

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No. 15 CR 339
)	
v.)	
)	Violations: Title 18, United States
DAVID STELMACHOWSKI and)	Code, Section 371; Title 21, United
WILLIAM MIKAITIS)	States Code, Sections 331(k), 333(a)(2),
)	353(b)(1), 841, 843, and 846

COUNT ONE

The SPECIAL JANUARY 2015 GRAND JURY charges:

1. At times material to this Indictment:

a. Defendant WILLIAM MIKAITIS was a physician licensed to practice medicine in the State of Illinois.

b. Defendant DAVID STELMACHOWSKI's address was a P. O. Box in Westmont, Illinois.

c. The prescription drugs Oxycodone and Amphetamine Salt Combo, both Schedule II Controlled Substances, were drugs held for sale following their shipment in interstate commerce.

d. The United States Food and Drug Administration was the federal agency charged with the responsibility of protecting the health and safety of the American public by enforcing the Federal Food, Drug, and Cosmetic Act (the "FDCA.") One purpose of the FDCA was to ensure that drugs sold for use by humans were safe, effective, and bore labeling containing only true and accurate information. The FDA's responsibilities under the FDCA included regulating the manufacture,

labeling, and distribution of all drugs, including prescription drugs, and drug components shipped or received in interstate commerce.

e. Under the FDCA, the term “drug” included articles that: (1) were intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or (2) were intended to affect the structure or any function of the body of man.

f. Pursuant to the FDCA, some drugs intended for use by humans could be dispensed only upon the valid prescription of a practitioner licensed by law to administer such drugs. Such drugs were known as “prescription drugs.” “Prescription drugs” were those drugs which, because of their toxicity and other potential harmful effects, were not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. A drug was also a “prescription drug” if the FDA required it to be administered under the supervision of a practitioner licensed by law to administer such drug as a condition of the FDA's approval of the drug.

g. Under the FDCA, dispensing a prescription drug without a valid prescription by a licensed practitioner was deemed to be an act that resulted in the drug being misbranded while held for sale. The FDCA prohibited doing any act that caused a drug to be misbranded while held for sale after shipment in interstate commerce.

2. Beginning no later than in or about January 2010 and continuing to in or about July 2013, at Lockport, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAVID STELMACHOWSKI and
WILLIAM MIKAITIS,

defendants herein, did conspire with each other and with others known and unknown to the Grand Jury, to commit an offense against the United States, namely, with intent to defraud or mislead, to dispense and cause to be dispensed quantities of prescription drugs, namely Oxycodone and Amphetamine Salt Combo, in that these prescription drugs were dispensed without a valid prescription, an act that resulted in the drugs being misbranded while held for sale after shipment in interstate commerce, and that act resulted in the drugs being misbranded, in violation of Title 21, United States Code, Sections 353(b)(1), 331(k) and 333(a)(2).

Method and Means of the Conspiracy

3. It was part of the conspiracy that:

a. Defendant MIKAITIS issued over 500 prescriptions to defendant STELMACHOWSKI for Oxycodone and Amphetamine Salt Combo (Adderall) tablets without performing a thorough physical examination or ordering medical tests on defendant STELMACHOWSKI.

b. Defendant STELMACHOWSKI filled written prescriptions for approximately 37,000 pills or tablets of Oxycodone and Amphetamine Salt Combo at 80 different Chicago-area pharmacy locations to avoid attracting undue attention to the number of prescriptions and pills prescribed by defendant MIKAITIS.

c. Defendant MIKAITIS failed to monitor defendant STELMACHOWSKI's usage of Oxycodone and Amphetamine Salt Combo pills.

d. Defendant MIKAITIS and defendant STELMACHOWSKI misrepresented, concealed and hid, and caused to be misrepresented, concealed and hidden, the purposes and acts done in furtherance of the conspiracy.

Overt Acts

4. Defendants MIKAITIS and STELMACHOWSKI committed and caused to be committed the following overt acts, among other acts, in the Northern District of Illinois, and elsewhere, to effect the object of the conspiracy:

a. In August 2010, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
08/06/2010	100 30mg Oxycodone Pills	Oscos – Riverside
08/06/2010	40 40mg OxyContin Pills	Oscos – Riverside
08/10/2010	40 80mg OxyContin Pills	Oscos – Riverside
08/13/2010	40 40mg OxyContin Pills	Oscos – Countryside
08/16/2010	49 80mg OxyContin Pills	Oscos – Riverside
08/16/2010	14 20mg Amphetamine Salt Combo	Oscos – Riverside
08/18/2010	30 80mg Oxycodone Pills	Oscos – Riverside
08/24/2010	4 20mg Amphetamine Salt Combo	Oscos – Countryside
08/24/2010	12 80mg Oxycodone Pills	Oscos – Countryside
08/24/2010	10 40mg OxyContin Pills	Oscos – Countryside
08/27/2010	30 80mg OxyContin Pills	Oscos – Countryside
08/27/2010	30 40mg Oxycodone Pills	Oscos – Countryside
08/28/2010	4 20mg Amphetamine Salt Combo	Oscos – Countryside
08/29/2010	25 40mg Oxycodone Pills	Oscos – Countryside
08/30/2010	186 40mg OxyContin Pills	Oscos – Countryside

08/30/2010	166 80mg OxyContin Pills	Oscos – Countryside
08/31/2010	90 30mg Oxycodone Pills	Oscos – Countryside
08/31/2010	60 20mg Amphetamine Salt Combo	Oscos – Countryside

b. In September 2011, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
09/06/2011	20 80mg Oxycodone Pills	Oscos – Minooka
09/06/2011	30 20mg Amphetamine Salt Combo	Oscos - Countryside
09/06/2011	240 30mg Oxycodone Pills	Oscos – Countryside
09/12/2011	120 30mg Oxycodone Pills	Oscos – Countryside
09/16/2011	240 30mg Oxycodone Pills	Oscos – Countryside
09/16/2011	20 20mg Amphetamine Salt Combo	Oscos – Countryside
09/19/2011	5 80mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
09/21/2011	2 80mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
09/22/2011	40 30mg Oxycodone Pills	Oscos – Countryside
09/23/2011	10 80mg Oxycodone Pills	Oscos – Buffalo Grove
09/23/2011	15 20mg Amphetamine Salt Combo	Oscos – Buffalo Grove
09/24/2011	80 30mg Oxycodone Pills	Oscos – Buffalo Grove
09/25/2011	10 80mg Oxycodone Pills	Oscos – Buffalo Grove
09/27/2011	40 30mg Oxycodone Pills	Oscos – Woodridge
09/29/2011	180 30mg Oxycodone Pills	Oscos – Countryside

c. In December 2011, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
12/01/2011	100 30mg Oxycodone Pills	Oscos – Countryside
12/05/2011	100 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
12/06/2011	3 20mg Amphetamine Salt Combo	Oscos – Countryside
12/07/2011	100 30mg Oxycodone Pills	Oscos – Countryside
12/07/2011	6 20mg Amphetamine Salt Combo	Oscos – Countryside
12/08/2011	100 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
12/09/2011	12 20mg Amphetamine Salt Combo	Oscos – Countryside
12/10/2011	100 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
12/12/2011	250 30mg Oxycodone Pills	Oscos – Countryside
12/13/2011	20 20mg Amphetamine Salt Combo	Oscos – Countryside
12/17/2011	150 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
12/18/2011	12 20mg Amphetamine Salt Combo	Oscos – Countryside
12/22/2011	180 30mg Oxycodone Pills	Oscos – Countryside
12/22/2011	38 20 mg Amphetamine Salt Combo	Oscos – Countryside
12/24/2011	140 30mg Oxycodone Pills	Walgreens – Villa Park
12/28/2011	60 30mg Oxycodone Pills	Oscos – Countryside
12/31/2011	10 80mg Oxycodone Pills	Walgreens – Libertyville

d. In January 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
01/01/2012	140 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
01/03/2012	200 30mg Oxycodone Pills	Oscos – Countryside
01/03/2012	30 20 mg Amphetamine Salt Combo	Oscos – Countryside
01/06/2012	35 80mg Oxycodone Pills	Walgreens- Waukegan
01/08/2012	100 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
01/10/2012	240 30mg Oxycodone Pills	Oscos – Countryside
01/13/2012	140 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
01/14/2012	31 80mg Oxycodone Pills	Walgreens – Waukegan
01/17/2012	40 20 mg Amphetamine Salt Combo	Oscos - Countryside
01/19/2012	140 30mg Oxycodone Pills	Oscos – Countryside
01/21/2012	140 30 mg Oxycodone Pills	Walgreens – Villa Park
01/24/2012	140 30mg Oxycodone Pills	Oscos – Clarendon Hills
01/26/2012	48 40 mg Oxycodone Pills	Walgreens – Elgin
01/30/2012	140 30mg Oxycodone Pills	Walgreens – Villa Park

e. In March 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
03/03/2012	180 30 mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
03/05/2012	30 20mg Amphetamine Salt Combo	Walgreens - Lyons
03/10/2012	9 80mg Oxycodone Pills	Walgreens - Aurora
03/11/2012	110 30 mg Oxycodone Pills	Walgreens – Aurora
03/13/2012	180 30 mg Oxycodone Pills	Oscos – Countryside
03/17/2012	38 20mg Amphetamine Salt Combo	CVS – North Riverside
03/20/2012	140 30 mg Oxycodone Pills	Walgreens- Villa Park
03/23/2012	140 30 mg Oxycodone Pills	Oscos – Countryside
03/31/2012	30 20mg Amphetamine Salt Combo	CVS – North Riverside

f. In May 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
05/01/2012	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
05/07/2012	180 30mg Oxycodone Pills	Oscos – Countryside
05/11/2012	180 30mg Oxycodone Pills	Walgreens – Villa Park
05/12/2012	6 20mg Amphetamine Salt Combo	Walgreens – River Forest
05/15/2012	30 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
05/18/2012	30 40mg Oxycodone Pills	Walgreens – Stickney
05/21/2012	100 30mg Oxycodone Pills	Oscos – Countryside
05/23/2012	220 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
05/28/2012	25 40mg Oxycodone Pills	Walgreens – Oak Brook
05/29/2012	180 30mg Oxycodone Pills	Oscos – Countryside
05/29/2012	40 20mg Amphetamine Salt Combo	Walgreens – Plainfield Road, Willowbrook

g. In August 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
08/02/2012	40 20mg Amphetamine Salt Combo	Walgreens – Willowbrook,
08/05/2012	20 40mg OxyContin Pills	Oscos – Countryside
08/09/2012	8 80mg Oxycodone Pills	Oscos – Countryside
08/09/2012	240 30mg Oxycodone Pills	Oscos - Countryside
08/12/2012	8 80mg OxyContin Pills	Oscos – Countryside
08/15/2012	140 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park,
08/24/2012	12 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
08/24/2012	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
08/25/2012	8 80mg OxyContin Pills	Oscos – Countryside
08/27/2012	10 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
08/28/2012	30 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
08/28/2012	200 30mg Oxycodone Pills	Walgreens – River Forest

h. In September 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
09/02/2012	10 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
09/03/2012	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
09/11/2012	8 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
09/11/2012	120 30mg Oxycodone Pills	Walgreens –River Forest
09/11/2012	8 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
09/16/2012	30 20mg Amphetamine Salt Combo	Walgreens – Willowbrook

09/21/2012	240 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
09/26/2012	30 20mg Amphetamine Salt Combo	Walgreens – Highland, Indiana

i. In October 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
10/02/2012	140 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
10/05/2012	220 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
10/10/2012	7 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
10/16/2012	40 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
10/16/2012	220 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
10/22/2012	130 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park

j. In November 2012, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
11/06/2012	52 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
11/06/2012	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
11/14/2012	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
11/18/2012	10 80mg OxyContin Pills	Walgreens – River Forest
11/23/2012	240 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
11/23/2012	17 20mg Amphetamine Salt Combo	Walgreens – St. Charles Road, Villa Park
11/29/2012	230 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park

k. In January 2013, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
01/03/2013	4 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
01/08/2013	240 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
01/09/2013	240 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
01/15/2013	20 20mg Amphetamine Salt Combo	Walgreens – Cicero
01/15/2013	160 30mg Oxycodone Pills	Walgreens – Cicero
01/28/2013	220 30mg Oxycodone Pills	Walgreens – Cicero

l. In March 2013, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
03/04/2013	240 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
03/11/2013	40 15mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
03/11/2013	40 20mg Amphetamine Salt Combo	Walgreens – Roosevelt Road, Villa Park
03/11/2013	3 80mg OxyContin Pills	Walgreens – Roosevelt Road, Villa Park
03/18/2013	180 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
03/23/2013	120 30mg Oxycodone Pills	Walgreens – River Forest
03/26/2013	30 20mg Amphetamine Salt Combo	Walgreens – Niles
03/27/2013	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park

m. In April 2013, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
04/05/2013	180 30mg Oxycodone Pills	Walgreens – St. Charles Road, Villa Park
04/10/2013	180 30mg Oxycodone Pills	Walgreens – Cicero
04/22/2013	160 30mg Oxycodone Pills	Walgreens – Westmont
04/30/2013	200 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park

n. In June 2013, STELMACHOWSKI filled and caused to be filled the following written prescriptions issued by MIKAITIS at different pharmacy locations as shown below:

DATE FILLED	DRUGS	PHARMACY
06/03/2013	220 30mg Oxycodone Pills	Walgreens – Roosevelt Road, Villa Park
06/06/2013	30 20mg Amphetamine Salt Combo	Walgreens – Willowbrook
06/08/2013	25 40mg OxyContin Pills	Walgreens – Lyons
06/15/2013	162 30mg Oxycodone Pills	Walgreens – North Ave, Chicago
06/19/2013	30 20mg Amphetamine Salt Combo	Walgreens – Westmont
06/19/2013	240 30mg Oxycodone Pills	Walgreens – Westmont
06/28/2013	180 30mg Oxycodone Pills	Walgreens – Hickory Hills

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

The SPECIAL JANUARY 2015 GRAND JURY further charges:

Beginning no later than in or about January 2010 and continuing to in or about July 2013, at Lockport, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MIKAITIS and
DAVID STELMACHOWSKI,

defendants herein, did conspire with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally acquire and obtain possession of a controlled substance, namely a quantity of a mixture and substance containing Oxycodone, a Schedule II Controlled Substance, and a quantity of a mixture and substance containing Amphetamine Salt Combo, also known as Adderall, a Schedule II Controlled Substance, by misrepresentation, fraud, and deception, in violation of Title 21, United States Code, Section 843(a)(3);

In violation of Title 21, United States Code, Section 846.

COUNTS THREE - TEN

The SPECIAL JANUARY 2015 GRAND JURY further charges:

On or about the dates listed below, at Lockport, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MIKAITIS,

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing the Schedule II Controlled Substance listed below, outside the scope of professional practice and without a legitimate medical purpose, each such instance being a separate Count of this Indictment:

COUNT	DATE	CONTROLLED SUBSTANCE
3	12/12/2011	250 30mg Oxycodone Pills
4	01/10/2012	240 30mg Oxycodone Pills
5	10/16/2012	220 30mg Oxycodone Pills
6	11/23/2012	240 30mg Oxycodone Pills
7	12/15/2012	240 30mg Oxycodone Pills
8	01/09/2013	240 30mg Oxycodone Pills
9	06/03/2013	220 30mg Oxycodone Pills
10	06/19/2013	240 30mg Oxycodone Pills

In violation of Title 21, United States Code, Section 841(a).

COUNTS ELEVEN – EIGHTEEN

The SPECIAL JANUARY 2015 GRAND JURY further charges:

On or about the dates listed below, at Lockport, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAVID STELMACHOWSKI,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, a quantity of a mixture and substance containing the Schedule II Controlled Substance listed below, each such instance being a separate Count of this Indictment:

COUNT	DATE	CONTROLLED SUBSTANCE
11	12/12/2011	250 30mg Oxycodone Pills
12	01/10/2012	240 30mg Oxycodone Pills
13	10/16/2012	220 30mg Oxycodone Pills
14	11/23/2012	240 30mg Oxycodone Pills
15	12/15/2012	240 30mg Oxycodone Pills
16	01/09/2013	240 30mg Oxycodone Pills
17	06/03/2013	220 30mg Oxycodone Pills
18	06/19/2013	240 30mg Oxycodone Pills

In violation of Title 21, United States Code, Section 841(a).

COUNTS NINETEEN – TWENTY-FIVE

The SPECIAL JANUARY 2015 GRAND JURY further charges:

On or about the dates listed below, at Lockport, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MIKAITIS,

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing the Schedule II Controlled Substance listed below, outside the scope of professional practice and without a legitimate medical purpose, each such instance being a separate Count of this Indictment:

COUNT	DATE	CONTROLLED SUBSTANCE
19	05/15/2013	60 30mg Oxycodone Pills
20	06/27/2013	90 30mg Oxycodone Pills
21	07/16/2013	90 30mg Oxycodone Pills
22	08/08/2013	120 30mg Oxycodone Pills
23	08/15/2013	120 30mg Oxycodone Pills
24	11/14/2013	180 30mg Oxycodone Pills
25	12/09/2014	180 30mg Oxycodone Pills

In violation of Title 21, United States Code, Section 841(a).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY