she responded approximately 30 hours per week. Dr. AVERILL stated that she prescribed SA de Viteri one Percocet a day and one Xanax a day. Dr. AVERILL told SA de Viteri that was nothing, and further stated that was what SA de Viteri wanted. SA de Viteri told Dr. AVERILL she was taking two Percocet at a time because of increasing pain. Dr. AVERILL told SA de Viteri that oxycodone works better than Tylenol in Percocet which is bad for the liver. Dr. AVERILL said that she would tend to stay away from the Percocet as it is worse for the body than oxycodone. Dr. AVERILL asked SA de Viteri if she was sleeping okay and if she needed more Xanax. SA de Viteri said that she was sleeping fine and declined the offer for more Xanax.

During SA de Viteri's patient consultation, Carissa discussed with Dr. AVERILL how to get through the patients quicker so they could leave by 3:30p.m. Dr. AVERILL stated that the third and fourth visits are typically shorter. Carissa then stated that the remaining patients were well beyond their fourth visit.

SA de Viteri told Dr. AVERILL that she took all the Percocet and currently was not on any medications, and that her back was "jacked up." Dr. AVERILL told SA de Viteri that she would give her oxycodone in lieu of Percocet. Dr. AVERILL asked SA de Viteri if she had pain all day long, or just when training. SA de Viteri stated that she has pain now because she was not taking anything. Dr. AVERILL asked how many Percocet's would control the pain, and SA de Viteri

answered that doubling the prescription would be a conservative estimate. Dr. AVERILL confirmed with SA de Viteri that it would be four Percocet. SA de Viteri agreed, and added maybe five Percocet would be good. Dr. AVERILL told SA de Viteri that she would give her more than that, then told her she would give her oxycodone 30mg and oxycodone 15mg. Dr. AVERILL told SA de Viteri to take the 30mg oxycodone first thing in the morning along with half a dropper full of the liquid oxycodone under the tongue that the liquid absorbs quickly into the blood stream and does not take as long as the 30mg or 15mg pills to enter the system. Dr. AVERILL told SA de Viteri to take the 15mg oxycodone approximately one half hour before the 30mg ran out. Dr. AVERILL explained how long each medication lasted, and how long it took for the medication to work. Dr. AVERILL reviewed the schedule of pills, telling SA de Viteri she would have #120 30mg oxycodone tablets and #90 15mg oxycodone tablets. Dr. AVERILL stated that these prescriptions should work out better than the Percocet, which is more for inflammation. Dr. AVERILL further stated that she believes that this would help SA de Viteri and that if it is too much, then SA de Viteri should try taking the pills every five hours, instead of the recommended every four hours.

Dr. AVERILL stated that she would annotate in SA de Viteri's chart to reflect lower back pain and not put down the amount of hours SA de Viteri was experiencing pain. SA de Viteri received prescriptions for #120 Oxycodone 30mg tablets, #90 Oxycodone 15mg tablets, one bottle of 30mL liquid 20mg/mL Oxycodone, and #30 Alprazolam 2mg tablets. Dr. AVERILL stated that she preferred SA de Viteri to fill the prescriptions at the clinic.

Dr. AVERILL did not conduct a physical exam or discuss other treatment options, detoxification programs or treatments with SA de Viteri during her office visit. SA de Viteri noted that at various times during the consultation, Dr. AVERILL referred to oxycodone 30mg tablets by their street name "Roxys."

SA de Viteri provided her prescriptions to a white male in his twenties who calculated the cost of SA de Viteri's medications at $325. SA de Viteri told him that she could not afford that much, and he showed her the calculator again, and at this time it read $300. SA de Viteri told him that she had to come back. At approximately 12:50p.m. SA de Viteri exited the clinic taking approximately 3 hours to complete the visit.

SA de Viteri received prescriptions for #120 oxycodone 30mg tablets,#90 oxycodone 15mg tablets, one bottle of 30mL liquid 20mg/mL oxycodone, and #30 alprazolam 2mg tablets. Dr. AVERILL stated that she prefer SA de Viteri to fill the prescriptions at the clinic.

- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax

6) Also on May 6, 2010, at approximately 10:00a.m., SA Jeffrey O'Neil entered RCMG for a follow-up visit with Dr. AVERILL.

At approximately 12:00 p.m., SA O'Neil was called into the triage area by Carissa and he told her about the long waiting time in the office. Carissa stated the she was completing most of the notes

for Dr. AVERILL to speed up the process. SA O'Neil paid Carissa $100 so that Carissa could make sure Dr. AVERILL shortens the amount of time spent with each patient.

At approximately 3:00 p.m., Dr. AVERILL and Carissa called SA O'Neil into Dr. AVERILL's office. SA O'Neil spoke to Dr. AVERILL regarding the amount of OxyContin he was taking since the previous visit. Dr. AVERILL asked SA O'Neil how many 30's and 15's he was taking. SA O'Neil stated that he did not know, but the amount last time was good. Dr. AVERILL then explained how many OxyContin to take each day. Then Dr. AVERILL asked "so everything is fine", and he stated "yup". Minutes later, Dr. AVERILL handed SA O'Neil five prescriptions for oxycodone 30mg #210 tablets, oxycodone 15mg #90 tablets, one bottle of liquid oxycodone 20mg/mL concentrate 30mL, Soma 350mg #30 tablets and Xanax 2mg #90 tablets. SA O'Neil stated that the total visit with Dr. AVERILL lasted approximately ten minutes and at no time did she conduct a medical examination.

- One Predicate Incident: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

It is to be noted that some of the undercover agents reported that when they visited Dr. AVERILL at RCMG the visit took place in her office as she sat behind a desk, no physical exam was conducted and there was not a medical examination table.

V. BACKGROUND INFORMATION REGARDING THE DEATHS OF NINE PATIENTS

Your Affiant contacted several law enforcement agencies regarding the death investigations of nine persons set forth in this affidavit. For each of the nine deaths documents were obtained for patients who overdosed on medications prescribe by Dr. AVERILL to include police reports, crime scene photographs, interviews of witnesses or family members, medical examiners reports and findings, photographs of autopsy, toxicology laboratory reports and certified death certificates. The following are descriptions of the patients who overdosed after receiving prescriptions from Dr. Lynn AVERILL.

On September 28, 2010, agents seized a patient discharge list created by Carissa. Carissa has stated under oath that the list contained the names of known deceased patients. She further stated that all persons at RCMG knew about the dead patients. In many instances, they learned of patients' overdose deaths from other patients who previously traveled with the deceased patient of RCMG for their drugs and on their follow-up visits, reported to RCMG staff on the overdose deaths.

1) Brian Moore was a 36 year old white male from East Bernstadt in Laurel County, Kentucky. On January 25, 2010, Mr. Moore and his wife Jennifer traveled 955 miles with a drive time of 13.5 hours from his residence in Kentucky to see Dr. Lynn AVERILL at RCMG in Plantation, FL. On this date, Dr. AVERILL prescribed Brian Moore oxycodone 30mg #180, oxycodone 15mg #150, oxycodone 20mg/mL 1bottle, Methadone 10mg #120, Soma 350mg #60, Xanax 2mg #90. Between the dates of November 2, 2009 to January 25, 2010, Brian Moore visited RCMG four times seeing three different doctors and Dr. AVERILL one time. There is no documentation in Brian's RCMG patient file that a urine analysis test was performed during the visit on January 25, 2010 to Dr. AVERILL. The purpose of the urine test is to determine if oxycodone is present in the patient's system and if the test comes back as "clean" this would indicate the patient is

possibly diverting the medications. On January 27, 2010, Brian Moore was found dead at a friend's house in Union County, Kentucky. The medical examiner issued the death certificate listing the cause of death to be "Multiple Drug Toxicity". A copy of this death certificate was found in Brian Moore's patient file seized on September 28, 2010. The death occurred at the residence of Jasper McQueen, in London, KY, who was also a patient with three documented visits to RCMG in October, November and December 2009. Brian and Jennifer Moore documented on their "Patient Questionnaire" that McQueen had referred them to RCMG. On January 25, 2010, Jennifer Moore was seen by Dr. AVERILL who prescribed a similar drug combination that Brian Moore received. Jennifer Moore had six visits with Dr. AVERILL between January 25, 2010 to June 28, 2010 at which time she received a total of 32 prescriptions for 3,375 pills and three bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle.

On November 2, 2009, Jennifer Moore received a Magnetic Resonance Image (MRI) and a urine test which is the only one documented in her patient file.

Predicate Incidents and Counts

- Manslaughter, 782.07(1) of Brian Moore
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone

2) Matthew Koutouzis was a 26 year old white male from Toms River, New Jersey who traveled to Melbourne, Florida and stayed with his girlfriend Laura Ingram who lived with two friends by the names Paul Christopher and Kevin Conheeney. On January 29, 2010, Ingram stated that Koutouzis, Christopher and Conheeney all drove 158 miles from Melbourne, FL to RCMG in Plantation, FL to visit Dr. Lynn AVERILL. All three males' chief complaint were back injuries for which Koutouzis received prescriptions from Dr. AVERILL for oxycodone 30mg #180 oxycodone, 15mg #150, Soma 350mg #60, Xanax 2mg #90. Conheeney received the same prescriptions to include methadone 10mg #120. On January 31, 2010, at approximately 8:30 am, Laura Ingram found Koutouzis unresponsive in the bedroom. Ingram stated to Melbourne police that on either January 29th, or January 30th Koutouzis had "shot up" (injected) oxycodone or ingested (swallowed) two Xanax, Ingram admitted she also took the same amount of drugs. Dr. Krzytsztof B. Podjaski, Associate Medical Director for Brevard County, FL determined Koutouzis cause of death to be "Multidrug Intoxication". Koutouzis's toxicology report was positive for cocaine, dextromethorphan, oxycodone and alprazolam. On January 26, 2010, Koutouzis received an MRI and during his visit to RCMG on January 29th, he received a urine test. It is to noted that Paul Christopher did not have a patient file with RCMG, which indicates that he may have been using a false name. Kevin Conheeney had 6 visits between the dates of January 29, 2010 to July 1, 2010, Dr. AVERILL wrote 28 prescriptions for 2,745 pills during those six months. During a visit on July 1, 2010, Conheeney received seven prescriptions, three of which were for 30mg oxycodone for 40 pills, 70 pills and 70 pills. This would allow a patient to fill the prescriptions at three different pharmacies in an attempt to avoid "red flags" but not

receive all 180 pills at one time. It is also interesting to note that Dr. AVERILL wrote Conheeney a prescription for 255 pills of 30mg oxycodone on May 5, 2010 along with two other drugs.

Predicate Incidents and Counts

- Manslaughter, 782.07(1) as to Matthew Koutouzis
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax

3) Kenneth Hammond was a 45 year old white male from Knoxville, Tennessee. On March 23, 2010, Marion County Medical Examiner (ME) Investigator Jonathan Scott interviewed Hugh Shelton one of Hammond's traveling companions on the trip to South Florida. Shelton stated that on March 21, 2010, he and Hammond left Knoxville, TN with two females en route to South Florida to attend Spring Break, traveling a distance of 851 miles driving for approximately 11 hours. On March 22, 2010, at approximately noon, Hammond saw Dr. Lynn AVERILL at RCMG with his chief complaint being pain in his back, left leg and shoulder. Dr. AVERILL prescribed oxycodone 30mg #150, oxycodone 15mg #120, Methadone 10mg #180, Xanax 2mg #90. Shelton further stated that the four started their return trip to Knoxville on March 23 (their estimated departure time being approximately 10:00 am) and while en route back to Tennessee, while still in Florida, Hammond appeared to have a seizure. The group stopped at a McDonalds/Mobile gas station located at 4150 W Highway 326 in Ocala, Florida. At the gas station, Hammond started to walk across the parking lot to the restaurant when he fell to the ground with another seizure. Emergency 911 was called and at approximately 2:00 pm, Hammond arrived by ambulance at the Munroe Regional Medical Center. At 2:49 pm, Hammond was pronounced dead. The official cause of death was determined by Dr. Barbara C. Wolf, Interim District Medical Examiner in Leesburg, FL as being "oxycodone Toxicity" with Hammond's toxicology report being positive for oxycodone, diazepam, temazepam, and nordazepam. Sgt. Brian Spivey of the Marion County Sheriff's Office interviewed Hugh Shelton who stated that he waited at the hospital for an hour, prior to Melbourne Police investigators arriving at the hospital then the three remaining "Spring Breakers" continued their return trip to Knoxville. On February 22, 2010, Hammond had his first visit with Dr. AVERILL at RCMG. During the two documented visits to Dr. AVERILL, Hammond received eight prescriptions for a total 840 pills (this is an approximate amount due to a poor quality copy of the script in the patient file). From seven visits to RCMG between the dates of February 2010 to July 2010, Hugh Shelton received 44 prescriptions from Dr. AVERILL for a total of 4,210 pills and seven bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. It is to be noted that on May 5, 2010 and July 28, 2010, Hugh Shelton received eight prescriptions during each of these visits.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Kenneth Hammond
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone

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4) Jonathan Ludwig was a 28 year old white male from Rockledge, Florida. On or about April 21, 2010, Jonathan Ludwig and his wife Marie Happel traveled 167 miles from their residence in Rockledge, Florida (north of Melbourne, FL) to RCMG in Plantation, FL and both were seen by Dr. Lynn AVERILL. On April 21, 2010, at approximately 5:00 pm, Ludwig received five prescriptions from Dr. AVERILL for oxycodone 30mg #210, oxycodone 15mg #180, Methadone 10mg #120, Soma 350mg #90, Xanax 2mg #90 and Happel received five prescriptions from Dr. AVERILL for oxycodone 30mg #180, oxycodone 15mg #150, Methadone 10mg #120, Soma 350mg #90, Xanax 2mg #90. On April 21st, Ludwig and Happel received a combined total of 10 pain prescriptions from Dr. AVERILL for 1,320 pills. After their visit to Dr. AVERILL, Ludwig and Happel went to Gatlinburg, Sevier County, Tennessee for their honeymoon. The hotel in Gatlinburg is 820 miles with a drive time of 14.5 hours from RCMG clinic in Plantation, FL. Happel stated to Gatlinburg Police Investigators that they arrived in Gatlinburg on April 23, 2010, at approximately 4:30 pm. On April 24, 2010, at approximately 1:00 pm, Happel entered the hotel bedroom and found Ludwig dead lying on the floor next to the bed. Upon arrival of the first police officer it was reported that Ludwig was lying face down and his arms were stiff indicating that Ludwig had been dead for some time. Dr. Jerry Bradley of the Sevierville County Medical Examiner office signed the death certificate that indicates the cause of death to have been "Polypharmacy Drug Overdose". Ludwig's toxicology report was positive for alprazolam, THC, Methadone, amphetamine, barbiturate, cocaine and ethanol. The NMS Laboratory toxicology report determined that Ludwig's blood levels of Methadone were "toxic". Ludwig saw Dr. AVERILL a total of four times between the dates of January 27, 2010 to April 21, 2010 and received 22 prescriptions for 2,745 pills and one bottle of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. In Ludwig's patient file there is an MRI report dated March 23, 2010 but there is no documentation that a urine test was performed. Marie Happel saw Dr. AVERILL on March 31, April 21 and May 20, 2010, receiving 17 prescriptions for 1,651 pills and two bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Jonathan Ludwig
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

5) Tony Ray was a 40 year old male from New Tazewell, Tennessee. He traveled 880 miles with an estimated driving time of 13 hours to RCMG. On May 7, 2010, Dr. Lynn AVERILL wrote Ray four prescriptions for oxycodone 30mg #180, oxycodone 15mg #150, oxycodone 20mg/mL 1 bottle, Xanax 2 mg #90, and Chantix. On May 12, 2010, Tony Ray was found dead by this daughter Karli Ray at their residence in New Tazewell, TN. Karli Ray stated to investigators that her father had been "eating Roxy 30's and totem poles (a.k.a: Xanax) like crazy". The last time Karli Ray had checked on her father it was at approximately 2:00 am on May 12th, at which time Tony Ray was snoring and Karli had wiped off some white mucus from his nostrils. On May 12, 2010, at approximately 2:00 pm, Karli Ray woke up and found her father dead in the chair where she saw him last. Upon the arrival of the police, Tony Ray was reported to be cool to the touch

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and had obvious signs of rigamortis in his legs. The listed cause of death was cardiopulmonary arrest and myocardial infarction. The toxicology laboratory analysis indicated that Tony Ray had in his system Methadone, oxycodone, alprazolam and a presumptive amount of benzodiazepine. Between the dates of February 19, 2010 to May 7, 2010, Tony Ray had three visits at RCMG and received from Dr. AVERILL 12 prescriptions for 1,350 pills and 2 bottles of liquid Oxycodone 20mg/mL concentrate in a 30mL bottle. It was documented in Tony Ray's patient file that he received an MRI on February 17, 2010, and the only urine test was conducted on February 19, 2010.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Tony Ray
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax

6) Keith Konkol was a 37 year old white male from Kingsport, Tennessee who traveled 843 miles with Jeremiah Fields to RCMG in Plantation, Florida. The drive time is estimated to be 12 hours door-to-door. It is documented in Konkol's RCMG patient file that he received an MRI on February 10, 2010, and a urine test was conducted at RCMG on March 8, 2010 but none after that. Konkol was found dead along the side of a county road in South Carolina on June 14, 2010, in Newberry County. The death certificate lists the date of death as "Actual or Presumed Date of Death" on June 7, 2010, the date of Konkol's last visit to RCMG. On July 16, 2010, Jeremiah Fields gave a statement to Lt. Robert Dennis of the Newberry County, Tennessee Sheriff Office that five weeks earlier he and Konkol had traveled to Florida for the purpose of buying prescription medication and to sell them in Tennessee. Konkol knew how to obtain the prescriptions and Fields provided the transportation and financial backing. Fields stated that they arrived to RCMG in the morning of on June 6, 2010, (actual date was the 7th) and at 8:30 pm, Konkol received eight prescriptions from Dr. Lynn AVERILL for a total of 720 pills consisting of oxycodone 30 mg #150, oxycodone 15mg #150, oxycodone 20mg/mL 1 bottle, Methadone 10mg #180, Soma 350mg #60, Xanax 2mg #90, oxycodone 30 mg #30 and Xanax 2mg #60, all for lower back pain. As the two returned to Kingsport, TN, Fields was driving and Konkol was sleeping in the back seat. As they entered into Newberry County, South Carolina, Fields pulled over to sleep. Fields stated that when he woke up he found Konkol dead and panicked since there were hundreds of pills in the vehicle and he was on state probation and did not have permission to travel outside the state of Tennessee. Fields dumped Konkol's dead body on the side of an untraveled county road David Branch Road near Jalapa Road in Newberry, SC. On June 16, 2010, power company linemen found a decomposing corpse on the side of the road, which was later identified by fingerprints to be "Keith Richard Konkol". S. Craig Newton, Corner for Newberry County ruled the cause of death to be "probable accidental drug overdose". A toxicology report was positive for oxycodone, alprazolam, diazepam, and ethanol. In March, April and June 2010, Konkol visited RCMG and received from Dr. AVERILL six, seven and eight prescriptions respectfully for a total of 1,890 pills.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to – Keith Konkol
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax

- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

7) Sally Dykes was a 44 year old white female from Luttrell, Tennessee. The door-to-door travel distance from her home to RCMG is 873 miles with an approximate travel time of 12.5 hours to RCMG. On June 11, 2010, her last visit to Dr. Lynn AVERILL and RCMG was for neck and lower back pain. During this visit, Dr. AVERILL prescribed 810 pills consisting of oxycodone 30mg #210, oxycodone 15mg #180, oxycodone 20mg/mL 1 bottle, Methadone 10 mg #180, Xanax 2mg #90, Neurontin 300mg #120 and Soma 350mg #30. On June 13, 2010, Sally Dykes was found dead on the floor next to her couch in Luttrell, TN. Carroll Rose, M.D., the Union County Medical Examiner, determined the cause of death was "drug overdose". A toxicology report was positive for Methadone, oxycodone, and Alprazolam. Kelly Dykes, the sister of Sally Dykes, was interviewed over the phone by DEA Task Force Officer R. Weir, she stated that in 2006, her sister was under the care of a doctor in Tennessee at which time Sally became addicted to pain killers. After attempting to self-detox Sally Dykes had an equestrian accident and subsequently became addicted again. Kelly Dykes stated that her sister drank heavily and went through periods of depression. According to the sister, Sally Dykes started traveling to Florida to obtain oxycodone to fulfill her addiction. Kelly Dykes stated that her sisters' trips to Florida were funded by a friend who would receive fifty-percent of the prescription drugs and Sally kept the remainder. Between the dates of April 2010 to June 2010, Sally Dykes received 20 prescriptions from three visits to Dr. AVERILL, for 2,190 pills and two bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. Sally Dykes RCMG patient file shows an MRI dated January 8, 2010, but no urine test was ever documented.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Sally Dykes
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

8) Katrina Clark was a 33 year old white female from Lynn Haven, Florida. She traveled 554 miles with an approximate drive time of eight hours to visit RCMG. Between the dates of January 20, 2010 to June 9, 2010, Clark visited Dr. AVERILL six times. On June 9th, Clark's last visit, she received eight prescriptions for a total of 870 pills, consisting of oxycodone 30mg #180, oxycodone 15mg #150, two bottles of liquid oxycodone 20mg/mL, Methadone 10 mg #180, Xanax 2mg #90, Soma 350mg #90 and Phentermine37.5mg #60. Clark's RCMG patient file indicates that she was referred to RCMG by Dr. Lynn "A" from her (AVERILL) prior pain clinic and Clark's brother. Clark had traveled with her boyfriend Steven Reeder from Panama City to RCMG in Plantation, FL. Steve Reeder and his brother Greg Reeder were also RCMG patients.

