

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton  
 :  
 v. : Crim. No. 20-  
 :  
 ROBERT FAZZINI : 18 U.S.C. § 371

**INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

**Background**

1. Unless otherwise indicated, at all times relevant to this Information:
  - a. Defendant Robert FAZZINI (“FAZZINI”) was a licensed pharmacist and owner of White’s Pharmacy, a retail pharmacy located in Morris County, New Jersey (“White’s Pharmacy”).
  - b. “Coconspirator-1” was a resident of Bergen County, New Jersey.
  - c. “Doctor-1” was a physician who maintained a medical practice at an office located in Jersey City, New Jersey.
  - d. “Individual-1,” a relative of Coconspirator-1, resided in New Jersey and was the named owner of “Company-1.”
  - e. The United States provided certain benefits, including health care benefits and wage loss replacement, to federal employees who sustained a work-related injury. *See* Federal Employees’ Compensation Act, 5 U.S.C. § 8101, *et seq.* The

federal workers' compensation program was administered by the United States Department of Labor, Office of Workers' Compensation Program ("DOL-OWCP"). If a federal employee was injured on the job, he or she was required to submit to DOL-OWCP certain forms and medical reports that contained information about the claimant and the injury. Once approved for benefits, individuals could claim health care benefits, including for qualifying doctors' visits and prescription drugs, through DOL-OWCP. Accordingly, the federal workers' compensation program constituted a "health care benefit program" as defined in 18 U.S.C. § 24(b).

### **The Conspiracy**

2. From in or about July 2015 through in or about December 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

### **ROBERT FAZZINI**

did knowingly and intentionally conspire and agree with Coconspirator-1 and others to knowingly and willfully offer and pay remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks and bribes, in exchange for the furnishing and arranging for the furnishing of items and services, namely, prescription referrals to White's Pharmacy for which payment was made in whole or in part under a Federal healthcare program, specifically, the federal workers' compensation benefits program administered by DOL-OWCP, contrary to Title 42, United States Code, Section 1320a-7b(b)(2)(A).

### **Goal of the Conspiracy**

3. The goal of the conspiracy was for FAZZINI to obtain substantial reimbursement payments from DOL-OWCP by paying kickbacks and bribes to Coconspirator-1 in exchange for Coconspirator-1 steering prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy.

### **Manner and Means of the Conspiracy**

4. It was part of the conspiracy that:
- a. Coconspirator-1 was not a health care professional but had a business relationship with Doctor-1, whose patient population included DOL-OWCP patients.
  - b. FAZZINI and Coconspirator-1 entered into an agreement in which Coconspirator-1 helped steer a large volume of prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy in exchange for a percentage of the reimbursement payments that FAZZINI and White's Pharmacy received from DOL-OWCP for those prescriptions.
  - c. Consistent with their agreement, from in or about July 2015 to in or about December 2015, FAZZINI and White's Pharmacy filled over approximately 370 prescriptions, including pain cream prescriptions, from Doctor-1 for which FAZZINI and White's Pharmacy received over approximately \$2,000,000 in reimbursement payments from DOL-OWCP. During in or about the same time

period, FAZZINI paid Coconspirator-1 a large percentage of those reimbursements as kickbacks and bribes for Coconspirator-1's help in steering the prescriptions from Doctor-1 to FAZZINI and White's Pharmacy.

d. FAZZINI and Coconspirator-1 attempted to disguise the true and corrupt nature of their kickback and bribe relationship by, among other things, having FAZZINI pay Coconspirator-1 either: (i) as a White's Pharmacy employee, even though Coconspirator-1 did not actually work for White's Pharmacy; or (ii) through payments to Individual-1 and Company-1, even though Individual-1 and Company-1 had no legitimate business relationship with White's Pharmacy.

#### **Overt Acts**

5. In furtherance of the conspiracy, and to achieve its illegal objectives, FAZZINI, Coconspirator-1, and others committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

a. In or about July 2015, Coconspirator-1 helped steer approximately 83 prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy for which White's Pharmacy billed DOL-OWCP.

b. In or about July 2015, FAZZINI paid Coconspirator-1 two separate kickback and bribe payments, through Company-1, totaling approximately \$158,167.

c. In or about August 2015, Coconspirator-1 helped steer

approximately 76 prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy for which White's Pharmacy billed DOL-OWCP.

d. In or about August 2015, FAZZINI paid Coconspirator-1 three separate kickback and bribe payments, through Company-1, totaling approximately \$339,443.

e. In or about October 2015, Coconspirator-1 helped steer approximately 72 prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy for which White's Pharmacy billed DOL-OWCP.

f. In or about October 2015, FAZZINI paid Coconspirator-1 two separate kickback and bribe payments totaling approximately \$43,787.

g. In or about December 2015, Coconspirator-1 helped steer approximately 23 prescriptions, including pain cream prescriptions, from Doctor-1 to FAZZINI and White's Pharmacy for which White's Pharmacy billed DOL-OWCP.

h. In or about December 2015, FAZZINI paid Coconspirator-1 two separate kickback and bribe payments totaling approximately \$65,820.

In violation of Title 18, United States Code, Section 371.

## **FORFEITURE ALLEGATION**

1. Upon conviction of the Federal health care offense (as defined in 18 U.S.C. § 24) alleged in this Information, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real or personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the alleged offense (as defined in 18 U.S.C. § 24).

## **SUBSTITUTE ASSETS PROVISION**

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

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

the United States shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

  
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CRAIG CARPENITO  
United States Attorney

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District of New Jersey

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UNITED STATES OF AMERICA

v.

ROBERT FAZZINI

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**INFORMATION FOR**

18 U.S.C. § 371

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**CRAIG CARPENITO**

*U.S. ATTORNEY*

*NEWARK, NEW JERSEY*

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