

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 12-**  
**v.** : **DATE FILED:** \_\_\_\_\_  
**BEVIS E. VANTERPOOL** : **VIOLATIONS:** **21 U.S.C. § 846**  
**(conspiracy to distribute controlled**  
**substances – 1 count)**  
**18 U.S.C. § 1956**  
**(money laundering – 1 count)**  
**18 U.S.C. § 2**  
**(aiding and abetting)**  
**Notice of forfeiture**

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this indictment:

1. BEVIS E. VANTERPOOL (“VANTERPOOL”) was a pharmacist licensed by the Commonwealth of Pennsylvania and practicing out of Philadelphia, PA. Defendant VANTERPOOL held Pennsylvania pharmacy license number RP43XXXX, which expires September 30, 2012. Defendant VANTERPOOL owned Trace Mark Pharmacy (“Trace Mark”), located at 4839 North Broad Street, in Philadelphia, and was the sole pharmacist operating Trace Mark.

2. The Controlled Substances Act (“the Act”) governs the manufacture, distribution, and dispensing of controlled substances in the United States. The Controlled Substances Act is contained in Title 21 of the United States Code, 21 U.S.C. §§ 801-971.

3. Title 21, United States Code, Section 841, provides that “[e]xcept as authorized, it shall be unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense with intent to manufacture, distribute or dispense, a controlled substance.”

4. Title 21, United States Code, Section 802(10), provides that the term “dispense” means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for delivery.

5. Title 21, United States Code, Section 821, provides that “[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations. . .relating to the registration and control of the manufacture, distribution and dispensing of controlled substances.”

6. The Attorney General of the United States has exercised his rulemaking authority regarding the dispensing of controlled substances through the promulgation of 21 Code of Federal Regulations § 1306.04, governing the issuance of prescriptions, which provides:

- (a) a prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act [21 U.S.C. § 829] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

7. Under the Controlled Substances Act, there are five schedules of controlled substances – Schedules I, II, III, IV, and V. Controlled substances are scheduled into these levels based upon their potential for abuse, among other things. Abuse of Schedule II controlled substances may lead to severe psychological or physical dependence. Abuse of Schedule III controlled substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of Schedule IV controlled substances may lead to more limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

8. Oxycodone is the generic name for an addictive prescription painkiller that is classified under the Controlled Substances Act as a Schedule II controlled substance. When oxycodone is legally prescribed for a legitimate medical purpose, it is typically used to combat acute, severe pain. Accordingly, the prescription is usually for a modest number of pills to be taken over a short period of time. Brand names for common Schedule II controlled substances containing oxycodone include Percocet, OxyContin and Roxicodone.

9. From in or around May 2010 until on or about December 19, 2011, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEVIS E. VANTERPOOL**

conspired and agreed with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly and intentionally distribute and dispense, outside the usual course of professional practice and for no legitimate medical purpose, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D).

## MANNER AND MEANS

It was a part of the conspiracy that:

10. From at least May 2010 until on or about December 19, 2011, defendant BEVIS E. VANTERPOOL sold oxycodone (“drugs”) for cash to various individuals known and unknown to the United States Attorney, including Tasha Betancourt, charged elsewhere, when those individuals (“customers” or “pseudo-patients”) presented defendant VANTERPOOL with forged and fraudulent “prescriptions.”

11. An individual known to the United States Attorney, S.C., assisted defendant BEVIS E. VANTERPOOL in operating Trace Mark Pharmacy, and in accepting and filling the forged and fraudulent “prescriptions” for drugs, from in or around January 2011 until on or about December 19, 2011.

12. The “prescriptions” accepted and filled by defendant BEVIS E. VANTERPOOL were forged in that they were not written by the physicians whose names and purported signatures were on the “prescriptions.”

13. The “prescriptions” accepted and filled by defendant BEVIS E. VANTERPOOL were fraudulent in that there was no medical necessity for these “prescriptions.”

14. Defendant BEVIS E. VANTERPOOL, knowing that the “prescriptions” being presented to him by Trace Mark’s customers were forged and fraudulent, filled those “prescriptions,” charging the customers inflated prices for the drugs.

15. Defendant BEVIS E. VANTERPOOL charged his pseudo-patient customers inflated prices for filling the forged and fraudulent “prescriptions.” For 90 tablets of Percocet 5/325 mg., defendant VANTERPOOL charged as much as \$90 per “prescription,” for

100 tablets of Percocet 7.5/325 mg., defendant VANTERPOOL charged as much as \$110 per “prescription;” and for 100 tablets of OxyContin 30 mg., defendant VANTERPOOL charged as much as \$400 per “prescription.”

16. Between May, 2010 and on or about December 19, 2011, defendant BEVIS E. VANTERPOOL filled more than 4,471 forged and fraudulent prescriptions for at least 447,761 mg. of oxycodone.

### **OVERT ACTS**

In furtherance of the conspiracy, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about August 2, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, charged elsewhere, in her own name, for approximately 90 10 mg.. tablets of oxycodone.

2. On or about August 28, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in her own name, for approximately 70 10 mg.. tablets of oxycodone.

3. On or about September 7, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in her own name, for approximately 120 5 mg. tablets of oxycodone.

4. On or about November 2, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in her own name, for approximately 100 30 mg. tablets of oxycodone.

5. On or about November 6, 2010, defendant BEVIS E. VANTERPOOL

knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in her own name, for approximately 120 7.5 mg. tablets of oxycodone.

6. On or about December 29, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the name of E.B., a pseudo-patient known to the United States Attorney, for approximately 120 7.5 mg. tablets of oxycodone.

7. On or about December 31, 2010, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the false name "Jashan Betancourt," a variation of the true name of Tasha Betancourt, for approximately 80 7.5 mg. tablets of oxycodone.

8. On or about January 5, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the fictitious name K.F., for approximately 100 15 mg. tablets of oxycodone.

9. Also on or about January 5, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the fictitious name K.O., for approximately 100 15 mg. tablets of oxycodone.

10. On or about January 12, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the name of A.S.J., a person known to the United States Attorney, for approximately 120 7.5 mg. tablets of oxycodone.

11. On or about January 18, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the false name

“Jashan Betancourt,” a variation of the true name of Tasha Betancourt, for approximately 120 5 mg. tablets of oxycodone.

12. On or about February 1, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the name of E.B., a pseudo-patient known to the United States Attorney, for approximately 100 15 mg. tablets of oxycodone.

13. On or about February 7, 2011, defendant BEVIS E. VANTERPOOL knowingly filled a forged and fraudulent prescription for Tasha Betancourt, in the name of E.B., a pseudo-patient known to the United States Attorney, for approximately 120 10 mg. tablets of oxycodone.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

At all times material to this information:

1. Paragraphs 1 through 16 of Count One are incorporated here.
2. From in or about May 2010, to on or about December 19, 2011, at

Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEVIS E. VANTERPOOL**

knowingly conducted, and attempted to conduct, and aided, abetted, and willfully caused, financial transactions affecting interstate commerce, that is, deposits and transfers totaling \$1,180,000 into the following financial institutions and accounts:

- (a) Sovereign Bank, Account Number 24320XXXXXX titled in the name of D.T.W.;
- (b) Wells Fargo Bank, Account Number 28604XXXXXX titled in the name of D.T.W.;
- (c) Wells Fargo Bank, Account Number 10100231XXXXXX titled to defendant VANTERPOOL in the name of Dr. Bevis E. Vanterpool;
- (d) Wells Fargo Bank, Account Number 13445XXXXXX titled to defendant VANTERPOOL in the name of Dr. Bevis E. Vanterpool;
- (e) Wells Fargo Bank, Account Number 10102645XXXXXX titled to defendant VANTERPOOL in the name of Bevis Vanterpool and D.W.;
- (f) Wells Fargo Bank, Account Number 20000389XXXXXX titled to defendant VANTERPOOL in the name of Tracemark Pharmacy;
- (g) Wells Fargo Bank, Account Number 28604XXXXXX titled in the name of D.T.W.;

- (h) Wells Fargo Bank, Account Number 20000473XXXXXX titled to defendant VANTERPOOL in the name of Tracemark Pharmacy;
- (i) Wells Fargo Bank, Account Number 10102308XXXXXX titled in the name of D.T.W. ITF M.V. and T.V; and
- (j) Western National Life Insurance Company, Annuity Contract Number XV2XXXXXX titled in the name of D.W..

3. When conducting, aiding, abetting, and willfully causing the financial transactions described in paragraph 2 above, defendant BEVIS E. VANTERPOOL knew that the property involved in those financial transactions represented the proceeds of some form of unlawful activity.

4. The financial transactions described in paragraph 2 above involved the proceeds of a specified unlawful activity, that is, conspiracy to knowingly and intentionally distribute and dispense, outside the usual course of professional practice and for no legitimate medical purpose, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D), and defendant BEVIS E. VANTERPOOL acted with the knowledge that the transactions were designed, in whole and in part, to conceal and disguise the nature, location, source, ownership and control of the proceeds of the specified unlawful activity, and with intent to promote the carrying on of specified unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (a)(1)(A)(i) and 2.

**NOTICE OF FORFEITURE NO. 1**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 21, United States Code, Section 846, set forth in Count One of this information, defendant

**BEVIS E. VANTERPOOL**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including a 2006 Nissan Pathfinder, VIN no. 5N1AR18W56C6XXXXX registered to defendant BEVIS E. VANTERPOOL and bearing PA license HJD0397;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense, including, but not limited to, the sum of \$822,428.58 and:

- (1) Approximately \$10,551 in United States currency seized from the defendant's residence, 119 N. 10<sup>th</sup> Street, Darby, PA;
- (2) Approximately \$413,548.71 in United States currency seized from an annuity at National Life Insurance Company, annuity contract no. XV2XXXXXX;
- (3) Approximately \$209,581.24 in United States currency seized from a bank account at Wells Fargo Bank, account no. 28604XXXXXX;

- (4) Approximately \$62,624.60 in United States currency seized from a bank account at Sovereign Bank, account no. 24320XXXXX;
- (5) Approximately \$11,803.75 in United States currency seized from a bank account at Wells Fargo Bank, account no. 20000389XXXXX;
- (6) Approximately \$6,100.11 in United States currency seized from a bank account at Wells Fargo Bank, account no. 28604XXXXX;
- (7) Approximately \$6,000.95 in United States currency seized from a bank account at Wells Fargo Bank, account no. 20000473XXXXX;
- (8) Approximately \$5,544.06 in United States currency seized from a bank account at Wells Fargo Bank, account no. 10100231XXXXX;
- (9) Approximately \$2,000.33 in United States currency seized from a bank account at Wells Fargo Bank, account no. 10102645XXXXX; and
- (10) Approximately \$2,000.02 in United States currency seized from a bank account at Wells Fargo Bank, account no. 13445XXXXX.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

**NOTICE OF FORFEITURE NO. 2**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 1956, set forth in Count Two of this information, defendant

**BEVIS E. VANTERPOOL**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property.

2. Such property shall include, but not be limited to, the following:
  - a. Money Judgment: A sum of money equal to at least \$1,180,000 in United States currency, representing the amount of property involved in the violation of the Money Laundering Control Act, and:
  - b. Approximately \$413,548.71 in United States currency seized from an annuity at National Life Insurance Company, annuity contract no. XV2XXXXXX;
  - c. Approximately \$209,581.24 in United States currency seized from a bank account at Wells Fargo Bank, account no. 28604XXXXXX;
  - d. Approximately \$62,624.60 in United States currency seized from a bank account at Sovereign Bank, account no. 24320XXXXXX;
  - e. Approximately \$11,803.75 in United States currency seized from a bank account at Wells Fargo Bank, account no. 20000389XXXXXX;
  - f. Approximately \$6,100.11 in United States currency seized from a bank account at Wells Fargo Bank, account no. 28604XXXXXX;

- g. Approximately \$6,000.95 in United States currency seized from a bank account at Wells Fargo Bank, account no. 20000473XXXXX;
- h. Approximately \$5,544.06 in United States currency seized from a bank account at Wells Fargo Bank, account no. 10100231XXXXX;
- i. Approximately \$2,000.33 in United States currency seized from a bank account at Wells Fargo Bank, account no. 10102645XXXXX; and
- j. Approximately \$2,000.02 in United States currency seized from a bank account at Wells Fargo Bank, account no. 13445XXXXX.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982.

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