

19-7008

ARREST / NOTICE TO APPEAR

OBTS Number	Agency ORI Number <b>0500400</b>		Agency Name <b>Delray Beach Police Department</b>		Agency Report Number (N.T.A.'s only) <b>4   0   19-003846</b>	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	<b>3</b>	JUVENILE			
Charge Type: Check as many as apply	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	If Weapon Seized Enter Type	<b>None/not Applicable</b>		Multiple Clearance Indicator <b>1</b>				
Location of Arrest (Including Name of Business) <b>WARRANT REQUEST</b>				Location of Offense (Business Name, Address) <b>813 DELMAR WAY 213, DELRAY BEACH, FL 33444</b>							
Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle					
		<b>07/22/2019</b>	<b>17:09</b>								
Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>				Alias (Name, DOB, Soc. Sec. #, Etc.) Alias:							
Race W - White B - Black	1 - American Indian O - Oriental/Asian	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>	Height <b>5'06</b>	Weight <b>140</b>	Eye Color	Hair Color	Complexion	Build <b>MEDIUM</b>		
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)				Marital Status	Religion	Indication of: Alcohol Influence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. <input type="checkbox"/> Drug Influence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. <input type="checkbox"/>					
Local Address (Street, Apt. Number) <b>2933 BIRCH TERR, DAVIE, FL 33330</b>		(City)	(State)	(Zip)	Phone		Residence Type: 1. City 3. Florida 2. County 4. Out of State				
Permanent Address (Street, Apt. Number) <b>2933 BIRCH TERR, DAVIE, FL 33330</b>		(City)	(State)	(Zip)	Phone		Address Source				
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone		Occupation				
D/L Number, State <b>S410422937540 / FL</b>		INS Number		Place of Birth (City, State)		Citizenship					
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile	
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile	
<input type="checkbox"/> Parent <input type="checkbox"/> Other: _____ Name (Last, First, Middle)				Residence Phone				<input type="checkbox"/> Legal Custodian			
Address (Street, Apt. Number)				(City)	(State)	(Zip)	Business Phone				
Notified by: (Name)				Date	Time	JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated					
Released To: (Name)				Relationship	Date	Time					
The above address was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.				School Attended				Grade			
<input type="checkbox"/> Yes, by: _____ <input type="checkbox"/> No				Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Description of Property		Value of Property	
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	K. Disperse/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
Charge Description <b>PATIENT BROKERING OFFER/PAY (20+ Patients) JC</b>				Statute Violation Number <b>817.505(1)(A), (4)(C) JC</b>		Violation of ORD #					
Drug Activity	Drug Type <b>N</b>	Amount / Unit <b>/</b>	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number		Bond			
Charge Description				Statute Violation Number		Violation of ORD #					
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Warrant / Capias Number		Bond			
Health / Apparent Physical Condition of Defendant				Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries Explain:							
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> I.O.T. County Jail				PROPERTY - Received By		Released By					
<input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health				Date Transported		Time Transported		Other			
Transported By				Date Transported <b>// : : :</b>		Time Transported		Other			
<input type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court <input checked="" type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.				Location (Court, Room) <b>South County 200 W Atlantic Ave Delray Beach, FL 33444</b>		Court Date and Time					
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.				Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed					
HOLD for Other Agency				Signature of Arresting Officer <b>[Signature]</b>		Name Verification (Printed by Arrestee)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other				Name of Arresting Officer (Print) <b>LUNSFORD, HOWARD C</b>		I.D. # <b>1055</b>		(PRINT)			
Intake Deputy		I.D. #	Pouch #	Transporting Officer <b>WARRANT REQUEST 1055 DBPD</b>		I.D. #		Agency			
				Witness here if subject signed with an "X".		PAGE <b>1 OF 1</b>					

COURT  STATE ATTORNEY  AGENCY  CENTRAL RECORDS  JAIL  CRIME ANALYSIS  P. I. O.  DEFENDANT

PROBABLE CAUSE AFFIDAVIT

1. Arrest  
2. N.T.A. 3. Request for Warrant  
4. Request for Capias

3 JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>	Agency Report Number <b>4   0   19-003846</b>
Charge Type: Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Special Notes:

Name (Last, First, Middle) <b>SILVA, JESSICA BROSINICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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Charge Description <b>817.505(1)(A) PATIENT BROKERING (OFFER/PAY)</b>	Charge Description
Charge Description	Charge Description

Victim's Name (Last, First, Middle) <b>State Of Florida</b>	Race	Sex	Date of Birth
Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source	
Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation	

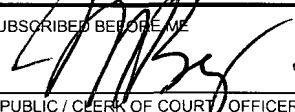
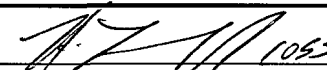
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.  
 The Person taken into custody . . .  
 committed the below acts in my presence.  was observed by \_\_\_\_\_ who told \_\_\_\_\_ that he/she saw the arrested person committ the below acts.  
 confessed to \_\_\_\_\_ admitting to the below facts.  was found to have committed the below acts, resulting from my (described) investigation.  
 On the 22 day of July, 2019 at 17:40 (Specifically include facts constituting cause for arrest.)

The following investigation was conducted in Palm Beach County, Florida.

Andrzej Jan Szygiel ("Andrzej") paid illegal kickbacks to Dominic Forte, Scott Gillis, and others, for patient referrals/patronage to Express Care Pharmacy, which then billed the patients` insurance. Many of the prescriptions were forged, unnecessary, and submitted without the knowledge, approval, or consent of the patients and/or the treating physician. Express Care in turn compensated Andrzej for these referrals with an illegal commission, paid to him indirectly through an intermediary, Allan Jarboe.

Missouri Health Infusion d.b.a. Express Care Pharmacy ("Express Care") was a mail-in pharmacy located at 2319 Weldon Parkway, Saint Louis, Mo. It was purchased by Glenn Brosnick and his daughter, Jessica Silva ("Silva") on 2/15/17. Although based in Missouri, Express Care held nonresident pharmacy licenses in 20 states, including Florida, which allowed it to deliver, dispense, or distribute prescription drugs to an ultimate user physically located in other states. The majority of prescriptions filled and sold by Express Care were shipped out in the mail to customers. Orders were written on preprinted forms, and then faxed or emailed to Express Care. The prescriptions were not cheap. Billing data showed charges that ranged from \$646 to \$5,614 for a single prescription. The prescriptions were for: topical pain and inflammation management, Oral NSAID/Acid Reflux/GERD, tension/headaches/migraines, scar/dermatitis/eczema/psoriasis, metabolic supplements, and maintenance medications. The prescriptions were preprinted, requiring the prescriber to simply select which prescriptions to order by checking a box next to the prescription, writing the number of refills for each, and then completing patient and prescriber information and signing the form.

CVS Caremark ("Caremark"), a prescription benefit management company, conducted an onsite audit of Express Care in 2017, following an August 2017 Aetna FWA (fraud, waste, and abuse) report that listed Express Care as a top 14 out-of-state pharmacy billing

SWORN AND SUBSCRIBED BEFORE ME  #1033 NOTARY PUBLIC / CLERK OF COURT OFFICER (F.S.S. 117.10) 7/23/19 DATE	 1055 SIGNATURE OF ARRESTING INVESTIGATING OFFICER <b>LUNSFORD, HOWARD C (1055)</b> NAME OF OFFICER (PLEASE PRINT) 07/23/2019 DATE	PAGE 1 OF 15
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PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT

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3

JUVENILE

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Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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high dollar topicals and diabetic supplies. During the audit Jessica Silva denied the use of marketing reps, and stated referrals come from "acquaintances."

In fact, Express Care did utilize marketing reps, one of which was Andrzej. From approximately 6/12/17 to 5/30/18, Andrzej recruited a network of marketers who were responsible for referring hundreds of prescription orders to Express Care. Once insurance companies reimbursed Express Care for the prescriptions, Andrzej would receive 50% of that money through a third-party company called Senior Health Network LLC ("SHN"), based in Coral Springs, FL and run by Allan Jarboe. Andrzej in turn would pay commissions to those marketers whose referrals had been reimbursed, often at a rate of 30% per referral. Unlike other business industries, this commission-based payment scheme for patient referrals as described in this affidavit, is in violation of the Florida Patient Brokering Act under Fla. Stat. 817.505(1)(a)-(d), which prohibits paying or receiving anything of value for referring patients or patronage to a health care facility.



There are a number of safe harbor exceptions to the Patient Brokering Act, which include Bona Fide Employee ("BFE") and Personal Services and Management Contracts ("PSM"). The BFE exempts "[A]ny amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services" 817.505(3)(a), Fla. Stat.; 42 USC 1320a-7b(b)(3)(B); United States v. Starks, 157 F. 3d 833, 839 (11th Cir. 1998). The agreement between SHN and Andrzej's LLC, AJVS, was formalized in a "marketing and sales consultant agreement" dated 3/22/17. The copy I obtained was seized pursuant to a search warrant of Andrzej's emails, and was only signed by Andrzej, not yet by SHN.

The contract between SHN ("the Company"), and AJVS ("the Consultant") immediately excludes the BFE safe harbor, as it describes AJVS's relationship "as an independent consultant to the Company, and not as an employee, joint venture, partnership, agent/principal, or otherwise. Consultant is not authorized to act on behalf of the Company or bind the Company in any manner."

The PSM safe harbor exempts payments that meet seven standards. One of those standards requires that the aggregate compensation paid to the agent over the term of the agreement is:

- Set in advance
- Consistent with fair market value in arms-length transactions and
- Not based on the volume or value of any referrals or business otherwise generated between the parties

In the contract between SHN and AJVS, under the compensation it reads: "Company shall pay Consultant Fifty percent (50%) of the Net Monthly Commission Pool for Pharmacy services on an as earned basis."

SWORN AND SUBSCRIBED BEFORE ME  NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) #1033 7/23/19 DATE	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER <b>LUNSFORD, HOWARD C (1055)</b> NAME OF OFFICER (PLEASE PRINT) 07/23/2019 DATE	PAGE <b>2 OF 15</b>
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**3** JUVENILE

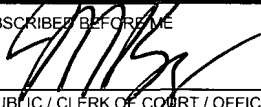

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	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	

Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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I seized the email accounts of Andrzej, Andrzej's administrator, Ryan Thompson, and marketer Scott Gillis, pursuant to a search warrant. The email evidence shows that the "pharmacy services" AJVS provided were nothing more than patient referrals, referrals which he secured by paying illegal commissions to the referrers. The aggregate compensation paid to AJVS by SHN is not set in advance, and is paid "on an as earned basis," based upon the volume or value of referrals that AJVS provides. AJVS in turn paid his marketers in the same fashion. Due to these reasons, the PSM safe harbor does not apply.

On 6/12/17 Andrzej emailed the contract to Allan Jarboe of SHN, and another individual known to law enforcement. In the body of the email Andrzej writes, "Gentleman, attached is my signed contract for the Pharmacy, the last thing that needs to be done is your signature and my signed copy and then sent back to me, first account should be sending starting tomorrow."

Andrzej then emails a number of marketers, pushing the Express Care prescriptions. For example, on 6/12/17 and 6/13/17, Andrzej wrote:  
"Good Afternoon!  
Attached is the information on the pharmaceuticals we are pushing for Express Care Pharmacy. Express Care Pharmacy is a closed Pharmacy out of New York, Florida and Missouri. We ship these medications directly to the patient or the treatment center. As we all know it is called practicing medicine, so we have had plenty of Doctors trying our scrips and the clients have been happy, all patients/clients can use the pain and migraine/headache medications to say the least, in addition to that a lot of facilities have been ordering the skin creams as well to help with scaring, than obviously the acid reflux scrip. All of this is pretty self explanatory, the doctors will know exactly what the ingredients are and the medications. I had a place today that was going to start prescribing three different types of scrip's to all of their current and new clients, not all of these scrips need to replace patients current meds, all can be in addition to their current medications and or to replace, what ever the doctor prefers. Let me know when the first one is ready to go! The process is easy and is as follows:  
  
VERY IMPORTANT IS BEFORE THE DOCTOR STARTS SENDING SCRIPTS SEND ME THE NAME OF THE DOCTOR SO I CAN KEEP TRACK OF IT FOR US FINANCIALLY  
1. Its all about the relationship you have with the doctor/prescribing doctor  
2. Show them the scrip sheet, tell them that we can ship directly to the client or the facility  
3. Have them fill out the scrip pad (it is pretty basic the prescribing doctor will know what to do)  
4. NEXT WHICH IS VERY IMPORTANT IS HAVE THEM FAX THE FORM TO 888-749-3721 OR 888-892-0874 , THE EMAILS ARE Info@expresscarepharmacy.com and newglobaltraction@gmail.com AND THE ACTUAL PHONE NUMBER TO CONTACT THE PERSON AT EXPRESS

SWORN AND SUBSCRIBED BEFORE ME	 #1033	
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DATE 07/23/19		<b>LUNSFORD, HOWARD C (1055)</b> NAME OF OFFICER (PLEASE PRINT)
		<b>07/23/2019</b> DATE

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JUVENILE

A D M I N I S T R A T I V E	OBTS Number		Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>		Agency Report Number <b>4   0   19-003846</b>	
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CARE PHARMACY IS JESSICA SILVA AT 954-326-6313"

By 6/22/17 Andrzej had compiled a list of doctors which he emailed to both Allan Jarboe of SHN and Jessica Silva of Express Care. The email reads, "So far the following doctors have the script pads and should start sending [...] I also have a doctor in tennessee I'm working on and a doctor in cali and a doctor in Pennsylvania. This was a learning curve for me I come from a different vertical in healthcare but they should start sending soon! Just wanted to give an update and make sure that you guys have records of my doctors thus far."

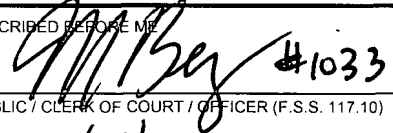

While contracted with SHN and Express Care, Andrzej also worked for a clinical laboratory that performed urine and blood toxicology testing. A number of individuals referred blood and/or urine specimens to Andrzej, and he now reached out to many of those same individuals for the pharmacy scheme. On 6/30/17 he emailed the following to three separate individuals,



"Quick Update! The money is in the scripts first and the lab second. Attached is a cheat sheet I sent for people to take a look at -Anj"

Andrzej sent contracts to these marketers that engaged in the pharmacy scheme, contracts which were identical to the contract he himself had with SHN. Andrzej simply replaced SHN with AJVS as "the Company" and would place whichever marketer as the "Consultant." The percentage of commission to the marketers varied but was on average 30-35%. One such contracted marketer was Scott Gillis.

On or about March 22nd, 2017, Andrzej entered into a referral agreement with Gillis in which Andrzej paid Gillis an illegal kickback of approximately 35% of each claim paid by private insurers, minus expenses, for each prescription Gillis submitted to Express Care to be filled. Email evidence showed that from 6/30/17 to 10/5/17 Gillis referred sixty-seven patients to Express Care for medications. Of those sixty-seven patients, twenty-one of their insurance policies reimbursed Express Care. For those twenty-one patients, Andrzej made fifteen payments between 7/20/17 to 11/20/17 to Gillis totaling approximately \$23,802.

Mustafa Sandhu, owner and operator of Proactive, provided a sworn statement. Proactive was a substance abuse treatment facility located at 1300 NW 17th Ave, Suites 160, 161, 178, 180, Delray Beach, FL. Sandhu stated that Gillis and Andrzej represented a pharmacy that produced topical creams, which Gillis and Andrzej wished to prescribe for Proactive's patients. Gillis and Andrzej offered Sandhu \$400-800 per order that was submitted to Express Care for a Proactive patient. Sandhu declined compensation but agreed to participate in the scheme, because at the time Gillis was referring a substantial portion of new patients to Proactive for treatment in their Intensive Outpatient Program ("IOP"). Sandhu stated that Andrzej explained that the pharmacy paid

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	7/23/19 DATE		07/23/2019 DATE	

OBTS Number A D M I N D E F P R O B A B L E C A U S E S T A T E M E N T	<b>PROBABLE CAUSE AFFIDAVIT SUPPLEMENT</b>	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	<b>3</b>	JUVENILE
Agency ORI Number: <b>FL 0500400</b>		Agency Name: <b>DELRAY BEACH POLICE DEPARTMENT</b>		Agency Report Number: <b>4   0   19-003846</b>
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<p>Andrzej, and Andrzej would then pay Gillis.</p> <p>Gillis gave Sandhu blank prescription order forms, which Sandhu would then direct Proactive's "doctor" to sign. The doctor signed the blank prescription order forms without a patient examination, or knowing which patients the prescriptions would be prescribed to, or which prescriptions were to be ordered. Sandhu would return the blank yet now signed order forms to Gillis, who would complete the order forms by selecting which medications to order, the number of refills, and for whom. Gillis gave the forms to Andrzej, who would in turn submit them to Express Care. Sandhu could not recall which doctor signed the forms. The signature on the forms submitted by Gillis to Andrzej for Proactive patients was Proactive's ARNP at the time.</p> <p>Gillis also provided a sworn statement and explained his role in the scheme. Gillis stated Andrzej worked for a mail-in pharmacy as a sort of pharmaceutical representative. Andrzej told Gillis he could be compensated for referring a doctor that would prescribe the pharmacy's prescriptions. Andrzej provided Gillis with the order forms, which Gillis would give to Sandhu or Sandhu's employee, Jonathan "Smitty" Smith. Gillis stated Sandhu and/or Smitty would have Proactive's medical director sign the forms and return them to Gillis. He could not recall the name of the doctor but said "I feel like it was a Spanish name." The prescriptions forms had Dr. Jose Valdivia and Valdivia's NPI listed for the prescriber, which was the information Gillis and Andrzej required and utilized for purposes of billing, although the prescriptions actually bore the signature of Dr. Valdivia's ARNP.</p> <p>Gillis admitted that at least on "dozens" of occasions, the doctor signed blank forms that Gillis would then complete with patient information and selected which prescriptions those patients would receive. An examination of the forms, later discovered in emails and texts between Gillis and Andrzej, showed that there were four original signatures, and the remainder appeared to be photocopies. Gillis said he chose the metabolic supplements for every patient, which were expensive vitamins (Express Care billed approximately \$4300 to Prime Therapeutics and Express Scripts for them). Gillis would then email the completed forms to Ryan Thompson ("Thompson"), or have another Proactive employee fax the form to Express Care. Gillis stated Andrzej paid him approximately 30% of the insurance reimbursements to the pharmacy for any orders Gillis sent in. The payments were wired from Andrzej's AJVS LLC JPMorgan Chase account to Gillis' SRGM LLC. From 7/20/17 to 11/20/17 Andrzej made fifteen payments (1 check and 14 wires) to Gillis totaling approximately \$23,802.</p> <p>Gillis consented to a search of his cell phone, which contained text message communications that corroborated his testimony. On 6/26/17 Andrzej sent Gillis a text message, "good news is Proactive scripts will start coming in." Andrzej also instructed Gillis on 6/28/17, "make sure they do 5 refills, it's the maximum allowable." On 6/29/17 Gillis asks Andrzej via text, "what are [maintenance]." Andrzej writes back,</p>				
SWORN AND SUBSCRIBED BEFORE ME				
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			<b>07/23/2019</b> DATE	
PAGE <b>5</b> OF <b>15</b>				

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4. Request for Capias

3 JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>	Agency Report Number <b>4   0   19-003846</b>
Charge Type: Check as many as apply.				Special Notes:
<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other

Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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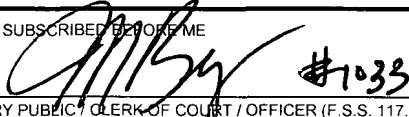
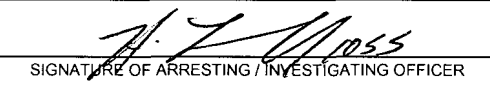
"[maintenance] are diabetic shit [,] metabolic are low cost with great reimbursements." Gillis replies, "Ok sweet" and Andrzej writes, "Everyone can get that [too], it's another one people are selecting." Gillis responds, "Easy. Done."

Later on 6/30/17 at 1:02AM Andrzej texts Gillis and asks, "What was the outcome for the stuff from earlier too" and Gillis tells him, "I'm going in at 930. I'll let you know then. Going to look over and make sure everything is correct and fax out," Andrzej replies, " `Correct` " and "Lmao" and Gillis replies, "Yeah like the address" and then "lol". He then texts, "I told doc we want everyone to try the metabolic as part of protocol."

On 6/29/17 at 6:55PM Gillis texted Mustafa Sandhu to let him know, "Hey big guy I'm gonna come in in the morning if that's ok" and that he'll "see you around 945. Gonna skip staff meeting."

On 7/6/17 Gillis texted Smitty and wrote, "Hey what's up big guy. Are you going to be at the center tonight? If so I wanted to make sure to try and get doctor to sign a few blank forms for the kids he sees. Then we can fill out all info tomorrow if possible." Smitty doesn't respond and on 7/7/17 Gillis texts, "Did everything go smooth with the doctor?" and "Hey Smitty please get the doc to sign those if you can. Just reminding. Thank you sir." At 1:03PM on 7/7/17 Gillis texts Smitty again, "Did he get to sign the script forms?" Smitty replies, "Yes." Gillis also texts Andrzej on 7/7/17 at 4:22PM and writes, "Didn't get scripts out today but got papers signed. And uploaded copies into kipu so we can just fill out and email in." Andrzej asks when they are being sent and to email them to AndrzejBTR@gmail.com and RyanRXTracker@gmail.com. Gillis responds "not sure tomorrow or [Monday]".

On 7/10/17 Gillis texts Sandhu, "Hey what's up big guy you back in the office today?" Sandhu replies, "Yeah not gonna be around for long though why what's up?" Gillis writes, "Wanted to see if I could fill [out] the forms and get the emailed in today" and "The doc signed them on Friday." Sandhu tells him at 11:35AM to "talk to smitty." Gillis tells Sandhu, "Ok [,] I would need access to insurance info [of] clients to fill everything out" "Thanks man". At 12:01PM Gillis texts Smith and writes, "Hey bud are you going to be in office this afternoon? I wanted to come in if possible and work on those forms the doctor signed. [Sandhu] told me to coordinate w you or I could to get the signed copies and space to do it." Smitty asks, "Yea what time?" and Gillis responds, "A little after one if that works. I figure let iop leave then I can do it." Gillis then texts Andrzej at 12:15PM and tells him, "Going into proactive at 1." Andrzej replies, "Perfect [,] Let me know when email was sent." At 2:00PM he tells Andrzej, "Ok filling out insurance info now." Gillis tells Andrzej, "Going to send in like 30 people today probably [3] scripts each", Andrzej replies, "Good job :)" and Gillis responds, "Duck it I'm checking off every box" and Andrzej says, "Don't forget the last box is diabetic [.] That's the only one you need to be careful with." Gillis replies, "I know I'm

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 #1033	
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7/23/19 DATE	NAME OF OFFICER (PLEASE PRINT)
	<b>07/23/2019</b> DATE

PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT

1. Arrest  
2. N.T.A.  
3. Request for Warrant  
4. Request for Capias

**3** JUVENILE

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Charge Type: Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 5. Ordinance	Special Notes:
	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	


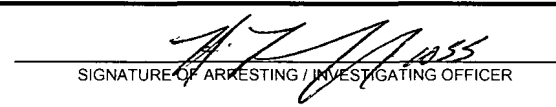
Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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kidding" "And yes", to which Andrzej replies, "Idgaf" (Idgaf is an acronym for "I don't give a fuck"). The conversation continues and Andrzej gives Gillis more instructions. Gillis tells Andrzej, "they are having techs fill out all insurance info so idk how I'm gonna get pics of all face sheets" and "They seem standoffish about giving me access to all insurance policies." A little later Gillis informs Andrzej "Rx won't go out til tomorrow am."

On 7/11/17 at 12:03PM Gillis texts Smitty, "Hey bud did those forms get filled out yesterday", and Smitty replies, "Yea I just stayed late and did names/ins info." Smith then writes, "If you wanna come in and check the boxes and have them scanned in, they're all ready for you." Gillis replies "Ok awesome thank you. I'll come in again after iop let's out." At 12:24PM Andrzej texts Gillis, "Checking in with you." Gillis tells him he's going "to pro at like 115." At 1:14PM Gillis asks Andrzej, "Email rx to you?" "Nvm I read text." Andrzej replies, "Yes" "Email them to me." Gillis asks Andrzej to call him. At 2:25PM Gillis texts Andrzej, "For the metabolic the xyzbac was the weaker one and Medi 10 was the serious one right?" Andrzej replies, "Pretty sure yes" and Gillis replies, "22 people 68 rx" and Andrzej says, "Good job" "Let me know when you send" "To email" "And I'll send it over" "to pharmacy". Andrzej instructs Gillis to email the rx to the same emails as before, AndrzejBTR@gmail.com and RyanRXTracker@gmail.com. At 3:42PM Gillis texts Andrzej and writes, "Email sent."

On 7/11/17 at 3:42PM Gillis emailed Andrzej twenty-two prescription orders dated 7/11/17 and which all list Dr. Valdivia as the prescriber and bear the ARNP's signature. Ten minutes later at 3:52PM, Andrzej emailed those orders to Jessica and Junior Silva of Express Care Pharmacy with the message, "Dr. V / Proactive client scrips see attached." Express Care filled those prescriptions, and submitted claims to a variety of private insurers including but not limited to: Blue Cross Blue Shield, United Health Care, Cigna, and Aetna. The medication orders dated 7/11/17 alone and submitted by Gillis to Express Care resulted in approximately \$219,489 in claims to insurers.

Proactive's ARNP provided a sworn statement and denied ordering any of the medications. He stated one of the medications, Vanatol, was a barbiturate and therefore inappropriate for Proactive patients, who all suffered from some form of substance abuse. He recalled having a meeting with Sandhu and an individual whose name he could not recall. The ARNP said they asked him to prescribe these medications to patients. He stated he prescribed one of the medications, a Lidocaine cream, to one patient, but that was all. He reviewed the medication forms submitted by Gillis with your Affiant during his interview. He noted that it was strange to have his signature but Dr. Valdivia as the prescriber; he stated had he ordered the medications, he would have put his prescriber information, not Dr. Valdivia's. The forms appear to have four original signatures, the rest were copies with one of the four versions of the ARNP's signature. Your Affiant asked the ARNP how he would respond to someone that may claim that he signed the forms, but someone else filled them out - he replied, "It's a possibility that they had me sign

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PROBABLE CAUSE AFFIDAVIT  
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**3** JUVENILE

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Charge Type: Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Special Notes:

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a couple of pieces of paper, I sign urine slips and things it happens, but I didn't order these medications for these people." He further stated, "I can't remember a day that they came to me and said 'sign these,' but this happens to me a lot, when I go to a facility they're like, 'we're ordering urines can you sign these orders' - they give me a stack of things and I sign sign sign sign sign for the orders. So it's a possibility that I signed these forms and it's a possibility that I signed it fast."


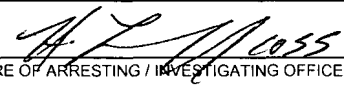
On 8/03/17 Andrzej e-mailed Gillis their "Marketing and Sales Consultant Agreement" signed by both Andrzej and Gillis. The agreement is dated 3/22/17 and is between AJVS LLC (the "Company") and SRGM LLC (the "Consultant"). Under the section titled, "Exhibit C Consultant's Compensation," it reads, "Company shall pay Consultant thirty five percent (35%) of profit to pharmacy in direct result on Consultants accounts." The contract referred to these payments as commissions.

Andrzej and his employee, Thompson, tracked all of Gillis' prescription orders and commissions in a series of excel spreadsheets which Thompson regularly emailed to Gillis and Andrzej. The spreadsheets tracked the dates that the prescription orders were received, patient names and insurance information, the profit made on those prescriptions, and Gillis' 35% portion of those profits. According to the spreadsheets and dates on the order forms e-mailed to Andrzej, Gillis submitted prescription orders from 6/30/17 to 10/5/17. All of the forms bear the ARNP's signature, and the prescriber is listed as Dr. Valdivia.

Andrzej paid Gillis commissions via wire transfer and one check, from his JPMorgan Chase account ending in [REDACTED]. From 7/20/17 to 11/20/17 Andrzej made fourteen wire transfers to Gillis' SRGM LLC totaling approximately \$23,802. These payments were made from the proceeds of insurance fraud, patient brokering, and fraudulent use of ID, and with the intent to promote the carrying on of those crimes.

Andrzej would often text message Gillis a breakdown of Gillis' profit per prescription order for each client. For example, on 7/1/17 Andrzej texted Gillis, "[A.L.] DOX 180 will pay pharmacy 1400/ cost 750 / profit 650/ your cut \$227.50 VANATOL will pay \$1,000/ cost \$550/ profit \$450 / cut \$157.50 FLUO will pay 1200/ cost \$600/ profit \$600/ your cut \$210 MEBO HIGH COPAY NO GO So you made 595.00 off this client today After five months that will be \$2,975.50." The patient's name is abbreviated above, and DOX, Vanatol, FLUO, and MEBO are likely Doxepin, Vanatol, Fluocinonide, and Metabolic Supplements, all of which are selections on the prescription order forms utilized by Gillis and Andrzej in this scheme. Next Andrzej texts, "Reason costs are high is because we pay the co pays lol."

Andrzej employed another marketer, Dominic Forte, who like Gillis was a sober home operator. Forte is/was a known "marketer" in the recovery community, that is, an individual who refers patients to treatment facilities, laboratories, doctors, etc., in

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exchange for fees. Forte was involved in sober home(s) in 2016 and 2017, and paid patients to see Dr. Max Citrin, a licensed Osteopathic Physician with a practice located at 6699 N. Federal Hwy, Suite 200, Boca Raton, FL. Forte was often seen at Dr. Citrin's office, as he was responsible for a number of patient referrals and the two were seen as friends.

Andrzej and Forte had a written contract dated 8/4/17 and titled, "Research and Development Independent Contractor Agreement" between Andrzej's AJVS LLC and Forte's AI Interventions, Inc. Although the address for AI on the contract is 419 SW 10th Ave, Delray Beach, FL, the principal business address of AI is/was 9591 Carissa Rd, Boynton Beach, FL. The contract reads that AJVS has an "ownership interest and/or is affiliated with multiple providers, wellness centers, distributors and assists with business strategies, research and development, compliance and business creation for a variety of providers." It further reads that AI "possesses certain skills and experiences with business strategies, research and development, compliance and business creation such as those provided by [AJVS]."

AI's position according to the contract is to "provide [AJVS] with the following services: (a) identify potential leads in the community for [AJVS] (b) advise [AJVS] on its services to the community; and (c) generate new accounts in the community for [AJVS's] services, with business development and/or strategies, research and development, healthcare compliance and business creation (collectively, the "Services"). The contract further reads, "such services shall be provided by [AI] as an independent consultant to [AJVS], and not as an employee, joint venture, partnership, agent/principal, or otherwise. [AI] is not authorized to act on behalf of [AJVS] or bind [AJVS] in any manner." Under compensation it reads, "[AI] shall be paid a fair market value of 30% of revenue for accounts consultant brings through business strategies, research and development, compliance and business creation. [AI] must follow basic business practices of providing a detailed invoice to Owner of [AJVS]."

In fact, Forte's only service was ensuring the referral of Dr. Citrin's patients to Express Care. Citrin employee, Vickie Sterling, emailed the forms as early as 7/7/17 and Forte was included in each email chain and ultimately was the one compensated for those orders. Sterling would email the medication order form for Citrin patients to Ryan Thompson, Dr. Citrin, and Forte. Thompson would email the forms to Express Care, and Express Care would fill those prescriptions and bill insurance. Express Care tracked the profits off these referrals in spreadsheets, which were emailed to Andrzej regularly and password protected (password was "allan" as in Allan Jarboe of SHN). The spreadsheets listed each patient Andrzej referred, which included those referred to Andrzej by Gillis and Forte, and the primary remit amounts and gross profits for each patient. The copays and acquisition cost were deducted from the primary remit amount to calculate the gross profit. It should be noted that it is considered insurance fraud "for any service provider, other than a hospital, to engage in a general business

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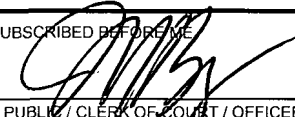

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practice of billing amounts as its usual and customary charge, if such provider has agreed with the insured or intends to waive deductibles or copayments, or does not for any other reason intend to collect the total amount of such charge" F.S.S. 817.234(7) (a). Beneath the total profit to the pharmacy would be another number that was 50% of the total profit (with exceptions in two spreadsheets which noted 65% of the profit). On the day Jessica Silva sends the email with the spreadsheet to Andrzej or the next day, SHN receives a payment from Express Care; SHN then wires 50% of the profit noted on the spreadsheet to AJVS LLC's account ending in [REDACTED]. The spreadsheets tracked a total of \$302,321 in payments from SHN to AJVS LLC. Andrzej would in turn pay his marketers, including Gillis and Forte. Email evidence clearly indicated six payments from Andrzej to Forte which involved 24 patients as commissions for prescription referrals from Dr. Citrin to Express Care.

The first involved patients J.S., V.K., S.B., G.W., and A.Z. Medication order forms for those individuals were emailed by Vickie Sterling to Dr. Citrin, Forte, and Thompson on or about 7/26/17. Thompson forwarded these orders to Express Care and Andrzej. On 8/17/17, Jessica Silva of Express Care emailed a spreadsheet to Andrzej tracking his patient referrals and profits on each. The day prior on 8/16/17 Express Care wired \$24,471 to SHN. Also on 8/16/17 SHN wired AJVS the 50% amount indicated on that spreadsheet of \$8,294. On 8/17/17 Thompson emailed Forte and wrote, "attached is the payments that have come in, I was told to get this organized right away. Treasury company owes you \$594.22 for the money that has come in, please see attached, I will update all new Rx that have been lingering later today!" Attached to the email was a spreadsheet which tracked Forte's Citrin patient referrals and profits for each. AJVS LLC wrote a check to Forte dated 8/16/17 for \$595 which Forte deposited on 8/21/17 into his Bank of America account.

The second payment was for referrals of patients V.K., R.M., A.I., R.P., A.B., and A.W. Their prescription order forms were emailed by Vickie Sterling to Forte, Dr. Citrin, and Thompson in a series of emails that were sent from 7/17/17 - 7/31/17. Andrzej and/or Thompson forwarded these orders to Express Care via email. On 8/23/17 Jessica Silva emailed Andrzej his updated commission spreadsheet with a 50% commission noted as \$10,789. On 8/23/17 Express Care wired \$25,778 to SHN, and SHN wired \$10,280 to AJVS LLC. On 8/24/17 Thompson emailed Forte his commission spreadsheet and wrote, "please see attached spreadsheet for updated commissions, the total amount owed to you is \$599 for a few Rxs from the week of 7/31/17 - 8/6/17. Contact owner Andrzej for the wire or check." The attached spreadsheet included the patients referred from Citrin's office, the profit and 30% commission owed. On 8/25/17 AJVS wired \$600 to Forte's Bank of America account.

The third payment was made on or about 8/31/17 for Citrin patients C.G. and M.F. C.G. and M.F. prescription forms were originally emailed by Sterling to Thompson and Forte on 7/8/17. Andrzej forwarded those forms to Express Care. On 8/29/17 Jessica Silva emailed

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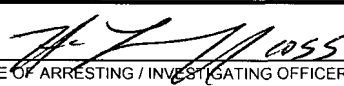
Andrzej another commission spreadsheet which included C.G. and M.F. Andrzej's 50% commission was \$38,077 on the spreadsheet. On 8/30/17 Express Care wired SHN \$53,380, and also on 8/30/17 SHN wired AJVS \$38,077. On 8/31/17 Thompson emailed Andrzej and Forte with another commission spreadsheet and wrote, "the money that is owed for you for the payment today which is 8/21/17 is for new rxs and for refills adjudicated or accepted on the dates of 8/7/17 - 8/13/17 the total amount owed for your 30% commission is \$376.95." AJVS LLC wrote a check to Dominic Forte dated 8/31/17 for \$274.95.

The fourth payment was made on 9/7/17 for Citrin patients J.H., A.A., and G.L. Their orders were emailed by Sterling to Forte, Citrin, and Thompson in emails from 7/17/17 - 7/31/17. On 9/5/17 Silva emailed Andrzej his commission spreadsheet, his 50% commission was noted as \$11,065. On 9/6/17 Express Care wired \$24,180 to SHN, and SHN wired AJVS \$11,065. On 9/7/17 Thompson emailed Forte, "the clients policies for your commission payment is [A.A.], [G.L.], [J.H.]. Andrzej owes you \$855 today." That day AJVS wired Forte \$870.

The fifth payment was made on 9/14/17 and were for Citrin patients W.J., C.S., K.Q., A.B., M.Z., L.M., A.S., and B.M. Sterling emailed A.B.'s prescription order to Forte, Thompson, and Citrin on 8/2/17. Andrzej emailed all of them to Express Care on 8/21/17. On 9/13/17 Express Care emailed Andrzej with a commission spreadsheet, his 50% commission was \$60,505. Also on 9/13/17 Express Care wired \$89,481 to SHN, and SHN wired AJVS \$60,505. On 9/14/17 Thompson emailed Forte and Andrzej and wrote, "Below are the patients policies that were part of your commission of \$1,259.90 [W.J.], [C.S.], [K.Q.], [A.B.], [M.Z.], [L.M.], [A.S.], [B.M.]. AJVS wired \$1,279.9 to Forte on 9/14/17. On 9/21/17 Thompson emailed Forte's commission sheet that reflected these payments to both Forte and Andrzej.

The sixth payment was made on 9/21/17 and were for Citrin patients D.O., R.M., A.Z., R.P., and S.B. Their order forms were emailed by Sterling to Forte, Citrin, and Thompson in emails from 7/17/17 to 7/31/17. On 9/19/17 Silva emailed Andrzej an updated commission sheet, his 50% commission was shown as \$53,125. On 9/20/17 Express Care wired \$71,419 to SHN, and SHN wired AJVS \$53,125. On 9/20/17 Thompson emailed Forte and Andrzej and wrote, "Below are the names of the patients policies who paid out of your account [D.O.], [R.M.], [A.Z.], [R.P.], [S.B.]. Total commission owed: \$1263." On 9/21/17 AJVS wired \$1,190 to Forte.

On 8/2/17 Silva from Express Care emailed Andrzej a document titled "Receipt of Goods." The document was addressed to customers, and served as a receipt to prove the customer received the prescriptions; there was also a section on the form for collection of copayment (if applicable). A number of these completed forms for patients Andrzej referred, appear in the email account of Ryan Thompson. Thompson was employed by Andrzej to assist with tracking payments made to individuals such as Gillis. I obtained a search warrant for Ryan Thompson's email address, ryanrxtracker@gmail.com. I took a

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A D M I N I S T R A T I V E	OBTS Number		Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>		Agency Report Number <b>4 0 19-003846</b>	
	Charge Type: Check as many as apply.		Special Notes:					

D E F E N D	Name (Last, First, Middle) <b>SILVA, JESSICA BROSNIK</b>		Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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sampling of twenty receipt of goods forms found in Thompson's email account; all twenty co-pays were paid with a gift card.

Paying the patients' copays was necessary to continue the scheme, as the medications in many instances were being ordered without the consent, knowledge, or medical need of the patients.

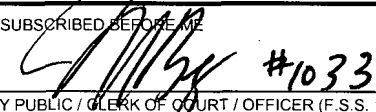

The email evidence also included the Google search history for Thompson's Gmail account. There were several noteworthy searches, indicating Andrzej was aware of the crimes he was committing, ways to evade prosecution, and a plan of escape if and when he were to be arrested for these crimes. Some of Thompson's Google searches are listed below:

- o health care fraud cases 2017
- o health insurance fraud charges
- o how long does it take for an arrest warrant to get issued
- o florida health insurance fraud sentencing
- o forgery sentencing
- o insurance fraud jail time in florida
- o not controlled substance fraud charges
- o forging a doctor's signature
- o rx fraud charges
- o i was billed for rx i didn't order
- o protecting your assets from the feds
- o can you keep cash in a safety deposit box in the usa
- o how to hide money
- o protecting your assets from your bank accounts be frozen
- o can an american get a swiss bank account
- o offshore bank recommendations
- o jail sentence for private insurance fraud
- o countries with no extradition laws
- o does tuvalu have extradition to the US
- o does.solomon.islands.do.extradition.with.usa
- o what.countries.don't.have.interpol.2017

o [http://www.slate.com/articles/news\\_and\\_politics/explainer/2009/02/financial\\_gangsters\\_paradise.html](http://www.slate.com/articles/news_and_politics/explainer/2009/02/financial_gangsters_paradise.html)

o <https://worldbuilding.stackexchange.com/questions/6941/using-international-waters-to-avoid-legal-punishment>

- o if you commit a crime in th USA and you go to a country without extradition can you still get investigates
- o countries without extradition 2017
- o how.long.does.it.take.for.police.to.get.a.search.warrant

A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME		SIGNATURE OF ARRESTING / INVESTIGATING OFFICER	
	 #1033 NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)			
	DATE <b>7/23/19</b>		NAME OF OFFICER (PLEASE PRINT) <b>LUNSFORD, HOWARD C (1055)</b>	

DATE **07/23/2019**

PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT

1. Arrest  
2. N.T.A. 3. Request for Warrant  
4. Request for Capias

**3** JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>	Agency Report Number <b>4   0   19-003846</b>
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other				Special Notes:

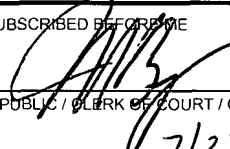

Name (Last, First, Middle) <b>SILVA, JESSICA BROSNICK</b>	Alias	Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>07/14/1993</b>
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<http://theinsider.blog.mypalmbeachpost.com/2017/06/15/sober-home-task-force-inches-toward-30-arrests-in-8-months/>

In summary,

Andrzej Jan Szygiel:

