

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
) No. 2: 11 CR 117
) Judge Joseph S. Van Bokkelen
)
)
MEENA ANAND)

PLEA AGREEMENT

1. This Plea Agreement between the Acting United States Attorney for the Northern District of Illinois, GARY S. SHAPIRO, and defendant MEENA ANAND, and her attorney, KEVIN MILNER, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The indictment in this case charges defendant with conspiring with Rakesh Anand and Dinesh Saraiya and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute a controlled substance, namely, a quantity of mixtures and substances containing Phendimetrazine, a Schedule III Controlled Substance, and a quantity of mixtures and substances containing Phentermine, a Schedule IV Controlled Substance, outside of the usual course of professional practice, in violation of Title 21, United States Code, Sections 841(a)(1) and 846 (Count One); willfully and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and regulations prescribed thereunder, structure and assist in structuring transactions at a

domestic financial institution, namely Bank Financial, by depositing and causing the deposit of United States currency in amounts under \$10,000, in separate transactions on one or more days at Bank Financial branches, and doing so as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period, in violation of Title 31, United States Code, Section 5324(a) (Counts Eight through Twenty-Seven); knowingly engaging in and attempting to engage in monetary transactions affecting interstate commerce in criminally derived property of a value greater than \$10,000, which was derived from specified unlawful activity, namely the distribution of a controlled substance, as more fully described in Counts One through Seven of the Indictment, in violation of Title 18, United States Code, Sections 1957(a) and 2 (Counts Twenty-Eight through Thirty); knowingly conspiring with Rakesh Anand to defraud an agency of the United States, namely the Internal Revenue Service (“IRS”) by impeding, impairing, obstructing and defeating the lawful functions of the IRS in the correct determination, assessment and collection of income taxes, in violation of Title 18, United States Code, Section 371 (Count Thirty-One); willfully attempting to evade and defeat the income tax due and owing to the United States of America for the 2005 through 2008 calendar years, in violation of Title 26, United States Code, Section 7201 (Counts Thirty-Two through Thirty-Five).

3. Defendant has read the charges against her contained in the indictment, and those charges have been fully explained to her by her attorney.

4. Defendant fully understands the nature and elements of the crimes with which she has been charged.

Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following count of the indictment: Count Thirty-Two, which charges defendant with willfully attempting to evade and defeat the income tax due and owing by her to the United States of America for the 2005 calendar year by committing affirmative acts of evasion, in violation of Title 26, United States Code, Section 7201.

Factual Basis

6. Defendant will plead guilty because she is in fact guilty of the charge contained in Count Thirty-Two of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish her guilt beyond a reasonable doubt and constitute relevant conduct pursuant to Guideline § 1B1.3:

a. With respect to Count Thirty-Two of the Indictment:

Throughout calendar year 2005 and continuing to on or about October 5, 2006, in the Northern District of Indiana, and elsewhere, MEENA ANAND and Rakesh Anand, did willfully attempt to evade and defeat the income tax due and owing by them to the United States of America for the 2005 calendar year by committing affirmative acts of evasion, in violation of Title 26, United States Code, Section 7201.

More specifically, during the calendar year 2005, MEENA and her husband Rakesh Anand owned and operated the Doctor's Weight Loss Clinics ("DWLCs") in Merrillville, Indiana and Tinley Park and Orland Park, Illinois. MEENA worked at the clinics as an office manager. In 2005, MEENA and Rakesh deposited and caused to be deposited a total of

\$612,130 in DWLCs’ gross receipts into Bank Financial account xxxx6065 and credit card receipts into Bank Financial account xxxx0716. During this same time period, MEENA and Rakesh Anand structured over \$280,000 in cash deposits to Bank Financial account xxxx6065 to avoid the preparation and filing of Currency Transaction Reports for transactions involving more than \$10,000 with the Internal Revenue Service.

On October 5, 2006, MEENA and Rakesh filed a joint Federal income tax return, Form 1040, which falsely stated on Schedule C (Profit or Loss from Business), line 1, that their business had gross receipts and sales of \$426,934, when in fact as MEENA well knew, DWLCs’ gross receipts and sales were substantially more than \$426,934. In fact, MEENA and Rakesh Anand had taxable income of \$332,499 in 2005 and owed income tax of \$110,356 to the United States. MEENA failed to pay \$68,129 in tax due and owing to the Internal Revenue Service on her and Rakesh’s true taxable income for calendar year 2005.

MEENA further admits that she similarly filed false joint income tax returns with her husband Rakesh for the calendar years 2006, 2007 and 2008, in that she likewise failed to fully report income from the DWLCs in violation of Title 21, United States Code, Section 7201. During the tax years 2005 through 2008, MEENA failed to report gross income from the DWLCs, which resulted in a total tax loss of approximately \$745,872, as follows:

Tax Year	Unreported Income	Tax Loss
2005	\$182,913	\$68,129
2006	\$452,387	\$168,401
2007	\$692,673	\$260,360

2008	\$670,979	\$248,982
Total	\$1,998,952	\$745,872

Maximum Statutory Penalties

7. Defendant understands that the charge to which she is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 5 years' imprisonment. This offense also carries a maximum fine of \$250,000, or twice the gross gain or gross loss resulting from that offense, whichever is greater. Defendant further understands that the Court must order costs of prosecution, estimated not to exceed \$500. Defendant further understands that the judge also may impose a term of supervised release of not more than three years.

b. In accord with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which she has pled guilty, in addition to any other penalty or restitution imposed.

Sentencing Guidelines Calculations

8. Defendant understands that in imposing sentence the Court will be guided by the United States Sentencing Guidelines. Defendant understands that the Sentencing Guidelines are advisory, not mandatory, but that the Court must consider the Guidelines in determining a reasonable sentence.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2012 Guidelines Manual.

b. **Offense Level Calculations.**

i. The reportable income omitted by defendant on her federal income tax returns for tax years 2005-2008 is approximately \$1,998,952 and the resulting total “tax loss” for the purposes of calculating the base offense level is approximately \$745,872.

ii. Therefore, pursuant to Guideline §§ 2T.1.1 and 2T4.11(H), the base offense level for the offenses described in Count Thirty-Two and relevant conduct as set forth above, is 20, because the amount of tax loss was more than \$400,000 but less than \$1,000,000.

iii. The offense level is increased by 2 levels, pursuant to Guideline § 2T1.1(b)(1) because defendant failed to report income exceeding \$10,000 in any year from criminal activity.

iv. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for her criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to

accept responsibility for her actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to her ability to satisfy any fine or restitution that may be imposed in this case, a two-level reduction in the offense level is appropriate.

v. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of her intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

d. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, the anticipated offense level is 19, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory Sentencing Guidelines range of 30 to 37 months' imprisonment, in addition to any supervised release, fine, restitution, and costs of prosecution the Court may impose.

e. Defendant and her attorney and the government acknowledge that the above Guideline calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional Guideline provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final Guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw her plea on the basis of the Court's rejection of these calculations.

f. Both parties expressly acknowledge that this Agreement is not governed by Fed.R.Crim.P. 11(c)(1)(B), and that errors in applying or interpreting any of the Sentencing Guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the Guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw her plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Agreements Relating to Sentencing

10. At sentencing, the government will recommend that the court impose a sentence at the low end of the applicable guideline range.

11. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw her guilty plea.

12. Regarding restitution, Defendant agrees, pursuant to Title 18, United States Code, Sections 3663(a)(3) and 3664, to pay restitution to the Internal Revenue Service in the amount of \$745,872, which represents defendant's individual federal income tax liability resulting from defendant's tax evasion for the tax years 2005, 2006, 2007 and 2008, in violation of Title 26, United States Code, Section 7201, acknowledged in this plea agreement. The restitution figure does not include penalties and interest which the IRS may assess. Restitution shall be due immediately and shall be paid from the funds currently restrained in the Charles Schwab Account # 1466-9039. Defendant together with Rakesh Anand agrees to issue a letter of direction to Charles Schwab to issue a check payable to the United States Department of Treasury in the amount of \$745,872.

13. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

14. Defendant agrees not to file a claim in her own name or in her capacity as a trustee of any account in any ancillary forfeiture proceeding herein and subject to forfeiture pursuant to a plea agreement with Rakesh Anand as follows:

- (a) The balance of funds on account with Charles Schwab, Schwab One Trust Account # 1466-9039 after payment of \$745,872 to the United States Department of the Treasury in satisfaction of defendant's income tax liability as described in Paragraph 12, above;
- (b) \$713,026 in United States Currency seized from defendant's residence;
- (c) All funds on deposit in Bank Financial Checking Account # 7060026065, in the approximate amount of \$376,784.00, more or less;
- (d) All funds on deposit in Bank Financial Checking Account # 0600000716 in the approximate amount of \$21,229.00, more or less;
- (e) All funds on deposit in Bank Financial CD Account # 9060062645, in the approximate amount of \$221,945.00, more or less;
- (f) All funds on deposit in Bank Financial Account # 9060062182, in the approximate amount of \$336,952, more or less;
- (g) All funds on deposit in JP Morgan Chase Bank NA Certificate of Deposit # 100071111798, in the approximate amount of \$280,393, more or less;
- (h) All funds on deposit in JP Morgan Chase Bank NA, Chase Premier Platinum Checking Account #725122212, in the approximate amount of \$505.00, more or less;
- (i) All funds on deposit in Harris Bank NA Certificate of Deposit # 6900049633, in the approximate amount of \$302,334.00, more or less;
- (j) All funds on deposit in Charles Schwab, Schwab One Trust Account (CD's) # 1130-4845, in the approximate amount of \$334,291.46, more or less;
- (k) All funds on deposit in Fifth Third Bank Certificate of Deposit # 667423773, in the approximate amount of \$82,136.00, more or less;
- (l) All funds on deposit in Fifth Third Bank Certificate of Deposit # 667423781, in the approximate amount of \$82,136.00, more or less;

- (m) All funds on deposit in Fifth Third Bank Certificate of Deposit # 667946195, in the approximate amount of \$90,684.00, more or less;
- (n) All funds on deposit in Fifth Third Bank Certificate of Deposit # 667946187, in the approximate amount of \$90,684.00, more or less;
- (o) All funds on deposit in Bank of America Certificate of Deposit # 10074807124203, in the approximate amount of \$105,339.00, more or less;
- (p) All funds on deposit in TCF Bank Certificate of Deposit # 9870838881, in the approximate amount of \$165,567.00, more or less;
- (q) All funds on deposit in First Merit Bank Certificate of Deposit # 00240091975, in the approximate amount of \$245,679.00, more or less;
- (r) All funds on deposit in Ally Bank Account # 3013413731, in the approximate amount of \$351,910.00, more or less; and
- (s) All funds on deposit in Princor Financial Services Corp Account #7000126486, in the approximate amount of \$318,502.00, more or less.

15. Upon the entry of a final order of forfeiture forfeiting the above property to the United States, the government shall (1) return the 55 pieces of jewelry seized on May 20, 2010, to co-defendant Meena Anand; and (2) return to defendant \$53,950.00 which was seized from defendant's safe deposit box at the Bank of America.

16. The government further agrees that upon the defendant being sentenced, it shall file a motion to release from the pending post-indictment restraining order the sum of \$745,872.00 from Charles Schwab Account # 1466-9039 for payment of defendant's restitution to the Department of Treasury as described in Paragraph 12 above.

After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment, as well as the forfeiture allegations as to defendant.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

17. This Agreement is entirely voluntary and represents the entire agreement between the Acting United States Attorney and defendant regarding defendant's criminal liability in case 11 CR 117.

18. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Indiana and Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

19. Defendant understands that nothing in this Agreement shall limit the Internal Revenue Service in its collection of any taxes, interest or penalties from defendant and her spouse. Defendant understands that the amount of tax as calculated by the IRS may exceed the amount of tax due as calculated for the criminal case.

Waiver of Rights

20. Defendant understands that by pleading guilty she surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against her, and if she does, she would have the right to a public and speedy trial.

I. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and her attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict her unless, after hearing all the evidence, it was persuaded of her guilt beyond a reasonable doubt and that it was to consider each count of the indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count

separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and her attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in her own behalf. If the witnesses for defendant would not appear voluntarily, she could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that she could decline to testify, and no inference of guilt could be drawn from her refusal to testify. If defendant desired to do so, she could testify in her own behalf.

b. **Appellate rights.** Defendant further understands she is waiving all appellate issues that might have been available if she had exercised her right to trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

c. Defendant understands that by pleading guilty she is waiving all the rights set forth in the prior paragraphs. Defendant's attorney has explained those rights to her, and the consequences of her waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

21. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against her, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

22. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of her financial circumstances, including her recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of her sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

23. For the purpose of monitoring defendant's compliance with her obligations to pay a fine and restitution during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of

supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

24. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

25. Regarding matters relating to the Internal Revenue Service, defendant agrees as follows (nothing in this paragraph, however, precludes defendant and her spouse from asserting any legal or factual defense to taxes, interest, and penalties that may be assessed by the IRS):

a. Defendant agrees to cooperate with the Internal Revenue Service in any tax examination or audit of defendant and her spouse which directly or indirectly relates to or arises out of the course of conduct that defendant has acknowledged in this Agreement, by transmitting to the IRS original records or copies thereof, and any additional books and records that the IRS may request.

b. Defendant will not object to a motion brought by the United States Attorney's Office for the entry of an order authorizing disclosure to the Internal Revenue Service of documents, testimony, and related investigative materials that may constitute

grand jury material, preliminary to or in connection with any judicial proceeding, pursuant to Fed. R. Crim. P. 6(e)(3)(E)(I). In addition, defendant will not object to the government's solicitation of consent from third parties who provided records or other materials to the grand jury pursuant to grand jury subpoenas, to turn those materials over to the IRS for use in civil or administrative proceedings or investigations, rather than returning them to the third parties for later summons or subpoena in connection with a civil or administrative proceeding involving, or investigation of, defendant and her spouse.

Conclusion

26. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

27. Defendant understands that her compliance with each part of this Agreement extends throughout the period of her sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event she violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in

accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

28. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

29. Defendant and her attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

30. Defendant acknowledges that she has read this Agreement and carefully reviewed each provision with her attorney. Defendant further acknowledges that she understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: December 17, 2012

s/ Gary S. Shapiro
GARY S. SHAPIRO
Acting United States Attorney

s/ Meena Anand
MEENA ANAND
Defendant

s/ Matthew M. Schneider
MATTHEW M. SCHNEIDER
Assistant U.S. Attorney

s/ Kevin Milner
KEVIN MILNER
Attorney for Defendant

s/ Diane Berkowitz

DIANE BERKOWITZ
Assistant U.S. Attorney