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On June 21, 2010, Clark was the sole occupant of a vehicle traveling, in a rain storm, on Transmitter Road outside Panama City in Bay County, Florida at which time Clark was killed in a head on two vehicle collision. Dewayne Toole, a witness to the accident stated, he and Ms. Clark's vehicles were stopped at a red light. When the light turned green Ms. Clark's proceeded northbound on County Road 2327, and then crossed the centerline into the southbound lanes, hitting the oncoming vehicle. Trooper Boer of the Florida Highway Patrol (FHP) conducted the investigation and determined that a contributing factor of the accident was Katrina Clark's state of intoxication. FHP Trooper Boer interviewed Bruce A. Goldberger, the Director of Toxicology and Professor at the University of Florida who certified the toxicology report and stated that a typical adult who is prescribed a therapeutic amount of oxycodone should have somewhere between 80-100 ng/ml of oxycodone in their system and Clark's toxicology report showed that she had 690 ng/ml of oxycodone in her system which is significantly higher than what is classified as normal. From Trooper Boer's training and experience he concluded that "based on the laboratory analysis report on the blood specimen obtained from Katrina Clark, indicated that she had the presence of Alprazolam, Methadone and oxycodone. The quantitative levels were sufficiently high enough to conclude that "Ms. Clark's normal faculties were impaired to the point that she was under the influence of drugs". Three prescriptions pill bottles were recovered from Clark's purse found inside her vehicle. The prescribing doctor was Dr. AVERILL and all pill bottles were in the name of Katrina Clark. One bottle was from 15mg of oxycodone #150, a second was for Xanax 2mg #90 and the third was for Soma 350mg #90. When Trooper Boer notified Clark's family of her death, her parents stated that Clark had a problem with prescription pills and informed the Trooper that their daughter had a large amount of pills in the house. Trooper Boer stated that he was given two large brown grocery bags with pill bottles. Clark's patient file at RCMG documents that her most recent MRI was done on November 18, 2008, and the only reported urine test was performed at RCMG on January 20, 2010. Clark's boyfriend, Steven Reeder had visited RCMG for a total of eight times and received 65 prescriptions for a total of 5,100 pills from Dr. AVERILL in addition to 15 bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. Reeder received an average of 7.4 prescriptions per visit and on August 4, 2010, Steven Reeder received 10 prescriptions from Dr. AVERILL for a total of 870 pills and two bottles of liquid oxycodone 20mg/mL.

Between the dates of January 20, 2010 to June 9, 2010, Dr. Lynn AVERILL wrote Katrina Clark 46 prescriptions for a total of 4,770 pills in addition to 11 bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. Dr. AVERILL wrote Clark an average of 7.5 prescriptions per visit and on May 12, 2010 Clark received nine prescriptions during just one visit for a total of 870 pills to consist of oxycodone 30mg #180, oxycodone 30mg #30, oxycodone 15mg #150, oxycodone 20mg/mL 2 bottles, Methadone 10mg #180, Soma 350mg #90, Xanax 2mg #90, Neurontin 300mg #120, phentermine 37.5mg #60.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Katrina Clark
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone

- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

9) Adam Smith was a 27 year old white male from Melbourne, Florida who traveled 155 miles with an estimated drive time of 2.5 hours to RCMG in Planation, FL to receive prescriptions for lower back pain. Smith's last visit to RCMG on May 20, 2010, Dr. Lynn AVERILL wrote him eight prescriptions for oxycodone 30mg #210, oxycodone 15mg #180, oxycodone 20mg/mL 2 bottles, Methadone 10mg #180, Soma 350mg #90, Valium 10mg #30, Xanax 2mg #90, Neurontin 300mg #120. On June 21, 2010, at approximately 8:00 pm, Adam Smith's mother told her son to leave her house because he appeared to be "high". Adam Smith went to stay at Danny Parsons Jr's residence but did not arrive until 10:00 pm at which time Parsons Jr. stated that Smith appeared to be high, he knew that Smith had a history of abusing oxycodone, Xanax and cocaine. After Smith ate he laid on the couch. The last person who saw Smith alive was Michael Trythall on June 22, 2010 who said he heard Smith gurgling and snoring at approximately 2:30 am. At approximately 7:30 am, Parson's stated that he found Smith slouched on the couch he and appeared not to be breathing at which time Parson's Jr. called 911 and attempted CPR. Officer Calvin Borca of the Melbourne Police Department was the first officer on the scene and he observed four people standing over Smith's dead body. All were later interviewed by the Melbourne Police Department detectives. In Smith's wallet, detectives discovered two appointment cards from RCMG for the dates of May 19, 2010 and June 16, 2010 and a single Methadone tablet. Krzysztof Podjaski, MD, Medical Examiner for Brevard County concluded the cause of death was "Multi-Drug Intoxication". The toxicology report tested positive for Methadone, diazepam and oxycodone. Between the dates of February 24, 2010 and May 20, 2010, Smith had four documented visits to RCMG and received 28 prescriptions from Dr. AVERILL for a total of 3,030 pills and eight bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle.

DEA Task Force Office R. Weir interviewed Smith's mother who stated that her son was seeing Dr. AVERILL whose name was on pills bottles that she found in Smith's bedroom. In February or March 2010, the mother discovered that her son was taking pain killers and even found a white substance on a table in her house. When confronted by his mother, Smith stated that he crushed oxycodone and snorted it because the effect was more powerful. During the interview with DEA, the mother did not mention that her son had previous back conditions or lung problems and was working as a laborer laying heavy cinder blocks and doing concrete work. It is to noted that Danny Parson's Jr., who Smith went to stay with on the night of his death, was also a patient of Dr. AVERILL at RCMG seeing her six times between February 8, 2010 to July 12, 2010 and receiving 42 prescriptions for a total of 4,560 pills and nine bottles of liquid oxycodone 20mg/mL concentrate in a 30mL bottle. Smith's patient file documents that he received an MRI on February 23, 2010 and a urine test at RCMG on February 24, 2010.

Predicate Incident and Counts

- Manslaughter, 782.07(1) as to Adam Smith
- One Predicate Incident of: Trafficking - 893.135 (1)(c)3 oxycodone
- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) alprazolam/Xanax
- One Predicate Incident of: Delivery - 893.13(1)(a)1 and 893.03 (2)(b)(14) delivery methadone

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- One Predicate Incident of: Delivery - 893.13(1)(a)2 and 893.03 (4) (JJJ) carisoprodol/Soma

Other Witnesses:

While RCMG was conducting business at 660 NW 40th Avenue, Suite 1, which is described as a small u-shaped strip center of small business, one business in particular filed a complaint to the property owners regarding the conduct of RCMG visitors. In a letter to Topper Properties dated October 20, 2009 from Pauline Douglas, the office manager of Superior Dental, Inc. located next to RCMG she stated that patients of RCMG were loitering on the premise and "pressing their faces up against the my office window and creating such an uncomfortable situation for my practice". From the conduct of the RCMG patients Ms. Douglas became concerned for the "safety of my patients and staff".

Jennifer Vanden-Rose (hereafter Vanden-Rose) was interviewed by DEA Task Force Officer (TFO) Robbie Weir in April 2011; she was a Pharmacy Technician at RCMG from January 2010 until April 29, 2010. Vanden-Rose identified the following subjects as employees of the clinic; Nikhil BHASIN as part owner, Richard PHILIPOFF as part owner, Omar LORDEN as Supervisor/Manager, Carissa Johnson as Medical Assistant, Dr. Lynn AVERILL as Doctor, and a female by the name of La'Rika who worked at the front desk. Richard PHILIPOFF was the one who ordered all the narcotics from a wholesaler. Vanden-Rose stated that Dr. AVERILL was very slow and because of this, Dr. AVERILL would only see roughly 20 patients per day. This was an issue of contention with the office staff because they were paid bonuses on how many patients the clinic processed per day. In Vanden-Rose's opinion, Dr. AVERILL had a poor sense of judgment because she was prescribing too many controlled substances, sometimes up to five prescriptions per patient. When Vanden-Rose told Dr. AVERILL of her concerns, Dr. AVERILL replied "you fill the prescriptions or you are out of a job!" Other employees at RCMG also told Dr. AVERILL to cut back on the prescribing such high dosages of medication. Vanden-Rose felt uncomfortable that a majority of the staff at RCMG had the security code to the pharmacy safe where the prescription drugs were kept. She complained to Omar LORDEN but he did nothing to correct the issue. In Vanden-Rose's opinion, Nikhil BHASIN, Omar LORDEN, and Carissa Johnson were all addicts of prescription drugs and that lead her to have these concerns about them having access to the pharmacy without Vanden-Rose's consent. When Vanden-Rose called in sick periodically, Nikhil BHASIN would come to the clinic and dispense controlled substances and other prescriptions from the pharmacy even though he was not a licensed pharmacy technician. Vanden-Rose stated she would fill the prescriptions that Dr. AVERILL would prescribe and then present them to Dr. AVERILL for her initials but she (Dr. AVERILL) did not verify the type of drug or the amount of pills were correct. It was Vanden-Rose's opinion that one-hundred percent of the customers at RCMG were addicts and illegitimate patients and that approximately forty-percent of them were from out-of-state. Vanden-Rose stated that she had once seen a patient at RCMG who looked so high that they were about to pass out. Vanden-Rose stated that the patients of RCMG complained a lot about how long Dr. AVERILL would take with them, however they would not complain about the amount of medication they were prescribed. Vanden-Rose stated that Dr. AVERILL typically would prescribe the following but not limited to: #180 pills to #240 pills of oxycodone 30mg, up to #180 pills of oxycodone 15mg, #90 pills of Alprazolam 2mg, 2 bottles of Liquid oxycodone, #30 pills of Carisoprodol, and sometimes Methadone. Vanden-Rose recalled that Nikhil BHASIN was an addict to large amounts of oxycodone and he had asked Omar LORDEN to give him #60 pills of 30mg oxycodone because he was going to New York for the weekend and needed pills to get by. Vanden-Rose stated that there was an armed security guard outside of the clinic at all times. The security guard was there for protection because the patients were addicts and would easily get upset.

Vanden-Rose stated that a visit to RCMG was $125.00 to $250.00, and that $50.00 of that money went towards the patient's prescriptions if they were filled in-house at RCMG dispensary. Nikhil BHASIN is the one who made this a clinic policy. Vanden-Rose stated that on her last day of employment (April 29, 2010), that she and Carissa Johnson conducted a physical count of the pills and determined that the pill count was several thousand dosage units off, and that she believes it was due to other clinic employees having free access to the pharmacy and stealing pills.

Nathaniel Allen Spears stated to DEA TFO Robbie Weir that he became a patient of RCMG sometime around November of 2009 after hearing from friends that in the "New Times Magazine" he could find pain clinics advertising that would prescribe pain medication. It was here he saw an ad for RCMG which stated that the second visit was free. This enticed Spears to want to go to RCMG because he could save money. During this period Spears admits that he was addicted to pain medication. Spears stated that during his initial visit, the clinic was empty and he could walk right in to be seen by the doctor. On Spears' second visit (January 26, 2010) to RCMG he was seen by Dr. Lynn AVERILL and noticed that once she came to RCMG business had picked up tremendously. Patients could be overheard talking about Dr. AVERILL always writing them exactly what they wanted and that there was an influx of patients from various states, to include Kentucky, Tennessee, and West Virginia. During Spears first visit with Dr. AVERILL, she discussed with Spears that she felt he was not getting enough medication and immediately increased his dosages to the following; #210 of oxycodone 30mg, #180 of oxycodone 15mg, #60 of Carisoprodol 350mg, #60 of Alprazolam 2mg, and #60 of Neurontin 350mg. RCMG staff encouraged their patients to fill the prescriptions at the clinic, and if the clinic ran out of oxycodone Spears would utilize another pharmacies recommended by RCMG staff. Spears' patient file documents that between January 26, 2010 to July 13, 2010 he had seven visits at RCMG with Dr. Lynn AVERILL and received 39 prescriptions for a total of 4,575 pills.

Melissa Ann Anglin was interviewed by DEA TFO Robbie Weir in September 2010. Anglin stated that she visited RCMG to see Dr. Lynn AVERILL but later stopped seeing her because she would increase Anglin's dosages of controlled substances at the same time Anglin was trying to seek treatment for her addiction to oxycodone. Anglin stated that her visits with Dr. AVERILL were rather brief, lasting ten to fifteen minutes and Anglin was never given a physical exam by Dr. AVERILL. Anglin summarized her interaction with Dr. AVERILL as being "out of control" even after Anglin told Dr. AVERILL about her addiction she was ignored being told that she needed more medications.

Marie Happel on March 22, 2014, was interviewed by Affiant Schwartz regarding the overdose death of her husband Jonathan Ludwig and her contacts with RCMG. She admitted in 2010 both she and her husband were addicted to prescription pain pills. They were referred to the clinic by someone in Melbourne, FL who also traveled to RCMG for pain medication. Their typical visit with Dr. AVERILL lasted less than five minutes. They could pay the triage nurses $50.00 to skip the urine test. Other patients in the waiting room appeared to be addicts too. Many were shaking, had tremors, and were constantly scratching themselves. One time she remembers seeing a needle in the ash tray. On May 20, 2010, she came to the RCMG one more time after her husband's overdose death. She tells Dr. AVERILL her husband had overdosed and Dr. AVERILL asked if the police knew about her (AVERILL). Happel told Dr. AVERILL she did not say "anything to the police, but they know your name, your name was on the prescription bottles".

Carissa Marie Johnson provided two interviews to DEA SA Joseph LaRocco in May 2010, June 2010 and your Affiant SA Himes on April 18, 2015. Johnson stated that she was employed at RCMG as a Certified Medical Assistant from October 2009 to approximately August/September 2010. Johnson stated that

each day she opened and closed the RCMG and that Dr. AVERILL would often see patients as late as 3:00 am. Johnson saw an advertisement on Craigslist for a Medical Assistant position at RCMG and spoke with Richard PHILIPOFF and Presmil MASSON who interviewed and hired her that same day. Johnson further stated that PHILIPOFF was the owner and supervisor of RCMG who later sold RCMG to an Indian guy, "Nick something" (identified as Nikhil BHASIN).

The RCMG charged $200 for the first visit and $150 for a follow-up visit. By Johnson's best estimates, RCMG saw an average of 20-25 patients per day and 60 percent were from out of state. Johnson stated that the typical prescription drugs dispensed at RCMG were oxycodone 30mg and 15mg; Xanax 2mg; Soma 350mg; and antibiotics, mainly the Z-Pac. Johnson said that she would complete the DEA-222 form (required by the DEA to purchase controlled substances) for Schedule II controlled substances medications and Dr. AVERILL would sign the forms.

Johnson stated that she had the combination to the large safe in the office where all prescription drugs were stored. When Jennifer Vanden-Rose, the Certified Pharmacy Technician was out, Johnson had dispensed pills (which she was not legally authorized to do) on several occasions at the direction of Dr. AVERILL using DR. AVERILL's log in code. Johnson recalled that one day she filled prescriptions with the assistance of Nikhil BHASIN, Richard PHILIPOFF and at the time "owner" of RCMG.

Johnson stated that 50 percent of the patients seemed to be addicts and that after Dr. AVERILL started treating them they started becoming like zombies. Johnson observed that Dr. AVERILL eventually prescribed 20ml bottles of oxycodone fast oral and Methadone to almost every patient. Johnson questioned Dr. AVERILL as to why she was prescribing Methadone and oxycodone at the same time and Dr. AVERILL yelled at her saying "because I'm the Doctor!" Dr. AVERILL told Johnson that she had taken a class on prescribing Methadone and that it was safe to prescribe as she was doing so for "bone pain" and when Dr. AVERILL was confronted she stated that she went to school and knew what she was doing. Johnson overheard Dr. Cornely, another RCMG doctor used by the clinic owners a couple of times when Dr. AVERILL was out, say that he was "a Hospice doctor and he would not prescribe half of these meds to patients if they were dying".

As noted previously during the execution of a federal search warrant on September 28, 2010 of the former premises of RCMG a document was recovered that Johnson subsequently identified as a discharge list. Johnson stated that the list was created by the RCMG staff so they would not contact those patients to remind them of their monthly appointments. Several of the patients had asterisks by their name which Carissa stated this was used to denote that the patients had died. Persons noted on the list were: Brian Moore, overdosed on January 27, 2010; Mathew Koutouzis, overdosed January 31, 2010; Keith Hammond, overdosed March 23, 2010; Sally Dykes' overdosed June 13, 2010; Katrina Clark, overdosed June 21, 2010; Adam Smith, overdosed June 22, 2010 and Richard Wierzba, who was murdered on May 17, 2010, in what Miramar Police believed to have been a botched drug deal.

MEDICAL REVIEW – EXPERT ANALYSIS

Reuben M. Hoch, MD a Board Certified Pain Medicine/Anesthesiology reviewed materials pursuant to Lynn AVERILL, MD operating as a physician at RCMG. He also reviewed materials of undercover surveillance reports, undercover video and audio recordings, undercover patient charts, Medical Examiners and toxicology reports.

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Affiant Himes provided 62 random patient files to Dr. Hoch, seized from RCMG for his professional review. The original patient files were selected from approximately every 25th file out of a list of 846 files to include files from undercover agents, nine deceased patients and associates who traveled with the deceased patients to RCMG to obtain prescriptions for controlled substances.

Following the review of the undercover DEA patient files, Dr. Hoch reported that in his professional opinion it was clear that the agent's received controlled substances without legitimate medical necessity.

a. Review of 62 Random Patient Files

Of the 62 patient files reviewed by Dr. Hoch the patients ranged in age from 19 to 63 with the vast majority of patients being in their 20s to 40s. Out of the 62 patients, 34 travelled great distances within Florida (approximately more than 200 miles) to receive treatment at RCMG. The majority of these patients were treated by Dr. Lynn AVERILL. Other physicians also treated some of the patients during visits to RCMG. The distant Florida cities consisted of Palm Bay, Lynn Haven, Melbourne, Vero Beach, and Jacksonville to name a few. Out of these 62 patients, only 10 came from the Dade, Broward or Palm Beach tri-county area. Approximately 16 patients came from out of state such as Tennessee, New Jersey, Kentucky and West Virginia, with the greatest distance from Ohio of approximately 1,100 miles.

For illustration purposes, Dr. Hoch discussed the patient Rhonda Ruark who on January 7, 2010, visited Dr. AVERILL at RCMG. Ms. Ruark, a 50-year-old female from Louisville, Kentucky who presented with a chief complaint of neck pain, low back pain and knee pain due to a motor vehicle accident in 1999. Dr. Hoch noted that the patient file did not indicate that a physical examination was ever conducted or a treatment plan was discussed other than prescription of controlled substances. From this visit Dr. AVERILL prescribed Ms. Ruark oxycodone #180 30mg, one bottle of liquid Roxicodone 20mg/30mL, methadone #180 10mg, #70 Xanax 2mg, #90 Soma 350mgand Celebrex #30 200mg.

Dr. Hoch stated that there was no documentation as to the rational reason supporting Dr. AVERILL's decision to continue opioids and benzodiazepines.

On February 10, 2010, Ms. Ruark returned for her second visit and the patient file does not indicate that a physical examination was performed. Dr. Hoch indicated that there was no extensive discussion with the patient regarding her current diagnosis nor were there any referrals made to any other specialists such as physical therapy, neurology, orthopedics, interventional pain medicine or surgery in an attempt to definitively diagnose and treat Ms. Ruark's problem. On this date of service, the patient received 30mg oxycodone #210, which represented a 30 pill increase as compared to January 7, 2010, the addition of 15mg oxycodone #150 which was not prescribed January 7th, 10mg methadone #180, 2mg Xanax #90 which was a 20-dose-unit increase in comparison to her visit of January 7th, 200mg Celebrex #30.

On June 10, 2010, the patient returned for her third visit, this represented a 4-month gap in care. A urine drug screen was not performed on this date of service. Dr. Hoch reported that there were not any questions documented as to why the patient had not appeared for follow-up in four months, how she functioned without medication, nor was there any inquiry at any time regarding the necessity to travel from Louisville, Kentucky to Plantation, Florida to see Dr. AVERILL. During this visit Ms. Ruark received six prescriptions for oxycodone #210 30mg, oxycodone #150 15mg, 450ml of Promethazine 6.25mg/5ml, methadone #180 10mg, #90 Xanax 2mg and Celebrex #30 200mg.

On July 12, 2010, Ms. Ruark was seen by Dr. AVERILL for her last visit. Once again Dr. Hoch questioned why no physical examination was performed and no rational explanation was documented as to continue opioid treatment. There were no recommendations for any other form of treatment was made to the patient. Ms. Ruark received oxycodone 30mg #240 which is a 30-dose-unit increase in comparison to 6/10/10. No rationale was given for the increase of a 30-dose-unit increase for both oxycodone 30mg and oxycodone 15mg in comparison to her visit on June 10th. Once again, there was no indication as to why the increase. Methadone 10mg #180, Soma 350mg #30 and Xanax 2 mg #90 were also prescribed. There also was no documentation for the addition of Soma 350mg #30 nor was there a documented discussion with the patient regarding the seriousness of these medications and how to safely take them, which was a great concern to Dr. Hoch.

Nowhere in the chart did Dr. Hoch see that there was an extensive discussion with the patient regarding the utilization of opioids, benzodiazepines and muscle relaxants and the serious danger of the combination. That being potentially deadly side effects of high dose of opioids and benzodiazepines and how complications such as respiratory depression, urinary retention and constipation can occur through the chronic utilization of these classes of agents. Clearly the potential for tolerance and addiction are great and Dr. Hoch did not sense any concern from Dr. AVERILL regarding the administration of these medications over a long period of time and what this could mean for this patient. Nor did it appear that there was a discussion regarding the concern by Dr. AVERILL regarding the potential for drug diversion. Patients receiving these medications should constantly be monitored through urine drug screening to be absolutely certain that they are taking their prescribed medications and therefore he reiterated the fact that the patient's urine drug screen was only positive for benzodiazepines on 1/17/10 – at the time of her initial consultation. This was a red flag for Dr. Hoch, indicating that the patient could have potentially been diverting the oxycodone and OxyContin that she received from Medix Urgent Care in Oakland Park, Florida. Equally disturbing was the four month gap in care from 2/2/10 to 6/2/10. This gap warranted a urine drug screen on each visit to determine if the patient was receiving controlled substances from another practitioner.

Dr. Hoch stated that such conditions as neck and low back pain due to a motor vehicle accident can be managed through many other means such as physical therapy, anti-inflammatories and education regarding modification of activity. He further stated that in many cases, patients with a longstanding history of post-motor vehicle accident pain who are resistant to conservative treatment can and should be referred out for physical therapy or seen by medical specialists such as physiatrists, orthopedists, interventional pain anesthesiologists, neurologists and surgeons when appropriate. Dr. Hoch's professional opinion is that it is the duty of any physician engaged in the management of patients in pain to provide them with the appropriate guidance and keep them out of harm's way. Dr. Hoch indicated that Ms. Ruark case is a classic example of the unimodal type of medicine provided by Dr. AVERILL at RCMG.

In all of the charts that Dr. Hoch reviewed, he noted that regardless of the patient's complaints, they were always given prescriptions for copious amounts of opioids, benzodiazepines and muscle relaxants. All of the patients paid the clinic in cash and the clinic did not participate with any health insurance plans. If an insured patient received these types of medications, Dr. Hoch noted, it would become a source of concern for the insurance carrier, who may, question the prescribing physician for the continued prescription and combination of medications such as opioids, benzodiazepines and muscle relaxants. Dr. Hoch understood that RCMG provided service as a business in which patients regardless of their issue paid money to

receive whatever prescription that they would like. To Dr. Hoch this clearly exemplified that a majority of patients who came from great distances both in the State of Florida as well as out-of-state.

Ms. Ruark's chart indicates several red flags; namely, the fact that she travelled from Louisville, Kentucky to Plantation, Florida to see Dr. AVERILL at RCMG. It is not reasonable for a patient to travel such a great distance for their medical care. There is no documentation as to how the patient travelled from Louisville, Kentucky to Plantation, Florida. It would be of great concern to him as a Board-certified anesthesiologist and pain specialist to think that a patient would be in their automobile for such a great distance while taking such high dosages of opioids, benzodiazepines and muscle relaxants.

b. Conclusion

Nine patients seen by Dr. AVERILL at Real Care Medical Group unfortunately lost their lives. In most cases this was due to multiple drug toxicity. Dr. Hoch's professional opinion as a Fellowship-trained pain specialist, Board Certified by the American Board of Anesthesiology with additional qualification in pain medicine, Dr. AVERILL did not prescribe opioids and benzodiazepines for a legitimate medical purpose. Her indiscriminate utilization of these serious medications clearly led to the untimely death of nine of her patients. Analysis of the patient charts, undercover files and death certificates indicate that Dr. AVERILL did not perform her tasks as a pain physician within the usual course of medical practice. She did not follow any of the recommended medical guidelines set forth for any physician who takes it upon themselves to manage patients with basic pain conditions such as neck and low back pain.

He additionally opined that the concomitant administration of opioids and benzodiazepines can cause great potentiation of opioid-based complications such as respiratory depression, somnolence, urinary retention, nausea and vomiting. In particular, one of the most serious complications of opioids, namely respiratory depression, can significantly be increased through the administration of benzodiazepines and muscle relaxants. The dosages of the medications that Dr. AVERILL utilized would more likely be seen in patients with chronic disabling conditions such as metastatic cancer, rheumatic diseases and traumatic injuries. One would not expect young patients as Dr. AVERILL saw at RCMG to require such high doses of these medications.

In Dr. Hoch's expert opinion, Dr. Lynn AVERILL practiced medicine in a reckless manner and her indiscriminate prescribing methods contributed to the deaths of nine patients.

FINANCIAL RECORDS REVIEW

Detective B. Stephenson of the Broward County Sheriff's Office-Strategic Investigations Division conducted a review of the financial records pertaining to Real Care Medical Group, Inc., Central Florida Wellness Clinic, LLC., Rapid Treatment Solutions and Liberty Medical Group. All of the foregoing were pain clinics operated or controlled by Richard T. PHILIPOFF and Calvin M. BYNUM and Nikhil S. BHSIN and Presmil J. MASSON Jr.

The purpose of the financial records review was to determine if "transactions", financial or otherwise, were in violation of the Federal or Florida Money Laundering Act §896.101 and Structuring Transactions to Evade Reporting or Registration Requirements §896.104 were conducted. All amounts reflected below are approximate amounts.

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Corporations Bank Account Review

Detective Stephenson was able to link several targets of this investigation to the four pain clinics. These four clinics operated within an overlap of time with monies being transferred from one clinic to another and large sums being paid to owner/managers either directly or through alternative corporation accounts controlled by them to wit: PHILIPOFF, Inc., BSN Consulting, LLC, BYNUM Marketing, Inc., Brevard Lawn and Tree Services, Inc. and 22nd Nation Consulting. The four clinics did not accept insurance payments for services rendered, rather they collected cash payments and made cash deposits into the bank account.

1. Real Care Medical Group, Inc. was a Florida corporation opened on September 1, 2009, by Richard PHILIPOFF (Registered Agent) and Diana PHILIPOFF (Director) as initial officers of the corporation and business address listed as the residence of the PHILIPOFF's at 1370 Berryhill Dr., Melbourne, FL 32935. The physical address of the clinic was 660 North State Road 7, Suite 1, Plantation, Florida 33317. On September 29, 2009, Richard PHILIPOFF and Calvin BYNUM established an account with Bank of America (BOA) in the name of RCMG under account number, [redacted] with PHILIPOFF and BYNUM as authorized signatories. On June 11, 2010, Nikhil BHASIN became the listed Registered Agent and President of RCMG and the corporation's business address was changed to 333 Las Olas Way, Suite 2305, Ft. Lauderdale, FL 33301, (a luxury high rise condo building) but the clinic remained in Plantation. On March 15th, 2010, the BOA account number ...[redacted] authorized signatories changed to Richard PHILIPOFF, Presmil J. MASSON Jr., and Nikhil BHASIN.

   From September 2, 2009 to August 5, 2010, RCMG BOA account ...7052 received $1,147,324 with 150 cash deposits amounting to $1,115,792.

   BOA account...7052 records indicated that Richard PHILIPOFF and PHILIPOFF, Inc. received 23 payments from RCMG between September 15, 2009 to June 29, 2010 for a total of $114,377. The largest payment was on March 15, 2010 for $26,000. Between November 16, 2009 to February 2, 2010, RCMG BOA account...7052 paid 22nd Nation Consulting, which is in the name of Presmil MASSON, four checks for a total of $2,200 and notated as "compliance". Control

   Based on a review of BOA Currency Transactions Reports (CTR), which reports are only issued in connection with deposits in excess of $10,000, persons making cash deposits into RCMG BOA account # [redacted] includes:

   Calvin BYNUM: January 14, 2010 for $13,900
   Richard PHILIPOFF: February 9, March 3 and 18, 2010 for $49,010
   Omar LORDEN: April 7, 9, 15 and 19, 2010 for $59,450
   Keith PETNEL: A 22 deposits were made from April 22, 2010 to July 1, 2010 for $307,570
   Unknown depositors some making ATM cash deposits for a total of $92, 775

   Many of the deposits to this account were made at night deposit drop boxes with no notations as to the depositor, according to Carissa Johnson. She stated that typically the daily cash was picked up by the manager for that day and deposited each night.

   Further review of the last checks written by the targets on the RCMG BOA account #...[redacted] indicates their controlling interest in RCMG:

Calvin BYNUM – 3/15/2010 – to Sunrise Wholesales, Inc. (controlled substances) for $2,744
Nikhil BHASIN – 9/10/2010 – payroll check to Maria Thomas for $600
Richard PHILIPOFF - 9/15/2010 – rent for RCMG office for $2,289

The RCMG BOA...7052 bank records document that RCMG made one deposit into the Rapid Treatment Solutions BOA...4480 account for a total of $7,680.

From April 9 to May 13, 2010, Nikhil BHASIN had four American Express accounts in his name and he paid the monthly statements from the RCMG BOA account [redacted] for a total of $44,118. On May 21, 2010, BSN Consulting LLC., which is in the name of Nikhil BHASIN controlled corporate entity and bank accounts, received a cashier check for $45,000 from the RCMG. Between December 24, 2009 and March 1, 2010, Omar LORDEN received three checks from RCMG...7052 for a total of $1,550 and one check from Liberty Medical on August 7, 2010 for $800. Calvin BYNUM and BYNUM Marketing Inc. received a total of five checks from RCMG between the dates of October 26, 2009 to March 16, 2010 for $25,500. A check from Calvin BYNUM was written to RCMG on February 25, 2010 for $5,000.

2. Central Florida Wellness Clinic (CFWC), LLC was incorporated with the State of Florida on December 14, 2009. The name of 22nd Nation Consulting, LLC with Presmil J. MASSON Jr., was identified as the Registered Agent and Manager, conducting business at 12908 Entrada Drive, Orlando, Florida 32837. In March 2010, Presmil MASSON Jr. became an owner and/or director of RCMG. On April 9, 2010, state documents show that Amit Shoor was added as the Registered Agent and Managing member of CFWC with the corporation "business address" changed to 333 Las Olas Way, Suite 2305, Ft. Lauderdale, FL 33301 (luxury high rise condo building and address also listed with the Department of State as the last address for RCMG) with the clinic remaining in Orlando, FL. On April 22, 2011, Amit Shoor filed Articles of Dissolution. MASSON, Omar LORDEN, Mercier and McKee opened a total of seven bank accounts, all in the name of CFWC.

What follows is a summary of the individual Wachovia bank accounts created by Presmil Masson Jr. and others for CFWC.

(a.) Account [redacted], Matthew C. McKee and Presmil J. MASSON Jr. were identified as signatories on this account. This account received $227,451 in deposits; of that $206,935 was cash and $20,487 in transfers from other CFWC Wachovia accounts.

(b.) Account [redacted], MASSON Jr. and Omar LORDEN were identified as signatories on this account. This account received $10,101. Other than the $100 dollars to open the account and interest credit a $10,000 cash deposit by Presmil J. LORDEN, Jr. was placed in the account.

(c.) Account [redacted], Presmil J. MASSON Jr. was the sole signatory on this account. This account received $89,333 in deposits. Presmil J. MASSON Jr. deposited $72,922 in cash which was traced to a debit from account ending in [redacted]. Another $10,610 came from other Central Florida Wellness Clinic Wachovia accounts.

(d.) Account [redacted], Presmil J. MASSON Jr. was the sole signatory on this account. This account received $20,090 in deposits of that $19,990 were cash deposits.

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(e.) Account [redacted], Presmil J. MASSON Jr. and Junior Mercier were identified as signatories on this account. This account received $28,016 in deposits; of that $9,000 dollars were cash deposits. The bulk of the remaining deposits amounting $18,952, were from transfers from other CFWC Wachovia accounts.

(f.) Account [redacted], Presmil J. MASSON Jr. was the sole signatory on this account. This account received a total of $12,100 dollars from three transfers from other CFWC Wachovia accounts.

(g.) Account [redacted], Presmil J. MASSON Jr. and Junior Mercier were identified as signatories on this account. This account received $45,434 in deposits of that $45,319 were from transfers from other CFWC Wachovia accounts.

3. Liberty Medical Group, LLC (LMG) was incorporated on December 21, 2009, by Nikhil BHASIN as the managing member and registered agent. The physical location for the clinic was at 2105 Park Street, Suite D, Jacksonville, FL. The corporation filed for dissolution on September 24, 2010. The business did not accept insurance payments and dealt primarily in cash.
On June 26, 2010, Nikhil BHASIN opened a Wachovia Bank account number of [redacted] in the name of LMG the authorized signatory was Nikhil BHASIN, who is in the bank records as the owner.

From April 28, 2010 until May 30, 2014, LMG account...7230 received $1,168,328 in deposits; of that $1,112,315 were cash deposits.

Cash deposits into LMG bank account...7230:

- Amit K. Shoor – made eight deposits for $237,470
- Brian S. Ko – made one deposit on September 22, 2010 for $63,000 in cash
- Omar LORDEN – made 19 deposits between May 19, 2010 to August 27, 2010 for $630,930 cash
- Richard PHILIPOFF – made 2 deposits on July 2 and September 20, 2010 $68,000 in cash
- Unknown Person(s) deposited and $112,915 in cash

$1,112,315

Between May 25, 2010 to September 29, 2010, PHILIPOFF Inc, received seven check totaling $242,000 for "consulting fees" from the LMG Wachovia account...7230.

Between June 16, 2010 to October 5, 2010, BSN Consulting (Nikhil BHASIN) received five checks and transfers from LMG for $325,000 from account...7230.

On April 28, 2010, LMG received two checks from RCMG for a total of $2000. On May 3, 2010, LMG received one payment for $10,000 from CFWG.

4. Rapid Treatment Solutions, Inc. (RTS) was incorporated on October 29, 2009, by Anthony Granato. On November 6, 2009, BOA bank account #[redacted] was opened with signatory authorization by Granato, President and Richard PHILIPOFF as manager. The corporation was dissolved on September 23, 2011. The physical address of the clinic was at 2447 Quantum Blvd., Boynton Beach, Florida 33426. According to a sworn statement from Carissa

On December 29, 2009, Diana PHILIPOFF received check #1006 from the RTS BOA account...4480 for $230 signed by Richard PHILIPOFF. The last check he wrote was on May 21, 2010 to Reeshena Moss for her salary. Richard PHILIPOFF wrote a total of 43 checks for a total amount of $156,537, from March 13, 2010 to May 3, 2010. Carissa Johnson stated that Richard PHILIPOFF was splitting his time to managing both RCMG and RTS.

From March 13, 2010 to May 3, 2010, the PHILIPOFF Inc. BOA account...5375 received eight checks, signed by Richard PHILIPOFF or Anthony Granato, from the RTS BOA account...4480 for a total of $51,956. The check's indicated they were for PHILIPOFF, Inc. "Management Fees".

Presmil MASSON's company, 22nd Nation Consulting, received two checks from the RTS BOA bank account...4480 for a total of $1,000 signed by Granato and on the check it is notated "compliance".

On March 21, 2010, RTS received a cash deposit for $7,680 from RCMG.

5. PHILIPOFF, Inc. was a Florida corporation opened on January 25, 2010, by Diana PHILIPOFF, acting as the President and Cory Miller as registered agent. The corporation went inactive on September 23, 2011 for failure to file an annual report.

PHILIPOFF, Inc. opened a BOA account number [redacted] on February 19, 2010, with Diana PHILIPOFF as the authorized signatory.

The PHILIPOFF, Inc. bank account...5375 received 28 deposits for a total of $482,030

- Central Florida Wellness Clinic, LLC issued two checks to PHILIPOFF, Inc. for $27,000
- Liberty Medical Group, LLC issued seven checks to PHILIPOFF, Inc. for $242,000
- Rapid Treatment Solutions issued eight checks to PHILIPOFF, Inc. for $45,750
- Real Care Medical Group, Inc. issued six checks to PHILIPOFF, Inc. for $77,000
- Nikhil BHASIN issued one cashier's check to PHILIPOFF Inc. for $55,000
- BSN Consulting (Nikhil BHASIN) issued checks to PHILIPOFF, Inc. for $22,000

Diana PHILIPOFF issued checks to herself or made withdrawals from the PHILIPOFF Inc. account...5375 amounting to $31,866. She also transferred $236,767 to her personal BOA account...2703. Richard PHILIPOFF was issued three checks from PHILIPOFF Inc. amounting to $20,505.

Diana PHILIPOFF issued check number, 1005 from account...5375 in the amount of $5,000 dollars to Prestige Title that was marked "Escrow". On August 24, 2010, Diana PHILIPOFF used her personal BOA account...9353 to obtain a cashier's check (Diana was the remitter) from BOA for $188,642 which was made payable to Prestige title. This amount was then used to close a real estate transaction with Prestige Title for the purchase of a residence located at 2760 Pennsylvania Street Melbourne, Florida that was valued at $195,000 dollars. A "Warranty Deed" for the residence was issued to Diana PHILIPOFF, a married woman.

6. Brevard Lawn & Tree Service, Inc. was incorporated in Florida on August 18, 2010 with Diana PHILIPOFF as the registered agent and director and the principal address of the business at 1370 Berry Hill Drive, Melbourne, Florida (the then residence of Richard and Diana PHILIPOFF). The corporation went inactive on September 23, 2011 for failure to file an annual report.

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Brevard Lawn & Tree Service, Inc. maintained a BOA account number [redacted] with Diana PHILIPOFF the authorized signatory. On October 15, 2010, the Brevard Lawn account...[redacted] wrote check #1016 for the rent of RCMG from account...[redacted] signed by Diana PHILIPOFF. Both Diana PHILIPOFF and Richard PHILIPOFF, signed checks from account...4862 issued to Diana. Account...4862 received $35,938 in deposits in which $29,275 was transferred by Diana PHILIPOFF from the PHILIPOFF Inc, BOA account...5375. Minimal deposits and debits were found that might be related to actual lawn care services from account...4862. These debits were used to pay salary, rent, and for other landscaping needs or services.

The following Structuring Transactions are in violation of Federal 31 U.S.C. §5324(a)(d) and Florida §896.104.

COUNT	DATE	AMOUNT(S)	SUSPECTS	DESCRIPTION
1	11/18/2009	$4,020.00 $8,450.00 **($12,470.00)**	Richard PHILIPOFF Calvin BYNUM	Two cash deposits into Real Care Medical Group Inc. Bank of America account ending in 7052
2	1/11/2010	$780.00 $1000.00 $3,900.00 $8,200.00 **($13,880.00)**	Richard PHILIPOFF Calvin BYNUM	Four cash deposits, three by way of ATM into Real Care Medical Group Inc. Bank of America account ending in [redacted]
3	1/19/2010	$1,840.00 $2,160.00 $2,180.00 $3,100.00 **($9,280.00)**	Richard PHILIPOFF Calvin BYNUM	Four cash deposits by way of ATM into Real Care Medical Group Inc. Bank of America account ending in [redacted]
4	1/21/2010	$9,050.00 **($9,050.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
5	1/22/2010	$9,690.00 **(9,690.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
6	1/25/2010	$6,700.00 $7300.00 **($14,000.00)**	Richard PHILIPOFF Calvin BYNUM	Two cash deposits, one by way of ATM into Real Care Medical Group, Inc. Bank of America account ending in [redacted]
7	2/10/2010	$9,000.00 **($9,000.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc Bank of America account ending in [redacted]
8	2/16/2010	$9,854.00 **($9,854.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
9	2/17/2010	$800.00 $8,980.00 **($9,780.00)**	Richard PHILIPOFF Calvin BYNUM	Two cash deposits by way of ATM into Real Care Medical Group, Inc. Bank of America account ending in [redacted]
10	2/22/2010	$9,000.00 $8,940.00 **($9,000.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
11	2/24/2010	$9,500.00 **($9,500.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
12	2/26/2010	$3,080.00 $6,311.00 **($9,391.00)**	Richard PHILIPOFF Calvin BYNUM	Two cash deposits by way of ATM into Real Care Medical Group, Inc. Bank of America account ending in [redacted]
13	3/3/2010	$9,018.00 **($9,018.00)**	Richard PHILIPOFF Calvin BYNUM	Cash deposit into Real Care Medical Group Inc. Bank of America account ending in [redacted]
14	3/8/2010	$2,300.00 $2,630.00 $4,325.00 **($9,255.00)**	Richard PHILIPOFF Calvin BYNUM	Three cash deposits by way of ATM into Real Care Medical Group Inc. Bank of America account ending in [redacted]
15	3/10/2010	$9,978.00	Richard PHILIPOFF	Cash deposit into Real Care Medical Group