- Between 3/22/17 and 9/20/17 did commit Patient Brokering by receiving kickbacks from SHN and Express Care for the referral of patients (20 or more), in violation of 817.505(1)(b) which prohibits receiving anything of value for the referral of patients or patronage to a health care facility.
- Between 5/23/17 and 11/20/17 did commit Patient Brokering by making fifteen payments to Gillis for 20 or more patient referrals to Express Care, in violation of F.S.S. 817.505(1)(a) which states: "It is unlawful for any person, including any health care provider or health care facility, to: Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a health care provider or health care facility."
- Between 7/7/17 and 9/21/17 did commit Patient Brokering for paying kickbacks to Dominic Forte for 20 or more patient referrals from Dr. Citrin's office to Express Care, in violation of F.S.S. 817.505(1)(a).
- Between 7/7/17 and 11/20/17, as a principal, did commit Fraudulent Use of Personal Identification Information by fraudulently using personal identification information concerning patients from both Proactive and Dr. Citrin's practice, in violation of F.S.S. 817.568(2)(a); 777.011
- On or about 7/11/17 did commit Insurance Fraud by knowingly presenting, or causing to be presented, twenty two written statements as part of, or in support of, claims for payment over \$100,000 to an insurance policy, knowing that such statement contained false, incomplete or misleading information concerning any fact or thing material to such claim, contrary to F.S.S. 817.234(1)(a)2 (1st Deg. Fel.). The twenty-two falsified documents submitted to Express Care via Andrzej on 7/11/17 resulted in \$219,489 in false claims. The claims were false in that they were completed by Gillis, not the prescribing physician and many were ordered without the knowledge or approval of the patients.
- Between 3/22/17 and 11/20/17 did commit Insurance Fraud by engaging in the general business practice of billing amounts as its usual and customary charge, with the intention to waive deductibles or copayments, or did not for any other reason intend to collect the total amount of such charge pursuant to F.S.S. 817,234(7)(a)(3rd Deg. Fel.). Express Care actually deducted the cost of copays to calculate profits on their spreadsheets, and Andrzej expressly texted Gillis telling him that they pay the patients' copays.
- Between 7/20/17 and 11/20/17 did commit Money Laundering in violation of F.S.S. 896.101(3)(a), (5)(b) by making a financial transaction and knowing that the property

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involved in a financial transaction represents the proceeds of some form of unlawful activity (Patient Brokering and/or Insurance Fraud), did conduct or attempt to conduct such a financial transaction which in fact involved the proceeds of specified unlawful activity with the intent to promote the carrying on of specified unlawful activity, and the money involved in the financial transactions exceeded \$20,000 in any 12-month period. The payments to Gillis and Forte violate the Money Laundering statute, as they involved proceeds of illegal activity and were intended to promote the carrying on specified unlawful activity.

8. Between 5/23/17 and 11/20/17 Andrzej, Silva, Forte, Jarboe, Gillis, Sandhu, Thompson and Smitty, in some way or manner, came to a mutual understanding to try to accomplish a common unlawful plan, namely to engage in a pattern of racketeering activity. Andrzej knowingly and willfully became a member of such conspiracy; and at the time Andrzej joined the conspiracy, he did so with the specific intent either to personally engage in at least two incidents of racketeering, or he specifically intended to otherwise participate in the affairs of the enterprise with the knowledge and intent that other members of the conspiracy would engage in at least two incidents of racketeering, as part of a pattern of racketeering activity. These acts violate F.S.S. 895.03(4), Conspiracy to Commit Racketeering.

Jonathan Paul Smith ("Smitty"):

1. Between 7/7/17 and 7/11/17, in Palm Beach County, Florida, did as a principal commit insurance fraud, in that he delivered the blank prescription forms to Sterne to be signed, at least on some occasions filled in patient and insurance information, and then returned them to Gillis to select the prescriptions, contrary to Florida State Statute 817.234(1)(a).

2. Did commit Fraudulent Use of Personal Identification Information by fraudulently using personal identification information concerning patients from Proactive, in violation of F.S.S. 817.568(2)(a).

Dominic Victor Forte:

1. Between 7/7/17 and 9/21/17 did commit Patient Brokering (20+ patients) pursuant to F.S.S. 817.505(1)(b) for receiving kickbacks from Andrzej for the referral of patients from Dr. Citrin's office to Express Care.

Allan Jarboe:

1. Between 3/22/17 and 9/20/17 committed Patient Brokering (20+ patients) in violation of F.S.S. 817.505(1)(a) for the \$181,346 in payments to Andrzej, his 50% commission for patient referrals to Express Care originally sourced from Gillis/Proactive, and Forte/Dr. Citrin, and others.

2. Between 7/20/17 and 11/20/17, committed Money Laundering pursuant to F.S.S.

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	DATE	NAME OF OFFICER (PLEASE PRINT)
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896.101(3)(a), (5)(c) (\$100k+). The \$181,346 in payments to Andrzej were made with the intent to promote the carrying on of specified unlawful activity (patient brokering). The use of SHN and Jarboe as a middleman between Andrzej and Express Care served to disguise the true source (Express Care) and purpose (patient referrals) of these payments to Andrzej.

Jessica Brosnick Silva:

1. Between 3/22/17 and 9/21/17 did commit Patient Brokering (20+ patients) in violation of F.S.S. 817.505(1)(a) for paying kickbacks to SHN and Andrzej for the referral of patients to Express Care.

Based on the above testimony and evidence, probable cause exists to charge the following individuals:



Andrzej Jan Szygiel with one count of RICO Conspiracy per F.S.S. 895.03(4); one count of Patient Brokering (20+ patients) per F.S.S. 817.505(1)(b); two counts of Patient Brokering (20+ patients) per F.S.S. 817.505(1)(a); one count of Insurance Fraud (false claims docs over \$100k) per F.S.S. 817.234(1)(a)2; one count of Insurance Fraud (waiving copays) per F.S.S. 817.234(7)(a); one count of Money Laundering (over \$20k) per F.S.S. 896.101(3)(a), (5)(b); and one count of Fraudulent Use of Personal Identification Information pursuant to 817.568(2)(a).

Jessica Brosnick Silva with one count of Patient Brokering (20+ patients) per F.S.S. 817.505(1)(a).

Jonathan Paul Smith with one count of Insurance Fraud per F.S.S. 817.234(1)(a); and one count of Fraudulent Use of Personal Identification Information pursuant to 817.568(2)(a).

Allan Jarboe with one count of Patient Brokering (20+ patients) pursuant to F.S.S. 817.505(1)(a); and one count of Money Laundering (over \$100k) pursuant to F.S.S. 896.101(3)(a), (5)(c).

Dominic Victor Forte with one count of Patient Brokering (20+ patients) pursuant to F.S.S. 817.505(1)(b).

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