

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. ARTAVAZD PASHYAN	DOCKET NO.
	MAGISTRATE'S CASE NO. 15-7117M

Complaint for violation of Title 18, United States Code, Section 1028A and Section 1344.

NAME OF MAGISTRATE JUDGE HONORABLE PAUL L. ABRAMS	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
DATE OF OFFENSE Beginning on a date unknown through at least July 2010	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN) 8450 Hillrose Street, Sunland, CA 91040

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:
[18 U.S.C. §§ 1028A, 1344]

Beginning on a date unknown and continuing through at least in or around July 2010, in Los Angeles County, within the Central District of California, and elsewhere, ARTAVAZD PASHYAN ("PASHYAN"), who is not a physician, stole the identity of a true physician named Dr. M.V.K. ("Dr. K") and, while purporting to be Dr. K, PASHYAN directed that his attorneys or representatives obtain money, on his behalf, which did not actually belong to him, and which was under the custody and control of Wells Fargo Bank, in violation of 18 U.S.C. §§ 1344 and 2 (Bank Fraud) and 18 U.S.C. §§ 1028A and 2 (Aggravated Identity Theft).

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:
(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT <i>ISA</i>
	OFFICIAL TITLE Special Agent – FBI

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE ⁽¹⁾ PAUL L. ABRAMS	DATE June 15, 2015
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⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54
DOJ Trial Attorney Ritesh Srivastava 202-341-4193 REC: Detention
ARREST/DETENTION

AFFIDAVIT

I, Stephanie O. O'Neal, being duly sworn, do hereby depose and say the following:

I

INTRODUCTION

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and am presently assigned to the FBI Los Angeles Division on a health care fraud squad. I have been a Special Agent for approximately six years. Prior to joining the FBI, I was a contractor providing national security services in a military environment.

2. As an FBI agent, I received investigative training at the FBI Academy in Quantico, Virginia. I have attended various health care and white collar investigative trainings sponsored by the FBI and other organizations. My duties have included financial analysis, which entailed tracking of money through financial institutions. Also, as part of my duties, I have participated in various investigations pertaining to health care fraud, including violations of Title 18, United States Code ("U.S.C.") Section 1347 (Health Care Fraud), Title 18, U.S.C., Section 1349 (Conspiracy to Commit Health Care Fraud), Title, 18

U.S.C., Sections 1956 and 1957 (Money Laundering), and Title 41 U.S.C., Section 8702 (the Anti-Kickback Statute). I have also investigated and actively participated in health care fraud cases using a variety of investigative techniques, including grand jury subpoenas, search warrants, records analysis, consensual recordings, and undercover operations. As a result of my training and experience, I am familiar with the federal laws relating to fraud, including common fraud techniques and schemes.

3. I am one of the agents investigating ARTAVAZD PASHYAN ("PASHYAN"), and I am familiar with the facts and circumstances of this investigation. The facts set forth in this affidavit are based upon my personal observations, my training and experience, discussions with other agents, documents and records that were collected and reviewed in the course of this investigation, information that was obtained from interviewed witnesses, and information gathered by other agents involved in this investigation. Information was also obtained from Medicare claims data and records.

4. As set forth in this affidavit, there is probable cause to believe that PASHYAN, who is not a physician, stole the identity of a true physician named Dr. M.V.K. ("Dr. K") and, while purporting to be Dr. K, PASHYAN directed that his

attorneys or representatives obtain money, on his behalf, which did not actually belong to him, and which was under the custody and control of Wells Fargo Bank, in violation of 18 U.S.C. §§ 1344 and 2 (Bank Fraud) and 18 U.S.C. §§ 1028A and 2 (Aggravated Identity Theft).

II

PURPOSE OF AFFIDAVIT

5. This Affidavit is made in support of a criminal complaint charging PASHYAN with a violation of Title 18, U.S.C., Sections 1028A and 2(b) (Aggravated Identity Theft), and Title 18, U.S.C. Sections 1344 and 2(b) (Bank Fraud). Specifically, beginning on a date unknown, and continuing through at least in or around July 2010, in Los Angeles County, within the Central District of California, and elsewhere, PASHYAN stole the identity of Dr. K and used it to commit bank fraud.

6. This affidavit is offered for the sole purpose of establishing probable cause for the criminal complaint and arrest warrant for PASHYAN, and does not include all of the facts and circumstances of which I am aware of related to this investigation.

III

**PROBABLE CAUSE: PASHYAN UTILIZED THE STOLEN IDENTITY OF DR. K
WHILE TRYING TO FRAUDULENTLY OBTAIN FUNDS FROZEN BY A BANK**

7. I have verified that Wells Fargo bank is a federally insured bank.

8. I have reviewed pertinent bank records obtained from Wells Fargo Bank. On or about December 19, 2009, two bank accounts were opened at Wells Fargo Bank in Dr. K's name, including a checking account, account number *****0708 (the "0708 Account"). The application listed Dr. K's employment as "Minx Med" and an account address of 10523 Burbank Boulevard, North Hollywood, California. In the course of this investigation, agents interviewed Dr. K. Among other things, the real Dr. K has maintained that he did not open these accounts.

9. On or about March 1, 2010, a Medicare enrollment application, in Dr. K's name, was submitted to Medicare. I have reviewed portions of this Medicare enrollment form. Pursuant to this enrollment application, Medicare issued a provider number which allowed Dr. K to provide medical services to Medicare beneficiaries and bill Medicare for those services. The enrollment application listed a practice location of 10523 Burbank Boulevard, North Hollywood, California, which was the same address that was listed on the bank account forms for Dr. K

at Wells Fargo. In an interview with Dr. K on April 6, 2015, Dr. K stated that he did not sign this Medicare enrollment application.

10. On or about March 1, 2010, an electronic funds transfer agreement ("EFT") was submitted to Medicare in which the 0708 Account was designated as the account where Medicare deposits should be made after bills were submitted by Dr. K to Medicare. During the interview on April 6, 2015, the real Dr. K stated that he did not submit the Medicare enrollment application, which contained the EFT agreement.

11. I have reviewed billing records and Medicare records obtained from Medicare. Based on the review, I learned that after a Medicare enrollment application was submitted in Dr. K's name, claims for reimbursement were submitted to Medicare for medical services purportedly provided by Dr. K. Pursuant to the EFT agreement that had been submitted to Medicare, Medicare payments were deposited into the 0708 Account.

12. Pursuant to interviews with Dr. K and other records received from Wells Fargo Bank, agents learned that on or about July 8, 2010, a representative of Wells Fargo called the real Dr. K to ask about matters pertaining to the 0708 Account at Wells Fargo. Dr. K, who had no knowledge that this account existed in his name, went to a local Wells Fargo branch. Dr. K

then learned that a checking and savings account were opened using his name and social security number, without his knowledge or authorization. Dr. K did not authorize anyone to open an account for him. Through information obtained from Wells Fargo Bank, agents learned that as a result of the alleged fraudulent activity, Wells Fargo froze the 0708 Account.

13. Pursuant to letters sent by a law firm (the "Law Firm") to Wells Fargo bank, which agents obtained from Wells Fargo Bank, agents learned that, in or around July 2010, the Law Firm began representing an individual purporting to be Dr. K, to obtain the funds that had been frozen in the 0708 Account, which was the account holding the Medicare deposits.

14. In the process of trying to obtain the frozen funds, a special power of attorney was executed, on or about July 30, 2010, by the individual purporting to be Dr. K. I have reviewed a copy of this special power of attorney, which agents obtained from Wells Fargo Bank. In the special power of attorney, this individual claimed ownership of the 0708 Account and he designated his attorney-in-fact to take actions in regards to the 0708 Account. In this special power of attorney, the individual purporting to be Dr. K stated that his attorney-in-fact had the authority to "withdraw[ing] any and all funds from my account." This special power of attorney was sent by the Law

Firm to Wells Fargo, seeking return of the funds from the 0708 Account, ostensibly on behalf of Dr. K.

15. According to the special power of attorney, it was executed, in person, in front of a California notary, Y.N. In an interview with Y.N., he/she stated that during the process of execution, the individual provided a signature in Dr. K's name, and he provided his fingerprints in the notary's log book.

16. The fingerprints were provided to an FBI laboratory for analysis. The analysis identified the fingerprints that were provided in the notary log book as belonging to PASHYAN. The FBI examiner who conducted the analysis stated that the fingerprints were of "good quality" and accordingly, through proper examination methods, he was able to conclude that the fingerprints did not belong to Dr. K, and instead, they belonged to PASHYAN. The examination was a "blind" analysis; before conducting his examination and arriving at his conclusion, the FBI examiner had no prior information in regards to any individual named PASHYAN.

17. At least two letters were sent by the Law Firm to Wells Fargo. I have reviewed copies of these letters. One of those letters was sent to Wells Fargo on or about August 3, 2010, stating that the Law Firm had the authority from Dr. K to "close his account and have his monies paid to him" and that the

Law Firm had been "instructed to take all appropriate legal action against Wells Fargo . . . to recover the money"

18. On or about August 20, 2010, the Law Firm filed a complaint for various causes of action, including conversion and breach of contract, against Wells Fargo Bank, in California Superior Court for Los Angeles County. I have reviewed a copy of this complaint. In the complaint, the plaintiff was identified as Dr. K and the complaint stated that this individual maintained a bank account ending in 0708 at the Larchmont Village Branch of Wells Fargo. Subsequently, on October 22, 2010, the Law Firm filed a Request for Dismissal, and in November of 2010, the case was taken off calendar.

19. During the course of the investigation, other agents and I interviewed Medicare beneficiaries who purportedly received services provided by Dr. K, dba Minx Med, and for which Medicare was billed. The beneficiaries that were interviewed were A.C., M.C., P.A., J.A., and E.R. Based on my interviews of the beneficiaries, I learned that none of the individuals interviewed recognized Dr. K or PASHYAN, although one beneficiary, P.A., suggested that PASHYAN looked familiar, as though P.A. might have seen someone like that on the street. All of the beneficiaries stated that they did not receive any of

the services that were billed to Medicare using their beneficiary numbers as part of the scheme.

20. On December 18, 2014, I conducted an interview of PASHYAN regarding the utilization of Dr. K's identity and Medicare. PASHYAN denied any involvement in the scheme; however, PASHYAN was not able to explain how his fingerprints were in the notary log book for the notary who prepared the documents related to the funds from the scheme.


21. During the course of my investigation, I learned that PASHYAN has at least one prior criminal conviction. In 2003, PASHYAN pled guilty, in the Eastern District of California, for one count of Misprision of Felony, in violation of 18 U.S.C. § 4. Based on review of prior interview and case records in the investigation of that offense, I learned that PASHYAN provided statements that he was involved in a health care fraud scheme to bill for medical supplies that were not provided to beneficiaries.

IV

CONCLUSION

22. Based on facts set forth herein, there is probable cause to believe that beginning on a date unknown, and continuing through at least in or around July 2010, in Los

Angeles County, within the Central District of California, and elsewhere, PASHYAN did knowingly transfer, possess, and use, without lawful authority, a means of identification that PASHYAN knew belonged to another person (i.e., Dr. K), during and in relation to a felony violation, and he executed a scheme to defraud a financial institution, namely, Wells Fargo Bank, and obtain money under the custody or control of Wells Fargo Bank by means of false pretenses or representations, in violation of Title 18, U.S.C., Sections 1028A (Aggravated Identity Theft) and 2(b) (Causing an Act to Be Done) and Title 18, U.S.C., Section 1344 (Bank Fraud) and 2(b) (Causing an Act to Be Done).



Stephanie O. O'Neal
Special Agent
Federal Bureau of Investigation

Subscribed to and Sworn before me
this 15th day of June, 2015.

PAUL L. ABRAMS

HONORABLE PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE