

0522219 50-2021-CF-002544-AMB

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Rough Arrest Only

Administrative checkboxes for Rough Arrest Only.

Main form containing sections: ADMINISTRATION, DEFENDANT, CO-DEF, JUVENILE, CODE, CHARGE, NOTICE TO APPEAR, and ADMIN. Includes fields for name, address, charges, and signatures.

Duttenhoeffer 1157

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|---|--|--|---------------------|---|----------------------|----------------------------------|
| OBTs Number | | PROBABLE CAUSE AFFIDAVIT | | | 1 | Juvenile |
| Agency ORI Number FLO 5 0 0 0 0 0 | | Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE | | Agency Report Number 06 - 20-105701 | | |
| Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply. | | | | Special Notes: | | |
| Defendant's Name (Last, First, Middle) Delgado, Rachel | | | | Race White | Sex Female | Date of Birth 10/26/01 |
| Charge Description Prescription Fraud | | Charge Description | | | | |
| Charge Description | | Charge Description | | | | |
| Victim's Name (Last, First, Middle) Simpson, Julie | | | | Race W | Sex F | Date of Birth 08/03/69 |
| Victim's Local Address (Street, Apt. Number) (City) (State) (Zip) | | | Phone | Address Source | | |
| Victim's Business Address (Name, Street) (City) (State) (Zip) | | | Phone | Occupation | | |
| 9970 Central Park Blvd. Ste. 404 Boca Raton FL 33428 | | | 561-483-1125 | | | |
| The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody... | | | | | | |
| <input type="checkbox"/> committed the below acts in my presence. | | <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. | | | | |
| <input type="checkbox"/> confessed to _____ admitting to the below facts. | | <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation. | | | | |
| On the 10 th day of September, 20 ²¹ at 4:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest). | | | | | | |

NARRATIVE:

In early September 2020, Julie Simpson contacted the Palm Beach County Sheriff's Office to report a delayed prescription fraud case that had occurred on four separate occasions. Ms. Simpson indicated that she is the office manager for Dr. Scott Berenson, M.D. located at 9970 Central Park Blvd. #404 Boca Raton, Florida 33428. Ms. Simpson identified four separate incidents where she received phone calls from pharmacies attempting to verify prescriptions for Z-Pak's (Azithromycin) and Promethazine with codeine which is a liquid cough medicine. All four fraudulent prescriptions had utilized Dr. Berenson's information to include his DEA control number. Ms. Simpson verified that the four patients identified for the prescriptions are not under the care of Dr. Berenson.

In October 2020, I made contact with Julie Simpson to determine if she had any additional information pertaining to the aforementioned prescription frauds. Ms. Simpson advised me that a pharmacist for CVS (store #3222) located at 4511 Lantana Rd. Lake Worth, Fl. 33463 had identified a person of interest who had attempted to pick up a fraudulent prescription identified as two packs of promethazine w/codeine. Pharmacist Rachel Rosenfeld indicated that CVS received a phone call on 11/18/20 at approximately 1300 hours with someone posing as Dr. Scott Berenson. The unknown person had called in two prescriptions for Promethazine w/codeine. The caller provided Dr. Berenson's DEA number but the incorrect office phone number. Rosenfeld immediately contacted Julie Simpson to verify the prescriptions and was told that the prescriptions were fraudulent. Shortly thereafter, Rosenfeld received a phone call from a person claiming to be the patient; however, she identified the voice on the phone as

NARRATIVE CONTINUATION

the same voice as the person posing as Dr. Scott Berenson. The person calling indicated that they were patient Anthony Burkins with a DOB of 06/03/58. Pharmacist Rosenfeld told the caller that the prescription was filled and ready for pick-up. A sworn statement was obtained from Dr. Scott Berenson indicating that Anthony Burkins has never been a patient of his. Dr. Berenson further indicated that he did not write a prescription for Promethazine w/codeine or Azithromycin (Z-Pak) on 11/18/20 nor did he authorize anyone on his behalf to write a prescription or order a prescription via the telephone. Dr. Berenson indicated that the call-in prescription is a forgery.

On November 18, 2020, at approximately 1630 hours, a female came to the CVS drive-thru located at 4511 Lantana Rd. Lake Worth, Florida and indicated that she was picking up a prescription for Anthony Burkins. The female provided a Florida Driver's License in the name of Rachel Delgado (D/L/ ##423-720-01-886-0) along with cash to pay for the prescription. Pharmacist Rosenfeld then took a photo of the driver's license, handed back the cash to the driver and advised the driver that she was not getting the prescription. When told why the prescription was not being filled the driver nodded her head in an affirmative action indicating that she knew the prescription was fraudulent.

Florida Driver and Vehicle Information Database records were reviewed which verified Rachel Delgado via her DL number and date of birth. Delgado has two addresses listed in Hialeah, Florida as possible residences. One address was identified as 1305 W. 46th St. Apt. 106 Hialeah, Florida and the second address is identified as 430 E. 42nd St. Hialeah, Fl. 33013.

On February 16, 2021, at approximately 1100 hours, myself along with D/S Trevor Davis met with CVS Pharmacist Rachel Rosenfeld at 301 N. Federal Highway Boynton Beach, Florida 33435. We met with the pharmacist for the purpose of having her review a photo line-up in an attempt to identify the suspect Rachel Delgado who attempted to pick up a fraudulent prescription for Promethazine w/Codeine and Azithromycin on November 18, 2020. D/S Davis assisted by conducting the presentation of the photo array since he was unaware of the investigation and unaware of the suspect location within the photo array. D/S Davis subsequently presented the pharmacist with a group of six photographs which were all similar in nature and characteristics. D/S Davis advised the witness of the instructions per statute and PBSO policy. Upon examining the photos Ms. Rosenfeld immediately made a positive identification of the suspect Rachel Delgado who was located in the number one position. Ms. Rosenfeld circled the photograph and placed her initials next to the photo indicating her positive identification.

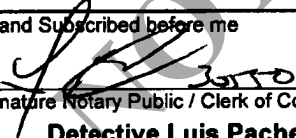

CVS personnel also provided a prescription profile for Rachel Delgado from February 1, 2019 until the present date of February 16, 2021 which included all controlled and

NARRATIVE CONTINUATION

non-controlled drugs. It should be known, that the profile is a database list of all prescriptions filled by the customer at CVS. An analysis of that profile shows all prescribed medications to Rachel Delgado. The review does not show Rachel Delgado being prescribed Promethazine w/codeine which is a schedule V controlled substance.

Investigation to date shows that the suspect Rachel Delgado attempted to pick up a fraudulent prescription for Promethazine w/Codeine a schedule V substance at CVS located at 4511 Lantana Rd. Lake Worth, FL. 33463 which is within the jurisdictional boundaries of Palm Beach County. The caller identified himself as Dr. Scott Berenson and provided the proper DEA number for the above mentioned prescription. When Delgado arrived at the CVS in Lantana, Florida to retrieve the prescription, she provided the Pharmacist with cash and her Florida Driver's License. The pharmacist refused to fill the prescription due to the script being fraudulent which was verified by contacting Dr. Berenson's office. The cash and identification were both returned to Delgado at which time she left the area. A photo line-up was generated where the Pharmacist Rachel Rosenfeld made a positive identification of the suspect Rachel Delgado who attempted to acquire the fraudulent prescription. Additionally, sworn statements were obtained from the Pharmacist and from Dr. Scott Berenson reflecting that the prescription was fraudulent. The profile database from CVS was recovered and reviewed which showed no prescriptions for Rachel Delgado for Promethazine w/codeine.

Based upon the above facts and information developed in this investigation there is probable cause to charge the defendant Rachel Delgado with one count of Prescription Fraud in violation of Florida State Statute 893.13 (7a9).

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|---|--|
| Sworn and Subscribed before me | |
|  |  |
| Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10) | Signature of Arresting / Investigating Officer |
| Detective Luis Pacheco ID # 30550 | Detective John Giuffre ID # 6777 |
| Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10) | Name of Officer (Please Print) |
| 03/23/21 | 03/23/21 |
| Date | Date |



Palm Beach County Sheriff's Office – Arrests Only

| | X | Florida State Statute | Description | Page Number(s) |
|---|-------------------------------------|---|--|----------------|
| L/E Exemptions | <input type="checkbox"/> | 119.071(2)(d) | Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations. | |
| | <input type="checkbox"/> | 943.053, 943.0525 | NCIC/FCIC/FBI and in-state FDLE/DOC. | |
| | <input type="checkbox"/> | 119.071(4)(c) | Undercover personnel. | |
| | <input type="checkbox"/> | 119.071(2)(f) | Confidential informants (CIs). | |
| | <input type="checkbox"/> | 119.071(2)(e) | Confession. | |
| Public Info. Exemptions | <input type="checkbox"/> | 985.04(1) | Juvenile offender records. | |
| | <input type="checkbox"/> | 119.071(h)(i) | Assets of a crime victim. | |
| | <input type="checkbox"/> | 395.3025(7)(a), 456.057(7)(a) | Medical information. | |
| | <input type="checkbox"/> | 394.4615(7) | Mental health information. | |
| | <input type="checkbox"/> | 119.071(4)(d)(2)(a) | Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children. | |
| Florida Rules of Judicial Administration 2.420 (Rule of 23) | <input checked="" type="checkbox"/> | (iii) 119.0714(1)(i)-(j), 2)(a)-(e) | Social Security, bank account, charge, debit, and credit card numbers. | 2 |
| | <input type="checkbox"/> | (viii) 394.4615(7) | Clinical records under the Baker Act. | |
| | <input type="checkbox"/> | (xii) 741.30(3)(b) | The victim's address in a domestic violence action on petitioner's request. | |
| | <input type="checkbox"/> | (xiii) 119.071(2)(h), 119.0714(1)(h) | Protected information regarding victims of child abuse or sexual offenses. | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| Other | <input type="checkbox"/> | | Other: | |
| | <input type="checkbox"/> | | Other: | |

REVIEW COMPLETED BY

| | |
|----------------------------|-----------------------------------|
| Booking Number: 2021007126 | Date: 03/25/2021 |
| | Specialist Name/ID: T Howard/7185 |