		($9,978.00)	Calvin BYNUM	Inc. Bank of America account ending in 7052
16	3/15/2010	$7,680.00 $7,965 00 **($15,645.00)**	Richard PHILIPOFF Presmil J. MASSON, Jr. Nikhil BHASIN	Two cash deposits into Real Care Medical Group Inc. Bank of America account ending in 7052
17	4/29/2010	$10,000.00 **($10,000.00)**	Matthew C. McKee Presmil J. Mason, Jr.	Cash deposit into Central Fla. Wellness Clinic Wachovia Bank account ending in [redacted]
18	4/7/2010	$2,535.00 $3,285.00 $4,550.00 $4,775.00 **($12,863.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Four cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
19	4/16/2010	$2,530.00 $2,990.00 $3,125.00 $4,950.00 **($13,595.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Four cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
20	4/21/2010	$4,410.00 $5,275.00 **($9,685.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Two cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
21	4/28/2010	$4,550.00 $6,625.00 **($11,175.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Two cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
22	5/6/2010	$6,260.00 $6,450.00 **($12,710.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Two cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in 0401
23	5/14/2010	$3,795.00 $5,790.00 $6,100.00 **($15,685.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Three cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
24	5/19/2010	$6,025.00 $6,949.75 **($12,970.75)**	Matthew C. McKee Presmil J. MASSON, Jr.	Two cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in 0401
25	5/27/2010	$6,050.00 $6,300.00 **($12,350.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Two cash deposits into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
26	6/8/2010	$9,600.00 **($9,600.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Cash deposit into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
27	6/9/2010	$9,950.00 **($9,950.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Cash deposit into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
28	6/16/2010	$9,600.00 **($9,600.00)**	Matthew C. McKee Presmil J. MASSON, Jr.	Cash deposit into Central Fla. Wellness Clinic Wachovia bank account ending in [redacted]
29	8/3/2010	$4,385.00 $5,130.00 $6,575.00 $7,875.00 **($23,965.00)**	Nikhil BHASIN Matthew C. McKee	Four cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
30	8/9/201	$2,580.00 $5,950.00 $8,200.00 **($16,730.00)**	Nikhil BHASIN Matthew C. McKee	Three cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
31	8/13/2010	$3,900.00 $8,000.00 $8,400.00	Nikhil BHASIN Matthew C. McKee	Four cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195

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		$8,600.00 **($28,500.00)**		
32	8/17/2010	$2,300.00 $2,750.00 $4,300.00 **($9,350.00)**	Nikhil BHASIN Matthew C. McKee	Three cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
33	8/31/2010	$5,325.00 $5,536.00 **($10,861.00)**	Nikhil BHASIN Matthew C. McKee	Two cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
34	9/7/2010	$5,079.00 $6,852.00 $7,525.00 **($19,456.00)**	Nikhil BHASIN Matthew C. McKee	Three cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
35	9/13/2010	$7,175.00 $7,451.00 $7,808.00 **($22,434.00)**	Nikhil BHASIN Matthew C. McKee	Three cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
36	9/23/2010	$5,475.00 $6,500.00 $7,591.00 **($19,566.00)**	Nikhil BHASIN Matthew C. McKee	Three cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195
37	9/30/2010	$5,051.00 $6,850.00 $6,960.00 $6,970.00 **($25,831.00)**	Nikhil BHASIN Matthew C. McKee	Four cash deposits into Central Fla. Wellness Clinic., Inc. Chase bank account ending in 3195

The following Money Laundering violations in violation of Federal 18 U.S.C. §1956 (a)(1)(A) or (a)(1)(B) and Florida Statute §896.101 were identified.

1	2/18/2010	$92,922.40	Presmil J Masson, Jr.	On 2/18/2010, $99,000.00 was transferred into Central Fla. Wellness Wachovia acct ending in 3690 by Renu Saggar from Toronto Dominion Bank via Wachovia Bank for the purchase of shares. On 2/18/2010, Presmil J. Masson, Jr. debited $92,922.20 from Wachovia acct ending in [redacted] and then deposited $72,922.40 into Central Fla. Wellness Clinic Wachovia acct ending [redacted].
2	2/18//2010	$72,922.40	Presmil J. Masson Jr. Nikhil Bhasin	On 2/18/2010, $72,922.40 cash was deposited into Central Fla. Wellness Clinic Wachovia acct ending in [redacted].
3	2/18/2010	$10,000.00	Presmil J. Masson Jr.	$10,000.00 cash deposit into Central Fla. Wellness Clinic Wachovia acct ending in [redacted].
4	3/25/2010	$5,000.00	Presmil J. Masson, Jr. Amit K. Shoor	Presmil J. Masson, Jr. transferred $5,000.00 from the Central Fla Wellness Clinic Wachovia acct ending in [redacted] to Amit K. Shoor at Bank of America
5	4/6/2010	$5,101.49	Presmil J. Masson, Jr.	Presmil J. Masson, Jr. withdrew this amount from the Central Fla. Wellness Clinic Wachovia acct ending in [redacted]
6	4/26/2010	$10,500.00	Presmil J. Masson, Jr. Junior Mercier	Transfer of $10,500.00 from Central Fla. Wellness Clinic Wachovia acct ending in 0401 into Central Fla. Wellness Clinic acct ending in 2838

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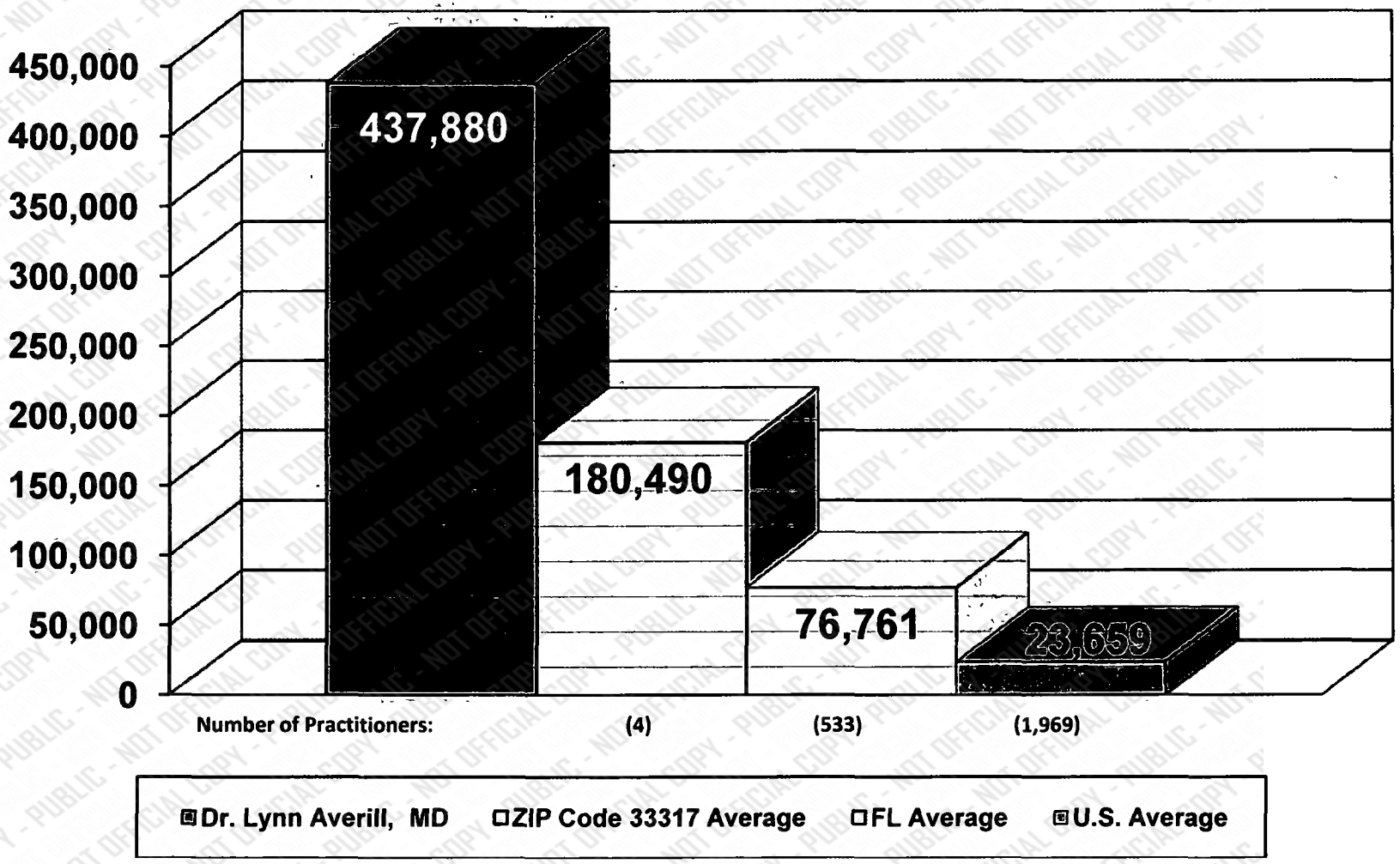
7	4/26/2010	$10,500.00	Presmil J. Masson, Jr. Amit K Shoor	Withdrawal of $10,500.00 by Amit K. Shoor from Central Fla. Wellness Clinic Wachovia acct ending in 2838
8	5/3/2010	$10,000.00	Presmil J. Masson, Jr. Junior Mercier	$10,000.00 transfer in from Central Fla. Wellness Clinic Wachovia acct ending in [redacted] and then check# 1010 for $10,000.00 was issued to Liberty Medical Group and deposited into Wachovia acct ending in [redacted].
9	8/20/2010	$13,000.00	Amit K. Shoor Nikhil Bhasin	Liberty Medical Group, LLC wire transferred $13,000.00 from Wachovia acct ending in [redacted] to Central Fla. Wellness Clinic Chase acct ending in 3195. Funds derived from cash deposits
10	8/20/2010	$185,000.00	Amit K. Shoor Nikhil Bhasin	Liberty Medical Group, Inc. wire transferred $185,000.00 from Wachovia acct ending in [redacted] to BSN Consulting, LLC and acct ending in 3371 at Chase Bank. Funds derived from cash deposits.
11	2/24/2010 6/29/2010	$12,000.00 $15,000.00 **($22,000.00)**	Presmil J Masson Jr. Junior Mercier Richard Philipoff	Check# 1026 for $12,000 from Central Fla. Wellness Clinic Wachovia acct ending in 0401. Check# 1149 for $15,000 from Central Fla. Wellness Clinic Wachovia acct ending in [redacted]
12	5/24/2010 6/29/2010 7/7/2010 8/16/2010 8/24/2010 8/30/2010 9/29/2010	$3,000.00 $36,000.00 $50,000.00 $65,000.00 $23,000.00 $30,000.00 $35,000.00 **($242,000.00)**	Nikhil Bhasin Amit K. Shoor Richard Philipoff	Seven checks issued to Philipoff, Inc. by Liberty Medical Group, LLC and are the proceeds of cash deposits into Liberty Medical Group, LLC Wachovia acct ending in 7230.
13	3/15/2010 3/22/2010 3/30/2010 4/8/2010 4/19/2010 4/19/2010 5/14/2010 6/29/2010	$7,000.00 $4,500.00 $8,000.00 $7,500.00 $5,000.00 $7,000.00 $5,750.00 $1,000.00 **($45,750.00**	Anthony Granato Richard Philipoff	Eight checks issued by Rapid Treatment Solutions, Inc. (Anthony Granato) to Philipoff, Inc.
14	2/22/2010 3/1/2010 3/8/2010 3/15/2010 4/5/2010 6/29/2010	$9,000.00 $10,000.00 $12,000.00 $26,000.00 $10,000.00 $10,000.00 **($77,000.00)**	Richard Philipoff Nikhil Bhasin	Six checks issued by Nikhil Bhasin or Richard Philipoff to Philipoff, Inc. from Real Care Medical Group, Inc. Bank of America account ending in [redacted] and are the proceeds of cash deposits into the account.
15	8/30/2010 10/1/2010 10/20/2010 12/2/2010	$2,000.00 $15,000.00 $12,000.00 $300.00 **($29,300.00)**	Richard Philipoff	Four bank transfers from Philipoff, Inc. Bank of America acct ending in [redacted] to Brevard Lawn & Tree Service, Inc. Bank of America acct ending in [redacted]
16	4/5/2010	$15,248.00 **($15,248.00)**	Diana Philipoff	Check# 1035 issued to Country Club Motors for the purchase of a 2006 Mercedes Benz CLS 55 car from Philipoff, Inc. Bank of America acct ending in [redacted].
17	4/9/2010 4/23/2010	$2,483.67 $2,483.67	Diana Philipoff	Nine checks issued by Diana Philipoff to herself from the Philipoff, Inc. Bank of

Comparison of Oxycodone Purchases by Practitioners
January 7, 2010 – July 31, 2010



Drug Enforcement Administration, Office of Diversion Control, Pharmaceutical Investigations Section, Targeting and Analysis Unit

Source: ARCOS
Date Prepared: 4/28/2015

	5/14/2010 5/24/2010 6/7/2010 6/22/2010 7/2/2010 8/16/2010 9/16/2010	$2,853.88 $3,518.15 $1,323.42 $2,853.88 $4,836.31 $2,853.88 $918.50 **($31,866.45)**		America account ending in 5375. All were deposited into Bank of America account ending in 9353 at Bank of America in the name of Diana Philipoff. Funds are the proceeds from Liberty Medical Group, LLC, Rapid Treatment Solutions, Inc. Central Fla. Wellness Clinic, and Real Care Medical Group, Inc.
18	4/29/2010 8/23/2010	$1,000.00 $235,767.99	Diana Philipoff Richard Philipoff	Two transfers from Philipoff Inc. Bank of America account ending in [redacted] and transferred to Bank of America account ending in [redacted] in the name of Diana Philipoff. The funds are the proceeds from Nikhil Bhasin. BSN Consulting, LLC, Liberty Medical Group, LLC, Rapid Treatment Solutions, Inc. and Real Care Medical Group, Inc.
19	8/2/2010 8/24/2010	$5,000.00 $188,642.88	Diana Philipoff Richard Philipoff	Diana Philipoff issued check# 1044 for $5,000.00 to Prestige Title and was marked "Escrow" On 8/24/10, she then purchased a Bank of America cashier's check for $188,642.88. Both were used to purchase real estate on 8/25/2010 located at 2760 Pennsylvania St. Melbourne, FL.

I swear the above statement is correct and true to the best of my knowledge and belief.

_____ Date signed: May 26, 2015
Special Agent Jeffrey C. Himes, Affiant
U.S. Drug Enforcement Administration

I swear the above statement is correct and true to the best of my knowledge and belief.

_____ Date signed: May 26, 2015
Detective William Schwartz, Affiant
Broward County Deputy Sheriff

I swear the above statement is correct and true to the best of my knowledge and belief.

_____ Date signed: May 26, 2015
Diversion Investigator Victoria McRae, Affiant
U.S. Drug Enforcement Administration

_____
CIRCUIT COURT JUDGE
State of Florida, Broward County

Date signed: May 26, 2015

1501999AMO

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

LYNN E. AVERILL, (A)

Defendant.

_____/

CASE NO.:

JUDGE: Scherer

OSP NO.: 2013-0305-FLL

MAY 26 2015

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, AND HIS DULY CONSTITUTED SPECIAL AGENTS, TO ALL AND SINGULAR SHERIFFS OF THIS STATE, AND THEIR DULY CONSTITUTED DEPUTIES, TO ALL AND SINGULAR CHIEFS OF POLICE OF THIS STATE, AND THEIR DULY CONSTITUTED OFFICERS, AND TO THE ADMINISTRATOR OF THE U.S. DRUG ENFORCEMENT ADMINISTRATION OR ANY OF HIS APPOINTED OFFICERS, SPECIAL AGENTS, TASK FORCE OFFICERS AND DETECTIVES:

The Court finds that there is probable cause to believe, based on the attached Affidavit of Special Agent Jeffrey Himes, Investigator Victoria McRae and Detective William Schwartz, that the Defendant **LYNN E. AVERILL,** has committed in Broward County, Florida and other counties as stated in the Probable Cause Affidavit, the crimes of: Racketeering, F.S. 895.03(3); Conspiracy to Commit Racketeering, F.S. 895.03(4); Manslaughter, F.S. 782.07(1) and 777.011; against the peace and dignity of the State of Florida.

You are hereby commanded to arrest:

LYNN E. AVERILL **(A)**

a. Race: White
b. Sex: Female
c. DOB: 11/17/1950
d. SSN: [redacted]
e. LKA (Last Known Address): 4600 S. Ocean Blvd #301, Highland Beach, FL 33487
f. Florida DL: A-164-525-50-917-0
g. Height: 5'04"

and bring her before the Court to answer a complaint brought by the Statewide Prosecutor charging her with the crimes listed below.

COUNT 1: Racketeering, F.S. 895.03(3), 1° Felony

COUNT 2: Conspiracy to Commit Racketeering, F.S. 895.03(4), 1° Felony

COUNT 3: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 4: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 5: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 6: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 7: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 8: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 9: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

COUNT 10: Manslaughter, F.S. 782.07(1) and 777.011, 2° Felony

WITNESS my hand and seal this 26 day of May, 2015, at Broward County, Florida.

Return date on this warrant to be not later than 24 day of May 2016.

HONORABLE SEVENTEENTH JUDICIAL CIRCUIT COURT JUDGE

A TRUE COPY
Circuit Court Seal

Received this Warrant the _____ day of _____, 2015, and executed it on the _____ day of _____, 20____, by arresting the above-named defendant, **LYNN E. AVERILL**, and having her now before the Court.

_____
Arresting Officer

_____ Judge's Initials

150199AMO

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

LYNN E. AVERILL, (A)

Defendant.

_____/

CASE NO.:

JUDGE:

OSP NO.: 2013-0305-FLL

MAY 26 2015

ORDER SETTING BOND

The bail shall be set in the amounts listed below. Bail may only be modified by the trial judge to whom this case is assigned or the Chief Judge of the Circuit Court upon the conditions set forth herein.

COUNT 1: Racketeering
1° Felony, F.S. 895.03(3)
Bond $ 150,000.00

COUNT 2: Conspiracy to Commit Racketeering
1° Felony, F.S. 895.03(4)
Bond $ 150,000.00

COUNT 3: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 4: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 5: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 6: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 7: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 8: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 9: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

COUNT 10: Manslaughter
2° Felony, F.S. 782.07(1) and 777.011
Bond $ 150,000.00

TOTAL BOND AMOUNT: $ 1.5 million

150199AMO

SPECIAL BOND CONDITIONS

1. Bail may only be modified by the trial judge to whom this case is assigned or the Chief Judge of the Circuit Court and upon proof that the funds for bond are not tainted by illegal activity. See *United States v. Nebbia*, 357 F.2d 303 (2nd Cir. 1986), F.S. 903.046(2)(f), *Winer v. Spears*, 771 So.2d 621 (Fla. 3rd DCA 2000).

2. Prior to the Defendant's release, the Defendant must fulfill a *Nebbia* requirement wherein the Defendant will submit for the State's review documentation showing proof that the bond is fully collateralized and the legality of the funds used for both the bond premium and bond collateral. The State or Defendant has the right to object and request a further hearing as to the sufficiency of collateral and legality of the funds.

3. The Defendant shall secure her release pursuant to a surety bond that is fully collateralized; net asset value of the collateral must be in an amount equal to or in excess of bond amounts.

4. Any property used to collateralize the bond shall not be further encumbered or liquidated by the Defendant or owner during the pendency of the bond.

5. Only after the Court's subsequent review and issuance of an Order approving the sufficiency of the collateral, will the Defendant then be eligible for release upon the posting of the said bond.

6. The Surety shall provide to the State an updated title search within ten (10) days of the Defendant's release reflecting the Surety's recorded mortgages on the properties utilized for bond collateral.

7. The Defendant will be monitored by Pretrial Services.

8. The Defendant will not possess any firearms.

9. The Defendant shall not have any direct or indirect involvement with pain clinics.

10. The Defendant shall surrender her passport and travel documents to the Broward County Clerk prior to her release. The Defendant's surrendered passport and travel documents shall remain in the custody of the Broward County Clerk and the Defendant shall not reapply for any passport and travel documents.

Given under my hand and seal this 26 day of May, 2015, in Fort Lauderdale, Broward County, Florida.

Elizabeth Scherer

SEVENTEENTH JUDICIAL
CIRCUIT COURT JUDGE

A TRUE COPY
Circuit Court Seal