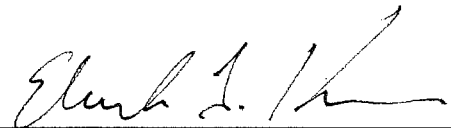


Approved:

  
ELISHA J. KOBRE  
Assistant United States Attorney

13 MAG 0117

Before: HONORABLE KEVIN N. FOX  
United States Magistrate Judge  
Southern District of New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violation of
	:	21 U.S.C. §§ 841(a),
JI YUN LEE,	:	841(b) (1) (C), 846
a/k/a "G,"	:	
	:	COUNTY OF OFFENSE:
Defendant.	:	BRONX/WESTCHESTER

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SOUTHERN DISTRICT OF NEW YORK, ss.:

STEVEN SOO HOO, a Special Agent with the Drug Enforcement Administration ("DEA"), being duly sworn, deposes and states:

COUNT ONE

1. From at least in or about 2011, up to and including in or about January 2013, in the Southern District of New York and elsewhere, JI YUN LEE, a/k/a "G," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JI YUN LEE, a/k/a "G," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §841(a) (1).

3. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b) (1) (C).

(Title 21, United States Code, Section 846.)

## COUNT TWO

4. From at least in or about 2011, up to and including in or about January 2013, in the Southern District of New York and elsewhere, JI YUN LEE, a/k/a "G," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

5. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

6. I am a Special Agent with the DEA and I have been personally involved in the investigation of this matter. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, and conversations that I have had with other law enforcement agents and individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

## Background

7. Based upon my personal involvement in this investigation, I know that DEA, together with the Westchester County District Attorney's Office ("WCDAO") and the Yonkers Police Department ("YPD"), has been investigating the unlawful distribution of oxycodone, a Schedule II controlled substance, at a DEA-registered retail pharmacy authorized to dispense Schedules II through V controlled substances, which is located in Yonkers, New York (the "Pharmacy").

8. Based upon the facts described below, I believe that JI YUN LEE, a/k/a "G," the defendant, is a store manager of the Pharmacy. As described below, LEE is not licensed to practice medicine or pharmacy in the State of New York. The investigation

has revealed that LEE is distributing large amounts of oxycodone by filling fraudulent prescriptions for oxycodone that LEE knew and knows were not issued in the usual course of professional practice and not for a legitimate medical purpose. Many of the fraudulent prescriptions filled by LEE were obtained from medical practitioners with offices located in the Bronx, New York. While, as further described in paragraph 11 below, a supervising pharmacist appears to be associated with the Pharmacy, the fraudulent oxycodone prescriptions described in paragraphs 17 through 51 below have all been filled by LEE.

9. From an officer with the Yonkers Police Department ("YPD Officer-1"), I know that, on or about September 5, 2012, YPD Officer-1 entered the Pharmacy and spoke with an individual, later identified as JI YUN LEE, a/k/a "G," the defendant. LEE told YPD Officer-1 that his name was "Ji Lee" and provided a particular date of birth (the "DOB"). LEE also told YPD Officer-1, in substance, that he is the store manager at the Pharmacy. YPD Officer-1 later identified a photograph of LEE from the New York State Department of Motor Vehicles as the individual who had identified himself to YPD Officer-1 as "Ji Lee" on or about September 5, 2012.

10. From an investigator with DEA ("Investigator-1"), I know that, on or about August 28, 2012, Investigator-1 learned from the New York State Office of the Professions ("NYSOP"), the body that oversees the preparation, licensure, and practice of professions in New York State, including the profession of pharmacy, that no state pharmacist license has been assigned to "Ji Lee" with the DOB. Based upon information from a law enforcement database, Investigator-1 learned that a particular social security number (the "SSN") belongs to JI YUN LEE, a/k/a "G," the defendant. On or about September 12, 2012, Investigator-1 learned from the NYSOP that no one with the SSN holds any licenses in the medical or pharmacy fields in the State of New York.

11. From my search of an internet-based database maintained by the NYSOP, I know that a particular individual ("Individual-1") is listed with NYSOP as a "supervisor" at the Pharmacy. I also know that Individual-1 is licensed in New York State in the profession of pharmacy and is registered with the NYSOP.

#### Background Regarding Prescriptions for Controlled Substances

12. Based upon my knowledge, training and experience, I know the following:

- a. Each prescription for a controlled substance

contains, among other things, the following: the patient's full name and address; the practitioner's full name and address; the practitioner's unique "DEA registration number," which is a number assigned to a health care provider by the DEA allowing the practitioner to write prescriptions for controlled substances; the drug name; dosage form; strength; quantity prescribed; and directions for use.

b. Each official New York State prescription form contains a "Prescription Serial Number," which uniquely identifies an individual prescription sheet within a prescription pad. Each Prescription Serial Number is an eight-character strings of numbers and letters. Prescriptions in each prescription pad contain sequential Prescription Serial Numbers.

c. A prescription for a controlled substance must be dated and signed on the date when issued. Such a prescription must, moreover, be written in ink or indelible pencil or typewritten and must be manually signed by the practitioner on the date when issued.

#### Oxycodone Distribution By Ji Yun Lee

13. As part of this investigation, DEA, WCDAO, and YPD are working with two confidential informants ("CI-1" and "CI-2").<sup>1</sup> As described below, JI YUN LEE, a/k/a "G," the defendant, has filled fraudulent oxycodone prescriptions for CI-1 and CI-2 under circumstances which I believe demonstrate that LEE knew that the prescriptions he was filling were not issued in the usual course of professional practice and not for a legitimate medical purpose.

14. From my conversation with another special agent with DEA ("Agent-1"), I know that Agent-1 learned from CI-1, among other things, the following:

a. Prior to CI-1's work with law enforcement, CI-1 has, within approximately the last two years, presented and filled

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<sup>1</sup> CI-1 and CI-2 are, and have since approximately the summer of 2012 been, paid confidential informants. CI-1 has engaged in personal use of oxycodone and has a criminal history that includes misdemeanor convictions for drug possession, driving while intoxicated and assault. Information provided by each of CI-1 and CI-2 has been corroborated by, among other things, physical surveillance, phone records, prescription documents and other sources of information. Information provided by CI-1 and CI-2 has proven reliable.

fraudulent oxycodone prescriptions at the Pharmacy. CI-1 began filling fraudulent oxycodone prescriptions at the Pharmacy in early 2011 after he was provided a fraudulent prescription by another individual ("CC-1") who told CI-1 that CC-1 has previously filled fraudulent oxycodone prescriptions at the Pharmacy. CI-1 then began filling fraudulent oxycodone prescriptions for himself, as well as continuing to assist CC-1 in filling CC-1's fraudulent prescriptions at the Pharmacy. At the Pharmacy, CI-1 dealt with an individual known to CI-1 as "G," who would fill the fraudulent prescriptions, and provided a physical description of "G." CI-1 also identified a photograph of JI YUN LEE, a/k/a "G," the defendant, as the person known to CI-1 as "G" who filled CI-1's fraudulent prescriptions at the Pharmacy.

b. CI-1 stated that CI-1 brought multiple oxycodone prescriptions to the Pharmacy each month, never using CI-1's real name. CI-1, who referred to LEE as the pharmacist, stated that LEE did not require identification before filling prescriptions for oxycodone. CI-1 also described the typical procedure for filling fraudulent oxycodone prescriptions at the Pharmacy. CI-1 generally provided the fraudulent prescription to a female employee behind the counter, who handed the prescription to LEE. A few moments later, LEE would approach CI-1, and tell CI-1 when the oxycodone would be ready and would provide a price. After recording information from the prescription by inputting it into a computer, LEE would return the prescription to CI-1. CI-1 was required to present the prescription when CI-1 returned to pick up the oxycodone.

c. CI-1 stated that CI-1 believed that the reason LEE returned the prescription to CI-1 but then required that it be shown at the time the oxycodone is picked up is to avoid a situation whereby other co-conspirators - who sometimes knew when fraudulent prescriptions were brought to the Pharmacy by others and knew the fake names on those prescriptions - would visit the Pharmacy before the person who had dropped off the prescription and, without that person's knowledge or permission, pick up the oxycodone. Based upon my training and experience, I know that initially returning the prescription to a customer and then requiring it to be shown or given again when the filled prescription is picked up is an unusual practice.

d. After CI-1 had filled fraudulent prescriptions on multiple occasions, CI-1 learned the price LEE charged for various quantities of oxycodone tablets and dosage units, obviating the need for LEE and CI-1 to discuss price each time CI-1 came to the Pharmacy to fill a fraudulent prescription. For example, CI-1

learned that LEE's regular price for 180 30 milligram oxycodone tablets was approximately \$1,075.

15. From an officer with the Yonkers Police Department ("Officer-1") I know that, on or about October 4, 2012, in connection with CI-1's work with law enforcement, CI-1 purchased a blank prescription from a particular individual who CI-1 had identified as a person who frequently fills fraudulent oxycodone prescriptions at the Pharmacy ("CC-2"). From my review of the prescription sold by CC-2 to CI-1, I know that the prescription lists the practitioner as a particular medical doctor whose office address is listed on the prescription as a particular address in the Bronx, New York. From Agent-1, I know that the practitioner listed on the prescription sold by CC-2 on October 4, 2012 shares office space with another doctor ("Doctor-1"). From Agent-1, I have also learned that Doctor-1 issued a note, submitted to the Yonkers City Court in connection with a criminal case against CC-2, stating that CC-2 has seen Doctor-1 for medical treatment at Doctor-1's office in the Bronx, New York, on approximately three occasions between August 2012 and October 2, 2012.

16. From my conversation with Agent-1, I know that Agent-1 learned from CI-2, among other things, the following:

a. CI-2 has known CC-1 for years and has, at CC-1's request, acted as a driver for CC-1. CC-1 told CI-2 that JI YUN LEE, a/k/a "G," the defendant, has filled numerous fraudulent prescriptions at the Pharmacy for CC-1. CC-1 told CI-2 that CC-1 washes the original ink off of prescriptions so that a previously filled out prescription can be rewritten as a fraudulent prescription for oxycodone. CI-2 learned from CC-1 that CC-1 purchases blank stolen prescriptions from CC-2 among others, and that prescriptions CC-1 received from CC-2 are prescriptions that are stolen from practitioners whose offices are located, among other places, in the Bronx, New York. CC-1 also told CI-2 that CC-1 sells oxycodone received from LEE to others and CI-2 has personally observed CC-1 sell oxycodone pills to others.

b. CC-1 told CI-2 that LEE sometimes gives printouts of the fraudulent prescriptions CC-1 had dropped off so that CC-1 knows the false name listed on the prescriptions when CC-1 returns to pick them up. LEE also sometimes marks the top of fraudulent prescriptions CC-1 presented at the Pharmacy with what appeared to CI-2 to be Chinese characters because other co-conspirators also present LEE with fraudulent oxycodone prescriptions and the Chinese characters assist LEE to identify which co-conspirator had dropped off a particular fraudulent prescription. CI-2 saw this on a copy of a prescription LEE had provided to CC-1.

c. CI-2 has, during the course of assisting law enforcement in this investigation, driven CC-1 on multiple occasions to the Pharmacy, and to other pharmacies, including pharmacies in the Bronx, New York, to fill fraudulent oxycodone prescriptions and has informed law enforcement of such activities. CI-2 has also accompanied CC-1 into the Pharmacy to fill fraudulent oxycodone prescriptions. CI-2 identified a photograph of JI YUN LEE, a/k/a "G," the defendant, as the person known to CI-2 who filled CC-1's fraudulent prescriptions at the Pharmacy. Through CI-2's personal observations, CI-2 has learned that LEE fills as many as several oxycodone prescriptions per day for CC-1.

#### **The September 5-6, 2012 Oxycodone Purchase**

17. On or about September 5, 2012, CI-1 was provided with a fraudulent prescription by law enforcement. The prescription was for "oxycodone 30 mg" and listed a particular prescribing practitioner, a particular prescription serial number and a particular "Patient Name" with a particular address ("Prescription-1").<sup>2</sup> CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-1. On or about September 5, 2012, Agent-1 and other law enforcement officers conducted physical surveillance of the Pharmacy. From an investigator with the New York State Police ("Investigator-2"), I know that, after CI-1 was provided with Prescription-1, Investigator-2 observed CI-1 enter the Pharmacy at about 2:18 p.m. and exit at about 2:21 p.m.

18. Following CI-1's September 5, 2012 visit to the Pharmacy, which was recorded via an audio and video recording device concealed on CI-1's person, Agent-1 spoke with CI-1. CI-1 told Agent-1 that after CI-1 presented Prescription-1 to a female employee, Prescription-1 was placed in a basket by a female employee and handed to JI YUN LEE, a/k/a "G," the defendant, in the pharmacist area of the pharmacy. After a few moments, LEE approached CI-1 off to the side, returned Prescription-1, and told CI-1, in substance, that the Pharmacy did not have 30 milligram oxycodone tablets in stock. CI-1 then asked LEE for 15 milligram tablets instead, to which LEE replied "tomorrow." Prescription-1 was returned to CI-1.

19. On or about September 6, 2012, CI-1 was provided with a

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<sup>2</sup> The patient names listed on the prescriptions described in paragraphs 17 through 51 were not the names of CI-1 or CI-2 and were, on at least two occasions, names associated with different genders than those of the confidential informants.

second fraudulent prescription by law enforcement listing the same patient name, address, and age listed on Prescription-1 that CI-1 discussed with JI YUN LEE, a/k/a "G," the defendant on September 5, 2012 ("Prescription-2"). Prescription-2 was for "oxycodone 15 mg," rather than for 30 milligrams as listed on Prescription-1, and listed a different prescription serial number and a different prescribing practitioner. CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-2. On or about September 6, 2012, law enforcement conducted physical surveillance of the Pharmacy. From Investigator-2, I know that Investigator-2 observed CI-1 enter the Pharmacy at about 2:02 p.m. and exit at about 2:05 p.m.

20. Following CI-1's September 6, 2012 visit to the Pharmacy, which was recorded via an audio and video recording device concealed on CI-1's person, Agent-1 spoke with CI-1. CI-1 told Agent-1 that after CI-1 presented Prescription-2 to a female employee, Prescription-2 was placed in a basket by a female employee and handed to JI YUN LEE, a/k/a "G," the defendant, in the pharmacist area of the pharmacy. After a few moments, LEE approached CI-1 off to the side, returned Prescription-2, and told CI-1, in substance, that LEE could not fill any of these, as LEE pointed to the names of the prescribers listed at the top of Prescription-2.

21. Based upon my search of a publicly available database, I know that each of the practitioners listed at the top of Prescription-2 presented by CI-1 at the Pharmacy on or about September 6, 2012 specializes in pediatric medicine.<sup>3</sup> Based upon my knowledge, training, and experience, and based upon conversations with CI-1, I believe that the reason JI YUN LEE, a/k/a "G," the defendant, declined to fill Prescription-2 for oxycodone 15 mg tablets, is that a pediatric practitioner filling a prescription for an adult for oxycodone may lead to scrutiny by the authorities.

22. Later on or about September 6, 2012, CI-1 was provided by DEA agents with another fraudulent prescription for "oxycodone 15mg," this one listing a slightly different patient name from the name that had been listed on Prescription-1 and Prescription-2 that CI-1 had presented, respectively, on or about September 5, 2012 and earlier on September 6, 2012, and a name which is associated with the opposite gender from CI-1 ("Prescription-3"). The patient's

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<sup>3</sup> Prescription-2 listed four practitioners with check boxes next to each practitioner's name so that the prescription could be issued by any of the listed practitioners.



address listed on Prescription-3 was the same address listed on Prescription-1 and Prescription-2. Prescription-3 also listed a different prescription serial number and a different prescribing practitioner than Prescription-1 or Prescription-2. CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-3. On or about September 6, 2012, law enforcement conducted physical surveillance of the Pharmacy and observed CI-1 enter the Pharmacy at about 2:41 p.m. and exit at about 2:46 p.m., about 45 minutes after LEE had declined to fill Prescription-2.

23. Following CI-1's second September 6, 2012 visit to the Pharmacy, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 told me that, upon entering the Pharmacy, CI-1 provided Prescription-3 to a female employee who passed it back to JI YUN LEE, a/k/a "G," the defendant. After a few minutes, CI-1 was told that the price would be \$540.12, to which CI-1 replied, in substance, that CI-1 would return to pick up the oxycodone and pay for it.

24. On or about September 6, 2012, at about 5:36 p.m., Investigator-2 observed CI-1 enter the Pharmacy with approximately \$600 in cash that had been provided by law enforcement. At about 5:44, CI-1 emerged from the Pharmacy and provided Investigator-2 with an amber medicine bottle containing pills and listing, on a label, information from Prescription-3. I counted approximately 180 pills in this medicine amber bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

25. Following CI-1's visit to the Pharmacy on or about September 6, 2012, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 told me that, upon entering the Pharmacy, CI-1 told an individual behind the counter that CI-1 was picking up a prescription and handed Prescription-3 to a female staff member who then provided CI-1 with the medicine bottle. CI-1 gave \$600 in cash to the staff member who provided change from the purchase price of \$540.12.

#### **The September 11, 2012 Oxycodone Transaction**

26. On or about September 11, 2012, CI-1 was provided by DEA agents with a prescription by law enforcement for "oxycodone 15 mg," listing a particular prescribing practitioner, a particular prescription serial number and a particular "Patient Name" with a particular address ("Prescription-4"). CI-1 was directed by law

enforcement to enter the Pharmacy and attempt to fill Prescription-4. On or about September 11, 2012, law enforcement conducted physical surveillance of the Pharmacy. In the course of this surveillance, Investigator-2 observed CI-1 enter and exit the Pharmacy at about 10:42 a.m.

27. Following CI-1's visit to the Pharmacy on or about September 11, 2012, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 stated that after CI-1 presented Prescription-4 to a member of the counter staff, Prescription-4 was handed back to JI YUN LEE, a/k/a "G," the defendant, in the pharmacist area of the store. CI-1 then observed LEE reviewing Prescription-4 and heard LEE advise the counter staff member that the filled prescription would be ready at 12:00 p.m. The counter staff member handed back Prescription-4 to CI-1 and advised CI-1 that the prescription would be ready at noon.

28. On or about September 11, 2012, at about 12:04 p.m., just minutes after the time CI-1 had been advised that Prescription-4 presented earlier that day by CI-1 would be ready, Investigator-2, acting in an undercover capacity, entered the Pharmacy and attempted to pick up the pills for Prescription-4. From Investigator-2, I know that, upon presenting Prescription-4, Investigator-2 was handed a note by JI YUN LEE, a/k/a "G," the defendant, stating "Don't Have."

29. From Investigator-1, I know that, on or about September 11, 2012, at about 12:17 p.m. to 12:22 p.m., Investigator-1 observed CI-1 walking towards the Pharmacy. Law enforcement officers had provided CI-1 with Prescription-4 and approximately \$540 in cash. CI-1 left the Pharmacy and met with Agent-1 and other law enforcement. After leaving the Pharmacy, CI-1 provided Agent-1 with an amber medicine bottle containing pills, and listing, on a label, information from Prescription-4. I counted approximately 180 pills in this bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

30. Following CI-1's visit to the Pharmacy on or about September 11, 2012, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 told me that, upon entering the Pharmacy, CI-1 handed female employee Prescription-4. The same employee asked CI-1 to provide a date of birth. CI-1 provided the employee with a fake date of birth, which the employee wrote on top of the prescription. CI-1 was presented with a brown paper bag to put the money into. CI-1 put \$540 in cash into the brown paper bag

and an employee handed the bag back to JI YUN LEE, a/k/a "G," the defendant, in the pharmacist area of the store. CI-1 was then handed an amber medicine bottle containing pills which, as set forth in the preceding paragraph, tested positive for the presence of oxycodone.

#### **The September 19-21, 2012 Oxycodone Transactions**

31. On or about September 19, 2012, CI-1 was provided with two prescriptions by law enforcement: (1) a prescription for "oxycodone 15 mg," listing a particular prescribing practitioner, a particular prescription serial number, and a particular patient name and address ("Prescription-5"); and (2) a prescription for "oxycodone 30 mg," listing a particular prescribing practitioner, a particular prescription serial number, and a particular patient name and address ("Prescription-6"). CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill both Prescription-5 and Prescription-6. From Investigator-2, I know that, on or about September 19, 2012, Investigator-2 observed CI-1 enter the Pharmacy at about 12:30 p.m. and exit the pharmacy at about 12:37 p.m.

32. From Investigator-1, I know that following CI-1's visit to the Pharmacy on or about September 19, 2012, which was recorded via an audio and video recording device concealed on CI-1's person, Investigator-1 spoke with CI-1. CI-1 told Investigator-1 that, after CI-1 entered the Pharmacy, JI YUN LEE, a/k/a "G," the defendant, told CI-1 that LEE did not have any 15 milligram oxycodone tablets in stock, but that CI-1 should return on Friday (September 21, 2012) to pick up the 30 milligram oxycodone tablets requested in Prescription-6.

33. On or about September 20, 2012, law enforcement provided CI-2 was provided with a fraudulent prescription for "oxycodone 15 mg," listing the same patient name and address listed on Prescription-5, but listing a different prescribing practitioner and prescription serial number from those listed on Prescription-5 (the "Prescription-7"). CI-2 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-7. From Investigator-2, I know that, on or about September 20, 2012, Investigator-2 observed CI-2, who was equipped with a concealed audio and video recording device, enter the Pharmacy at about 12:17 p.m. and exit the pharmacy at about 12:29 p.m. From Investigator-2, I know that, while inside the Pharmacy, CI-2 sent a text message to Investigator-2 informing Investigator-2, in substance, that JI

YUN LEE, a/k/a "G," the defendant, only had the peach oxycodones.<sup>4</sup> Investigator-2 responded, in substance, that those were fine.

34. From CI-2, I know that, on or about September 20, 2012, CI-2 entered the Pharmacy and presented Prescription-7 to a female behind the counter. After the female employee asked whether the date of birth listed on Prescription-7 was CI-2's birthday, and CI-2 replied yes, the female employee passed the prescription back to JI YUN LEE, a/k/a "G," the defendant. LEE then nodded to CI-2 and CI-2 heard LEE direct the female employee, in substance, to tell CI-2 that LEE did not have regular size ones but that LEE had the peach ones. CI-2 responded that this was fine and that CI-2 has cash. The female employee then handed CI-2 a blue and white plastic bag and directed CI-2 to put the money in the bag. After CI-2 placed approximately \$360 in cash, which had previously been provided by law enforcement, in the bag, the female employee placed the bag in a basket and handed the bag back to LEE. CI-2 observed LEE count the money and place the money in his left back pants pocket. LEE then placed a prescription bottle in the basket and passed it to the female employee who gave it to CI-2. Shortly thereafter, CI-2 provided me with an amber medicine bottle containing pills, and listing, on a label, information from Prescription-7. I counted approximately 120 pills in this bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

35. From Investigator-2, I know that, on or about September 21, 2012, Investigator-2 observed CI-1 enter the Pharmacy at about 12:17 p.m. and exit the pharmacy at about 12:19 p.m. Furthermore, upon leaving the Pharmacy, CI-1 provided me with an amber medicine bottle containing pills, and listing, on a label, information from the Prescription-6. I counted approximately 180 pills in this bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

#### **The November 7-13, 2012 Oxycodone Transactions**

36. On or about November 7, 2012, law enforcement provided CI-2 with a prescription for "oxycodone 15 mg," listing a particular prescribing practitioner, a particular prescription

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<sup>4</sup> Based upon my knowledge, training and experience, I believe that LEE's reference to "peach" oxycodone pills was meant to convey to CI-2 that LEE could only provide oxycodone pills from a different manufacturer than LEE usually provided.

serial number and a particular patient name and address ("Prescription-8"). CI-2 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-8. I and other agents conducted surveillance in the vicinity of the Pharmacy on or about November 7, 2012. At about 12:19 p.m., I observed, through a glass window on a side of the Pharmacy, JI YUN LEE, a/k/a "G," the defendant standing behind the counter inside the Pharmacy. From Investigator-2, I know that Investigator-2 observed CI-2 enter the Pharmacy, together with a special agent with the DEA acting in an undercover capacity ("UC-1"), at about 12:21 p.m., and exit the Pharmacy at about 12:23 p.m.

37. From UC-1 and CI-2 I learned that, upon entering the Pharmacy, CI-2 presented Prescription-8 to a female employee who was standing behind the counter. After the female employee handed Prescription-8 to JI YUN LEE, a/k/a "G," the defendant, LEE told CI-2 that he, LEE, did not have it, and returned the Prescription-8 to CI-2. Based upon my training and experience and my knowledge of this investigation, I believe that LEE declined to fill Prescription-8 because of the presence of UC-1, with whom LEE was unfamiliar.

38. On or about November 9, 2012, law enforcement provided CI-1 with two fraudulent prescriptions, each for "oxycodone 15 mg": (1) a prescription listing a particular prescribing practitioner, a particular prescription serial number, and the same patient name and address listed on Prescription-8 ("Prescription-9"); and (2) a prescription listing a particular prescribing practitioner, a particular prescription serial number, and a particular patient name and address ("Prescription-10"). CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill both prescriptions. From Investigator-2, I know that, on or about November 9, 2012, after CI-1 was provided with the two fraudulent prescriptions, Investigator-2 observed CI-1 enter the Pharmacy at about 4:42 p.m. and exit the pharmacy at about 4:50 p.m. Shortly after leaving the Pharmacy, CI-1 provided me with an amber medicine bottle containing pills, and listing, on a label, information from Prescription-9. I counted approximately 180 pills in this bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

39. Following CI-1's visit to the Pharmacy on or about November 9, 2012, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 told me that, upon entering the Pharmacy, CI-1 presented a female employee with Prescription-9 and Prescription-10. Shortly thereafter, JI YUN LEE, a/k/a "G," the

defendant, approached CI-1 and stated, in substance, that he only had enough 15 milligram oxycodone tablets to fill one prescription, but that the 30 milligram oxycodone tablets were available. CI-1 told LEE to fill one of the 15 milligram prescriptions and that CI-1 will need time to come back later that night or thereafter to get a 30 milligram oxycodone prescription. LEE agreed and returned Prescription-10 to CI-1. CI-1 provided \$540 in cash, which had previously been provided by law enforcement, to a female employee behind the counter and this employee placed the cash in a plastic bag before leaving the counter area. LEE then met with CI-1 near a waiting area where LEE handed CI-1 the bottle of pills for Prescription-9 which, as described in the preceding paragraph, tested positive for oxycodone.

40. Approximately twenty-eight minutes after the discussion with JI YUN LEE, a/k/a "G," the defendant, described in the preceding paragraph, CI-1 entered the Pharmacy with a prescription provided by law enforcement nearly identical to Prescription-10 - including the same patient name, address, date of birth, and prescribing practitioner - but which was for 30 milligram oxycodone tablets, rather than 15 milligram tablets, and listed a different prescription serial number ("Prescription-11"). From Investigator-2, I know that, on or about November 9, 2012, after CI-1 had been provided Prescription-11, Investigator-2 observed CI-1 enter the Pharmacy at about 5:18 p.m. and exit at about 5:25 p.m.

41. Following CI-1's visit to the Pharmacy on or about November 9, 2012 described in the preceding paragraph, which was recorded via an audio and video recording device concealed on CI-1's person, I and other law enforcement spoke with CI-1. CI-1 told me that, upon entering the Pharmacy, CI-1 presented a female employee with Prescription-11 and \$610 in cash that had previously been provided by law enforcement. Shortly thereafter, JI YUN LEE, a/k/a "G," the defendant, told CI-1 that CI-1 was short on money; CI-1 should come back that night or the next day with the rest of the money; and that LEE would be at the pharmacy until about 6:45 p.m. that night. LEE returned the \$610 in cash to CI-1 but kept Prescription-11. From Agent-1, I learned that CI-1 has informed Agent-1 that LEE charges \$1,075 for 180 oxycodone 30 milligram pills.

42. From Agent-1 I know that, on or about November 12, 2012, Agent-1 spoke with CI-1, who told Agent-1 that, on or about November 12, 2012, at the direction of CC-1, CI-1 visited the Pharmacy to pick up a filled fraudulent oxycodone prescription that CC-1 had previously submitted. CC-1 provided CI-1 with \$1,075 in cash to pay for the prescription. CI-1 related that, upon entering the Pharmacy, JI YUN LEE, a/k/a "G," the defendant, provided CC-1's

filled prescription in exchange for the money. CI-1 observed that the information on the label on the bottle of pills LEE provided to CI-1 on this occasion corresponded to the information on Prescription-11 that CI-1 had presented to LEE three days earlier on or about November 9, 2012. CI-1 told Agent-1 that CI-1 provided the pills from this bottle to CC-1 in a pack of cigarettes and saved the original bottle from this prescription, which CI-1 to Agent-1. Agent-1 observed that the bottle listed information corresponding with that listed on Prescription-11. Based upon my training and experience, I believe that LEE used the prescription information provided on Prescription-11, which had previously been submitted by CI-1, to provide oxycodone to CC-1.

43. On or about November 13, 2012, law enforcement provided CI-1 with a prescription for "oxycodone 20 mg," listing a particular prescribing practitioner, a particular prescription serial number, the same address as listed on Prescription-10 and Prescription-11 and a very similar patient name as the patient name listed on Prescription-10 and Prescription-11 ("Prescription-12"). CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill Prescription-12. I and other agents conducted surveillance in the vicinity of the Pharmacy on or about November 13, 2012. From Investigator-2, I know that Investigator-2 observed CI-1 enter the Pharmacy at about 4:32 p.m., and exit the pharmacy at about 4:39 p.m. Shortly after exiting the Pharmacy, CI-1 provided me with an amber medicine bottle containing pills, and listing, on a label, information corresponding to Prescription-12. I counted approximately 180 pills in this bottle. The pills in the amber medicine bottle were submitted to a DEA laboratory for analysis and tested positive for the presence of oxycodone.

44. From CI-1, I learned that, upon entering the Pharmacy, CI-1 presented Prescription-12 to a female employee who was standing behind the counter. The female employee handed Prescription-12 to JI YUN LEE, a/k/a "G," the defendant. A few minutes later, CI-1 was called to the counter, signed the pharmacy log book under a false name, and provided payment in cash, previously provided by law enforcement, for Prescription-12 to the female employee who passed the money back to LEE in a plastic bag. The female employee then gave CI-1 the medicine bottle containing pills that, as set forth in paragraph 43, tested positive for the presence of oxycodone.

#### **The November 17, 2012 Oxycodone Transaction**

45. From Investigator-2, I know that, on or about November 17, 2012, Investigator-2 conducted surveillance in the vicinity of the Pharmacy. At about 8:20 a.m., Investigator-2 observed that the

Pharmacy was closed and locked. At about 8:34 a.m., Investigator-2 observed JI YUN LEE, a/k/a "G," the defendant, arrive and unlock the roll-up doors to the Pharmacy. At about 8:52 a.m., Investigator-2 observed a co-conspirator not named as a defendant herein ("CC-3"), who had previously been identified by CI-1 as someone who filled fraudulent prescriptions at the Pharmacy, enter the Pharmacy. Investigator-2 observed that no other people, aside from LEE and CC-3, had entered the Pharmacy. At about 8:58 a.m., Investigator-2 observed CC-3 leave the Pharmacy, appearing to put something in CC-3's pocket, and enter a particular vehicle (the "Vehicle"), driven by another person.

46. From Investigator-2, I know that on or about November 17, 2012 at about 9:03 a.m., a Yonkers Police Department unit conducted a stop of the Vehicle. The Yonkers Police Department unit found, on CC-3's person, an amber medicine bottle, and another amber medicine bottle in the Vehicle's front console. Both amber medicine bottles listed the Pharmacy on the label. One bottle indicated that it contained 180 tablets of oxycodone 20 mg, and the other indicated that it contained 180 tablets of oxycodone 30 mg. Both prescription bottles were dated November 17, 2012 and indicated that they were prescribed by Practitioner-7 and neither medicine bottle was in the name of CC-3 or the driver (see paragraph 55(g) below).

#### **The January 4, 2013 Oxycodone Transaction**

47. On or about January 4, 2013, law enforcement provided CI-1 with a prescription for 180 tablets of oxycodone listing a particular prescribing practitioner ("Doctor-2"), a particular prescription serial number, and a particular patient name and address ("Prescription-13"). Intentionally omitted from Prescription-13 was the dosage strength. Prescription-13 also intentionally listed a DEA registration number different from the one assigned to Doctor-2. CI-1 was directed by law enforcement to enter the Pharmacy and attempt to fill the prescription.

48. On or about January 4, 2013, , after CI-1 was provided Prescription-13, I and other members of law enforcement conducted surveillance in the vicinity of the Pharmacy. At about 4:54 p.m., I observed CI-1 enter the Pharmacy. At about 5:02 p.m., I observed, through a glass window into the Pharmacy, CI-1 appear to have a short conversation with JI YUN LEE, a/k/a "G," the defendant, near the patient waiting area and LEE return something to CI-1. Shortly thereafter, CI-1 exited the Pharmacy.

49. From Agent-1, I know that following CI-1's visit to



the Pharmacy on or about January 4, 2013, Agent-1 and other law enforcement spoke with CI-1. CI-1 told Agent-1 that, after CI-1 entered the Pharmacy, CI-1 asked JI YUN LEE, a/k/a "G," the defendant, whether "the 20's" were available. I have learned from Agent-1 that, based upon prior conversations with CI-1, Agent-1 learned that "the 20's" referred to 20 milligram tablets of oxycodone. LEE responded by nodding his head affirmatively. At the cash register, CI-1 then wrote on Prescription-13 the dosage strength "20 mg" in CI-1's own handwriting, which is different from the other handwriting on Prescription-13, and placed the prescription in a basket. A few minutes later, LEE approached CI-1, pointed to the DEA registration number listed on the prescription, and stated, in substance, that it was the wrong number. LEE then returned Prescription-13 to CI-1, and CI-1 left the Pharmacy.

50. Shortly thereafter, law enforcement provided CI-1 with a nearly identical prescription as Prescription-13, but listing Doctor-2's correct DEA registration number and a dosage strength of 20 mg of oxycodone ("Prescription-14"). On or about January 4, 2013, at about 5:21 p.m. - about 19 minutes after CI-1 had last exited the Pharmacy - I observed CI-1 reenter the Pharmacy, walk to the cash register, and then to the patient waiting area. From my review of Prescription-13, I know that the office address listed on Prescription-13 for Doctor-2 is a particular address in the Bronx, New York ("Doctor-2's Address"). Based upon a publicly available internet-based map program and my experience in the area, I know that, in normal traffic, it would require at least about 20 minutes to drive from the Pharmacy to Doctor-2's Address in the Bronx, New York. At about 5:25 p.m., I observed CI-1 approach the cashier area and then return to the patient waiting area. Shortly thereafter, I observed a hand to hand transaction between CI-1 and JI YUN LEE, a/k/a "G," the defendant, near the side counter area before CI-1 exited the Pharmacy. After exiting the Pharmacy, CI-1 provided me with an amber medicine bottle containing pills, and listing, on a label, information from Prescription-14. I counted approximately 180 pills in this bottle. Based upon my training and experience, I believe the pills in this bottle are oxycodone.

51. From Agent-1, I know that following CI-1's visit to the Pharmacy on or about January 4, 2013, Agent-1 and other members of law enforcement spoke with CI-1. CI-1 told Agent-1 that, after CI-1 entered the Pharmacy, CI-1 presented Prescription-14 to a female employee behind the cash register. CI-1 provided \$750 in cash, which had previously been provided by law enforcement, to pay for Prescription-14, which the female employee placed into a paper bag. Shortly thereafter, JI YUN LEE, a/k/a "G," the defendant, handed CI-1 an amber medicine bottle containing pills and listing,

on the label, information from Prescription-14, including that the bottle contained 20 mg oxycodone tablets. CI-1 then left the Pharmacy and provided the bottle to me as described in paragraph 50.

#### **The Pharmacy's Oxycodone Purchases and Sales**

52. Based upon my review of records maintained by the Drug Enforcement Administration Office of Diversion Control ("ODC"), I know the following:

a. The number of oxycodone dosage units purchased by the Pharmacy in 2012 is more than double the number of oxycodone units purchased by any other pharmacy in the same zip code. In particular, in 2012, the Pharmacy purchased approximately 380,100 dosage units of oxycodone, more than double the 186,000 units purchased by the second ranking pharmacy in the same zip code.

b. The number of dosage units of oxycodone purchased by the Pharmacy in 2012 far exceeds the number of dosage units of any other Schedule II controlled substance and the Schedule III controlled substances for which ODC maintains records,<sup>5</sup> that were purchased by the Pharmacy. In particular, in 2012, the 380,100 dosage units of oxycodone purchased by the Pharmacy represents 79.95 percent of all Schedule II and the Schedule III controlled substances for which ODC maintains records, that were purchased by the Pharmacy.

c. The number of dosage units of oxycodone purchased by the Pharmacy more than doubled from 2010 to 2011 and then more than doubled again from 2011 to 2012. In particular, the number of dosage units of oxycodone purchased by the Pharmacy increased from 2010 to 2011 by approximately 111.30 percent, from approximately 89,020 dosage units in 2010 to approximately 188,100 dosage units in 2011. The number of dosage units of oxycodone purchased by the Pharmacy increased from 2011 to 2012 by approximately 102.07 percent, from approximately 188,100 dosage units in 2011 to approximately 380,100 dosage units in 2012.

53. Based upon my knowledge, training and experience, I believe that the large quantity of oxycodone purchased by the Pharmacy as compared to other pharmacies in the zip code, the large quantity of oxycodone purchased by the Pharmacy relative to other

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<sup>5</sup> ODC maintains records regarding all Schedule I and Schedule II controlled substances and seven commonly abused Schedule III controlled substances.

controlled substances purchased by the Pharmacy, and the exponential growth in oxycodone units purchased by the Pharmacy between 2010 and 2012, among other things, is consistent with the knowing and intentional unlawful distribution of oxycodone.

54. Based upon my review of records provided by the New York State Department of Health, Bureau of Narcotics Enforcement ("BNE"), I know that, from in or about June 2011 through at least in or about September 2012, over 1,200 prescriptions for oxycodone filled at the Pharmacy were filled under circumstances indicating that the prescriptions were not issued in the usual course of medical practice or for legitimate medical purposes. These circumstances, detailed further below, include the following:

a. Prescriptions that were purportedly issued by the same prescribing practitioner that were filled at the Pharmacy are, for multiple practitioners, all or nearly all for oxycodone;

b. Oxycodone prescriptions filled at the Pharmacy bear sequential prescription serial numbers in sequences numbering about 80 or more prescriptions, suggesting that the prescriptions came from a stolen or otherwise unlawfully obtained prescription pad; and

c. Oxycodone prescriptions filled at the Pharmacy were mostly paid for entirely with cash.

55. In particular, from records provided by BNE I know the following:

a. A total of 147 prescriptions purportedly issued by a particular practitioner ("Practitioner-1") were filled by the Pharmacy from on or about January 27, 2012 to on or about April 26, 2012. Of these 147 prescriptions, 141 prescriptions - about 95.9 percent of the total for Practitioner-1 - were for oxycodone. Of these prescriptions, one group of prescriptions listed sequential serial numbers from XXXXXX19 through XXXXXX99 where the initial six digits are the same on each of these prescriptions. Another group of Practitioner-1 prescriptions filled by the Pharmacy during this period lists sequential serial numbers from YYYYYY44 through YYYYYY99 where the initial six digits are the same on each of these prescriptions. Moreover, of the 141 Practitioner-1 prescriptions that were for oxycodone, 135 of them - approximately 95.7 percent of the total - were paid for in cash.

b. A total of 35 prescriptions purportedly issued by a particular practitioner ("Practitioner-2"), whose office is located in the Bronx, New York, were filled by the Pharmacy from on

or about October 6, 2011 to on or about September 14, 2012. All of these 35 prescriptions were for oxycodone. These 35 prescriptions listed sequential serial numbers from XXXXXX07 through XXXXXX41 where the initial six digits are the same on each of these prescriptions. Moreover, all of these 35 prescriptions were paid for in cash.

c. A total of 77 prescriptions purportedly issued by a particular practitioner ("Practitioner-3"), whose office is located in the Bronx, New York, were filled by the Pharmacy from on or about July 25, 2012 to on or about September 29, 2012. All of these 77 prescriptions were for oxycodone. These 77 prescriptions listed sequential serial numbers from XXXXXX23 through XXXXXX99 where the initial six digits is the same on each of these prescriptions. Moreover, all of these 77 prescriptions were paid for in cash.

d. A total of 154 prescriptions purportedly issued by a particular practitioner ("Practitioner-4") were filled by the Pharmacy from on or about September 19, 2011 to on or about June 8, 2012. Of these 147 prescriptions, 146 prescriptions - about 94.8 percent of the total for Practitioner-4 - were for oxycodone. Of these prescriptions, one group of prescriptions listed sequential serial numbers from XXXXXX10 through XXXXXX99 where the initial six digits is the same on each of these prescriptions. Another group of Practitioner-4 prescriptions filled by the Pharmacy during this period lists sequential serial numbers from YYYYYY19 through YYYYYY99 where the initial six digits is the same on each of these prescriptions. Moreover, of the 146 Practitioner-4 prescriptions that were for oxycodone, 143 of them - approximately 97.9 percent of the total - were paid for in cash.

e. A total of 118 prescriptions purportedly issued by a particular practitioner ("Practitioner-5") were filled by the Pharmacy from on or about November 7, 2011 to on or about March 9, 2012. Of these 118 prescriptions, 116 prescriptions - about 98.3 percent of the total for Practitioner-5 - were for oxycodone. Of these prescriptions, one group of prescriptions listed sequential serial numbers from XXXXXX21 through XXXXXX98 where the initial six digits is the same on each of these prescriptions. Another group of Practitioner-5 prescriptions filled by the Pharmacy during this period lists sequential serial numbers from YYYYYY17 through YYYYYY38 where the initial six digits is the same on each of these prescriptions. Moreover, of the 116 Practitioner-5 prescriptions that were for oxycodone, approximately 114 of them - approximately 98.3 percent of the total - were paid for in cash.

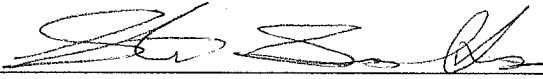
f. A total of 83 prescriptions purportedly issued by

a particular practitioner ("Practitioner-6") were filled by the Pharmacy from on or about May 29, 2012 to on or about July 21, 2012. Of these 83 prescriptions, 82 prescriptions - about 98.8 percent of the total for Practitioner-6 - were for oxycodone. Of these prescriptions, one group of Practitioner-6 prescriptions listed sequential serial numbers from XXXXXX03 through XXXXXX99 where the initial six digits is the same on each of these prescriptions and, while some numbers in the sequence are missing, the large percentage of sequential serial numbers in this sequence filled by the Pharmacy is unusual. Moreover, of the 82 Practitioner-6 prescriptions that were for oxycodone, all of them were paid for in cash.

g. A total of 198 prescriptions purportedly issued by a particular practitioner ("Practitioner-7") were filled by the Pharmacy from on or about November 12, 2011 to on or about September 27, 2012. All of these 198 prescriptions were for oxycodone. Of these prescriptions, one group of prescriptions listed sequential serial numbers between XXXXXX01 through XXXXXX95 where the initial six digits is the same on each of these prescriptions and, while some numbers in the sequence are missing, the large percentage of sequential serial numbers in this sequence filled by the Pharmacy is unusual. Another group of Practitioner-7 prescriptions filled by the Pharmacy during this period lists sequential serial numbers from YYYYYY16 through YYYYYY96 where the initial six digits is the same on each of these prescriptions and, while some numbers in the sequence are missing, the large percentage of sequential serial numbers in this sequence filled by the Pharmacy is unusual. Moreover, all of these 198 Practitioner-7 prescriptions for oxycodone were paid for in cash.

56. Based upon my review of records from a particular bank, I know that the Pharmacy maintains a business checking account (the "Pharmacy Bank Account"). From my review of records pertaining to the Pharmacy Bank Account, I know that, for each month from January through September 2012, cash deposits into the Pharmacy Bank Account exceeded \$100,000, consistent with the numerous oxycodone prescriptions at the Pharmacy that were paid for in cash, as described above.

WHEREFORE, deponent respectfully requests that JI YUN LEE, a/k/a "G," the defendant, be imprisoned, or bailed, as the case may be.



STEVEN SOO HOO  
Special Agent  
Drug Enforcement Administration

Sworn to before me this  
15th day of January, 2013



HONORABLE KEVIN N. FOX  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

## WARRANT FOR ARREST

United States District Court		DISTRICT SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA  v.  JI YUN LEE, a/k/a "G,"		DOCKET NO. <b>13 MAG 0117</b>	MAGISTRATE'S CASE NO. <b>13 Mag. 17</b>
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Order of Court <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED  JI YUN LEE (285 SOUTH MOUNTAIN ROAD, NEW CITY, NEW YORK)	
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		DISTRICT OF ARREST  CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Conspiracy to Distribute and Possess With Intent to Distribute Narcotics; Distribution and Possession With Intent to Distribute Narcotics			
IN VIOLATION OF	UNITED STATES CODE TITLE Title 21	SECTION Sections 841(a)(1), 841(b)(1)(C), 846	
BAIL	OTHER CONDITIONS OF RELEASE		
ORDERED BY	SIGNATURE (FEDERAL JUDGE/U.S. MAGISTRATE) <i>S/ Kevin Nathaniel Fox</i>		DATE ORDERED JAN 19 2013
CLERK OF COURT	(BY) DEPUTY CLERK KEVIN NATHANIEL FOX		DATE ISSUED
United States District Judge <b>RETURN</b> Southern District of New York			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER	
DATE EXECUTED			

Note: The arresting officer is directed to serve the attached copy of the charge on the defendant at the time this warrant is executed.