

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

United States of America

v.

WILLIAM J. CONWAY

Defendant

Case No.

ARREST WARRANT

12-0539M

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) WILLIAM J. CONWAY

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

Distribution and dispensing of a controlled substance, which offense involved oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Date: 06/05/2012



Issuing officer's signature

City and state: Central Islip, New York

William D. Wall, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

JMM:SCF
F.#2012R00877

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

12-0539M

- - - - -X
UNITED STATES OF AMERICA

- against -

WILLIAM J. CONWAY,

Defendant.

SEALED COMPLAINT AND
AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

(T. 21, U.S.C., §§
841(a)(1) and
841(b)(1)(C); T. 18,
U.S.C., § 2)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

JOSEPH D. HILL, being duly sworn, deposes and says that he is a federal Task Force Officer with the United States Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, in or about and between January 2009 and February 2012, both dates being approximate and inclusive, within the Eastern District of New York, William J. Conway, together with others, did knowingly and intentionally distribute and dispense a controlled substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

1. I am a Detective with the Nassau County Police Department, currently assigned as a Task Force Officer to the DEA's Long Island District Office. As a Detective and Task Force Officer, I have conducted numerous investigations of narcotics offenses and health care fraud matters.

2. The facts contained in this Affidavit are based in part upon personal knowledge, and in part upon information learned from other sources, such as other law enforcement personnel, confidential sources, eyewitnesses, surveillance, audio and video recordings, physical and documentary evidence recovered during the course of the investigation, as well as on my experience and background as a Detective and Task Force Officer. Where conversations, statements and the actions of others are related herein, they are related in substance and in part, unless otherwise indicated. Because this Affidavit is submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact that I have learned over the course of this investigation.

3. Based on my training and experience, including the investigation of diversion of lawfully manufactured controlled substances to unauthorized individuals, I am familiar with various types of drugs listed in Schedule II of 21 U.S.C. § 812(c). As relevant to this case, oxycodone is a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1)(xiii). It is a

semi-synthetic opioid analgesic, or pain-killer, that also has been determined to have a high potential for abuse that may lead to severe psychological or physical dependence. There is an illegal market for oxycodone as a substitute for, or adjunct to, illegal drugs such as heroin.

4. William J. Conway (hereinafter "Conway") is a physician, licensed by the State of New York and specializing in the area of Internal Medicine. Conway currently conducts a medical practice out of office space located at 865 Merrick Road, Baldwin, New York. The government's investigation has revealed that, since at least January 2009, Conway has been distributing and dispensing controlled substances, including oxycodone, outside the scope of professional medical practice and not for a legitimate medical purpose from his office at 865 Merrick Road.

5. In January 2012, law enforcement received information from a Confidential Source (hereinafter "CS-1") indicating that Conway was using his medical office to distribute prescriptions for oxycodone and other controlled substances to persons for whom he performed little or no medical evaluation.¹

¹ Much of the information provided to law enforcement by CS-1 in the course of this investigation has been corroborated by independent and additional evidence. Accordingly, I deem CS-1 to be reliable. CS-1 assisted law enforcement in this matter pursuant to a cooperation agreement he had with the Nassau County District Attorney's Office. He was cooperating with law enforcement for consideration with respect to pending criminal charges against him in Nassau County. CS-1 has pled guilty to the felony crimes of criminal possession of a controlled

According to CS-1, Conway often sold prescriptions of oxycodone and other controlled substances for varying amounts of cash.

6. CS-1 became a new patient of Conway's in approximately April 2011. CS-1 received Conway's name and telephone number from "John Doe 1,"² who is also a patient of Conway's, and who was also prescribed oxycodone by Conway on a regular and continuing basis. During his first appointment with Conway at 865 Merrick Road in April 2011, CS-1 provided Conway with an MRI report, dated in 2009, showing 2 herniated discs in CS-1's spine. At this first appointment, CS-1 told Conway that he was routinely taking eight 30-milligram oxycodone pills each day for pain. In reality, CS-1 was taking fifteen to twenty 30-milligram oxycodone pills each day by crushing them into a powder and snorting them. CS-1 indicated that during this first visit to Conway's office, Conway performed no medical evaluation on him other than taking his pulse and blood pressure, and asked CS-1 no questions concerning his medical background or history. Thereafter, CS-1 paid Conway \$40.00 in cash, and Conway provided

substance in the 3rd degree, among other drug-related offenses. He is currently awaiting sentencing. CS-1 was incarcerated in the Nassau County Correctional Center from June 6, 2011 to December 21, 2011, after being arrested for selling oxycodone pills. While he has attempted to seek treatment for his dependency in the past, CS-1 continues to battle with addiction to oxycodone and other controlled substances.

² I am aware of the actual identity of each individual referred to in this Complaint as either a "John" or "Jane Doe."

CS-1 with a prescription for 180 tablets of 30-milligram oxycodone.

7. CS-1 returned to Conway's office on multiple occasions after April 2011 to obtain additional prescriptions for oxycodone.³ On many of these visits, CS-1 sought additional oxycodone from Conway prior to the time when his previously filled prescription should have been completed, if taken in the proper amount and dosage. In each of these instances, Conway commented to CS-1 that he was seeking his refill of oxycodone "early," but nonetheless provided CS-1 with the additional prescription. Conway has never conducted any medical examination of CS-1 during any of these subsequent visits. Often times, CS-1 was not even seen by Conway, but rather picked up a prescription signed by Conway from the defendant's office assistant, "John Doe 2". CS-1 began cooperating with authorities in connection with the investigation of Conway in January 2012, and began obtaining additional prescriptions for oxycodone from Conway as evidence at that time.

8. On Saturday, January 28, 2012, Conway contacted CS-1 and requested that CS-1 meet him at his medical office at 865 Merrick Road. Thereafter, law enforcement provided CS-1 with

³ According to CS-1, since April 2011, Conway has also routinely prescribed him with the additional narcotics Alprazolam (Xanax) and Fentanyl - Schedule IV and Schedule II controlled substances, respectively.

an audio recording device prior to CS-1 entering Conway's office. At approximately 3:00 p.m. on January 28, 2012, CS-1 had a face-to-face meeting with Conway at 865 Merrick Road. CS-1 captured the entirety of his conversation with Conway on the recording device he was provided, and I have reviewed that recording.

9. During their conversation, Conway told CS-1, in sum and substance, that he had recently received a letter concerning CS-1 and that there could be increased scrutiny on Conway because of his prescribing oxycodone to CS-1. Therefore, Conway wanted to review and presumably alter CS-1's treatment records to ensure "all the [treatment] dates fit." During the course of this investigation I have learned that the New York State Office of Professional Medical Conduct ("OPMC") has instituted an investigation of Conway regarding his treatment of CS-1 prior to CS-1's cooperation with law enforcement. The OPMC investigation commenced after CS-1's mother called to complain about Conway and his prescribing of oxycodone to her son. As Conway and CS-1's conversation continued, Conway discussed with CS-1 how he was aware that CS-1 had a history of alcohol problems, and how CS-1 had previously served time in prison. Finally, Conway informed CS-1 that he wasn't sure what "they" will do, and that "they" might ask CS-1 about Conway's treatment of him.

10. Thereafter, on or about February 6, 2012, CS-1 traveled to Conway's office in order to purchase yet another

prescription for oxycodone from Conway. CS-1 was again wearing an audio and video recording device during this visit. After entering the office on February 6, 2012, CS-1 met with Conway's assistant, John Doe 2, and asked for a prescription for oxycodone. John Doe 2 proceeded to search the office for several minutes for CS-1's medical file before issuing CS-1 a prescription for 180 tablets of 30-milligram oxycodone. It appears from the video recording that the prescription was pre-signed by Conway. No medical examination of CS-1 was conducted on February 6, 2012 by Conway or anyone else at the medical office.

11. I have reviewed certain records obtained during the course of this investigation from the Bureau of Narcotics Enforcement ("BNE"). According to those records, between January 2009 and November 2011, Conway has written and distributed approximately 5,554 prescriptions for oxycodone (for a total pill amount of 782,032). That amount equates to approximately 163 prescriptions for oxycodone written by Conway each month during that period - or more than 5 prescriptions per day, seven days per week. Approximately 926 of Conway's prescriptions for oxycodone were written to patients with dates of birth in or after 1980 - meaning that those patients are 32 years old or younger, at present. Based on my training and experience as a narcotics investigator, as well as my conversations with other

law enforcement officers investigating the illegal diversion of prescription medication on Long Island, I know that those totals are excessive when compared to the average amounts of oxycodone dispensed by legitimate doctors specializing in Internal Medicine.

12. During the course of this investigation I have also learned that within the past 13 months two individuals to whom Conway's dispensed oxycodone have died of oxycodone overdoses. One such individual, John Doe 3, was first seen by Conway on or about February 23, 2011. John Doe 3's medical records, which were obtained from Conway's office pursuant to a search warrant, discussed in detail, infra, indicate that on that date John Doe 3 presented Conway with a four-year-old medical report indicating that John Doe 3 had been previously treated for a herniated disk in his back. According to a medical history questionnaire, John Doe 3 claimed to have been in a car accident in January of 2006, and continued to complain of pain in his lower back and legs. According to the medical file for John Doe 3, on February 23, 2011, Conway performed a "physical exam" of the patient, which included taking his blood pressure, height and weight. It appears from the report that on that date Conway also asked John Doe 3 various questions about his personal life and recorded the information concerning his previous back injury. There is no evidence from Conway's medical file for John Doe 3

that Conway ever re-examined him after February 23, 2011. Nevertheless, John Doe 3 received five prescriptions for oxycodone, totaling 810 tablets from Conway between February 2011 and April 22, 2011. On April 23, 2011, (the day after receiving his last prescription from Conway) John Doe 3 was pronounced dead of an overdose. The Nassau County Medical Examiner's report lists the cause of death as an overdose of oxycodone and other narcotics. According to a Nassau County Police Department Case Report, John Doe 3 died at a residence in East Rockaway. Recovered at the scene after his death were prescription medication containers for oxycodone and alprazolam. Both prescriptions were written by Conway. No other prescription medications were found at the scene on April 23, 2011.

13. Another individual, John Doe 4, was first seen by Conway on or about April 4, 2011. John Doe 4's medical records, which were also obtained from Conway's office pursuant to a search warrant, indicate that on that date John Doe 4 completed a medical history questionnaire stating that he had been in a "motorcycle accident" at some undisclosed time which caused him to sustain a "broken knee," a "herniated disc" and "anxiety." According to Conway's medical file for John Doe 4, on April 4, 2011, Conway performed an evaluation of the patient, which included, among other things, taking his blood pressure, height and weight. John Doe 4's medical file also contains unsigned

"progress note work sheets" dated May 6, 2011, June 10, 2012,⁴ and October 25, 2011. In each instance the progress note work sheets indicate that John Doe 4 was still experiencing "panic attacks," "anxiety syndrome" and discomfort with respect to his knee and back, but that his symptoms were relieved while on medication. The progress note work sheets record John Doe 4's blood pressure, height and weight, but do not list any other procedures, examinations or referrals for further testing to other physicians. The progress note work sheets also do not indicate who questioned John Doe 4 on the respective dates. John Doe 4 received seven prescriptions for oxycodone, totaling 1,260 tablets from Conway between April 2011 and October 25, 2011. On October 27, 2011, John Doe 4 was pronounced dead of an overdose. I have spoken to the Nassau County Medical Examiner's office and was given a preliminary cause of death of an overdose of oxycodone and other narcotics. According to records obtained from BNE, Conway issued a prescription to John Doe 4 for 180 30-milligram oxycodone tablets on October 25, 2011. John Doe 4 filled the prescription the same day. According to records obtained from BNE, prior to his death, John Doe 4 was not issued a prescription for controlled substances by any physician other than Conway after June 13, 2011.

⁴ The date listed on the "June 10, 2012" worksheet is obviously incorrect.

14. On February 29, 2012, United States Magistrate Judge A. Kathleen Tomlinson authorized a warrant permitting law enforcement to search Conway's medical office at 865 Merrick Road for certain items of physical evidence. Federal Task Force officers executed that warrant the same day, and while inside Conway's office, officers encountered "John Doe 5," who indicated that he was there to pick up a prescription for his friend "John Doe 6." When questioned by officers, John Doe 5 claimed to not know what kind of prescription he was picking up for John Doe 6, but stated that the arrangement should not be a problem because John Doe 6 routinely used his wife to pick up prescriptions from Conway in the past. John Doe 5 then provided officers with John Doe 6's cell phone number. An officer, posing as an employee of Conway's office, then called the number and spoke with John Doe 6, who advised that John Doe 5 was there to pick up a prescription for oxycodone tablets, and another for the drug Fentanyl, from Conway. After the call was terminated, John Doe 5 was questioned further and confirmed that John Doe 6 was likely selling for profit the oxycodone obtained with Conway's prescriptions.

15. During the execution of the search warrant, officers also spoke with Jane Doe 1, who identified herself as a "patient" of Conway's. In responding to officers' questions Jane Doe 1 stated that she was in the office that day to pick up

oxycodone prescriptions for both herself and her husband, who was waiting in a car in the parking lot. Jane Doe 1 admitted to being addicted to oxycodone, and stated that Conway was also aware of her dependency. Nevertheless, Jane Doe 1 stated that Conway routinely prescribes her oxycodone without performing a medical exam. Jane Doe 1 stated further that she often will pick up her prescription for oxycodone from one of Conway's staff members at the reception desk. BNE records indicate that since January 2009, Jane Doe 1, who is 28 years old, has received 125 separate prescriptions for oxycodone from Conway.

16. Law enforcement also interviewed Conway at his office during the execution of the search warrant. Although Conway was not detained, as a precaution, investigating officers advised Conway of his Miranda rights. After Conway waived those rights, law enforcement questioned Conway regarding his medical practice. During that interview Conway admitted to officers that he routinely provides prescriptions for varying amounts of oxycodone to individuals who he knows are addicted to the drug, without conducting any medical examination of that person whatsoever. Officers then presented Conway with a brown folder that had been found at the receptionist desk, which contained a number of oxycodone prescriptions that had been pre-signed by Conway. Conway admitted that in many instances he pre-signed prescriptions for patients so that his medical assistant, John

Doe 2, could dispense them to "patients" as they entered the office. At the conclusion of his interview with law enforcement on February 29, 2012, Conway surrendered his DEA registration.

17. On March 7, 2012, John Doe 2 was questioned by law enforcement officer at Conway's office at 865 Merrick Road. Although Conway described John Doe 2 as his medical assistant, John Doe 2 admitted that he does not possess any license or certification that would permit him to examine patients or dispense any controlled substance. Nevertheless, while working for Conway for the past 17 years, John Doe 2 stated that he routinely conducted patient physicals, administered electrocardiograms and others diagnostic tests, and drew blood, among other procedures. John Doe 2 further admitted that he often distributes drugs such as oxycodone to Conway's patients from the office's front desk, using a prescription pad that Conway has pre-signed. John Doe 2 confirmed that both he and Conway often provide a patient's prescription for oxycodone to a "third-party" who is sent to the office to pick it up for the patient.

18. When questioned further by officers concerning the relationship between Conway's medical practice and nearby pharmacies, John Doe 2 responded by stating that he has been "warned" by a Baldwin pharmacist that Conway was writing too many prescriptions for pain medication. John Doe 2 confirmed that

other pharmacies in southwestern Nassau County have also expressed concern about the prescriptions Conway was writing. John Doe 2 stated that he and Conway discussed these warnings from pharmacies, but Conway "kept on doing it." At the conclusion of his interview with law enforcement, John Doe 2 alleged that although the defendant had surrendered his DEA registration to officers on February 29, 2012, Conway was continuing to prescribe oxycodone and other drugs to individuals, including his office assistant Jane Doe 2.

19. Subsequently, on March 13, 2012, law enforcement officers traveled to Conway's office in Baldwin and asked to speak with Jane Doe 2. In response to questioning, Jane Doe 2 stated that she "volunteers" at Conway's office and performs such tasks as filing and answering the telephone. Jane Doe 2 also stated that Conway prescribes her 255 doses of 80 milligram oxycodone every 15 days for "pain."⁵ Jane Doe 2 admitted to being addicted to oxycodone for the past nine years.

20. In response to further questioning, Jane Doe 2 confirmed that John Doe 2 often writes prescriptions for patients on forms that are pre-signed by Conway. She also confirmed that Conway routinely dispenses oxycodone to patients himself without conducting any medical evaluation. Finally, Jane Doe 2 admitted

⁵Jane Doe 2 claimed that she had cancer, but was now in remission, as well as other "medical problems" that require her to take oxycodone. According to Jane Doe 2, she takes 17 80-milligram oxycodone tablets everyday.

that after he surrendered his DEA registration to investigators on February 29, 2012, Conway provided her with a prescription for oxycodone.


WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant WILLIAM J. CONWAY so that he may be dealt with according to law.

In addition, it is respectfully requested that this Affidavit and the arrest warrant be filed under seal.



Joseph D. Hill
Detective, Nassau Cty. Police Dept.
Task Force Officer

Sworn to before me this
5th day of June, 2012



HONORABLE WILLIAM D. WALL
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK