

8019

OBTS Number		<b>ARREST / NOTICE TO APPEAR</b> Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		3		Juvenile	
Agency ORI Number <b>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number <b>06-</b>		SH17000022/ PBSO 17-768					
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		Weapon Seized / Type 1. Yes 2. No		Multiple Clearance Indicator 10	
Location of Arrest (Including Name of Business)				Location of Offense (Business Name, Address) <b>1860 OLD OKEECHOBEE ROAD WEST PALM BEACH, FL 33409</b>							
Date of Arrest		Time of Arrest		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) <b>CIRIO NICHOLAS SHAWN</b>				Alias (Name, DOB, Soc. Sec. #, Etc.) <b>NICK CIRIO</b>							
Race W - White B - Black O - Oriental/Asian		Sex <b>M</b>		Date of Birth <b>11/05/1978</b>		Height <b>6'0"</b>		Weight <b>200</b>		Eye Color <b>BLUE</b>	
								Hair Color <b>BROWN</b>		Complexion <b>LGHT</b>	
										Build <b>MED</b>	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>UNK</b>				Marital Status <b>MARRIED</b>		Religion <b>CHRISTIAN</b>		Indication of Alcohol Influence Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input checked="" type="checkbox"/>		Indication of Drug Influence Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input checked="" type="checkbox"/>	
Local Address (Street, Apt. Number) <b>13461 DEER CREEK DR WEST PALM BEACH FL 33418</b>				(City) <b>WEST PALM BEACH</b>		(State) <b>FL</b>		(Zip) <b>33418</b>		Phone <b>(561) 797-8437</b>	
Permanent Address (Street, Apt. Number) <b>13461 DEER CREEK DR, WEST PALM BEACH, FL 33418</b>				(City) <b>WEST PALM BEACH</b>		(State) <b>FL</b>		(Zip) <b>33418</b>		Residence Type: 1. City 2. County 3. Florida 4. Out of State <b>2</b>	
Business Address (Name, Street) <b>6742 FOREST HILL BLVD #259, WEST PALM BEACH, FL 33413</b>				(City) <b>WEST PALM BEACH</b>		(State) <b>FL</b>		(Zip) <b>33413</b>		Occupation <b>PROPERTY APPRAISER</b>	
D/L Number, State <b>C600-637-78-405-0, FL</b>				Soc. Sec. Number <b>[REDACTED]</b>		INS Number <b>[REDACTED]</b>		Place of Birth (City, State) <b>UNK, MARYLAND</b>		Citizenship <b>USA</b>	
Co-Defendant Name (Last, First, Middle) <b>RODRIGUEZ, EVAN ROGELIO</b>				Race <b>W</b>		Sex <b>M</b>		Date of Birth <b>09/22/1973</b>		<input type="checkbox"/> 1. Arrested <input checked="" 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"/> Legal Custodian <input type="checkbox"/> Other:		Name (Last) <b>[REDACTED]</b>		(First) <b>[REDACTED]</b>		(Middle) <b>[REDACTED]</b>		Residence Phone <b>[REDACTED]</b>		( )	
Address (Street, Apt. Number)		(City)		(State)		(Zip)		Business Phone <b>[REDACTED]</b>		( )	
Notified by: (Name)				Date		Time		Juvenile Disposition 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated			
Released To: (Name)				Relationship				Date		Time	
The above address 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 (Phone 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No: (Reason)				School Attended				Grade			
Property Crime? <input type="checkbox"/> Yes <input 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. Dispense/ 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/Devo		P. Paraphernalia/ Equipment S. Synotics		U. Unknown V. Other			
Charge Description <b>AID AND ABET PATIENT BROKERING (3RD DEGREE FEL)</b>				Counts <b>10</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number <b>817.505(1)(a)</b>		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense # <b>SH17000022/ PBSO 17-768</b>		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Location (Court, Room Number, Address)											
Court Date and Time Month _____ Day _____ Year _____ Time _____ AM _____ PM _____											
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 CONTEMPT 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 Name:		Signature of Arresting Officer <b>X</b>				Name Verification (Printed by Arrestee)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		Name of Arresting Officer (Print) <b>E. HURDLE</b>				I.D. # <b>16030</b>		(PRINT)	
Intake Deputy		I.D. #		Pouch #		Transporting Officer		ID #		Agency	
Witness here if subject signed with an -X-										PAGE <b>1</b> OF <b>1</b>	

OBTS Number		<b>PROBABLE CAUSE AFFIDAVIT</b>				3	Juvenile	N
Agency ORI Number <b>FLO 5 0 0 0 0 0</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>				Agency Report Number <b>06 - SH17000022/ PBSO 17-768</b>		
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many as apply: <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other						Special Notes:		
Defendant's Name (Last, First, Middle) <b>CIRIO, NICHOLAS SHAWN</b>						Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>11/5/78</b>
Charge Description <b>AID AND ABET PATIENT BROKERING (3RD DEGREE FEL) (10 CTS.)</b>						Charge Description		
Charge Description						Charge Description		
Victim's Name (Last, First, Middle) <b>STATE OF FL</b>						Race	Sex	Date of Birth
Victim's Local Address (Street, Apt. Number) (City) (State) (Zip)				Phone		Address Source		
Victim's 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...  <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> committed the below acts in my presence.  <input type="checkbox"/> confessed to _____            admitting to the below facts.         </div> <div> <input type="checkbox"/> was observed by _____ who told _____            that he/she saw the arrested person commit the below acts.  <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.         </div> </div>								
On the 31ST day of MARCH, 20017 at 12:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).								

## NARRATIVE:

On March 31, 2017, I initiated the following investigation under Ted Padich, supervisor of the 15th Judicial Circuit Sober Homes Task Force (SHTF).

On 3/31/17 at approximately 09:30 hours, I completed a sworn taped statement under a proffer agreement with white male S.K. operator of "G Street", a sober home, located at 702 N G ST, Lake Worth, FL, 33460, and Principal Agent of "K." (the actual title of business states S.K.'s last name) Enterprises, LLC. S.K. was in the presence of his attorney, as well as ASA J. Chapman, and Inv. Ted Padich. The following information is a summarization of what was discussed during the interview; for a verbatim account of the statement, please refer to the original recording. During the sworn statement, S.K. admitted that he was involved in a Patient Brokering scheme with There is a Solution, INC., (There Is a Solution) in violation of F.S.S. 817.505. He advised that There is A Solution president Nicholas "Nick" Cirio (DOB 11/5/78), and Evan Rogelio Rodriguez (DOB 9/22/73), were paying him whenever a G Street client/resident was referred to the IOP/ OP services of Hope Recovery and Wellness, LLC (Hope Recovery and Wellness), located at 1860 Old Okeechobee Rd., West Palm Beach, FL, 33409. Records at The Florida Division of Corporations show that Hope Recovery and Wellness is owned by Evan Rodriguez's mother, Anna Maria Gargia. S.K. revealed that clients from G Street attended treatment at Hope Recovery and Wellness; however S.K. was paid by Nicholas Cirio and Evan Rodriguez via There is A Solution, INC.

## NARRATIVE CONTINUATION

On 5/17/17, I completed a follow up proffer with S.K., in the presence of Det. Athol and Agt. Tzirtziropoulos. The following is a summary of the information discussed, and is not verbatim unless otherwise advised:

S.K. explained that From prior to 9/11/14 through approximately two weeks prior to 2/11/16, S.K. was paid \$1000-2000 by Nick Cirio per client he referred to "The Program" (which was later moved to "Hope Recovery and Wellness", located in the same plaza) for PHP treatment, who participated in treatment for longer than 2 weeks. Approximately two weeks prior to 2/11/16, S.K. attended a meeting with Nick Cirio and Evan Rodriguez, at Hope Recovery and Wellness. During this meeting, in which Nick Cirio and Evan Rodriguez were both actively involved, it was agreed upon that S.K. would be paid \$3,500 every time one of his referred clients continued treatment at Hope Recovery and Wellness for 2 weeks or longer. This meeting was a verbal agreement for the referral of S.K.'s clients, and all three shook hands at the end of the meeting.

Between 2/11/16-11/11/16, S.K. received 10 checks from There is A Solution, INC, totaling \$32,500. S.K. would pick up his checks at Hope Recovery and Wellness (1860 Old Okeechobee Rd., West Palm Beach, FL, 33409), and would be handed checks from There is A Solution, INC by either Cirio, Rodriguez, or Cirio's secretary, Nicole. Once or twice, S.K. met at a random spot to pick up checks, however the majority were picked up at Hope Recovery and Wellness.

S.K. ceased all business with Cirio and Rodriguez around October 2016 because Cirio and Rodriguez started paying him less than what was agreed upon, and then the Sober Home Task Force began making arrests, and S.K. realized that they were engaging in the same activity for which people were getting arrested.

The illegal practice of paying sober homes for referred patients/clients has been commonly integrated under the guise of Case Management/Marketing within in the substance abuse recovery industry. Case management agreements between recovery residences (sober homes) and treatment facilities (IOP's) have been developed in an attempt to circumvent Florida's patient brokering statute which states "it is unlawful for any person to offer or pay any commissions, bonus, rebate, kickback, or bribe, or engage in any split-fee arrangement to induce the referral of patients or patronage to or from a health care provider".

The fee paid to S.K. Enterprizes, LLC/S.K. was based on the number of insured clients/ patients referred to Hope Recovery and Wellness/There is A Solution, INC by S.K. for every week of OP (Out Patient) or IOP (Intensive Out Patient) therapy completed by the clients. Mr. S.K. revealed that he, Mr. Rodriguez, and Mr. Cirio entered into a verbal "Case Management Consulting Agreement". S.K. advised that all of the checks in this investigation (obtained pursuant to subpoena) have been remitted by There is A Solution, INC.'s CEO Nicholas Cirio, Wells Fargo Bank checking account [REDACTED] and made payable to "K" Enterprises, LLC or [REDACTED] S.K.'s TD Bank accounts were analyzed (Account [REDACTED] where ten checks were

## NARRATIVE CONTINUATION

discovered as being deposited into the account between 2/11/16-11/11/16. All of the checks were from Wells Fargo There is A Solution, INC. checking account # [REDACTED].

The following documents pertaining to this investigation were recovered via S.K.'s bank records, pursuant to subpoena:

Ten checks from Wells Fargo There is A Solution, INC. account # [REDACTED], all of which were remitted by Nicholas S. Cirio, were made payable to "K" Enterprises/ S.K. dated between February 11, 2016 through November 11, 2016, totaling \$32,500. All of the checks were deposited into S.K.'s TD Bank account # [REDACTED]. Those checks are as follows:


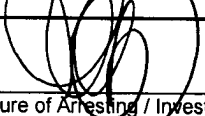
1. Check #3006 dated February 11, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to "K" Enterprises for \$4,000.00. Memo on bottom left of the check is left blank.
2. Check #3009 dated February 19, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$2,000.00. Memo on bottom left of the check is left blank.
3. Check #3052 dated June 1, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$2,000.00. Memo on bottom left of the check is left blank.
4. Check #3080 dated June 14, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to "K" Enterprises for \$3,500.00. Memo on bottom left of the check is left blank.
5. Check #3084 dated August 12, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.
6. Check #3086 dated August 25, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.
7. Check #3090 dated August 31, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.
8. Check #3100 dated October 14, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.
9. Check #3103 dated October 28, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.
10. Check #3110 dated November 11, 2016 from Wells Fargo There is A Solution, INC. account # [REDACTED] to S.K. for \$3,500.00. Memo on bottom left of the check is left blank.

## NARRATIVE CONTINUATION

A review of the above listed documents provide probable cause that Nicholas S. Cirio and Evan R. Rodriguez, acting as agents of There is A Solution, INC., paid S.K. who was acting as an agent of "K." Enterprises; Thirty-Two Thousand, Five-Hundred Dollars (\$32,500) between February 11, 2016 and November 11, 2016 on checks 3006, 3009, 3052, 3080, 3084, 3086, 3090, 3100, 3103, and 3110. This investigation has revealed that the payments to S.K. from Nolas S. Cirio and Evan R. Rodriguez were for S.K.'s referring of patients/clients to There is A Solution, INC./Hope Recovery and Wellness, LLC.

Therefore, the act of Cirio and Rodriguez providing payment to S.K. for clients of G Street/ "K." Enterprises, LLC to receive IOP/OP treatment via There is A Solution, INC. constitutes probable cause that Cirio, Rodriguez, and S.K. have committed ten counts of Patient Brokering in violation of FSS 817.505(1)(a), a third degree felony, which makes it unlawful for any person, including any health care provider or facility to: "[o]ffer or pay any commission, 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 patients or patronage to or from a health care provider or health care facility[.]" § 817.505(1)(a), Fla. Stat. Agents of TARGET ENTITIES commit a separate violation of section 817.505 every time they engage in patient brokering, despite the overall and ongoing agreement. See State v. Rubio, 967 So. 2d 768, 778 (Fla. 2007).

\*\*\*\*\*Based on the nature of the investigation and crimes committed, your affiant requests that Defendant be required to show independent source of funds before posting bond/bail on the above charges.\*\*\*\*\*

Sworn and Subscribed before me		
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10)	<b>INV. T PADICH</b>	Signature of Arresting / Investigating Officer <b>D/S E. HURDLE #16030</b>
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	<b>6/7/17</b>	Name of Officer (Please Print) <b>6/7/17</b>
Date		Date