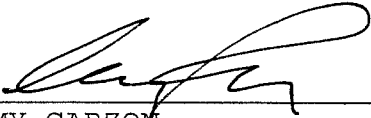


Approved:   
AMY GARZON  
Assistant United States Attorney

12 MAG 2353

Before: HONORABLE JAMES C. FRANCIS, IV  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT  
- v. - : Violations of  
JAMES M. MAHER, : 18 U.S.C. §§ 1349, 1341  
Defendant. : COUNTY OF OFFENSE:  
NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ADAM M. SUITS, being duly sworn, deposes and says that he is a Special Agent with the Office of the Inspector General, Office of Investigations, United States Railroad Retirement Board, and charges as follows:

COUNT ONE  
(Mail Fraud and Health Care Fraud Conspiracy)

1. From at least in or about 2002, up to and including in or about 2012, in the Southern District of New York and elsewhere, JAMES M. MAHER, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with others to commit mail fraud and healthcare fraud in violation of Sections 1341 and 1347 of Title 18, United States Code, to wit MAHER conspired with others, known and unknown, to defraud the RRB by submitting a false claim for disability benefits to which he was not entitled.

2. It was a part and an object of the conspiracy that JAMES M. MAHER, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for

the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did take and receive there from, such matter and thing, and would and did cause to be delivered by mail according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, a matter and thing, in violation of Title 18, United States Code, Section 1341.

3. It was further a part and an object of the conspiracy that JAMES M. MAHER, the defendant, and others known and unknown, willfully and knowingly would and did execute and attempt to execute a scheme and artifice to defraud health care benefit programs and obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, health care benefit programs, in connection with the delivery of and payment for health care benefits, items and services, in violation of Title 18, United States Code, Section 1347.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 3, 2002, January 21, 2003, March 11, 2003, May 13, 2003, July 15, 2003, September 2, 2003, and October 24, 2003, JAMES M. MAHER, the defendant, met with Peter J. Ajemian.

b. On or about March 7, 2011, JAMES M. MAHER, the defendant, mailed a disability recertification to the Railroad Retirement Board ("RRB") in New York, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Mail Fraud)

5. From at least in or about 2002 until at least in or about 2011, JAMES M. MAHER, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would

and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did take and receive there from, such matter and thing, and would and did cause to be delivered by mail according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, a matter and thing, in violation of Title 18, United States Code, Section 1341, to wit, MAHER defrauded the RRB by submitting a false claim for disability benefits to which he was not entitled.

(Title 18, United States Code, Section 1341.)

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

6. I am a Special Agent with the Office of the Inspector General, Office of Investigations, United States Railroad Retirement Board ("RRB-OIG"). I have been a Special Agent with RRB-OIG since in or about October 2010, and, since that time, I have been personally involved in an investigation into disability fraud at the Long Island Railroad ("LIRR"), as set forth below. Previously, beginning in or about 1997, I was a Special Agent at the Federal Bureau of Investigation, in a variety of capacities, including as associate division counsel, and, prior to that, I was a prosecutor with the Judge Advocate General for the United States Navy. From in or about 1994 to 1996, I also worked as a senior casualty claims adjuster/fraud investigator for a private insurance carrier. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and witnesses. This affidavit is based upon my investigation, my conversations with witnesses and other law enforcement agents, and my examination of reports, records, and consensual recordings. Because this affidavit is being submitted for the limited purpose of establishing 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.

BACKGROUND ON RAILROAD BENEFITS AND OVERVIEW  
OF THE PREMEDITATED DISABILITY FRAUD

7. The RRB is an independent federal agency that administers comprehensive retirement and benefit programs,

including disability benefits, for the nation's railroad workers and their families. The LIRR, founded in 1834, is one of the busiest commuter railroads in North America, carrying over 250,000 customers each week day.

8. Retiring LIRR employees are eligible to receive benefits both from the LIRR and the RRB. First, retiring LIRR workers hired before 1988 may draw a pension from the LIRR if they retire at or after the age of 50 and if they have been employed for at least 20 years as of the time of retirement. An LIRR pension is based, in part, on the average number of hours worked in the five years prior to retirement. Second, retiring LIRR workers may draw an additional pension from the RRB as of the time they reach age 65. If, however, an LIRR worker retires and is disabled, that LIRR worker can receive a disability pension from the RRB, even if he or she retires before age 65. Thus, a non-disabled LIRR retiree is only eligible to receive pension benefits from both the LIRR and the RRB if, among other things, that LIRR retiree is age 65 or older. By contrast, an LIRR worker who retires and is disabled is eligible to receive benefits from both the LIRR and the RRB as early as age 50 - pension benefits from the LIRR and disability benefits from the RRB.

9. To qualify for disability benefits, retiring railroad workers must file with the RRB an Application for Determination of Employee's Disability, known as a Form AA-1d (hereinafter referred to as a "Disability Application"). In their Disability Application, petitioning workers must describe in detail, under penalty of perjury, their disability and the limitations resulting therefrom, and state when they could no longer work because of their disability. At times, annuitants receiving disability payments are directed to file a Continuing Disability Update Report, known as a Form G-254 or G-254A (hereinafter referred to as a "Disability Recertification"), in which annuitants must certify, under penalty of perjury, their continuing inability to work.

10. JAMES M. MAHER, the defendant, and others known and unknown, engaged in a multi-year, systemic fraud to obtain RRB disability benefits. As part of this fraud, LIRR workers who were ready to retire -- and who were older than 50 but younger than 65 years old -- falsely claimed to be disabled, including to be occupationally disabled, i.e., unable to perform their railroad occupation, in order to receive benefits both from the LIRR and the RRB. Specifically, LIRR employees, who were eligible to retire as early as age 50 with an LIRR pension, routinely sought to supplement

their LIRR pension by fraudulently procuring a separate RRB disability annuity which, when combined with their LIRR pension, resulted in a total income level that often approximated, and in some cases exceeded, their pre-retirement working income. This fraud was perpetrated with the knowing and intentional involvement of hundreds of LIRR retirees; "facilitators" who served as liaisons between retiring workers and participating doctors; and doctors themselves, who falsely declared retiring LIRR workers to be occupationally disabled. Typically, these disability doctors claimed that their LIRR patients suffered from various musculoskeletal impairments, which can involve claims of soft tissue injury that are more difficult to confirm by objective medical criteria than are other impairments, and are often diagnosed clinically, based upon pain as subjectively reported by the patient.

11. As a result of this pervasive fraud, hundreds of LIRR retirees received RRB disability benefits that they were not entitled to receive, and participating doctors received millions of dollars from patients and insurance companies. The foreseeable loss to the RRB disability funds -- if the scheme had not been uncovered and fraudulent claims had been paid out in full -- would have exceeded approximately \$1 billion. A complaint filed on October 26, 2011 in the U.S. District Court for the Southern District of New York against certain participants in this fraud is attached hereto and is incorporated by reference herein. The defendants named in that complaint have been separately indicted in S1 11 Cr. 1091 (VM).

#### THE DEFENDANT

12. JAMES M. MAHER, the defendant, worked at the LIRR as a conductor from October 1973 to October 2003. As a conductor, MAHER's duties and responsibilities included collecting transportation fares, directing passengers, and opening and closing train doors. MAHER retired on or about November 2003, at the age of 50 years old, after approximately 30 years of employment. He has received RRB disability pension benefits from April 1, 2004 continuing to the present.

13. On or about December 17, 2003, JAMES M. MAHER, the defendant, applied for and was awarded an RRB occupational disability annuity. In his Disability Application, he claimed that he became "disabled" on October 23, 2003, only a few days before he was due to retire.

14. In his last full year with the LIRR (2002), JAMES M.

MAHER, the defendant, earned a salary of approximately \$62,842. In addition, MAHER worked over 1,000 over time hours for which he earned approximately \$44,407 in 2002. Thus, his combined income in 2002 was approximately 107,250. In 2004, MAHER's first full year in retirement, he received more in benefits than he did in salary during his last full year at work at the LIRR. Specifically, he received approximately \$32,325 in LIRR pension payments and approximately \$33,000 from his RRB disability payments, for a total of approximately \$65,325 in payments.

#### OVERVIEW OF THE FRAUD

15. Based on the evidence set forth below, there is probable cause to believe that JAMES M. MAHER, the defendant, deliberately defrauded the RRB by falsely claiming to be disabled. I base this conclusion on, among other things, evidence that a little over a year before he retired on account of his purported disability, MAHER planned a particular date on which he would retire and retired within a month of that date.

16. JAMES M. MAHER, the defendant, visited co-conspirator Peter J. Ajemian, who has been separately indicted and who, in only ten months, diagnosed MAHER with a disability in order to allow him to claim he was "disabled" as of his planned last day of work. As part of this arrangement, MAHER paid Ajemian \$750 for a narrative in support of his Disability Application. Indeed, MAHER made payment to Ajemian well in advance of submitting his disability application (approximately three months before) and even before the date he stated he became disabled (one month).

17. JAMES M. MAHER, the defendant, worked a substantial amount of overtime in the year before he retired -- approximately 855 hours -- even while complaining of his purported progressive disability to Ajemian. Despite his claims in his Disability Application that it was hard for him to sit, stand, walk, eat, bathe, dress himself, sleep, do indoor chores, do outdoor chores, drive a car, and write, MAHER has admitted in testimony before the Grand Jury that after he retired he engaged in home improvement projects and helped move furniture. And despite Ajemian's total restriction on driving, surveillance of MAHER has shown that MAHER is capable of carrying multiple bags of groceries, loading the car with the groceries, and driving unassisted and seemingly without any difficulty. MAHER has also openly admitted to others that he is committing fraud by receiving an RRB disability annuity.

MAHER'S PURPORTED DISABILITY UPON RETIREMENT

18. After his retirement date, JAMES M. MAHER, the defendant, submitted a Disability Application. I have reviewed MAHER's Disability Application, dated December 17, 2003, in which he stated the following, among other things, knowing that he could be prosecuted for false statements:

a. MAHER listed the medical condition causing him to file for disability as follows:

- 1) L4-5 left foraminal stenosis with left foraminal disc herniation and left facet joint hypertrophy;
- 2) Lumbar spine L3-4 disc desiccation;
- 3) Chronic L4-5 radiculopathy;
- 4) C3-4 disc posterior ridge complex flattening the cord;
- 5) C5-6 and C6-7 posterior disc ridges;
- 6) Chronic C5-6 radiculopathy;
- 7) Bilateral carpal tunnel syndrome;
- 8) Left and right knee anterior cruciate ligament laxity with instabilities [sic];
- 9) Right knee ACL tear

b. MAHER listed the date this condition began to affect his ability to work as December 3, 2002, and the date that he could no longer work because of this condition as October 23, 2003.

c. In response to a question asking MAHER to describe how his condition prevented him from working, MAHER responded:

My disabling constant back, neck, and right knee pain, along with the hand numbness I suffer, has gotten to the point that I can no longer perform my duties as a Railroad Conductor. I am unable to open and close heavy interior and exterior train doors, lift heavy couplers and evacuation boards, throw and align hand thrown track switches, wind on rail car hand brakes, bend to pull up train traps, etc. Working on moving trains, climbing on and off locomotives and cars, walking on track beds and ballast, coupling and

pulling coupler pins, crouching, lifting  
and handling air hoses, jumpers, and  
cables, etc., is impossible.

d. In response to a question about his daily activities, MAHER stated that it was hard for him to sit, stand, walk, eat, bathe, dress himself, sleep, do indoor or outdoor chores, drive a car, use public transportation, and write. He stated that he was unable to bend, do heavy cleaning, or lift heavy laundry or trash baskets.

19. JAMES M. MAHER, the defendant, first saw his co-conspirator Peter J. Ajemian on or about December 3, 2002 for various claimed ailments. In his progress notes, Ajemian catalogued MAHER's purported condition. MAHER later was approved by the RRB for disability benefits.

20. Ajemian's statements from his December 3, 2002 examination of JAMES M. MAHER, the defendant, state that MAHER's chief complaint is "pain involving his neck for the last year and his lower back for the last 1 1/2 years." MAHER is an "otherwise active, healthy and youthful appearing 49 year old." Ajemian also stated that MAHER "currently has been able to do his job but is noticing increasing difficulty and discomforts that are noted." Ajemian noted that MAHER was not taking any medications. Based on a physical examination, Ajemian stated that MAHER "ambulates independently without an assistive device, without antalgic limp nor Trendelenburg lurch." Ajemian recommended that MAHER receive physical therapy and rehabilitation for his neck and lumbar spine. He also recommended EMG and nerve conduction studies to both upper and lower extremities. There were no reported restrictions on MAHER's ability to work. In fact, Ajemian stated "[t]he patient may continue working at the present time."

21. JAMES M. MAHER, the defendant, returned to Ajemian approximately 1 month later, on January 21, 2003. Ajemian's notes from MAHER's examination on that date state that MAHER "returns in a follow up visit unimproved since his previous visit." Maher "has been having increasing symptoms of pain, discomfort, restricted motion, and radicular symptoms." Since his last visit, MAHER had an "EMG/nerve conduction study of the upper extremities which demonstrated bilateral carpal tunnel syndrome and C5-6 radiculopathy." Ajemian's impression was that MAHER has degenerative disc disease at the C6-7 level, C5-6 radiculopathy, bilateral carpal tunnel syndrome, thoracolumbar scoliosis, among



other ailments.<sup>1</sup> There were no reported restrictions on MAHER's ability to work.

22. JAMES M. MAHER, the defendant, saw Ajemian again on March 11, 2003. Ajemian's notes from his examination of MAHER on that date state that "Mr. Maher returns since his last visit here reporting of complain[t]s of pain involving his neck radiating to both hands unchanged, lower back pain radiating to both legs also unchanged as well." There were no reported restrictions on MAHER's ability to work.

23. JAMES M. MAHER, the defendant, saw Ajemian again on May 13, 2003. Ajemian's notes from his examination of MAHER on that date state that "Mr. Maher returns in follow up visit as scheduled without interval change from his last visit." Ajemian stated that MAHER's "examination is still unchanged from previous examination with respect to his cervical and lumbar spine. He continues with spasms, restricted motion, weakness of upper and lower extremities." There were no reported restrictions on MAHER's ability to work. In fact Ajemian stated that MAHER "may continue to work in his full duty capacity as tolerated . . . ."

24. JAMES M. MAHER, the defendant, returned yet again to Ajemian on July 15, 2003. Ajemian's notes from his examination of MAHER on that date state that MAHER "returns with increasing pain with cracking and snapping pain and laxity posteriorly in his left and right knee." The notes further state that MAHER "today on examination demonstrates a functional range of motion with bilateral patellofemoral crepitus, worse on left than right side. . . . Hyperextension ability is somewhat worse on left side." However, "[x]-rays in AP and lateral standing and skyline views are grossly normal." There were no reported restrictions on MAHER's ability to work.

25. JAMES M. MAHER, the defendant, saw Ajemian again on September 2, 2003. Ajemian's notes from his examination of MAHER on that date state that MAHER's "left knee is still painful despite physical therapy and use of a brace, neither of which provided relief.

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1 As noted in the attached complaint, other law enforcement agents interviewed a medical technician who had long been employed by Ajemian to perform certain diagnostic testing including Magnetic Resonance Imagings ("MRIs") for Ajemian's LIRR patients. Based upon my review of a report of that interview, I am aware that the medical technician explained that most laborers in their fifties would have normal degenerative changes that could be documented, i.e., that would appear in scans and images.

He is still having pain, clicking, and debility. . . . he is still having problems in his knee." There were no reported restrictions on MAHER's ability to work.

26. JAMES M. MAHER, the defendant, returned to Ajemian on and October 24, 2003. Ajemian's notes from his examination of MAHER on that date state that "Mr. Maher returns complaining of back pain, tingling to both legs and weakness as well. He also feels both knees give him pain because of feelings of giving way of each knee as well." "Examination of the cervical spine with the discomfort, spasm, pain and restricted motion is unchanged. [S]ymptoms to both upper extremities are still persistent . . . . His carpal tunnel syndrome is unchanged." Ajemian then stated that MAHER "should be retired from the Long Island Rail Road at this time. He understands he may require surgery on his knees in the future. He is a strong candidate for medical retirement disability."

27. Based on my review of the Disability Application of JAMES M. MAHER, the defendant, I know that Ajemian provided a narrative in support of MAHER's application.

a. In his narrative, Ajemian diagnosed MAHER with

- i. C3-4 disc posterior ridge complex flattening the cord.
- ii. C5-6 and C6-7 posterior disc ridges as well without contact to cord.
- iii. Chronic C5-6 radiculopathy.
- iv. Mild to moderate bilateral carpal tunnel syndrome.
- v. Lumbar spine L3-4 disc desiccation.
- vi. L4-5 left foraminal stenosis with left foraminal disc herniation and left facet joint hypertrophy.
- vii. Chronic L4-5 radiculopathy with increased irritability.
- viii. Left and right knee anterior cruciate ligament laxity with borderline instabilities.

b. Ajemian also stated that he "advised" MAHER that "he should consider retirement from the Long Island Rail Road as these are permanent and progressive changes."

28. Based on my review of the Disability Application of

JAMES M. MAHER, the defendant, I also know that Ajemian provided a Medical Assessment of Residual Functional Capacity, dated December 1, 2003, in support of MAHER's disability application. In that assessment, Ajemian imposed the following restrictions on MAHER:

a. In an 8-hour workday, MAHER can stand and/or walk, with normal breaks, for at least 2 hours total.

b. In an 8-hour workday, MAHER can sit, with normal breaks, less than 6 hours total.

c. MAHER can lift less than 10 pounds and 10 pounds an unlimited number of times, 20 pounds frequently, but he can never lift more than 50 pounds or 100 pounds or more.

d. MAHER can never bend, stoop, crouch, squat, or climb, and he can only reach above the shoulder level occasionally.

e. MAHER cannot use either hand for repetitive simple grasping, fine manipulation, or pushing or pulling.

f. MAHER cannot use either foot for repetitive foot controls.

g. MAHER is totally restricted from driving.

29. According to records obtained from Ajemian's employer, a medical practice based in Rockville Centre, New York, I know that JAMES M. MAHER, the defendant, paid Ajemian a total of \$1,729 for office visits, physical exams, and other medical treatment. This amount includes a payment on September 29, 2003 of \$750 for a "[n]arrative."

30. I have reviewed documents from the RRB related to MAHER's Disability Application and I have learned that MAHER's Disability Application was granted effective April 1, 2004.

31. In 2011, JAMES M. MAHER, the defendant, mailed a Disability Recertification to RRB's offices in New York, New York. In the Disability Recertification, dated March 7, 2011, MAHER certified that his condition was the "same."

32. I also know that JAMES M. MAHER, the defendant, consulted with Ajemian to support his application for sick leave right before he retired. On October 23, 2003, MAHER submitted a Sick

Leave Administration Form Application for Sick Leave Due to Illness or Disability. Based on my review of that application, I know that MAHER claimed he became disabled as of October 23, 2003. I also know that in support of his sick leave application, MAHER submitted a Statement of Sickness prepared by Ajemian. The statement indicated that MAHER was a 50 year old male who he diagnosed with "cervical radiculopathy, degeneration of cervical, intervertebral disc, sprain/strain of lumbar spine, lumber radiculopathy, [and]knee pain." It also indicated that MAHER was unable to work as of October 23, 2003, and that it was "undeterminable at this time" when MAHER would be able to return to work again.

MAHER'S DISABILITY CLAIM WAS FRAUDULENT

33. I am aware that JAMES M. MAHER, the defendant, had been contemplating early retirement for approximately thirteen months prior to his actual retirement. I base this conclusion on the fact that on or about September 15, 2002, MAHER submitted an Application for Pension Estimate in which he anticipated that his "planned retirement date" would be October 2003. Based on my review of his Application for Pension Estimate, I am aware that MAHER indeed submitted his Application for Pension Estimate on September 2, 2003, took sick leave in October, and retired effective November 1, 2003.

34. Through my investigation, I have learned that JAMES M. MAHER, the defendant, was not physically restricted in the ways in which he and his doctor, indicted co-conspirator Peter J. Ajemian, represented to the RRB. Specifically, on January 19, 2006, the RRB conducted a physical examination of MAHER and concluded that he could: (1) frequently carry up to 25 pounds, and occasionally carry unto 20 pounds; (2) stand and walk at least 6 hours in an 8-hour work day; (3) sit at least 6 hours in an 8-hour work day; and (4) push and pull without any limitations. The evaluating physician reported no restriction on MAHER's ability to work.

35. In the years leading up to his retirement JAMES M. MAHER, the defendant, worked substantial overtime despite his purported worsening condition. Based on my review of MAHER's overtime records form the LIRR, I have learned that in 2002, the last full year that MAHER worked at the LIRR, he worked approximately 1,053 overtime hours. In 2003, MAHER worked approximately 855 overtime hours. In October, MAHER's last month of work before MAHER stated he became disabled and could not do his job, MAHER worked 56 hours of overtime.

36. Aside from Ajemian's statements on October 24, 2003,

right before JAMES M. MAHER, the defendant, retired, there are no notes in MAHER's medical files stating that, due to MAHER's neck, back, and shoulder pain, he should stop working or take additional precautions at work.

37. Despite the claims in the Disability Application of JAMES M. MAHER, the defendant, that it was hard for him to sit, stand, walk, eat, bathe, dress himself, sleep, do indoor chores, do outdoor chores, drive a car, and write, on or about April 21, 2011, MAHER testified before the Grand Jury that he did household chores and home improvement projects without any assistance after he retired. MAHER also admitted to helping friends with carrying groceries and furniture.

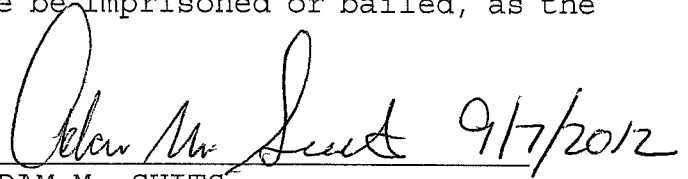
38. Although JAMES M. MAHER, the defendant, claimed that it was hard for him to drive and Ajemian totally restricted MAHER from driving, law enforcement agents conducted undercover surveillance of MAHER in August of 2012 and photographed him lifting multiple grocery bags, loading them into his car, and driving away without assistance and seemingly with no difficulty.

39. On or about October 15, 2009, a special agent with the Office of the Inspector General, Office of Investigations, interviewed a former neighbor ("Neighbor") of JAMES M. MAHER, the defendant. Based on my review of the report of that interview, I have learned that MAHER told the Neighbor that he was "scamming the disability" and that he was committing fraud. MAHER also told the Neighbor that getting an RRB disability annuity was something you prepared for and did before retirement. The Neighbor has observed MAHER remodel a bathroom and carry and lift sinks and cabinets with no problem.

40. On or about August 28, 2012, a special agent with the Federal Bureau of Investigation interviewed a former friend of JAMES M. MAHER, the defendant. Based on my review of the report of that interview, I have learned that MAHER consulted with co-conspirator Joseph Rutigliano, who has been separately charged, about his disability claim. MAHER also did a multitude of strenuous home improvement projects, including removing and reattaching a spiral staircase in his house, painting the garage floor, installing cabinets, replacing several ceiling fans, removing carpeting from stairs, and installing pavers on a walkway. MAHER was also president of his condominium association for approximately four years, during which time he installed four exterior cameras in the complex. MAHER also admitted to the friend that he lied before the Grand Jury by

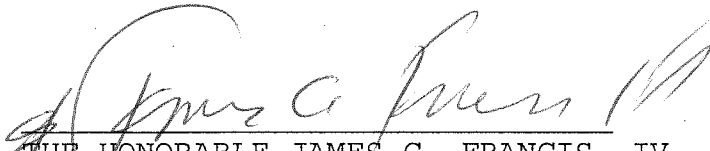
stating that he had hired someone from a magazine called Penny Saver to do work on his bathroom and paid that person cash when in fact that was not true.

WHEREFORE, deponent asks that a warrant be issued for the arrest of JAMES M. MAHER and that he be imprisoned or bailed, as the case may be.



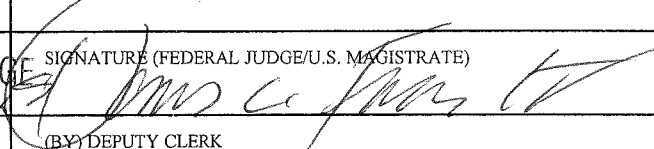
ADAM M. SUITS  
Special Agent  
Office of the Inspector General,  
U.S. Railroad Retirement Board

Sworn to before me this  
7 day of September 2012



THE HONORABLE JAMES C. FRANCIS, IV  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

WARRANT FOR ARREST

<b>United States District Court</b>		DISTRICT <b>SOUTHERN DISTRICT OF NEW YORK</b>	
UNITED STATES OF AMERICA  v.  JAMES M. MAHER		DOCKET NO.  <b>12 MAG 2353</b>	MAGISTRATE'S CASE NO.
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Order of Court <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED  JAMES M. MAHER	
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		DISTRICT OF ARREST  CITY NEW YORK	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
<b>DESCRIPTION OF CHARGES</b>			
CONSPIRACY TO COMMIT MAIL FRAUD AND HEALTH CARE FRAUD MAIL FRAUD			
IN VIOLATION OF	UNITED STATES CODE TITLE 18	SECTION 1349 and 1341	
BAIL	OTHER CONDITIONS OF RELEASE		<b>SEP 07 2012</b>
ORDERED BY <b>JAMES C. FRANCIS IV</b> MAGISTRATE JUDGE SOUTHERN DISTRICT OF NEW YORK	SIGNATURE (FEDERAL JUDGE/U.S. MAGISTRATE) 		DATE ORDERED
CLERK OF COURT	(BY) DEPUTY CLERK		DATE ISSUED
<b>RETURN</b>			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER	
DATE EXECUTED			

Note: The arresting officer is directed to serve the attached copy of the charge on the defendant at the time this warrant is executed.