
UNITED STATES DISTRICT COURT

District of Kansas

(Wichita Docket)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 6:21-cr-10066-JWB-1-2

**DAVID SULZMAN, and
MARTIN SULZMAN,
aka Martin Wilson,**

Defendants.

INDICTMENT

THE GRAND JURY ALLEGES:

Introduction

At all times relevant to this Indictment:

I. In General

1. Beginning on and about April 29, 1995, the Kansas State Board of Healing Arts (hereafter referred to as “KBHA”) issued license number 15-00464 to defendant DAVID SULZMAN who worked as a Physician Assistant at Wichita, Kansas, area clinics.

2. Beginning on or about July 26, 2000, the Drug Enforcement Administration (hereafter referred to as “DEA”) issued registration number MSO557592 to defendant DAVID SULZMAN authorizing him to prescribe narcotics to patients pursuant to state and federal law and regulations.

II. The Overall Scheme

3. Beginning as early as 2014, and continuing through 2019, the exact dates being unknown, defendant DAVID SULZMAN and defendant MARTIN SULZMAN engaged in a conspiracy and scheme to, among other things, dispense and distribute controlled substances illegally. The conspiracy and scheme involved the issuance of prescriptions by defendant DAVID SULZMAN in the names of defendant MARTIN SULZMAN or other individuals who were not patients of defendant DAVID SULZMAN or his place of employment. In other words, these prescriptions were written to individuals outside the normal course of defendant DAVID SULZMAN’s professional practice. In addition, after December 2015, defendant DAVID SULZMAN continued to issue some of these prescriptions using a prescription pad for a clinic that was no longer in business. Some of these prescriptions contained the forged signature of Dr. G.L. (full name not disclosed), whose identity is known to the Grand Jury.

4. Alternatively, defendant MARTIN SULZMAN used prescriptions, previously issued to himself and others by defendant DAVID SULZMAN, to obtain

controlled substances when defendant MARTIN SULZMAN was not authorized to receive the controlled substances in the names of third parties and while defendant MARTIN SULZMAN was not a patient at any of defendant DAVID SULZMAN's clinics.

III. The Controlled Substances Act as It Applies to Prescriptions

A. Scheduled, Controlled Substances

5. The Controlled Substances Act governs the manufacture, distribution, and dispensing of various medications in the United States, including certain drugs, other substances, and their immediate precursors, which are defined as "controlled substances" by Title 21, United States Code, Section 802(6). These controlled substances are listed within one of five established Schedules, identified as Schedules I, II, III, IV and V. Title 21, United States Code, Section 802(6).

6. Schedule II controlled substances have a potential for abuse, which may lead to severe psychological or physical dependence. Schedule II controlled substances are used for the treatment of various medical conditions with restrictions.

B. Prescribing Scheduled, Controlled Substances

(1) Federal Requirements

7. Controlled substances may be dispensed and distributed lawfully by means of a prescription, if that prescription is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his/her professional

practice. 21 C.F.R. § 1306.04(a). When issuing a prescription for a controlled substance, a medical practitioner must be registered with DEA and issue the prescription for a legitimate medical purpose in the usual course of the practitioner's professional medical practice. Moreover, under federal law, all prescriptions for controlled substances must bear the DEA registration number of the prescribing practitioner. 21 C.F.R. § 1306.05(a).

8. A prescription for a Schedule II controlled substance must be written in ink, indelible pencil, or typewritten, and must be manually signed by the practitioner on the date when issued to the patient. An individual (*e.g.*, a secretary or nurse) may prepare prescriptions for the practitioner's later signature, however, the practitioner is responsible for ensuring that the prescription conforms to all requirements of state and federal laws and regulations.

(2) State Requirements

9. In Kansas, physicians, physician assistants or nurse practitioners are authorized to prescribe and issue prescriptions for controlled substances for a legitimate medical purpose when acting in the usual course of professional practice. Prescriptions are issued pursuant to the following requirements: (i) for all written controlled substance prescriptions the prescriber shall date and manually sign the prescription on the day it is issued, with certain required information about the prescriber, patient and drug, all information written with ink, indelible pencil or

typewriter; and (ii) the prescriber shall manually sign the prescription in the same manner as that individual signs a check or legal document. K.A.R. 68-20-18(b) and (c). Prescriptions may be prepared by an agent for the signature of the prescriber “but the prescriber shall be responsible if the prescription does not conform in all essential respects to the state and federal law and regulations.” K.A.R. 68-20-18(c)(3).

THE GRAND JURY CHARGES:

COUNT 1

**CONSPIRACY TO DISPENSE CONTROLLED SUBSTANCES
[21 U.S.C. § 846]**

Paragraphs 1 through XX are incorporated herein by reference as though fully restated.

Beginning on a date unknown to the grand jury and continuing until on and about September 25, 2019, in the District of Kansas, the defendants,

**DAVID SULZMAN, and
MARTIN SULZMAN,
aka Martin Wilson,**

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States: distribution of controlled substances, dispensing controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Sections 846 and 841(b)(1)(C).

COUNTS 2 THROUGH 45**UNLAWFULLY DISTRIBUTE AND DISPENSE A CONTROLLED SUBSTANCE
[21 U.S.C. § 841(a)(1)]**

On and about the dates specified below, in the District of Kansas, the defendant,

DAVID SULZMAN,

knowingly and intentionally distributed, dispensed, and caused to be distributed and dispensed a Schedule II controlled substance, that is, Norco 10-325 mg in the quantity specified below, by issuing prescriptions in the names of the individuals specified below, when defendant DAVID SULZMAN knew he was not authorized to issue these prescriptions because the specified individuals were not defendant DAVID SULZMAN's patient placing the issuance of the specific prescription outside the usual course of defendant DAVID SULZMAN's professional practice:

Count	Date	Rx #	Name on Prescription¹	Substance	Quantity
2	12/2/2016	1607424	T.Y.	Norco 10-325 mg	120
3	12/5/2016	2127047	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
4	12/8/2016	3141775	K.N.	Norco 10-325 mg	120
5	1/3/2017	2127579	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
6	1/11/2017	3158963	K.N.	Norco 10-325 mg	120
7	1/24/2017	2631813	D.W.	Norco 10-325 mg	120
8	2/9/2017	3174967	K.N.	Norco 10-325 mg	120
9	2/23/2017	2643872	D.W.	Norco 10-325 mg	120
10	4/11/2017	2663437	D.W.	Norco 10-325 mg	120
11	5/15/2017	2676554	D.W.	Norco 10-325 mg	120
12	6/13/2017	3242694	K.N.	Norco 10-325 mg	120
13	7/11/2017	3257137	K.N.	Norco 10-325 mg	120
14	8/4/2017	2131366	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120

¹ The Grand Jury is aware of the identities of the individuals whose initials are used in this column.

Count	Date	Rx #	Name on Prescription ¹	Substance	Quantity
15	8/25/2017	3281762	K.N.	Norco 10-325 mg	120
16	9/15/2017	2132037	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
17	9/28/2017	3301309	K.N.	Norco 10-325 mg	120
18	10/13/2017	2132538	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
19	10/27/2017	3317449	K.N.	Norco 10-325 mg	120
20	11/11/2017	2133002	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
21	12/1/2017	3336859	K.N.	Norco 10-325 mg	120
22	12/21/2017	2133736	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
23	1/19/2018	2134214	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
24	1/19/2018	3365178	K.N.	Norco 10-325 mg	120
25	2/23/2018	2134740	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
26	3/2/2018	1717913	T.Y.	Norco 10-325 mg	120
27	4/11/2018	2135520	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
28	6/15/2018	2136578	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
29	8/24/2018	2137682	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
30	9/12/2018	1762610	T.Y.	Norco 10-325 mg	120
31	10/12/2018	1770323	T.Y.	Norco 10-325 mg	120
32	11/6/2018	2138956	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
33	12/14/2018	2139566	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
34	1/4/2019	1791917	T.Y.	Norco 10-325 mg	120
35	2/12/2019	214- 0446	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
36	2/26/2019	1805352	T.Y.	Norco 10-325 mg	120
37	4/4/2019	2141269	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
38	4/18/2019	1818216	T.Y.	Norco 10-325 mg	120
39	7/2/2019	2142665	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
40	7/19/2019	1840089	T.Y.	Norco 10-325 mg	120
41	8/6/2019	2143208	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120

Count	Date	Rx #	Name on Prescription¹	Substance	Quantity
42	8/16/2019	3685162	K.N.	Norco 10-325 mg	120
43	8/26/2019	1848678	T.Y.	Norco 10-325 mg	120
44	9/6/2019	2143685	Martin Sulzman, aka Martin Wilson	Norco 10-325 mg	120
45	9/21/2019	3704959	K.N.	Norco 10-325 mg	120

Each in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 46

TAMPERING WITH A WITNESS [18 U.S.C. § 1512(b)(3)]

Beginning on a date after September 17, 2019, and no later than January 30, 2020, the exact date unknown to the Grand Jury, in the District of Kansas, the defendant,

**MARTIN SULZMAN,
aka Martin Wilson,**

did knowingly attempt to corruptly persuade K.N., whose identity is known to the Grand Jury, by asking her to lie to Drug Enforcement Administration investigators saying she needed prescriptions issued in her name by defendant DAVID SULZMAN for her back, with the intent to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a federal offense, that is, the unlawful distribution and dispensing of a controlled substance.

In violation of Title 18, United States Code, Section 1512(b)(3).

COUNT 47

**TAMPERING WITH A WITNESS
[18 U.S.C. § 1512(b)(3)]**

On and about August 6, 2020, in the District of Kansas, the defendant,

**MARTIN SULZMAN,
aka Martin Wilson,**

did knowingly attempt to corruptly persuade T.Y., whose identity is known to the Grand Jury, by asking her to lie to Drug Enforcement Administration investigators when questioned about prescriptions issued in her name by defendant DAVID SULZMAN, with the intent to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a federal offense, that is, the unlawful distribution and dispensing of a controlled substance.

In violation of Title 18, United States Code, Section 1512(b)(3).

A TRUE BILL.

September 8, 2021
DATE

s/Foreperson
FOREPERSON OF THE GRAND JURY

DUSTON J. SLINKARD
ACTING UNITED STATES ATTORNEY

By: /s/ Debra L. Barnett
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Ks. S. Ct. No. 12729

IT IS REQUESTED THAT THE TRIAL BE HELD IN WICHITA, KANSAS

PENALTIES

Count 1 [21 U.S.C. 846 and 21 U.S.C. 841(a)(1) and (b)(1)(C); Conspiracy]

- Punishable by a term of imprisonment of not more than twenty (20) years. 21 U.S.C. § 841(b)(1)(C).
- A term of supervised release of at least three (3) years. 21 U.S.C. § 841(b)(1)(C).
- A fine not to exceed \$1 million. 21 U.S.C. § 841(b)(1)(C).
- A mandatory special assessment of \$100.00. 18 U.S.C. § 3013(a)(2)(A).
- Forfeiture.

If the defendant commits such a violation after a prior conviction for a felony drug offense has become final, the penalties are:

- A term of imprisonment of not more than thirty (30) years. 21 U.S.C. § 841(b)(1)(C).
- A term of supervised release of at least six (6) years. 21 U.S.C. § 841(b)(1)(C).
- A fine not to exceed \$2 million. 21 U.S.C. § 841(b)(1)(C).
- A mandatory special assessment of \$100.00. 18 U.S.C. § 3013(a)(2)(A).
- Forfeiture.

**Counts 2 through 45 [21 U.S.C. 841(a)(1) and (b)(1)(C);
Unlawful Distribution and Dispensing]**

- Punishable by a term of imprisonment of not more than twenty (20) years. 21 U.S.C. § 841(b)(1)(C).
- A term of supervised release of at least three (3) years. 21 U.S.C. § 841(b)(1)(C).
- A fine not to exceed \$1 million. 21 U.S.C. § 841(b)(1)(C).
- A mandatory special assessment of \$100.00. 18 U.S.C. § 3013(a)(2)(A).
- Forfeiture.

If the defendant commits such a violation after a prior conviction for a felony drug offense has become final, the penalties are:

- A term of imprisonment of not more than thirty (30) years. 21 U.S.C. § 841(b)(1)(C).
- A term of supervised release of at least six (6) years. 21 U.S.C. § 841(b)(1)(C).
- A fine not to exceed \$2 million. 21 U.S.C. § 841(b)(1)(C).
- A mandatory special assessment of \$100.00. 18 U.S.C. § 3013(a)(2)(A).
- Forfeiture.

Counts 46 and 47 [18 U.S.C. 1512(b)(3) Tampering with a Witness]

- Punishable by a term of imprisonment of not more than twenty (20) years. 18 U.S.C. § 1512(b)(3).
- A term of supervised release of not more than three (3) years. 18 U.S.C. § 3583(b)(2).
- A fine not to exceed \$250,000. 18 U.S.C. § 3571(b)(3).
- A mandatory special assessment of \$100.00. 18 U.S.C. § 3013(a)(2)(A).