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UNITED STATES DISTRICT COURT

2019 FEB 19 PM 2:10

for the

Central District of California

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

United States of America )

v. )

BY ANA LEBLANC )

Case No.

ED19-0096M

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 19 2019  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 31, 2018 in the county of Riverside in the Central District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 843 (a)(3)	Obtaining a controlled substance by misrepresentation, fraud, forgery deception, or subterfuge.

This criminal complaint is based on these facts:

Continued on the attached sheet.

*Complainant's signature*

Ivan A. Rodriguez, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 02/19/2019

KENLY KIYA KATO

*Judge's signature*

City and state: Riverside, California

Kenly Kiya Kato, United States Magistrate Judge

*Printed name and title*

AUSA Benjamin Weir, 951-276-6228

## AFFIDAVIT

I, Ivan A. Rodriguez, being duly sworn, declare and state as follows:

### I. INTRODUCTION

1. I am a Special Agent ("SA") with the Drug Enforcement Administration ("DEA"), and have been so employed since July of 2012. Before serving with the DEA, I served six years in the United States Air Force and one year as a Border Patrol Agent with United States Customs and Border Protection. I have received 16 weeks of specialized training in Quantico, Virginia, pertaining to narcotics trafficking, money laundering, undercover operations, and electronic and physical surveillance procedures. Additionally, I have attended specialized training in wire and electronic interceptions and the use of wire and electronic interception equipment. I have been involved in numerous investigations dealing with the possession, manufacturing, distribution, and importation of controlled substances. I am currently assigned to the DEA District Office in Riverside, California, to a Tactical Diversion Group ("TDS") investigating offenses related to controlled substance trafficking, illegal diversion of controlled pharmaceutical substances, and money laundering.

2. During my employment with DEA, I have participated in narcotics investigations both as a case agent and in a supportive role. I have participated in the arrests of multiple drug traffickers and in interviewing informants and suspects concerning the methods and means of drug traffickers. I have also participated in countless static and mobile surveillance activities and assisted in the execution of multiple search warrants and arrest warrants. I have conducted investigations regarding these unlawful activities, violations of Title 21, United States Code (U.S.C.) §§ 841(a)(1), 843(b), 843(a)(3), 846, 952(a), and 963, and Title 18, U.S.C. §§ 2, 1952, 1956, and 1957. As a DEA agent, I primarily investigate large-scale narcotics traffickers and money laundering organizations.

3. I am currently assigned to the TDS, an investigative group whose primary focus is to prevent, detect, and investigate the diversion of pharmaceutical controlled substances and listed chemicals from legitimate channels for illegal use and distribution.

4. Based on my training and experience with TDS, I know that the distribution of controlled substances must be in compliance with certain federal rules and regulations.

Specifically:

a. 21 U.S.C § 812 establishes schedules for controlled substances; such controlled substances are listed in Schedule I through Schedule V depending on the level of potential for abuse, the current medical use, and the level of possible physical dependence. Title 21 Code of Federal Regulations (C.F.R) § 1308 provides further listings of scheduled drugs. Controlled substance pharmaceuticals are listed as controlled substances from Schedule II through V, with Schedule II identifying the drugs considered most dangerous with the least legitimate medical value. There are other drugs that are available only by prescription but are not classified as controlled substances, such as antibiotics, and other drugs that can be acquired over the counter, such as aspirin.

b. Pursuant to 21 U.S.C. § 822, controlled prescription drugs may only be prescribed, dispensed, or distributed by those persons who are registered with the Attorney General of the United States to do so (with some exceptions, such as delivery persons). The authority to register persons has been delegated to the DEA by the Attorney General.

5. Based on my training and experience, I am familiar with oxycodone, the controlled substance discussed in this affidavit. Oxycodone is a controlled substance that tends to be among the most commonly diverted. Oxycodone is a synthetic opioid pain killer and is a generic name for a narcotic analgesic classified under federal law as a Schedule II narcotic controlled substance. Oxycodone is also known by brand names OxyContin, Percocet, and Percodan. Oxycodone is sometimes referred to as “synthetic heroin.”

6. Oxycodone, when legally prescribed for a legitimate medical purpose, is typically used for the relief of moderate to severe pain. Oxycodone is typically formulated in several strengths between 10 mg and 30 mg tablets and is generally prescribed at two to four tablets per day not to exceed 30 days (dosage strength can vary by individual diagnoses). Oxycodone can be habit-forming and is a commonly abused controlled substance that is often diverted from

legitimate medical channels. Oxycodone pills or tablets are nicknamed “Oxy” and “OCs” and sell on the street for approximately \$25.00 per 30mg pill or tablet, meaning a prescription bottle containing 120, 30mg tablets would sell for approximately \$3,000.

7. Based on my training and experience, I am aware that controlled substance pharmaceutical prescription paper is a controlled item for which federal laws and regulations require the use of tamper-resistant forms and specific security specifications (e.g., non-reproducible format, serial numbers, logos, and security provisions). Based on my involvement with the investigation detailed below and discussions with other investigators involved in this investigation, I am aware that individuals have the capability to obtain and/or create counterfeit prescriptions for the sole purpose of illegally acquiring controlled substance pharmaceuticals.

8. During this investigation, I have been assisted by DEA Diversion Investigator (“DI”) Serafin P. Cabral. I have learned the following from DI Cabral regarding his work and experience with DEA. Prior to serving with the DEA, DI Cabral served six years in the United States Marine Corps and 15 years as an investigator with child welfare services, conducting child abuse investigations, a majority involving allegations of substance abuse. DI Cabral has conducted numerous investigations involving substance abuse allegations and has received numerous trainings on risk assessment, group and family dynamics, and the negative impact of illicit drugs. DI Cabral has been employed with DEA as a DI since May 2017. He attended a 12-week DEA Training Academy in Quantico, Virginia that provided skills and knowledge of investigating drug diversion-related crimes in violation of the Controlled Substance Act of 1970. DI Cabral has participated in numerous investigations involving the illegal diversion of controlled substance pharmaceuticals.

## **II. PURPOSE OF AFFIDAVIT**

9. This affidavit is also submitted in support of a criminal complaint and arrest warrant for Ana Leblanc for violation of 21 U.S.C § 843(a)(3) (obtaining a controlled substance by misrepresentation, fraud, forgery deception, or subterfuge).

10. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

### **III. SUMMARY OF PROBABLE CAUSE**

11. Ana Leblanc (“LEBLANC”) is a licensed nurse practitioner in California who does not have authority to handle or prescribe controlled substances. LEBLANC’s former employer, Advance Urgent Medical Group, Inc. (“AUMGI”), alerted DEA that LEBLANC had written herself a fraudulent prescription for oxycodone (15mg) (opioid), a Schedule II controlled substance. AUMGI reported that LEBLANC wrote the prescription using a prescription pad that had the names of AUMGI’s physicians, who had authority to issue prescriptions for controlled substances. The doctor listed on LEBLANC’s prescription was interviewed and stated that she had never met LEBLANC, she was never medically examined LEBLANC, and LEBLANC never wrote her any prescriptions.

12. LEBLANC also wrote fraudulent prescriptions for oxycodone to her grandmother, a fraudulent prescription for another controlled substance to an unrelated patient, and also wrote two additional fraudulent prescriptions to herself for non-controlled substances.

13. All of the fraudulent prescriptions were written on prescription pads from LEBLANC’s former employer, AUMGI. At the time LEBLANC worked at AUMGI, the clinic’s prescription pads were kept in an unlocked drawer. The prescribing doctor listed on the prescriptions was on medical leave from AUMGI at the time LEBLANC worked at their clinic. LEBLANC worked at AUMGI for approximately two weeks and was terminated on September 7, 2018 by telephone, after only working a total of approximately three (3) shifts.

#### **IV. DETAILED STATEMENT OF PROBABLE CAUSE**

14. Since September 2018, DEA has been investigating LEBLANC, who is believed to be involved in the illegal acquisition of controlled pharmaceuticals through the use of fraudulent and/or counterfeit prescriptions. Based upon my conversations with DI Cabral, who has investigated this case and spoken with percipient witnesses, my review of the investigative reports and evidence in this investigation, and my participation in this investigation, I learned the information set forth herein.

##### **A. Initial Report and First Known Fraudulent Scripts**

15. On September 13, 2018, the DEA Los Angeles Field Division received a call from Alana Brogdon (“Brogdon”), supervisor at AUMGI medical clinic. According to the report, Brogdon stated that a nurse practitioner who AUMGI had recently terminated (LEBLANC) had forged a prescription of oxycodone for herself and had the prescription filled at a pharmacy located in Corona, California. The prescription was filled on August 31, 2018.

16. LEBLANC is a licensed nurse practitioner in California. LEBLANC does not hold a DEA registration and she does not hold a California nurse practitioner furnishing license. Based on my training and experience, and from conversations with other law enforcement officers, I know that in California, in order for a nurse practitioner to prescribe, dispense, or administer controlled substances, a nurse practitioner must be granted a DEA registration and hold a California nurse practitioner furnishing license. As a result, LEBLANC does not have authority to handle or prescribe controlled substances.

17. On October 18, 2018, DI Cabral travelled to AUMGI in Santa Ana, California and interviewed office manager Brogdon and AUMGI owner Medhi Saghafi, M.D. (“Dr. Saghafi”). According to his report and from my conversation with DI Cabral, he learned the following information during this interview:

a. LEBLANC only worked at their clinic from approximately August 24, 2018 to September 7, 2018. On August 30, 2018, LEBLANC created a patient chart for herself

at the clinic, diagnosed herself with anxiety, and obtained Xanax (alprazolam) from the clinic's medication supply. Xanax is a Schedule IV controlled substance.

b. LEBLANC had numerous absences from work before eventually being terminated by AUMGI. LEBLANC did not show up to work from September 4, 2018 to September 6, 2018. On September 5, 2018 Brogdon conducted a query in California's Prescription Monitoring Program database ("CURES") and discovered that LEBLANC had filled a fraudulent prescription for oxycodone (15mg) using an AUMGI prescription pad. The prescribing doctor was listed as Madhavi Mulye, M.D. ("Dr. Mulye"). Dr. Mulye was a physician who worked at AUMGI. A prescription dated August 30, 2018 was purportedly written by Dr. Mulye to LEBLANC for 60 units of Oxycodone (15mg).

18. DI Cabral informed me that on October 16, 2018, he spoke with Dr. Mulye via telephone. Dr. Mulye was on medical leave from AUMGI during the time that LEBLANC worked at the clinic. Dr. Mulye stated that she did not write a prescription for LEBLANC and had never met or medically examined her. Dr. Mulye subsequently provided a signed statement attesting to this, dated November 9, 2018.

19. In reviewing the reports written by DI Cabral, I learned that on December 27, 2018, DI Cabral travelled to Care-Pro Pharmacy in Corona, California after AUMGI reported LEBLANC had the fraudulent prescription filled at this pharmacy. DI Cabral spoke to the pharmacist-in-charge, Tuan Doan ("Doan"). DI Cabral's report indicates that Doan stated that he remembered LEBLANC and that Doan was able to identify LEBLANC out of a photo line-up. Doan provided the original hard-copy prescription dated August 30, 2018 for oxycodone that was written to LEBLANC. Doan also provided DI Cabral the signature logs that showed LEBLANC had signed to pick up the oxycodone prescription on August 31, 2018. In addition, Doan provided Care-Pro records that showed that LEBLANC also picked up two other prescriptions on August 31, 2018. These prescriptions were for two non-controlled substances. Doan provided the original hard-copy prescriptions to DI Cabral, which indicated that Dr. Mulye was listed as the medical provider who wrote the prescriptions. DI Cabral has informed me that

he believed that these two non-controlled prescriptions were also fraudulent due to the fact Dr. Mulye told him that she had never met or treated LEBLANC.

**B. Additional Fraudulent Prescriptions Using Dr. Mulye's Name**

20. DI Cabral informed me that on December 7, 2018, he examined CURES for Dr. Mulye's prescribing history for the past year. In 2018, Dr. Mulye wrote only eight prescriptions for controlled substances. DI Cabral suspected that two prescriptions filled on September 28, 2018, to a patient named Guilermina Hernandez ("Hernandez") were also fraudulent. DI Cabral contacted the pharmacies where Dr. Mulye's 2018 prescriptions were filled to get copies of the prescriptions. DI Cabral obtained copies of the two prescriptions issued to Hernandez that were filled at CVS pharmacy in Chino Hills, California. In observing these prescriptions, DI Cabral noticed that the address for Hernandez listed on the prescriptions is the same address that LEBLANC had listed as her home address while working at AUMGI. The prescriptions were for diazepam (benzodiazepine, Schedule IV controlled substance) and oxycodone (opioid, Schedule II controlled substance). DI Cabral believed that they were fraudulent because the prescriptions came from the same AUMGI prescription pads as LEBLANC's fraudulent prescriptions, Hernandez shares the same address as LEBLANC, and Dr. Mulye was on medical leave at the time these prescriptions are dated.

21. On December 11, 2018, DI Cabral again spoke to Dr. Mulye, who stated that she had never met, examined, or wrote a prescription for Hernandez. Dr. Mulye provided a signed statement dated December 11, 2018 attesting to this, which I have reviewed.

22. DI Cabral has informed me that, based on intelligence gathered by Intelligence Research Specialist Lorraine Molina utilizing DEA databases, he believes that Hernandez is LEBLANC's grandmother.

**C. Unauthorized Controlled Substance Prescription to a Non-Family Member**

23. According to DI Cabral's report, on August 27, 2018, LEBLANC diagnosed a patient with "Sinusitis/URI" and "possible strep throat." She prescribed an Albuterol inhaler, Zithromax, and alprazolam (Schedule IV controlled substance). In the patient chart, LEBLANC



wrote, "Alprazolam given for severe anxiety. Patient has had it before. Advised only one time and to follow PCP for next time. Must see patient before he leaves." LEBLANC prescribed alprazolam (0.25mg), 20 units. This prescription for this patient was written on an AUMGI prescription pad and Dr. Madhavi Mulye was checked as the prescribing physician. The signature in this prescription appears different than the signature on the prescriptions issued to LEBLANC and HERNANDEZ in which Dr. Mulye is also checked as the prescribing physician.

24. The patient (age 20) has been a patient at AUMGI since 2016 and was never prescribed a controlled substance at their clinic prior to LEBLANC examining him.

**D. Access to Prescription Pads**

25. On January 30, 2019, DI Cabral interviewed AUMGI medical assistant Glory Manguilar ("Manguilar"). According to DI Cabral's report, Manguilar explained that she was in charge of the drawer where AUMGI kept their prescription pads. During the time LEBLANC worked at the clinic, the drawer containing the prescription pads was never locked. AUMGI policy is that only one controlled substance pad and one non-controlled substance pad would be placed in the drawer and a practitioner would have to request a prescription sheet one at a time from Manguilar. Manguilar stated she remembers providing LEBLANC controlled prescription blanks on multiple occasions, however she cannot remember the number of times. Manguilar stated that she does remember on occasion LEBLANC immediately asking for a second prescription blank after stating that she "messed up" on the first blank that was given to her.

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V. CONCLUSION

26. For all the reasons described above, there is probable cause to believe Ana LeBlanc has committed a violation of 21 U.S.C. § 843 (a)(3) (obtaining a controlled substance by misrepresentation, fraud, forgery deception, or subterfuge).

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Ivan A. Rodriguez, Special Agent  
DEA

Subscribed to and sworn before me  
this 19 day of February, 2019.

KENLY KIYA KATO

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UNITED STATES MAGISTRATE JUDGE