

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. JASON DEAN COSTANZA

CASE NUMBER:

CR 22 155

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): Katherine M. Lloyd-Lovett

Date Submitted: 04/13/2022

Comments:



United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

APR 13 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

JASON DEAN COSTANZA

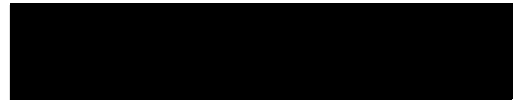
VC

CR 22 1554

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 – Conspiracy to Defraud the United States and Make False
Statements Related to Health Care Matters;
18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency;
18 U.S.C. § 982(a)(7) – Forfeiture Allegation



A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 13th day of

April 2022

A handwritten signature in black ink, appearing to read "Rose Maher".

Clerk: Rose Maher

A handwritten signature in black ink, appearing to read "Thomas Hixson".

Bail, \$ No Bail - Warrant

Hon. Thomas Hixson, U.S. Magistrate Judge

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

FILED

APR 13 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VC

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON DEAN COSTANZA,

Defendant.

CASE NO.

CR 22 155

VIOLATIONS:

18 U.S.C. § 371 – Conspiracy to Defraud the United
States and Make False Statements Related to Health
Care Matters;
18 U.S.C. § 1001(a)(2) – False Statement to a
Government Agency
18 U.S.C. § 982(a)(7) – Forfeiture Allegation

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. Defendant JASON DEAN COSTANZA (“COSTANZA”) conspired with Juli Mazi (“Mazi”) to offer and sell products known as “homeoprophylaxis immunizations,” which purported to offer immunity for COVID-19, and provide customers with false and fraudulent Centers for Disease Control and Prevention (“CDC”) COVID-19 vaccination record cards to falsely make it appear that customers received COVID-19 vaccines approved by the U.S. Food and Drug Administration (“FDA”). As part of the conspiracy, COSTANZA and Mazi caused the creation of false and fraudulent CDC

INDICTMENT

1 COVID-19 vaccination record cards purporting to show that customers received two doses of FDA-
2 approved vaccines for COVID-19, when they in fact received only purported homeoprophylaxis
3 treatments. COSTANZA attempted to conceal and disguise his involvement in the conspiracy by
4 making false statements to federal law enforcement agents; namely, that he did not know that CDC
5 COVID-19 vaccination record cards were being distributed, that he thought other immunization cards
6 were being distributed, and that he did not have any discussions with Mazi about CDC COVID-19
7 vaccination record cards.

8 INDIVIDUALS AND ENTITIES

9 2. Defendant Jason Dean COSTANZA resided in the State of Texas and was employed as
10 the office manager of Mazi's naturopathic medical practice based in the Northern District of California.

11 3. Juli Mazi resided in the State of California and was a licensed naturopathic doctor with
12 her naturopathic medical practice based in the Northern District of California.

13 4. Complaining Witness 1 resided in the Northern District of California.

14 5. Complaining Witness 2 resided in the Northern District of California.

15 6. Complaining Witness 3 resided in the Northern District of California.

16 THE FEDERAL COVID-19 VACCINATION PROGRAM

17 7. In or around January 2020, the Secretary of the Department of Health and Human
18 Services ("HHS") declared a national public emergency under Title 42, United States Code, Section
19 247d, as a result of the spread of the novel coronavirus COVID-19 within the United States. On or
20 about March 13, 2020, the President of the United States issued Proclamation 9994 declaring a national
21 emergency beginning on March 1, 2020, as a result of the rapid spread of COVID-19.

22 8. To help combat COVID-19 and the resulting pandemic, in May 2020, the United States
23 initiated Operation Warp Speed, later renamed HHS-DOD COVID19 Countermeasures Acceleration
24 Group ("CAG"), a partnership between HHS, the Department of Defense, and other federal agencies,
25 which existed through December 31, 2021, to make safe and effective vaccines available as quickly as
26 possible. The principal purpose of CAG was to ensure that every American could receive a COVID-19
27 vaccine by supporting the acceleration of vaccine development, manufacturing, and distribution to
28 states, other jurisdictions, and federal agencies and programs for vaccine administration.

1 9. Upon awarding contracts and providing funding, by September 2021, the federal
2 government had acquired over 673 million doses of vaccines developed by Moderna, Pfizer, and
3 Johnson and Johnson, which was sufficient to fully vaccinate 373 million people, in line with CAG's
4 overall goal of making sufficient adult vaccines available free of charge for the American public.

5 10. In order to enable their rapid distribution upon the development of safe and effective
6 COVID-19 vaccines, the Secretary of HHS issued a notice, pursuant to section 564 of the Federal Food,
7 Drug, and Cosmetic Act, that there was a public health emergency that had a significant potential to
8 affect national security or the health and security of United States citizens living abroad and that
9 circumstances existed justifying the authorization of emergency use of drugs and biological products
10 during the COVID-19 pandemic. Pursuant to the authority granted under this declaration, the FDA
11 approved the Pfizer COVID-19 vaccine for emergency use on or about December 11, 2020, the
12 Moderna COVID-19 vaccine for emergency use on or about December 18, 2020, and the Johnson and
13 Johnson COVID-19 vaccine for emergency use on or about February 27, 2021 (together, the "COVID-
14 19 vaccines").

15 11. To ensure that each American could receive a COVID-19 vaccine, the CDC prepared for
16 widespread administration, distribution, and tracking of the administration of COVID-19 vaccines.
17 Vaccine allocation and centralized distribution utilized HHS's Vaccine Tracking System (VTrckS), a
18 secure, web-based system that integrated the entire publicly funded vaccine supply chain from
19 purchasing and ordering, through distribution to participating state, local, and territorial health
20 departments and health care providers.

21 12. The CDC controlled the distribution of COVID-19 vaccines and COVID-19 vaccination
22 record cards, distributing them only to medical providers that were eligible to administer the COVID-19
23 vaccines.

24 13. To be eligible to administer the COVID-19 vaccines, medical providers and other
25 administrators of COVID-19 vaccines were required to enter into provider agreements with the CDC
26 ("COVID-19 Provider Agreement").

27 14. Additionally, per the COVID-19 Provider Agreement, medical providers and other
28 administrators of COVID-19 vaccines agreed, and were required, to "provide a completed COVID-19

1 vaccination record card to every COVID-19 [v]accine recipient, the adult caregiver accompanying the
2 recipient, or other legal representative” (“COVID-19 vaccination record card”).

3 15. The COVID-19 vaccination record cards were designed and printed according to CDC
4 specifications and requirements and contained both HHS’ and CDC’s official agency logos. The
5 COVID-19 vaccination record cards recorded the name and date of birth of the individual receiving the
6 COVID-19 vaccine, the name of the manufacturer of the COVID-19 vaccine administered, the location
7 where each dose was administered, and the lot number of the vaccine dose. A lot number is a unique
8 number given by vaccine manufacturers to a specific batch of a vaccine.

9 16. The CDC mandated that valid proof of COVID-19 vaccination, specifically, the COVID-
10 19 vaccination record card, could only be provided to individuals by authorized providers administering
11 COVID-19 vaccines.

12 THE HOMEOPROPHYLAXIS IMMUNIZATION AND
13 COVID-19 VACCINATION RECORD CARD FRAUD CONSPIRACY

14 17. Beginning on a date unknown to the grand jury, but no later than on or about February
15 23, 2021, and continuing until at least on or about July 13, 2021, COSTANZA and Mazi knowingly
16 devised, intended to devise, and carried out a conspiracy to defraud the United States and make false
17 statements related to health care matters. As part of the conspiracy:

18 18. COSTANZA and Mazi, through Mazi’s naturopathic medical practice, offered and
19 provided to customers purported homeoprophylaxis immunizations as alternatives to government-
20 approved vaccines for various diseases, including COVID-19. In response to the COVID-19 pandemic,
21 they sold purported COVID-19 homeoprophylaxis pellets to customers, falsely claiming that their
22 treatment would provide “lifelong immunity” to COVID-19 and discouraging customers from receiving
23 FDA-approved COVID-19 vaccines.

24 19. As part of the purported homeoprophylaxis immunization for COVID-19, COSTANZA
25 and Mazi provided or caused to be provided to customers false and fraudulent CDC COVID-19
26 vaccination record cards that would purport to show individuals had received vaccinations purportedly
27 administered under the CDC COVID-19 Vaccination Program, when they did not in fact receive such
28 vaccines from Mazi.

20. COSTANZA and Mazi arranged for the printing of replica CDC COVID-19 vaccination record cards and falsified or caused to be falsified the vaccination cards to purport to show that the individual named on the card had received the required doses of an FDA-approved COVID-19 vaccine, though COSTANZA and Mazi knew that the individuals had not been provided FDA-approved COVID-19 vaccines and had instead only been provided homeoprophylaxis pellets. The falsified cards included various “lot numbers” for the vaccines that were actual lot numbers for FDA-approved COVID-19 vaccines distributed and administered under the CDC COVID-19 Vaccination Program.

DEFENDANT MADE FALSE STATEMENTS TO FEDERAL AGENTS

21. On or about August 13, 2021, COSTANZA telephonically spoke to federal law enforcement agents from the Department of Health and Human Services, Office of Inspector General (“HHS-OIG”) and the Food and Drug Administration, Office of Criminal Investigations (“FDA OCI”), who were located in the Northern District of California. After the agents identified themselves, the agents asked COSTANZA about whether Mazi and COSTANZA provided CDC COVID-19 vaccination record cards to customers and patients. COSTANZA denied knowledge of the fake CDC COVID-19 vaccination record cards, stated that he had not discussed CDC COVID-19 vaccination record cards with Mazi, and asserted that he believed that Mazi was providing generic immunization cards to patients rather than CDC COVID-19 vaccination record cards. COSTANZA also falsely stated, “I didn’t know [Mazi] was giving the CDC card out.” In fact, COSTANZA knew that customers and patients were provided false and fraudulent CDC COVID-19 vaccination record cards.

COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Defraud the United States and Make False Statements Related to Health Care Matters)

22. Paragraphs 1 through 20 of this Indictment are re-alleged and incorporated as if fully set forth here.

23. Between in or around January 2021 and in or around July 2021, both dates being approximate and inclusive, within the Northern District of California and elsewhere, the defendant,

JASON DEAN COSTANZA,

and Juli Mazi, together with others, did knowingly and willfully conspire to commit the following offenses against the United States:

(a) defrauding the United States by impairing, impeding, obstructing, and defeating through deceit, craft, trickery, and dishonest means, the lawful government functions of HHS and CDC, a department and agency, respectively, of the United States, in the administration and distribution of COVID-19 vaccines and COVID-19 vaccination record cards; and

(b) in a matter involving a health care benefit program, and in connection with the delivery of and payment for health care benefits, items, and services, knowingly and willfully made or used any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

PURPOSE OF THE CONSPIRACY

24. It was the purpose of the conspiracy for COSTANZA, Mazi, and their co-conspirators to (a) interfere with HHS' and CDC's lawful functions to administer and distribute the COVID-19 vaccines and ensure that only authorized providers issued genuine COVID-19 vaccination record cards; and (b) conceal the manufacturing, distribution, and use of false and fraudulent purported homeoprophylaxis immunizations for COVID-19 and COVID-19 vaccination record cards.

MANNER AND MEANS OF THE CONSPIRACY

25. The allegations in Paragraphs 17 through 20 are realleged and incorporated as if fully set forth here.

OVERT ACTS

26. In furtherance of the conspiracy and to accomplish its objects and purpose, within the Northern District of California and elsewhere, the defendant, JASON DEAN COSTANZA, Juli Mazi, and others did commit and cause the commission of, among others, the following overt acts:

27. On or about May 4, 2021, COSTANZA telephonically spoke to Complaining Witness 1 ("CW1"), an individual whose identity is known to the grand jury, who called Mazi's office to express interest in COVID-19 homeoprophylaxis and CDC COVID-19 vaccination record cards. COSTANZA stated to CW1 that he/she would need to first have an appointment with Mazi or "you're not gonna get your card."

28. On or about May 6, 2021, COSTANZA telephonically spoke to Complaining Witness 2 ("CW2"), an individual whose identity is known to the grand jury, who called Mazi's office posing as an

individual interested in COVID-19 homeoprophylaxis and CDC COVID-19 vaccination record cards. COSTANZA stated to CW2 that Mazi would provide homeoprophylaxis immunization, and CW2 would receive a CDC COVID-19 vaccination record card showing he/she received the Moderna COVID-19 vaccine.

29. On or about May 25, 2021, COSTANZA telephonically spoke to Complaining Witness 3 (“CW3”), an individual whose identity is known to the grand jury, who called Mazi’s office and expressed interest in COVID-19 homeoprophylaxis and CDC COVID-19 vaccination record cards. COSTANZA stated to CW3 that the CDC COVID-19 vaccination record card provided with the COVID-19 homeoprophylaxis pellets was “exactly the same as you get from any other doctor,” and could be used as proof of vaccination for travel. CW3 asked if the CDC COVID-19 vaccination record card could be used to “fly or go to an event, a ball game or something like that,” and COSTANZA replied, “[y]eah. Unless they start putting microchips in us, yes.”

30. On or about June 10, 2021, CW1 received an envelope in the mail which listed Mazi’s return address and was postmarked on June 7, 2021. The envelope contained an instruction sheet from Mazi and four blank CDC COVID-19 vaccination record cards. The instruction sheet directed CW1 how to enter false and fraudulent information on the CDC COVID-19 vaccination record cards, stating, “[f]ill in Moderna as the manufacturer for dose 1 and dose 2 (as this is the safest of the vaccines types, so far). For the first dose, use lot#030M20A. For the second dose, use lot#022B21A.”

All in violation of Title 18, United States Code, Section 371.

COUNT TWO: (18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency)

31. Paragraphs 1 through 21 of this Indictment are re-alleged and incorporated as if fully set forth here.

32. On or about August 13, 2021, in the Northern District of California and elsewhere, the defendant,

JASON DEAN COSTANZA,

did willfully and knowingly make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States by stating to federal law enforcement agents from the HHS-OIG and the FDA OCI that he

1 had not discussed CDC COVID-19 vaccination record cards with Mazi, and that he believed that Mazi
 2 was providing generic immunization cards to patients rather than CDC COVID-19 vaccination record
 3 cards, and that he “didn’t know [Mazi] was giving the CDC card out.” These statements and
 4 representations were false because, as COSTANZA then and there knew, customers and patients were
 5 provided false and fraudulent CDC COVID-19 vaccination record cards to customers.

6 All in violation of Title 18, United States Code, Section 1001(a)(2).

7 FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(7))

8 33. The allegations contained in this Indictment are re-alleged and incorporated by reference
 9 for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

10 34. Upon a conviction for Count One of this Indictment, the defendant,

11 JASON DEAN COSTANZA,

12 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all
 13 property, real or personal, constituting or derived from proceeds the defendant obtained directly and
 14 indirectly, as the result of those violations.

15 If any of the property described above, as a result of any act or omission of the defendant:

- 16 a. cannot be located upon exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided
- 21 without difficulty,

22 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,

23 //

24 //

25 //

26 //

27 //

28 //

1 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).
2 All pursuant to Title 18, United States Code, Section 982(a)(7), and Federal Rule of Criminal
3 Procedure 32.2.

4
5 DATED: April 13, 2022

A TRUE BILL.

6
7 /s/ Foreperson
8 FOREPERSON

9 STEPHANIE M. HINDS
10 United States Attorney

11 /s/ Katherine Lloyd-Lovett
12 KATHERINE LLOYD-LOVETT
13 Assistant United States Attorney

14 JOSEPH S. BEEMSTERBOER
15 Acting Chief
16 Criminal Division, Fraud Section
17 U.S. Department of Justice

18 JACOB FOSTER
19 Assistant Chief, Fraud Section
20 U.S. Department of Justice

21 /s/ S. Babu Kaza
22 S. BABU KAZA
23 Trial Attorney, Fraud Section
24 U.S. Department of Justice
25
26
27
28

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 371 (Count One) (Conspiracy to defraud the United States and make false statements related to health care matters)

18 U.S.C. § 1001(a)(2) (Count Two) (false statement to a government agency)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Count One: five years' imprisonment; fine of \$250,000; one year of supervised release; \$100 special assessment; forfeiture; restitution. Count Two: five years' imprisonment; fine of \$250,000; one year of supervised release; \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

APR 13 2022

DEFENDANT - U.S.

JASON DEAN COSTANZA

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIADISTRICT COURT NUMBER
CR 22 155

VC

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges n/a
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

HHS-OIG, FBI, and FDA-OIG

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form STEPHANIE M. HINDS☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Katherine M. Lloyd-Lovett**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: