UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA CRIMINAL NO. 19-231

> SECTION: "E" v.

ANDREW JAMES VAN ATTA

FACTUAL BASIS

Defendant ANDREW JAMES VAN ATTA ("VAN ATTA"), has agreed to plead guilty to the sole count of the Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts. Unless stated otherwise, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

VAN ATTA had his primary residence in New Orleans, Louisiana, from the period beginning in or around 2013 and ending in or around 2017. VAN ATTA attended medical school from 2013 through 2017, when he graduated and became a doctor. In or around the end of 2017, VAN ATTA moved to Alaska.

Beginning in or around March of 2017, VAN ATTA maintained several email accounts (collectively, the "Email Accounts") from a variety of domains, registered under his own name as well as under the names of others. VAN ATTA used the Email Accounts to create accounts under fake names with Company 1, which was a healthcare market research company that paid doctors to take surveys and then used that information to assist pharmaceutical companies. VAN ATTA could not use his own name with Company 1 at the start of his scheme because he was not a licensed physician and did not meet Company 1's criteria for their surveys, so Company 1 would

AUSA NO Defendant Defense Counsel

not have paid him to take surveys. To impersonate multiple licensed physicians, VAN ATTA used the National Provider Identifier codes for actual physicians to create false accounts under their names with Company 1, using the Email Accounts. Each time VAN ATTA completed surveys with Company 1, Company 1 issued payments to him via PayPal, which is a payments company, to PayPal accounts that VAN ATTA set up using the Email Accounts. VAN ATTA maintained a log of the names associated with the Email Accounts and the survey topics for which he had completed surveys with Company 1.

VAN ATTA maintained several accounts with PayPal, each associated with one or more of the Email Accounts (collectively, the "PayPal Accounts"). VAN ATTA limited the deposits he made in each specific PayPal account so that it never reached \$20,000, which would have caused PayPal to request a taxpayer identification number from VAN ATTA. Each of the PayPal Accounts were able to transfer funds to, or receive funds from, other PayPal Accounts. VAN ATTA also maintained two bank accounts at USAA Bank, and one bank account at Wells Fargo, and he was the sole authorized signatory for each account. Several of the PayPal Accounts were able to deposit funds into VAN ATTA's accounts at USAA Bank and Wells Fargo. In total, VAN ATTA completed approximately 5,262 surveys with Company 1, and Company 1 paid VAN ATTA approximately \$114,944 through the PayPal Accounts.

Company 1 maintained its servers in Virginia. Whenever **VAN ATTA** completed a survey with Company 1, it caused an electronic signal to be transmitted from his location to Company 1's servers in Virginia. Between January 2, 2017, and August 16, 2017, **VAN ATTA** electronically accessed Company 1's servers, which were in Virginia, 925 times while **VAN ATTA** was located New Orleans, Louisiana.

AUSA Non-Defendant Defense Counsel

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by VAN ATTA, and it is not a complete statement of all facts described by VAN ATTA to the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for VAN ATTA's plea of guilty to the charged offense.

NICHOLAS D. MOSES

Assistant United States Attorney

NEAL AINSWORTH

Counsel for Andrew James Van Atta

ANDREW JAMES VAN ATTA

Defendant