



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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**DELAWARE COUNTY PHARMACIST CHARGED WITH
UNLAWFUL DISTRIBUTION**

An information¹ was filed today against pharmacist Thomas Fortunato charging him with one count of conspiracy and one count of unlawful distribution of oxycodone, announced United States Attorney Michael L. Levy. Fortunato owned and acted as pharmacist for Squire Pharmacy, a/k/a Squire Drugs, a/k/a Fortunato Enterprises (“Squire Drugs”), located at 1154 Baltimore Pike, Springfield, Pennsylvania. According to the information, between September 4, 2008 and October 6, 2008, Fortunato unlawfully filled over 120 false and fraudulent prescriptions for over 14,000 Percocet, Roxicet, Roxicodone, and OxyContin pills and their generics. The pills were subsequently sold on the street by co-conspirators Harvey Penn, Mikhail Elam, John Kerzner and other individuals. Penn, Elam, and Kerzner were previously indicted for conspiracy and unlawful possession with intent to distribute oxycodone. Each pleaded guilty and is awaiting sentencing.

INFORMATION REGARDING THE DEFENDANT

| NAME | ADDRESS | AGE |
|------------------|----------------|--------------|
| Thomas Fortunato | Warrington, PA | 47 years old |

If convicted of all charges, Fortunato faces a maximum sentence of 40 years in prison, three years to a lifetime of supervised release, a fine of up to \$2 million, a \$200 special assessment, and forfeiture.

The case was investigated by the Federal Bureau of Investigation, the Drug Enforcement Administration Diversion Group, and the Springfield Township Police Department. It is being prosecuted by Assistant United States Attorney Ewald Zittlau.

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¹An Indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

Copies of news memos and related documents can also be found at

<http://www.usdoj.gov/usao/pae>