

Approved: Rahul Mukhi  
RAHUL MUKHI/IAN MCGINLEY  
Assistant United States Attorneys

13 MAG 1553

Before: THE HONORABLE HENRY B. PITMAN  
United States Magistrate Judge  
Southern District of New York

-----X  
UNITED STATES OF AMERICA, :  
 : SEALED  
 : COMPLAINT  
 - v. - :  
 :  
 WILLIAM S. BELFAR, :  
 : Violations of  
 : 21 U.S.C. § 841  
 :  
 Defendant. : COUNTY OF OFFENSE:  
 : MANHATTAN  
 :  
-----X

SOUTHERN DISTRICT OF NEW YORK, ss.:

SHAWN R. MULLEN, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. On or about May 31, 2011, in the Southern District of New York, WILLIAM S. BELFAR, the defendant, did intentionally and knowingly distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

2. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT TWO

3. On or about January 8, 2013, in the Southern District of New York, WILLIAM S. BELFAR, the defendant, did intentionally and knowingly distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

4. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THREE

5. On or about April 2, 2013, in the Southern District of New York, WILLIAM S. BELFAR, the defendant, did intentionally and knowingly distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

6. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

7. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

8. Based on my review of public information published by the State of New York, I know that WILLIAM S. BELFAR, the defendant, is a registered physician in New York who is licensed to practice psychiatry. Based on my review of public information published by the State of Massachusetts, I also know that BELFAR has a lapsed physician's license in the State of Massachusetts.

9. According to two websites I have reviewed that appear to be published by WILLIAM S. BELFAR, the defendant, BELFAR publically advertises that he has a psychiatrist's office located on 28th Street in Manhattan (the "Manhattan Office") and that he also works at a pain management and substance abuse

clinic in Astoria, Queens. I have confirmed that BELFAR works at the Manhattan Office by, among other things, surveillance conducted by myself and other law enforcement agents, my conversations with an FBI confidential informant ("CI-1"),<sup>1</sup> UC-1, and UC-2, each of whom have met with BELFAR at the Manhattan Office during the course of this investigation, and my review of video and audio recordings made by CI-1, UC-1, and UC-2 of BELFAR and others in the Manhattan Office.

10. Based on my conversations with another FBI agent that debriefed CI-1, I learned that CI-1 told that agent the following, in substance and in part:

a. In or about 2010, CI-1 was introduced to WILLIAM S. BELFAR, the defendant, by a co-conspirator not named as a defendant herein ("CC-1"). CC-1 had worked with BELFAR at a hospital in Massachusetts.

b. In or about 2010, CI-1 accompanied CC-1 on trips to Western Massachusetts, where CC-1 would meet with BELFAR to exchange \$1,000 cash for prescriptions for 120 oxycodone 30 milligram (mg) tablets. On some occasions, BELFAR also sold pre-filled bottles of 120 oxycodone 30 mg tablets without a label for \$1,200.

c. When CI-1 first joined CC-1 on the car rides to meet BELFAR, CC-1 got into BELFAR's vehicle while CI-1 stayed in

---

<sup>1</sup> CI-1 has been cooperating with law enforcement in the hopes of avoiding prosecution and/or receiving a reduced sentence as well as in the hopes of obtaining leniency for CI-1's family member who was prosecuted for state crimes. CI-1's expenses have been reimbursed in connection with his/her cooperation. CI-1's information has been corroborated by, among other things, consensual video and audio recordings made by CI-1 and two FBI undercover officers ("UC-1" and "UC-2"), as well as statements made by BELFAR on these recordings. In or about February 2013, I and other agents learned that CI-1 had not disclosed to law enforcement that, on or about January 16, 2013, CI-1 asked BELFAR to mail CI-1 a prescription for oxycodone pills. CI-1 received and filled this prescription from BELFAR and gave a portion of the pills to another individual in order to sell them. When law enforcement agents met with CI-1, CI-1 admitted that he/she had not disclosed this criminal activity with BELFAR to law enforcement and that he/she had arranged to receive this prescription in the mail from BELFAR without authority from law enforcement. CI-1 has been otherwise truthful and credible.

CC-1's car. After a couple of meetings, BELFAR joined both CC-1 and CI-1 in CC-1's vehicle to exchange the cash for the oxycodone prescriptions in front of CC-1. CC-1 would meet BELFAR approximately twice a week.

d. According to CI-1, CC-1 obtained the oxycodone prescriptions from BELFAR for approximately eight individuals from the Massachusetts area. During the meetings with BELFAR, CC-1 would receive prescriptions in these individuals' names. CC-1 would later often go to the pharmacy with these individuals to fill the prescriptions. At the pharmacy, CC-1 would call BELFAR to advise him to answer the phone as the pharmacy would be calling to verify the prescriptions. CC-1 took some portion of the 120 oxycodone 30 mg tablets that the individuals received from the pharmacy as CC-1's "finder's fee."

e. In or about March 2011, CI-1 met with BELFAR near the Connecticut-New York border. BELFAR told CI-1 that he had found out that CC-1's spouse, who was a police officer, had discovered that CC-1 was using and distributing oxycodone. BELFAR was scared that he was going to be arrested. BELFAR stated he wanted to get the "business" out of Massachusetts and to his office in New York.

f. On or about April 8, 2011, CI-1 went to BELFAR's Manhattan Office with two other individuals. At the office, BELFAR had CI-1 and the other individuals fill out patient forms to make it look like they were BELFAR's patients. CI-1 stated that during this appointment, BELFAR did not ask her any medical questions or conduct a physical examination.

11. On or about May 31, 2011, under the supervision of other FBI agents, CI-1 made a consensual video and audio recording of a meeting with WILLIAM S. BELFAR, the defendant, at the Manhattan Office. Based on my review of the May 31, 2011 recording, I learned the following in, substance and in part:

a. After waiting in the waiting area in the Manhattan Office, CI-1 was led to a private office where he/she met with WILLIAM S. BELFAR, the defendant.

b. Shortly after BELFAR and CI-1 entered the private office, BELFAR stated "I don't prescribe that stuff." After CI-1 asked "Which one?" BELFAR responded "The oxy. I am not prescribing it." BELFAR then stated "I thought you needed the other stuff, like Adderall." BELFAR also stated "last time you guys came here you didn't even have money to pay."

c. BELFAR then asked CI-1 "Did you bring money?" to which CI-1 responded "absolutely." CI-1 then took out ten \$100 bills and counted them in front of BELFAR. BELFAR asked CI-1 "What do you need?" and CI-1 stated "What we usually did." BELFAR said "I can't do that many." CI-1 asked "Can we do half price?" to which BELFAR responded "you guys still owe me for the other."

d. BELFAR initially stated "I really don't want do this [prescribe oxycodone]. I'll do the Suboxone." BELFAR also indicated he was also willing to give CI-1 a prescription for Subutex. Later, BELFAR stated "with the Subutex, I can give you a lot."<sup>2</sup>

e. CI-1 stated he/she was so "bummed" because the "30's," i.e., 30 milligram oxycodone tablets, were "worth so much more." BELFAR then asked "how much is Subutex worth?" to which CI-1 responded "15 bucks," i.e., \$15 per tablet. Later, BELFAR said to CI-1 that "you once told me Subutex was [\$]20."

f. BELFAR asked "How do I know you are not connected with the police?" CI-1 responded "because you can't sell drugs . . . and be part of the police." BELFAR stated "Well, you can be an informant." CI-1 denied being an informant. When CI-1 later referenced an earlier telephone conversation with BELFAR, he stated "I can't talk over the phone" and "I don't talk over the phone."

g. BELFAR then indicated it would be "risky" and jeopardize his "license" if he sold CI-1 another prescription for oxycodone. BELFAR indicated he would review CI-1's "chart" before deciding whether it was safe to sell him/her a prescription for oxycodone. Later during the meeting, BELFAR appeared to review a file for CI-1 and stated "you're on so many controlled substances. It just doesn't look good." During the meeting, BELFAR indicated that his prescription to CI-1 could appear to be legitimate "tapering" of CI-1's dosage. BELFAR told CI-1 "I know you use, so this is therapeutic for you. Because I'm actually tapering. . . . Nobody can mess with that." BELFAR also said "anything that is a red flag they can always

---

<sup>2</sup> Based on my training and experience, I know Suboxone and Subutex are prescription medications approved by the FDA to treat opiate dependence. Suboxone and Subutex are themselves opiates/opioids, which are known to be illegally resold on the street.

say, which is true, I took a [Continuing Medical Education] course."

h. BELFAR later stated to CI-1: "Well, it is a very easy way to make money, but it's an easy way for me to go to jail too." CI-1 stated "I can't make you do anything you don't want to do." BELFAR stated "I know. But I don't want to lose my license." CI-1 then suggested that BELFAR obtain "unmarked ones," to which BELFAR responded "Well, how am I going get unmarked ones? I have to write them."

i. BELFAR then stated that he was willing to "discuss" prescribing "90" or "60" tablets. BELFAR indicated that this lower amount would be "safe." CI-1 stated that he/she was willing to pay \$675 for the 90 tablets and BELFAR responded "That's not very much."

j. BELFAR later agreed to prescribe CI-1 "90," i.e., 90 tablets of 30 milligram doses of oxycodone. BELFAR stated that "but then I need to be paid for last time, so give me a thousand." CI-1 stated "so 1,000 altogether?" BELFAR responded "And I'll give you 90." CI-1 then appeared to hand BELFAR ten \$100 bills. Later during the meeting, BELFAR handed CI-1 a written prescription for oxycodone. Before CI-1 left, BELFAR appeared to be typing and printing documents at a desk and then handed two acknowledgement forms to CI-1 and directed CI-1 to sign the forms and backdate them March 8, 2011.

k. Prior to CI-1 leaving, BELFAR told CI-1 "I'll tell you what. If we do this for couple months and I feel comfortable with you -- that you're not a cop or an informant -- we'll do the Subutex."

12. Immediately following the May 31, 2011 meeting described above between CI-1 and WILLIAM S. BELFAR, the defendant, CI-1 met with FBI agents. CI-1 had in his/her possession a prescription for 90 oxycodone 30 mg tablets, which was signed by BELFAR and made out in CI-1's name.

13. On or about January 8, 2013, under the supervision of FBI agents including myself, CI-1 and UC-1 made consensual video and audio recordings of a meeting with WILLIAM S. BELFAR, the defendant, at the Manhattan Office. Based on my review of the January 8, 2013 recordings, I learned the following in substance and in part:

a. After waiting in the waiting area in the Manhattan Office, CI-1 was led to a private office where he/she met with WILLIAM S. BELFAR, the defendant, while UC-1 remained in the waiting area.

b. Once inside the private office, CI-1 asked BELFAR whether he was still willing to "see" CI-1. BELFAR stated "Yeah sure, I have a whole oxycodone pain clinic now."

c. CI-1 asked BELFAR whether they could do "the same thing we did before." BELFAR responded "We can." CI-1 told BELFAR that he/she wanted to purchase a prescription for 120 tablets of oxycodone for \$1,000. BELFAR also agreed to prescribe CI-1 other medication. CI-1 counted several 100 bills in front of BELFAR, which CI-1 appeared to hand to BELFAR and which he then appeared to put in his pants pocket. Later during the meeting, CI-1 is holding a set of written prescriptions.

d. CI-1 also told BELFAR that CI-1 wanted to introduce BELFAR to a "friend," who CI-1 indicated wanted to start purchasing prescriptions from BELFAR. In fact, CI-1's "friend" was UC-1. CI-1 told BELFAR that CI-1 had another \$1,000 if BELFAR would also agree to "do one for" UC-1. BELFAR responded "Yeah, I'll do [UC-2]."

e. BELFAR later asked CI-1 "How do I know [UC-1]'s not a police officer?" CI-1 responded that CI-1 knew UC-1 was not a police officer.

f. CI-1 and UC-1 then both met with BELFAR in a second private office within the Manhattan Office. BELFAR explained to CI-1 and UC-1 that BELFAR had started prescribing oxycodone as part of his pain management practice. BELFAR also discussed other doctors who had been arrested for prescribing pain medication which had been reported on NBC Nightly News. BELFAR stated "I don't want to be on NBC and I don't want to be arrested either. So I got a psychologist to work with me and the two of us run groups." BELFAR described others who were working under him and said that "so everything is pretty legit . . . but if you want to come in and do whatever . . . since I am all set up and legit . . . I could do some stuff."

g. BELFAR told CI-1 and UC-1 that he "writes oxys" and that he was willing to write prescriptions for "30s," i.e., 30 mg tablets of oxycodone. BELFAR stated that he no longer wrote prescriptions for OxyContin and that "those were in gel

form any way." BELFAR stated that he had some patients to whom he already prescribed oxycodone "so I have no problem."

h. During the meeting between BELFAR, CI-1, and UC-1, CI-1 took out a stack of \$100 dollar bills and counted \$1,800 in front of BELFAR. BELFAR told CI-1 and UC-1 that he could not write a prescription until UC-1 brought him the right "paperwork." BELFAR then jokingly told UC-1 "you can give me the money if you want" without getting the prescription.

i. BELFAR asked CI-1 "why were you getting pain meds?" to which CI-1 responded "my back." After CI-1 said she forgot where her back was herniated, and that maybe it was lumbar vertebrae four and five, BELFAR stated "You don't know."

j. BELFAR then agreed to prescribe CI-1 oxycodone as well as Adderall and Klonopin. BELFAR said that "you're on too many controlled substances. It doesn't look good." BELFAR also directed CI-1 to not "go to any other doctors."

k. BELFAR asked UC-1 what he/she did for a living. UC-1 responded that he/she was a secretary. BELFAR then jokingly asked UC-1 "not at the 12<sup>th</sup> Precinct?" BELFAR also later asked CI-1 what he/she did for a living, to which CI-1 responded "housewife." BELFAR then stated to CI-1 that "I guess you sell oxy too."

l. BELFAR and CI-1 also discussed CI-1 bringing more individuals to buy prescriptions from BELFAR. CI-1 stated he/she would bring these individuals to BELFAR very "slow" and "careful." BELFAR stated "You don't even have to do it slowly because I have a whole clinic. I just don't want some of the assholes I saw last time who are dealers."

m. BELFAR performed a brief physical exam of CI-1. At the conclusion of the meeting, at CI-1's request, BELFAR agreed to sell prescriptions to UC-1 in the future stating "I'm gonna give you [UC-1] the prescriptions and you'll [UC-1] give me the payments. . . . So I'm going to write a script and [UC-1]'s going to give me money." BELFAR asked "are you two [UC-1 and CC-1] splitting it or something?" CC-1 and UC-1 said the arrangement was easier because UC-1 lived in New York. Earlier, BELFAR asked UC-1 "Did you want to get involved in something like this?" Later, BELFAR said that the arrangement was "good" as long as UC-1 was "not a cop or a detective." BELFAR also told CI-1 that he had previously thought CI-1 was an "informer" for CC-1's spouse.



14. Immediately following the January 8, 2013 meeting described above between CI-1 and UC-1 and WILLIAM S. BELFAR, the defendant, CI-1 met with other FBI agents and me. CI-1 had in his/her possession, among other things, a prescription for 120 oxycodone 30 mg tablets, which was signed by BELFAR and made out in CI-1's name.

15. On or about April 2, 2013, UC-1 and UC-2 made consensual video and audio recordings of a meeting with WILLIAM S. BELFAR, the defendant, at the Manhattan Office. Prior to the meeting, UC-1 and UC-2 were given back and neck x-ray films to bring to the meeting that were provided to the FBI by a confidential informant who operated an MRI facility (the "CI-2").<sup>3</sup> According to CI-2, the x-rays that he/she provided to the FBI showed no physical injuries. Based on my review of April 2, 2013 recordings, I learned the following in substance and in part:

a. After waiting in the waiting area in the Manhattan Office, UC-1 was led to a private office where he/she met with WILLIAM S. BELFAR, the defendant, while UC-2 remained in the waiting area. UC-1 mentioned to BELFAR that he/she had come to the office with his/her "friend," who was in fact UC-2. BELFAR asked whether UC-2 was a "cop," which UC-1 denied.

b. UC-1 then gave BELFAR a set of x-ray films, which UC-1 said were for both UC-1 and UC-2. BELFAR asked for an MRI, which UC-1 stated he/she did not have, and BELFAR said he would not be able to tell anything from the x-ray. BELFAR briefly examined the x-rays. BELFAR also performed a brief physical examination of UC-1.

c. BELFAR told UC-1 that he could not prescribe UC-1 360 oxycodone pills. BELFAR stated he could start out by prescribing UC-1 two oxycodone pills a day but that UC-1 would have to get BELFAR additional medical records.

d. After BELFAR asked UC-1 why he/she needed the medication, and UC-1 told BELFAR he/she had back issues, BELFAR stated "with [CI-1] -- I know she's an addict and sells."

---

<sup>3</sup> CI-2 previously pleaded guilty to tax fraud and cooperated with the Government in the hopes of receiving a reduced sentence. At the time that CI-2 provided the x-ray films to the FBI, CI-2 had already been sentenced but was nevertheless still assisting law enforcement.

e. BELFAR then told UC-1 he would agree to give UC-1 a prescription for 90 oxycodone pills for \$95. BELFAR also agreed to prescribe UC-1 Neurontin and a muscle relaxant. UC-1 told BELFAR that CI-1 had also asked UC-1 to buy prescriptions from BELFAR for CI-1. BELFAR agreed to write a prescription to CI-1 for 120 oxycodone pills and other medication in exchange for \$1,000. BELFAR also told UC-1 to not tell UC-2 how much UC-1 paid for UC-1's prescription. BELFAR told UC-1 "bring me more patients . . . I'll treat you more."

f. After meeting with UC-1 alone, BELFAR also met with UC-2 in UC-1's presence. UC-2 told BELFAR that UC-2's x-ray was taken by the same doctor as UC-1's x-ray. BELFAR told UC-2 to also get UC-2's MRI from UC-2's doctor "before he goes to Riker's Island." BELFAR stated without the additional records he would only prescribe UC-2 90 oxycodone pills. BELFAR performed a brief physical examination of UC-2's neck.

g. BELFAR first told UC-2 that prescription would cost \$1,000 but then BELFAR agreed to sell the prescription for only \$500. UC-2 handed BELFAR a sum of U.S. currency. BELFAR then stated "I only charge a thousand to people I don't like. I try to get them not to come back . . . but it doesn't usually work." BELFAR also agreed to prescribe UC-2 a muscle relaxant. Later during the meeting, BELFAR appeared to hand UC-2 a set of written prescriptions.

h. BELFAR told UC-1 and UC-2 that he would sign them up for a "group" because it would "protect you. It'll look like I am detoxing you, which I am." BELFAR also told UC-1 and UC-2 he would have them meet with a psychologist and BELFAR stated "believe it or not I'm protecting your ass right now [because] you could go to jail if the police investigate you. . . . I'm not going to go to jail . . . I lower people, I get them sort of unaddicted. I am not saying you don't need it -- because you [UC-1] have a back issue and you [UC-2] have a neck issue." BELFAR suggested to UC-1 and UC-2 get rid of any extra oxycodone pills because the police were "cracking down" and "they're arresting everyone." BELFAR also said it "looks a lot better" if UC-1 and UC-2 have prescriptions for 90 oxycodone pills as opposed to 360 pills.

i. BELFAR also stated to UC-1 and UC-2 "I'm sure [CI-1] is a criminal. I can't prove that." Earlier BELFAR also told UC-1 that CI-1 was a "nutcase" and a "dealer."

16. Immediately following the April 2, 2013 meeting described above between UC-1 and UC-2 and WILLIAM S. BELFAR, the defendant, UC-1 and UC-2 met with other FBI agents and I. UC-1 and UC-2 had in their possession, among other things, two prescriptions for 90 oxycodone 30 mg tablets, which were signed by BELFAR and made out in the names that UC-1 and UC-2 gave to BELFAR, and a third prescription for 120 oxycodone 30 mg tablets made out in CI-1's name and also signed by BELFAR.

17. I have reviewed video of a television interview of WILLIAM S. BELFAR, the defendant, which aired on or about February 18, 2013, during which BELFAR stated, in substance and in part:

a. WILLIAM S. BELFAR, the defendant, talked about a celebrity who became addicted to oxycodone. BELFAR then stated "the oxycodone was given to her by her drug dealer. And in this particular situation, her drug dealer was her family doctor. And anybody watching this, watching this program, I have a very important question for them - is your doctor turning you into a drug addict?" BELFAR later explained "oxycodone is essentially a pill form of heroin."

b. BELFAR later stated that as a result of long-term oxycodone use: "You can go to jail. A lot of doctors, they prescribe, they use this [BELFAR then displayed a doctor's prescription pad], they over-prescribe. Guess what's happening to them? So I'm not just talking about patients here. This is for doctors too. Be careful prescribing this because a lot of you are ending up in jail."

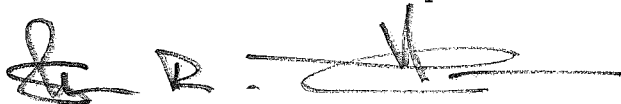
18. I have also reviewed video of a television interview of WILLIAM S. BELFAR, the defendant, which aired on or about March 29, 2013, during which BELFAR stated, in substance and in part:

a. WILLIAM S. BELFAR, the defendant, talked about celebrities who became addicted to oxycodone and a situation where the "doctor essentially became [a] drug dealer." BELFAR later explained that oxycodone "is essentially pill form of heroin."

b. BELFAR later stated: "This is a big business . . . On the street . . . each [oxycodone] pill is \$30 . . . Patients will pay a lot of money just to get these pills. . . The doctors prescribe it. Yes, some do it for money. Some do

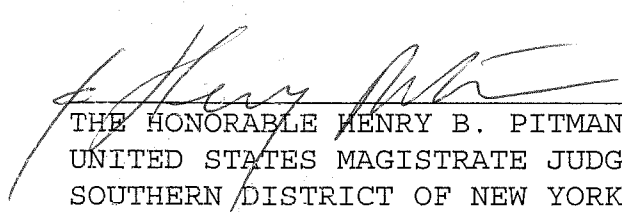
it because they just don't know what they are doing. . . . they just shouldn't be doing it."

WHEREFORE, deponent prays that a warrant be issued for the arrest of WILLIAM S. BELFAR, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

A handwritten signature in dark ink, appearing to read 'S. R. Mullen', written over a horizontal line.

SHAWN R. MULLEN  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
14th day of June, 2013

A handwritten signature in dark ink, appearing to read 'Henry B. Pitman', written over a horizontal line.

THE HONORABLE HENRY B. PITMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK