

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 16-**  
**v.** : **DATE FILED: January , 2016**  
**FREDERICK DOUGLAS BURTON** : **VIOLATIONS:**  
: **18 U.S.C. §§ 1341, 1349 (mail fraud and**  
: **attempted mail fraud – 2 counts).**  
: **18 U.S.C. § 2 (aiding and abetting)**

**INDICTMENT**

**COUNTS ONE AND TWO**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment, except where a date is specifically listed:

1. Defendant FREDERICK DOUGLAS BURTON was a medical doctor, who worked out of offices in Wynnewood, in the Eastern District of Pennsylvania.
2. Defendant FREDERICK DOUGLAS BURTON had been friends for many years with Dennis Erik Fluck Von Kiel, a doctor of osteopathy charged elsewhere, who referred to himself by many different variants of the same name (“Dr. Von Kiel”).
3. From approximately 1989 until in or around August 2013, Dr. Von Kiel’s medical practice included providing medical treatment and services to inmates at the Lehigh County Prison (“LCP”), a correctional facility located in Allentown, Pennsylvania. In 2004, a company called PrimeCare Medical Inc. (“PrimeCare”) hired Dr. Von Kiel to be its medical director at LCP and other correctional facilities.
4. On or about August 22, 2013, PrimeCare terminated Dr. Von Kiel’s employment for reasons unrelated to any disability claimed by Dr. Von Kiel.

5. The United States Social Security Administration (“SSA”) was an agency of the United States. Among other things, the SSA provided disability benefits to qualifying Americans through two programs: the social security disability insurance (“SSDI”) program and the Supplemental Secondary Income (“SSI”) program. The SSDI program paid benefits to people who are deemed unable to work because of a medical condition that was expected to last at least one year or result in death.

6. Krasno, Krasno, and Onwudinjo (“Krasno”) was a law firm with multiple offices, including one office in Philadelphia, in the Eastern District of Pennsylvania. Krasno’s marketing materials stated that the firm’s practice areas included helping clients obtain social security disability benefits.

7. Defendant FREDERICK DOUGLAS BURTON had not treated Dr. Von Kiel as a patient prior to the fall of 2013. Defendant BURTON had no training as a psychiatrist or other mental health specialist, and he was not a licensed mental health care professional.

8. From at least November 13, 2013, until at least December 12, 2013, in the Eastern District of Pennsylvania, and elsewhere, defendant

### **FREDERICK DOUGLAS BURTON**

devised and intended to devise and execute, and aided and abetted the devising and execution of, a scheme to defraud the Social Security Administration, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

### **MANNER AND MEANS**

It was part of the scheme that:

9. On or about November 13, 2013, defendant FREDERICK DOUGLAS BURTON met with Dr. Von Kiel in defendant BURTON's medical office in Wynnewood, Pennsylvania. This was Dr. Von Kiel's first office visit with defendant BURTON.

10. Dr. Von Kiel told defendant FREDERICK DOUGLAS BURTON that he was suffering from post-traumatic stress disorder ("PTSD"). Defendant BURTON was not a psychiatrist, had no specialized mental health training, and did not diagnose Dr. Von Kiel with PTSD or receive a referral from another doctor who had diagnosed Dr. Von Kiel with PTSD.

11. Nonetheless, defendant FREDERICK DOUGLAS BURTON agreed to sign and send letters to multiple recipients, including Krasno, containing representations that Dr. Von Kiel had PTSD and was unable to work as a result, in order to help Dr. Von Kiel file a fraudulent application for social security disability benefits.

12. Defendant FREDERICK DOUGLAS BURTON and Dr. Von Kiel agreed that Dr. Von Kiel would write the letters, and defendant BURTON would put them onto his office stationery and then sign them to give the appearance that defendant BURTON had made a diagnosis he was qualified to make after years of treatment and had written the letters.

13. Dr. Von Kiel wrote one letter, dated on or about November 18, 2013, which was copied onto defendant FREDERICK DOUGLAS BURTON's letterhead, signed by defendant BURTON, and sent to Krasno and another recipient by United States mail. This letter falsely stated, among other things, that defendant BURTON had been treating Dr. Von Kiel for PTSD for approximately seven years; that Dr. Von Kiel's condition had markedly worsened in recent months; that this condition had prevented Dr. Von Kiel from working for the past three months; and that the condition was "projected to prevent him from employment for at least the next 12 months and likely permanently."

14. These representations, as defendant FREDERICK DOUGLAS BURTON knew, were false. Dr. Defendant BURTON had not been seeing Dr. Von Kiel as a patient for seven years; Dr. Von Kiel had not been diagnosed with PTSD by any qualified health care professional; Dr. Von Kiel had worked in the past three months; and that Dr. Von Kiel could no longer work at PrimeCare for reasons having nothing to do with any claimed medical condition.

15. Dr. Von Kiel wrote a second letter, dated December 12, 2013, which was copied onto defendant FREDERICK DOUGLAS BURTON's letterhead, signed by defendant BURTON, and sent to Krasno and another recipient by United States mail. This letter falsely stated, among other things, that Dr. Von Kiel's symptoms have declined and "it is even more clear at this time that he will not be able to work for the foreseeable future, certainly, I suspect greater than the next 12 months, if at all again." Defendant BURTON and Dr. Von Kiel knew that the representations contained in the December 12, 2013 letter were false, and that no qualified health care professional had determined that Dr. Von Kiel had PTSD and would be unable to work for the foreseeable future.

16. Dr. Von Kiel asked defendant FREDERICK DOUGLAS BURTON to send the letters to Krasno to support what Dr. Von Kiel knew would be a fraudulent application for social security disability benefits.

17. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FREDERICK DOUGLAS BURTON,**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by United States mail, according to the directions thereon, the following documents, each mailing constituting a separate count:

<b>COUNT</b>	<b>DATE</b>	<b>DESCRIPTION</b>
1	November 18, 2013	Letter to Krasno stating that defendant had PTSD that would prevent him from working for at least the next 12 months in order to help Dr. Von Kiel apply for social security benefits.
2	December 12, 2013	Letter to Krasno stating that defendant had PTSD that would prevent him from working for “the foreseeable future” in order to help Dr. Von Kiel apply for social security benefits.

All in violation of Title 18, United States Code, Sections 1341, 1349, and 2.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
**United States Attorney**