

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FEROZE NAZIRBAGE,
a/k/a "Faroo,"

Defendant.

24 May 2023

SEALED COMPLAINT

Violations of 21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(C), 841(b)(2), 846;
18 U.S.C. § 2

COUNTIES OF OFFENSE:
WESTCHESTER, BRONX, & QUEENS

SOUTHERN DISTRICT OF NEW YORK, ss.:

GEORGE BURDZY, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

(Conspiracy to Distribute and Dispense Narcotics and Controlled Substances)

1. From at least in or about December 2022 up to and including the date of this Complaint, in the Southern District of New York and elsewhere, FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

2. It was a part and an object of the conspiracy that FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, and others known and unknown, would and did distribute, dispense, possess with intent to distribute and dispense, and cause to be distributed and dispensed controlled substances, both without prescriptions and through prescriptions that were not issued for a legitimate medical purpose by a practitioner acting within the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were (i) quantities of mixtures and substances containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); (ii) quantities of mixtures and substances containing a detectable amount of amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); and (iii) quantities of mixtures and substances containing a detectable amount of alprazolam, a Schedule IV controlled substance, in violation of 21 U.S.C. § 841(b)(2).

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

COUNTS TWO THROUGH TWELVE

(Distribution and Dispensation of Narcotics and Controlled Substances)

4. On or about the dates set forth below, in the Southern District of New York and elsewhere, FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, knowingly and intentionally

distributed, dispensed, possessed with intent to distribute and dispense, and caused to be distributed and dispensed controlled substances, both without prescriptions and through prescriptions that were not issued for a legitimate medical purpose by a practitioner acting within the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

5. The controlled substances involved in the offense, as set forth below, were (i) quantities of mixtures and substances containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); (ii) quantities of mixtures and substances containing a detectable amount of amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); and (iii) quantities of mixtures and substances containing a detectable amount of alprazolam, a Schedule IV controlled substance, in violation of 21 U.S.C. § 841(b)(2).

Count	Date	Controlled Substance(s) Involved	Penalty Provision(s)
Two	February 18, 2023	Oxycodone; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Three	March 7, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Four	March 18, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Five	April 1, 2023	Oxycodone	21 U.S.C. § 841(b)(1)(C)
Six	April 29, 2023	Oxycodone	21 U.S.C. § 841(b)(1)(C)
Seven	May 20, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Eight	July 20, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Nine	October 11, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Ten	November 21, 2023	Oxycodone	21 U.S.C. § 841(b)(1)(C)
Eleven	January 18, 2024	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Twelve	April 3, 2024	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C)&(b)(2); Title 18, United States Code, Section 2.)

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. This complaint is based in part upon my personal knowledge, training, and experience, conversations with other law-enforcement officers and others, my examination of correspondence, reports, records, and recordings, and my review of publicly available information and regulations. 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 or recordings and the actions, statements, and

conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE CONTROLLED SUBSTANCES ACT & DIVERSION PREVENTION

7. There are numerous federal and state rules and regulations that govern prescribing and dispensing controlled substances, including those designed to prevent illicit diversion of those substances. Through a review of publicly available records, statutes, and regulations, as well as discussions with other law enforcement officers, I have learned the following about those laws:

a. The Controlled Substances Act governs the manufacture, distribution, and dispensing of controlled substances in the United States. Various prescription drugs are scheduled substances under the Controlled Substances Act. The DEA categorizes controlled substances into one of five schedules based on, among other things, their medical use, potential for abuse, and safety or dependence liability.

b. Medical practitioners authorized to prescribe or dispense controlled substances by the jurisdiction in which they are licensed to practice medicine are authorized by the Controlled Substances Act to write prescriptions for or otherwise dispense controlled substances if they are registered with the Attorney General of the United States through the DEA. Such medical practitioners are authorized by the DEA pursuant to an application, and registrants are issued a unique registration number. Pharmacies that fill controlled substance prescriptions are also authorized by the DEA and obtain a registration number by applying to the DEA.

c. Title 21, Code of Federal Regulations, Section 1306.04(a) provides, in part, that for a prescription for a controlled substance to be effective, it “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” While “[t]he responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, . . . a corresponding responsibility rests with the pharmacist who fills the prescription.” Specifically, “[a]n order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. § 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.”

d. New York State has in place a prescription monitoring program (or “PMP”), which is overseen by the Bureau of Narcotics Enforcement (the “BNE”). Among other measures, the BNE maintains a registry of controlled substance prescriptions, which tracks various pieces of information, including the identities of the prescribing practitioner, dispensing pharmacy, and the patient. Pharmacies operating in New York are required to report prescription information to BNE after dispensing a controlled substance to a patient. The BNE registry is then used by both healthcare professionals and law enforcement officers to, among other things, identify possible instances of diversion. Indeed, physicians and pharmacists are expected to regularly check their patients against that registry to ensure that their patients are not engaging in behaviors that indicate that they are abusing or re-

selling controlled substances (*e.g.*, receiving multiple prescriptions from different providers).

e. The DEA operates the Automation of Reports and Consolidated Orders System (or “ARCOS”). ARCOS is an automated, comprehensive drug reporting system that monitors the flow of DEA controlled substances from their point of manufacture through commercial distribution channels to point of sale or distribution at the dispensing/retail level. The DEA compiles the data in ARCOS through, among other sources, order forms for controlled substances submitted by manufacturers and distributors. Among other purposes, ARCOS is intended to allow the DEA to see the number of controlled substances purchased by providers and pharmacies.

8. Through a review of publicly available medical information, as well as my training and experience, I know, among other things, the following about oxycodone, amphetamine, and alprazolam:

a. Oxycodone, a Schedule II narcotic, is a highly addictive opioid analgesic that is used to treat severe and chronic pain conditions, such as post-operative pain, severe back and orthopedic injuries, as well as pain associated with certain forms of cancer and other terminal illnesses. Oxycodone is typically dispensed in tablet form, with dosages usually varying between 5mg and 80mg of oxycodone per tablet. Oxycodone tablets come in extended-release and immediate-release (or “IR”) form. Immediate-release oxycodone is faster acting than the extended-release formulation, and so is typically the favored form for oxycodone abusers. While tablets can contain just oxycodone, some will be a combination of oxycodone and acetaminophen (*i.e.*, Tylenol). These oxycodone-acetaminophen tablets are typically sold under the brand name Percocet. The dosage strength for oxycodone-acetaminophen tablets refers to the relative amounts of each substance in the tablet—for instance, a 10/325mg tablet contains approximately 10mg of oxycodone and 325mg of acetaminophen.

b. Amphetamine, a Schedule II stimulant, is typically used to treat attention deficit hyperactivity disorder. One common brand name drug containing amphetamine is Adderall, which is a combination of dextroamphetamine and amphetamine.

c. Alprazolam, a Schedule IV depressant, is a benzodiazepine that is commonly sold under the brand name Xanax. Alprazolam is typically used to treat anxiety or panic disorders.

d. Together, oxycodone, amphetamine, and alprazolam are sometimes referred to as the “Holy Trinity” drug cocktail by oxycodone abusers due to the substances’ cumulative chemical effect. Of particular concern about this “Holy Trinity” is the combination of an opioid (oxycodone) and a benzodiazepine (alprazolam), as mixing those substances together increases the risk of a fatal overdose.

e. As controlled substances, oxycodone, amphetamine, and alprazolam are available to the public only through prescriptions.

9. I have personally participated in the investigation and prosecution of other schemes to illegally divert controlled substances for re-sale. Based on my experience during those investigations, as well as my training, I know the following about diversion schemes:

a. Oxycodone prescriptions are in high demand and have significant cash value to drug dealers. The street value of oxycodone depends on the number of milligrams of oxycodone in each tablet; in and around the New York City area, each milligram of oxycodone roughly translates to around \$1 in street value. So, for example, a 15mg oxycodone tablet would have a street value of around \$15. Street prices for oxycodone can be even higher in other parts of the country.

b. Many diversion schemes involve healthcare professionals—such as doctors or pharmacists—who, for a fee, will write medically unnecessary prescriptions for or otherwise dispense large quantities of oxycodone and other controlled substances. In such schemes, the healthcare professional typically charges cash for phony medical visits or the filling of prescriptions that the professional knows have no legitimate medical purpose. Professionals may also sell additional controlled substances to their customers without a prescription.

c. As it relates to pharmacies, a discrepancy between the number of pills purchased (as tracked by ARCOS) and the number of pills the pharmacy reports dispensing (as tracked by BNE) is an indication that the pharmacy may be engaged in diversion. For instance, if a pharmacy is purchasing far more oxycodone tablets than it is reporting selling, that is an indication that the pharmacy may be engaging in unreported, unprescribed sales. Because of the various reporting and tracking systems, one common tactic that pharmacies engaging in diversion will use to evade detection is underfilling prescriptions. By way of example, if a pharmacy underfills a prescription of 100 oxycodone tablets by 20 tablets, the pharmacy would then be able to divert those 20 tablets through unreported sales without creating a discrepancy between their reported purchased and sold figures.

NAZIRBAGE’S DIVERSION OF CONTROLLED SUBSTANCES

10. FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant, is associated with multiple pharmacies in and around New York City:

a. According to the U.S. Centers for Medicare & Medicaid Services’ public records, NAZIRBAGE is the president of F & N Pharmacy Inc., which is a pharmacy located in the vicinity of Westchester Avenue in the Bronx doing business under the name “F&N Pharmacy.” Law enforcement officers and/or a confidential source working with law enforcement (“CS-1”)¹ have observed NAZIRBAGE working at or otherwise directing

¹ CS-1 has been assisting the Government since in or about December 2022, in the hopes that doing so will result in leniency for CS-1’s own drug trafficking crimes. According to CS-1’s criminal history records, CS-1 has two prior convictions in New York State for controlled substance crimes, one of which was subsequently vacated. CS-1 has also struggled with controlled substance addiction for years, including while assisting the Government. Information that CS-1 has provided to the Government has proven to be reliable

customers to F&N Pharmacy on numerous occasions since in or about December 2022. *See, e.g., infra* ¶ 15(a), (b), (d), (f), (i), & (j).

b. According to the U.S. Centers for Medicare & Medicaid Services' public records, one of NAZIRBAGE's family members is the president of FK Pharmacy Inc., which is a pharmacy located in the vicinity of Jamaica Avenue in Queens doing business under the name "QV Pharmacy" (together with F&N Pharmacy, the "Pharmacies").² Law enforcement officers and/or CS-1 have observed NAZIRBAGE working at or otherwise directing customers to QV Pharmacy on multiple occasions since in or about December 2022. *See, e.g., infra* ¶ 15(c), (e), (h), & (i).

11. As explained below, from at least in or about December 2022 up to the date of this Complaint, FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, has been conspiring with others to dispense or distribute controlled substances in violation of the law in exchange for cash. In addition to filling prescriptions that he knew were not issued for a legitimate medical purpose by a practitioner acting within the usual course of professional practice, NAZIRBAGE also repeatedly sold controlled substances to a customer without a prescription in what is commonly referred to as a "backdoor sale."

12. During this investigation, CS-1 purchased controlled substances from FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, in both CS-1's name and in the names of others.

Nazirbage Begins Selling Controlled Substances to CS-1

13. In or about November 2022, the DEA searched CS-1's home and found evidence that CS-1 was illegally distributing controlled substances. Since that time, CS-1 has been assisting the Government in this investigation. I have spoken to CS-1 about where he/she was getting the controlled substances that CS-1 had been distributing. Through those discussions, I learned, in substance and in part, the following about CS-1's relationship with FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant:

a. For years, CS-1 had been getting prescriptions for large quantities of oxycodone, amphetamine, and alprazolam in both CS-1's own name and the names of his/her parents. Although CS-1 personally used some of those controlled substances, he/she typically re-sold the majority for cash. Since around 2018, CS-1 had been filling the prescriptions at, among other places, the Pharmacies.

b. FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, often personally dispensed the controlled substances to CS-1, even though there is no record of NAZIRBAGE

and has been corroborated through, among other means, the audio and video recordings described herein, electronic prescription records, and electronically stored information extracted from CS-1's cellphone.

² I have reviewed records for an account ("Account-1") held at a particular bank, which account is owned by FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant. In the opening documents for Account-1, the owner of QV Pharmacy is listed as NAZIRBAGE's son.

being a pharmacist.³ During many of the initial sales in or about 2018, NAZIRBAGE had CS-1 meet him in his car, which was parked in a parking lot across the street from QV Pharmacy; once CS-1 got into the car, NAZIRBAGE would sell him/her the filled prescriptions. Eventually, however, CS-1 began picking up prescriptions inside the Pharmacies themselves. NAZIRBAGE also began to sell CS-1 additional controlled substances without prescriptions. CS-1 paid for most of these controlled substances in cash.

c. CS-1 and NAZIRBAGE would often text before CS-1 would come to the Pharmacies to pick up controlled substances. CS-1 would typically send and receive those texts from his/her home in the Bronx. In those texts, CS-1 and NAZIRBAGE would commonly speak in code about the controlled substances. For instance, they would often refer to tablets/pills as “shirts,” with the shirt’s color identifying the type of tablet/pill (*e.g.*, “gray shirt” meant oxycodone 20mg and “blue shirt” meant oxycodone 30mg).

The Controlled Buys

14. Since CS-1 began working with law enforcement in or about late 2022, CS-1 has continued (at law enforcement’s direction) to purchase controlled substances from FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant. As before, many of those purchases have been pursuant to prescriptions issued in the names of CS-1 and CS-1’s parents, for oxycodone, amphetamine, and alprazolam. In addition, since in or about February 2023, CS-1 has regularly been filling prescriptions for oxycodone in the name of “Nicole Gilbert.” “Nicole Gilbert” is an undercover name used by a law enforcement officer—*i.e.*, it is not the officer’s real name. All the prescriptions were transmitted to the Pharmacies from a physician based in New Rochelle, New York, and the prescriptions issued in the name of CS-1 were associated with an address in Westchester County. That Westchester County address was commonly printed on the medicine bottles and bags that NAZIRBAGE or another Pharmacy employee gave to CS-1.

15. Between in or about December 2022 and in or about April 2024, CS-1 purchased controlled substances from FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant, on more than eleven different days. Before each sale, a law enforcement officer brought CS-1 to the location of the sale, gave CS-1 a recording device, waited in the vicinity, and then met CS-1 immediately after the sale was complete, at which point the recording device was recovered. Based on my participation in this investigation, conversations with other law enforcement officers and others, and a review of BNE and law enforcement records, messages on CS-1’s cellphone, and the audio/video recordings created by CS-1, I have learned the following about several of those sales:

a. **February 18, 2023:** On or about February 18, 2023, CS-1 met NAZIRBAGE at F&N Pharmacy and picked up prescriptions for oxycodone and alprazolam in the names of CS-1, CS-1’s parents, and Nicole Gilbert. CS-1 also purchased, without a prescription, approximately 100 tablets sold as alprazolam, for around \$5 per tablet. While negotiating that backdoor sale of alprazolam, NAZIRBAGE indicated that he was brokering the deal for a co-conspirator:

³ The New York State Education Department, Office of the Professions maintains a database of licensed professionals, including licensed pharmacists. I have searched that database and have found no record that FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant, is licensed to act as a pharmacist.

CS-1: You don't have any extra [*unintelligible*] or like, um, [*unintelligible*].

NAZIRBAGE: [*Unintelligible*] I know this – this guy who gets 'em.

CS-1: Well, how much would he charge me?

NAZIRBAGE: Well, he's asking like 5 for them. But I could see if [*unintelligible*].

CS-1: [*Unintelligible*]

NAZIRBAGE: Hmm?

CS-1: How many you got?

NAZIRBAGE: Well, he could get – I could get as much as you want.

CS-1: So, could you do like \$500 worth?

NAZIRBAGE: Ya.

CS-1: Today?

NAZIRBAGE: If you want, ya.

....

CS-1: Thank you. 500? [*Unintelligible*] 500?

NAZIRBAGE: So, you want 100?

CS-1: I want 500 –

NAZIRBAGE: Hmm?

CS-1: I want \$500 worth. So that's 100.

NAZIRBAGE: Ya.

Before leaving, CS-1 paid NAZIRBAGE approximately \$1,460 in cash.

b. **March 7, 2023:** On or about March 3, 2023, CS-1 texted with NAZIRBAGE and set up a sale for March 7, 2023. As part of that discussion (a portion of which is copied below), NAZIRBAGE agreed to sell CS-1 “white mint candy” (*i.e.*, oxycodone-acetaminophen tablets, which are round and white), “gray shirt[s]” (*i.e.*, oxycodone 20mg tablets), and “oranges” (*i.e.*, alprazolam tablets, which are round and orange) without a prescription.⁴

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Hey just letting u know if need any of those white mint candy I could pick some up for you let me know

⁴ The text message excerpts in this Complaint were extracted from CS-1's cellphone. The messages in blue were sent by “Faroo”—*i.e.*, FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant—and the messages in green were sent by CS-1.

. . . .

From: [REDACTED] (owner)
To: [REDACTED] Faroo
How about the grey t shirts?

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Gray shirt cost 15 each

. . . .

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ok can we do 100 white candies and 50 grey tshirts?

. . . .

From: [REDACTED] (owner)
To: [REDACTED] Faroo
OK perfect and yeah I never went and picked up the oranges that you left there for me. Are those still there? Can I come by Tuesday?

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Yes those still thier

Later that week, on or about March 7, 2023, CS-1 picked up prescriptions at F&N Pharmacy for amphetamine.⁵ CS-1 also received additional tablets sold as oxycodone and alprazolam without a prescription. CS-1 did not hand over any money during this sale, and instead agreed to pay for the controlled substances at a later time.

c. **March 18, 2023:** On or about March 18, 2023, CS-1 spoke to NAZIRBAGE about filling various prescriptions. NAZIRBAGE told CS-1, in substance and in part, that CS-1 could come pick up his/her prescriptions at QV Pharmacy, but that NAZIRBAGE may not be there himself, in which case CS-1 should leave the money with one of the people working at the pharmacy. That afternoon, CS-1 picked up prescriptions at QV Pharmacy for oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1's parents, and Nicole Gilbert. CS-1 also received additional tablets sold as alprazolam without a prescription. Before leaving, CS-1 paid approximately \$2,200 in cash.

d. **April 1, 2023:** On or about March 22, 2023, CS-1 and NAZIRBAGE set up a sale for the following week over text. As part of that discussion (a portion of which is copied below), NAZIRBAGE agreed to sell CS-1 "gray" and "blue" shirts (*i.e.*, oxycodone 20mg tablets and oxycodone 30mg tablets, respectively) without a prescription:

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Hi there, I'm actually running low on the gray shirts and would probably need some more by next week. Do you think we can do blue T-shirts? If so, let me know the price tag.

⁵ FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, was not present at F&N Pharmacy at the time of this sale.

From: [redacted] Faroo
To: [redacted] (owner)
I'll see but gray is ok qty

From: [redacted] (owner)
To: [redacted] Faroo
OK if you can get any blue shirts, let me know how many and how much and I'll take Grays too if possible

....

From: [redacted] Faroo
To: [redacted] (owner)
Blue t shirt best I could get at is 27 a shirt

....

From: [redacted] (owner)
To: [redacted] Faroo
Can I get 50 blue shirts 100 gray?

Following that exchange, on or about April 1, 2023, CS-1 met NAZIRBAGE at F&N Pharmacy and bought tablets sold as oxycodone without a prescription. During the sale, NAZIRBAGE gave CS-1 a handwritten menu of various prescription drugs and their per-pill cost for future backdoor sales:

Oxycodone	10/325	-	10
Alprazolam	2mg	-	5
Alprazolam	1mg	-	3
OX	15	-	15
OX	30	-	27
Ambien	10mg	-	2

Nazirbage's handwritten price list

After handing CS-1 the list, NAZIRBAGE commented that his co-conspirator “could give” NAZIRBAGE the substances on the list, and that the “one on top” is “the one that [CS-1’s] dad usually get[s].”⁶ CS-1 reviewed the list and told NAZIRBAGE that the prices were “a lot,” which prompted NAZIRBAGE to respond, in part, that if CS-1 were to “put in numbers” (*i.e.*, order large quantities), NAZIRBAGE “could talk to him” (*i.e.*, NAZIRBAGE’s co-conspirator) “about it.” Before leaving, CS-1 paid NAZIRBAGE approximately \$750 in cash.

e. **April 29, 2023:** On or about April 25, 2023, CS-1 and NAZIRBAGE set up a sale at QV Pharmacy for the following week over text. As part of that discussion (a

⁶ The item at the top of the handwritten list is “Oxycodone 10/325”; according to BNE data, CS-1’s father is prescribed oxycodone-acetaminophen 10/325mg tablets.

portion of which is copied below), NAZIRBAGE agreed to sell CS-1 “gray” shirts (*i.e.*, oxycodone tablets) without a prescription.

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ok thanks and as far as the tshirts blue or gray is anything available

From: [REDACTED] Faroo (owner)
To: [REDACTED]
The gray and other stuff I gave u list I ok I'll be at queens this Saturday

....

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ok yea I'll take however many blue shirts you can get and 50 grey if possible and just let me know how many of each you will have for me Saturday

As planned, on or about April 29, 2023, CS-1 met NAZIRBAGE at QV Pharmacy. When CS-1 first approached NAZIRBAGE, NAZIRBAGE, who was behind the pharmacy counter at the time, asked CS-1 to meet him at the far side of the store (near the entrance to the pharmacy area). Once there, CS-1 bought tablets sold as oxycodone without a prescription. While negotiating the backdoor sale, NAZIRBAGE offered to sell CS-1 even more oxycodone and alprazolam tablets—which NAZIRBAGE said were in his co-conspirator’s possession—but CS-1 responded that the prices were too high:

NAZIRBAGE: So, um, you want me to give you the one gray and then you’ll give me afterwards? It’s up to you.

....

CS-1: Hmm . . . I think, hold off on that and I’ll just take the [unintelligible].

....

NAZIRBAGE: Um, let me know on the other ones [unintelligible].

CS-1: Hold on to them for me, I might need them. I’ll let you know, like, by the end of today.

NAZIRBAGE: Ya, because [unintelligible].

CS-1: How many?

NAZIRBAGE: He has like over a thousand.

CS-1: So ask him. What’s the best he can do?

[Conversation unintelligible]

CS-1: He’s gotta do better than this.

Before leaving, CS-1 paid NAZIRBAGE approximately \$2,700 in cash.

f. **May 20, 2023:** On or about May 17, 2023, CS-1 and NAZIRBAGE texted about a sale that was scheduled to take place later in the week. As part of that discussion

(a portion of which is copied below), NAZIRBAGE agreed to sell CS-1 “120 gray T-shirts” (*i.e.*, oxycodone tablets) without a prescription:

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Hi there, can you bring me 120 gray T-shirts on Saturday?

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Ok

Following those texts, on or about May 20, 2023, CS-1 met NAZIRBAGE at F&N Pharmacy and picked up prescriptions for oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1’s parents, and Nicole Gilbert:



Nazirbage packaging CS-1’s purchase

CS-1 also purchased an additional approximately 120 tablets and 500 tablets sold as oxycodone and alprazolam, respectively, in a backdoor sale. While negotiating the backdoor sale, NAZIRBAGE offered to sell CS-1 additional oxycodone-acetaminophen 10/325mg tablets, but CS-1 said the price was too high.

CS-1: Were you able to get the – the 120 of them?

NAZIRBAGE: Ya.

....

NAZIRBAGE: This is the 120 [*showing CS-1 a pill bottle*] [*unintelligible*].

CS-1: Okay, perfect.

NAZIRBAGE: [*Unintelligible*] there are 500 of them in there [*showing CS-1 a different pill bottle*].

CS-1: Alright, cool.

....

NAZIRBAGE: [Unintelligible] can also get the one you get for your dad, the 10/325s He gets those also.

CS-1: Oh, he does?

NAZIRBAGE: Ya.

CS-1: Oh, okay, cool. I'll let you know about that then. And how much are those?

NAZIRBAGE: I think he was asking, like, [unintelligible] a piece.

CS-1: [Unintelligible] a piece? Tell him to come down a little bit, at least.

Before leaving, CS-1 paid NAZIRBAGE approximately \$3,000 in cash.

g. **July 20, 2023:** During the week of July 16, 2023, CS-1 and NAZIRBAGE texted about a sale of various controlled substances (*i.e.*, "shirts") without a prescription, including around 117 or 118 oxycodone-acetaminophen tablets ("white t-shirts") (a portion of that discussion is copied below). Eventually, they agreed to meet a few days later at a parking lot in the vicinity of Jamaica Avenue in Queens, approximately a mile away from QV Pharmacy:

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Hey there, how much would it be for the white 10 T-shirts?

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ideally, I would take \$1000 worth of those

....

From: [REDACTED] Faroo
To: [REDACTED] (owner)
8.50

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ok so can you do 117 or 118 whichever of those for 1,000 plus I have what I owe you... let me know if that's cool

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Yes that's fine if you want I could probably see you tomorrow around 12-1230 or if not Friday around same time

....

From: [REDACTED] Faroo
To: [REDACTED] (owner)
I'll meet you at
[REDACTED] Jamaica ave
[REDACTED] [REDACTED] park ny 11001
[REDACTED]

As planned, on or about July 20, 2023, NAZIRBAGE called CS-1 and told CS-1 to come meet him in his car, which was parked at the agreed upon meeting place. Once CS-1 got into NAZIRBAGE's car, NAZIRBAGE gave CS-1 filled prescriptions of oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1's parents, and Nicole Gilbert.



Surveillance footage moments after CS-1 entered Nazirbage's car

NAZIRBAGE also gave CS-1 additional tablets sold as oxycodone and alprazolam without a prescription. Like he did during prior backdoor sales, NAZIRBAGE made clear to CS-1 that the controlled substances he was diverting were being supplied by a co-conspirator; for his/her part, CS-1 made clear that he/she was re-selling the controlled substances, and CS-1 confirmed that he/she could return excess tablets to NAZIRBAGE that CS-1 was not able to "get rid of"—*i.e.*, re-sell:

CS-1: Hello, Faroo. . . . Alright, so, um, I have 4,000 for you.

NAZIRBAGE: Okay.

CS-1: Do you want to count it, or are you good?

NAZIRBAGE: No, that's fine.

CS-1: So, what's here?

NAZIRBAGE: So, what he gave me and . . . um . . . I got you the 118, the white one.

CS-1: Great, thank you.

NAZIRBAGE: And he gave me, um, an extra 118. Whenever you [*unintelligible*] . . .

CS-1: Percs?

NAZIRBAGE: Ya.

CS-1: Cool.

NAZIRBAGE: And then you got, um, he gave me a thousand of those Xanax.

CS-1: Awesome.
NAZIRBAGE: Ya. S – so that'll be 5,000 next time for those.
CS-1: Okay, you got it.
NAZIRBAGE: Ya.
CS-1: It – it won't be a problem – um, I don't think it should be a problem. But if anything I can't get r –
NAZIRBAGE: Ya you could always
CS-1: – always give it back, whatever. But, um, I don't think that should be a problem. I can get rid of it.

Before leaving, CS-1 paid NAZIRBAGE approximately \$4,000 in cash.

h. **October 11, 2023:** In or about the week of September 24, 2023, CS-1 and NAZIRBAGE set up a sale over text. As part of that discussion (a portion of which is copied below), NAZIRBAGE offered to sell CS-1 the “tshirts [CS-1’s] dad usually gets” (*i.e.*, oxycodone-acetaminophen tablets) and “gray shirts” (*i.e.*, oxycodone 20mg tablets) without a prescription.

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Also let me know if u want me to pick up any other shirt also

. . . .

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Do you think you can do 100 of the tshirts my dad usually gets

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Yes

. . . .

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Gray shirt also available if anything

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Ok gotcha Tyvm if they can get price down on gray t's that'd be cool if not no worries

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Is 15 ok for gray he said

On or about October 11, 2023, CS-1 picked up prescriptions at QV Pharmacy for oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1's parents, and Nicole

Gilbert.⁷ CS-1 also received additional tablets sold as oxycodone without a prescription. Before leaving, CS-1 paid approximately \$4,000 in cash.

i. **November 21, 2023:** Over the November 18 and 19, 2023 weekend, CS-1 and NAZIRBAGE set up another sale. As part of that discussion (a portion of which is copied below), NAZIRBAGE agreed to sell CS-1 both oxycodone and alprazolam without a prescription; the plan was for CS-1 to pick up approximately 200 oxycodone pills at F&N Pharmacy for approximately \$1,700, and then to get the remaining pills at QV Pharmacy:

From: [REDACTED] (owner)
To: Faroo
Hi good morning if you can't get the 200 white shirts then can we do \$2,000 worth of the gray shirts and \$1,000 worth of the other white shirts

....

From: Faroo
To: [REDACTED] (owner)
I could get all three I have the white shirt now in Bronx just gray have to pick up if anything

....

From: [REDACTED] (owner)
To: Faroo
Ok I'd rather the 200 of the white ones my dad usually gets, if possible can I pick them up during the week possibly Wednesday let me know where the Bronx or queen's

....

From: Faroo
To: [REDACTED] (owner)
Hey I left the 200 at Bronx 1700

....

From: [REDACTED] (owner)
To: Faroo
Hi there I'll def both of the other white n gray Tshirts if you can leave them in the Bronx for me I could pass by Tuesday or Wednesday at the latest. Thank you in advance.

From: Faroo
To: [REDACTED] (owner)
Hey the other ones I could have in queens I won't be able to go to Bronx next week but let me know the other one at Bronx

From: [REDACTED] (owner)
To: Faroo
Ok I'll def pick up the ones in the Bronx Tuesday or Wednesday if I can shoot out to queens right after would that work?

From: Faroo
To: [REDACTED] (owner)
Ok so I'll leave
500 white
200 gray
5000 for queens could leave what ever u have in envelope and what ever balance when ever next time

⁷ FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, was not present at QV Pharmacy at the time of this sale.

From: [REDACTED] (owner)
 To: Faroo
 No actually \$2000 worth of gray and \$1000 worth of white for the queens order

Following that discussion, on or about November 21, 2023, CS-1 went to F&N Pharmacy and purchased tablets sold as oxycodone without a prescription. A pharmacy employee told CS-1 that he/she should pay for the oxycodone at QV Pharmacy, and a handwritten “\$1,700” was on the packaging containing the oxycodone tablets (the same amount that CS-1 and NAZIRBAGE had discussed over text earlier in the week).



CS-1 was then driven by law enforcement officers from F&N Pharmacy to QV Pharmacy. Once there, CS-1 purchased additional tablets sold as oxycodone and alprazolam without a prescription.⁸ Before leaving, CS-1 paid the QV Pharmacy employee approximately \$3,000 in cash.

j. **January 18, 2024:** On or about January 18, 2024, CS-1 met NAZIRBAGE at F&N Pharmacy and picked up prescriptions for oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1’s parents, and Nicole Gilbert. CS-1 also purchased additional tablets sold as oxycodone without a prescription. While the two were speaking, NAZIRBAGE gave CS-1 a handwritten list of various prescriptions and reasons for obtaining those medications, and told CS-1 to make an appointment with a doctor so that CS-1 could get the listed prescriptions:

Albuterol 90mg } Asthma
 TRELEGY 200-62.5 }
 LINZESS 20mg - constipation
 RESTASIS cyc drop - dry eyes
 Pennsaid 2% sol - Back Pain
 OPZELVRA 1.5% CRM -
 EUCRISA 2% oint - Eczema
 CHANTIX - smoking
 Vascepa 1g - cholesterol
 Multi vitamin
 Rosuvastatin 20mg
 Ozempic 0.25mg



Excerpt of Nazirbage’s handwritten note (left); Nazirbage handing the note to CS-1 (right)

Before leaving, CS-1 paid NAZIRBAGE approximately \$5,700 in cash.

⁸ FEROZE NAZIRBAGE, a/k/a “Faroo,” the defendant, was not present for either sale on this day.

k. **April 3, 2024:** In or about the week of March 24, 2023, CS-1 and NAZIRBAGE set up another sale over text. As part of that discussion (a portion of which is copied below), NAZIRBAGE offered to sell CS-1 the “shirt [CS-1’s] dad wear[s]” (*i.e.*, oxycodone-acetaminophen tablets) and “the other white shirt size 2” (*i.e.*, alprazolam 2mg tablets) without a prescription, and the two agreed to meet in the vicinity of a convenience store in Queens, New York.

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Any thing else's u need extra let me know

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Yes, I'm definitely gonna need some extra but I will let you know in another day or so
Ty

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Hi would you be able to do \$1000 of each of the white shirts? so \$1000 white ones and \$1000 of the ones my dad wears lmk the totsl that I'll owe you for everything.

From: [REDACTED] Faroo
To: [REDACTED] (owner)
That's the shirt your dad wear and the other white shirt size 2

....

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Total 5500 for everything

....

From: [REDACTED] (owner)
To: [REDACTED] Faroo
Is it ok to pick up everything at f and n tomorrow

From: [REDACTED] Faroo
To: [REDACTED] (owner)
Tomorrow we close but if anything I could meet you in queens by 711

As planned, on or about April 3, 2024, CS-1 met NAZIRBAGE in his car, which was parked in the vicinity of Jamaica Avenue in Queens, approximately a mile away from QV Pharmacy (the same area where CS-1 met NAZIRBAGE on or about July 20, 2023). Once CS-1 got into NAZIRBAGE’s car, NAZIRBAGE gave CS-1 filled prescriptions of oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1’s parents, and Nicole Gilbert.



Surveillance footage of Nazirbage's car at the scene of the sale

NAZIRBAGE also gave CS-1 additional tablets sold as oxycodone and alprazolam without a prescription:

CS-1: Here you go. That's 55?

NAZIRBAGE: Ya.

CS-1: Okay.

NAZIRBAGE: Um, the Xanax I put two big bottles in the small bot – I just put it all in one. So [unintelligible] extra ones in there.

CS-1: Okay.

NAZIRBAGE: And then a separate bottle has [unintelligible] extra one.

Before leaving, CS-1 paid NAZIRBAGE approximately \$5,500 in cash.

16. Certain of the controlled substances that CS-1 purchased from FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, on or about May 20, 2023, were submitted to a DEA laboratory for testing. Based on those tests, the laboratory determined:

a. A white medicine bottle with the name of CS-1's mother on it contained approximately 240 tablets, which had a net weight of approximately 24 grams. Nine of those tablets were tested and returned a positive result for oxycodone.

b. An amber medicine bottle with CS-1's name on it contained approximately 60 tablets, which had a net weight of approximately 21 grams. Nine of those tablets were tested and returned a positive result for amphetamine.

c. An amber medicine bottle with CS-1's name on it contained approximately 90 tablets, which had a net weight of approximately 23 grams. Nine of those tablets were tested and returned a positive result for alprazolam.

d. A white medicine bottle with CS-1's name on it contained approximately 241 tablets, which had a net weight of approximately 24 grams. Nine of those tablets were tested and returned a positive result for oxycodone.

e. A white medicine bottle without a customer label contained approximately 500 tablets, which had a net weight of approximately 130 grams. Nine of those tablets were tested and returned a positive result for alprazolam.

f. An amber medicine bottle with Nicole Gilbert's name on it contained approximately 120 tablets, which had a net weight of approximately 45 grams. Nine of those tablets were tested and returned a positive result for oxycodone. Acetaminophen was also detected in the tablets.

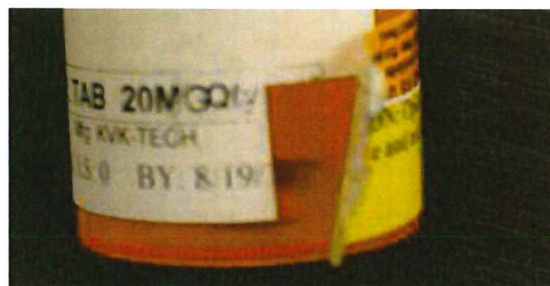
g. A white medicine bottle with no customer label contained approximately 120 tablets, which had a net weight of approximately 12 grams. Nine of those tablets were tested and returned a positive result for oxycodone.

Additional Indicators of Illicit Diversion

17. In addition to the sales of controlled substances discussed above, there are additional indicia that FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, is using the Pharmacies to engage in illicit diversion. Through my participation in this investigation, my review of BNE and ARCOS data, and my review of financial records, I know the following:

a. There are substantial discrepancies between the dosage units of controlled substances that F&N Pharmacy purchased and the units that F&N Pharmacy reported selling, a common indicator of diversion. *See supra* ¶ 9(c). F&N Pharmacy has not reported dispensing controlled substances since in or about January 2017. Nevertheless, ARCOS records show that since that time, F&N Pharmacy has purchased large quantities of controlled substances, including thousands of oxycodone tablets.

b. Similarly, the Pharmacies are underfilling certain oxycodone prescriptions, which is a typical strategy used by pharmacies engaged in diversion to hide their conduct from the DEA. *See supra* ¶ 9(c). Following several of the purchases described above, *see supra* ¶ 15, I compared the number of oxycodone tablets CS-1 received against the number of tablets called for by the corresponding prescription. In many cases, CS-1 received approximately 60 tablets less per prescription than required (*i.e.*, approximately 240 tablets per prescription instead of 300 tablets). Moreover, the quantity dispensed information appears to have been intentionally cut off the bottle's label and the cut off portion of the label was covered/hidden with a yellow or orange sticker. Below is one example, which comes from the buy on or about April 3, 2024.



c. F&N Pharmacy appears to not be checking its customers against the BNE registry, which the pharmacy should be doing regularly to identify and prevent diversion. *See supra* ¶ 7(d). According to BNE records, F&N Pharmacy's supervising pharmacist has not run a search against the BNE registry since in or about 2016.⁹ Nevertheless, in or about October 2020, F&N Pharmacy submitted a handwritten form to a controlled substance manufacturer, which was signed by NAZIRBAGE, claiming that F&N Pharmacy uses "PMP"—a reference to checking the BNE prescription monitoring program registry—to "validate a prescription before it is dispensed to the patient."

3. What process is used to validate a prescription before it is dispensed to the patient? _____

1.	PMP
2.	Verify
3.	
4.	
5.	


Excerpt of Nazirbage's handwritten response

WHEREFORE, I respectfully request that a warrant be issued for the arrest of FEROZE NAZIRBAGE, a/k/a "Faroo," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



GEORGE BURDZY
Special Agent
Drug Enforcement Administration

Sworn to before me this 30th day of May, 2024.



THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

⁹ F&N Pharmacy's supervising pharmacist is identified in publicly available records maintained by the New York State Education Department, Office of the Professions. I reviewed that person's activity in the BNE system, as BNE tracks how often each user accesses the registry.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MORDECHAI BAR,

Defendant.

24 May 2022

SEALED COMPLAINT

Violations of 21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(C), 841(b)(2), 846;
18 U.S.C. § 2

COUNTY OF OFFENSE:
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

GEORGE BURDZY, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

(Conspiracy to Distribute and Dispense Narcotics and Controlled Substances)

1. From at least in or about January 2023 up to and including the date of this Complaint, in the Southern District of New York and elsewhere, MORDECHAI BAR, the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

2. It was a part and an object of the conspiracy that MORDECHAI BAR, the defendant, and others known and unknown, would and did distribute, dispense, possess with intent to distribute and dispense, and cause to be distributed and dispensed a controlled substance through prescriptions that were not issued for a legitimate medical purpose by a practitioner acting within the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were quantities of mixtures and substances containing a detectable amount of (i) oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); (ii) amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); and (iii) alprazolam, a Schedule IV controlled substance, in violation of 21 U.S.C. § 841(b)(2).

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

COUNTS TWO THROUGH THIRTEEN

(Distribution and Dispensation of Narcotics and Controlled Substances)

4. On or about the dates set forth below, in the Southern District of New York and elsewhere, MORDECHAI BAR, the defendant, knowingly and intentionally distributed, dispensed, possessed with intent to distribute and dispense, and caused to be distributed and dispensed a controlled substance through prescriptions that were not issued for a legitimate medical purpose

by a practitioner acting within the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

5. The controlled substances involved in the offenses, as set forth below, were quantities of mixtures and substances containing a detectable amount of (i) oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); (ii) amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C); and (iii) alprazolam, a Schedule IV controlled substance, in violation of 21 U.S.C. § 841(b)(2).

Count	Date	Controlled Substances Involved	Penalty Provisions
Two	Feb. 16, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Three	March 15, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Four	April 20, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Five	May 18, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Six	June 21, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Seven	July 19, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Eight	August 23, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Nine	Sept. 27, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Ten	Nov. 8, 2023	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Eleven	Jan. 10, 2024	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Twelve	Feb. 21, 2024	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)
Thirteen	March 27, 2024	Oxycodone; Amphetamine; Alprazolam	21 U.S.C. § 841(b)(1)(C)&(b)(2)

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C)&(b)(2); Title 18, United States Code, Section 2.)

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. This complaint is based in part upon my personal knowledge, training and experience, conversations with other law-enforcement officers and others, my examination of correspondence, reports, records, and recordings, and my review of publicly available information and regulations. 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 or recordings and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE CONTROLLED SUBSTANCES ACT & DIVERSION PREVENTION

7. There are numerous federal and state rules and regulations that govern prescribing and dispensing controlled substances, including those designed to prevent illicit diversion of those substances. Through a review of publicly available records, statutes, and regulations, as well as discussions with other law enforcement officers, I have learned the following about those laws:

a. The Controlled Substances Act governs the manufacture, distribution, and dispensing of controlled substances in the United States. Various prescription drugs are scheduled substances under the Controlled Substances Act. The DEA categorizes controlled substances into one of five schedules based on, among other things, their medical use, potential for abuse, and safety or dependence liability.

b. Medical practitioners authorized to prescribe or dispense controlled substances by the jurisdiction in which they are licensed to practice medicine are authorized by the Controlled Substances Act to write prescriptions for or otherwise dispense controlled substances if they are registered with the Attorney General of the United States through the DEA. Such medical practitioners are authorized by the DEA pursuant to an application, and registrants are issued a unique registration number.

c. Title 21, Code of Federal Regulations, Section 1306.04(a) provides, in part, that for a prescription for a controlled substance to be effective, it “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” “The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner.” 21 C.F.R. § 1306.04(a).

d. New York State has in place a prescription monitoring program (or “PMP”), which is overseen by the Bureau of Narcotics Enforcement (the “BNE”). Among other measures, the BNE maintains a registry of controlled substance prescriptions, which tracks various pieces of information, including the identities of the prescribing practitioner, dispensing pharmacy, and the patient. Pharmacies operating in New York are required to report prescription information after dispensing a controlled substance to a patient. The BNE registry is then used by both healthcare professionals and law enforcement officers to, among other things, identify possible instances of diversion. Indeed, physicians and pharmacists are expected to regularly check their patients against that registry to ensure that their patients are not engaging in behaviors that indicate that they are abusing or re-selling controlled substances (*e.g.*, receiving multiple prescriptions from different providers).

8. Through a review of publicly available medical information, as well as my training and experience, I know, among other things, the following about oxycodone, amphetamine, and alprazolam:

a. Oxycodone, a Schedule II narcotic, is a highly addictive opioid analgesic that is used to treat severe and chronic pain conditions, such as post-operative pain, severe

back and orthopedic injuries, as well as pain associated with certain forms of cancer and other terminal illnesses. Oxycodone is typically dispensed in tablet form, with dosages usually varying between 5mg and 80mg of oxycodone per tablet. Oxycodone tablets come in extended-release and immediate-release (or “IR”) form. Immediate-release oxycodone is faster acting than the extended-release formulation, and so is typically the favored form for oxycodone abusers. While tablets can contain just oxycodone (referred to as oxycodone hydrochloride or “oxycodone HCl”), some will be a combination of oxycodone and acetaminophen (*i.e.*, Tylenol). These oxycodone-acetaminophen tablets are typically sold under the brand name Percocet. The dosage strength for oxycodone-acetaminophen tablets refers to the relative amounts of each substance in the tablet—for instance, a 10/325mg tablet contains approximately 10mg of oxycodone and 325mg of acetaminophen.

b. Amphetamine, a Schedule II stimulant, is typically used to treat attention deficit hyperactivity disorder. One common brand name drug containing amphetamine is Adderall, which is a combination of dextroamphetamine and amphetamine.

c. Alprazolam, a Schedule IV depressant, is a benzodiazepine drug that is commonly sold under the brand name Xanax. Alprazolam is typically used to treat anxiety or panic disorders.

d. Together, oxycodone, amphetamine, and alprazolam are sometimes referred to as the “Holy Trinity” drug cocktail by oxycodone abusers due to the substances’ cumulative chemical effect. Of particular concern about this “Holy Trinity” is the combination of an opioid (oxycodone) and a benzodiazepine (alprazolam), as combining those substances together increases the risk of a fatal overdose.

e. As controlled substances, oxycodone, amphetamine, and alprazolam are available to the public only through prescriptions.

9. I have personally participated in the investigation and prosecution of other schemes to illegally divert controlled substances. Based on my experience during those investigations, as well as my training, I know the following about diversion schemes:

a. Oxycodone prescriptions are in high demand and have significant cash value to drug dealers. The street value of oxycodone depends on the number of milligrams of oxycodone in each tablet; in and around the New York City area, each milligram of oxycodone roughly translates to around \$1 in street value. So, for example, a single 15mg oxycodone tablet would have a street value of around \$15. Street prices for oxycodone can be even higher in other parts of the country.

b. Many diversion schemes involve certified medical providers—such as doctors—who, for a fee, will write medically unnecessary prescriptions for large quantities of oxycodone and other controlled substances. In such schemes, the medical provider typically charges cash for “medical visits” that involve little or no physical examination of the supposed “patient.” Nonetheless, the medical provider will issue a prescription (or multiple prescriptions) to the “patient.” In some instances, “patients” also pay the medical provider’s employees (such as the office staff) in cash to facilitate access to the medical provider or to bypass the need to see the medical provider altogether.

MORDECHAI BAR'S DIVERSION OF CONTROLLED SUBSTANCES

10. MORDECHAI BAR, the defendant, is a physician that operates a medical practice in the vicinity of Huguenot Street, New Rochelle, New York. According to publicly available records maintained by the U.S. Centers for Medicare & Medicaid Services, BAR's specialty is internal medicine. As explained below, between at least in or about January 2023 and the date of this Complaint, BAR conspired with others to provide prescriptions not issued for a legitimate medical purpose for oxycodone, amphetamine, and alprazolam to patients in exchange for cash payments. BAR issued those prescriptions without conducting medical examinations of the patients and, in many cases, without even speaking to or meeting with the patients.

11. During this investigation, a confidential source ("CS-1")¹ purchased these medically unnecessary prescriptions from MORDECHAI BAR, the defendant, in both CS-1's name and in the names of others.

Bar Begins Selling Prescriptions to CS-1 Around 2012

12. In or about November 2022, the DEA searched CS-1's home and found evidence that CS-1 was illegally distributing controlled substances. Since that time, CS-1 has been assisting the Government in this investigation. I have spoken to CS-1 about where he/she was getting the controlled substances that CS-1 had been distributing. Through those discussions, I learned, in substance and in part, the following about CS-1's relationship with MORDECHAI BAR, the defendant:

a. In or about 2012, CS-1 was told by one of his/her friends that the friend was getting prescriptions for controlled substances from BAR and the friend believed that BAR would also write prescriptions for CS-1. Thereafter, CS-1 accompanied his/her friend to BAR's office, and BAR wrote CS-1 prescriptions for oxycodone, amphetamine, and alprazolam—without performing any medical examinations or testing—in exchange for cash.

b. Since that time, CS-1 has regularly been visiting BAR and receiving prescriptions for oxycodone, amphetamine, and alprazolam. CS-1 could not recall BAR performing any medical examination or tests on him/her, with the exception that one of BAR's office employees may have taken CS-1's blood pressure a handful of times over the years, and BAR may have conducted a single urinalysis test with no follow up over the many years that CS-1 has been seeing BAR.

c. After the first few visits, CS-1 began having BAR write multiple prescriptions for him/her using two different surnames. Eventually, at CS-1's request, BAR also began writing prescriptions in the names of CS-1's parents. BAR ordinarily did not meet

¹ CS-1 has been assisting the Government since in or about December 2022, in the hopes that doing so will result in leniency for CS-1's own drug trafficking crimes. According to CS-1's criminal history records, CS-1 has two prior convictions in New York State for controlled substance crimes, one of which was subsequently vacated. CS-1 has also struggled with controlled substance addiction for years, including while assisting the Government. Information that CS-1 has provided to the Government has proven to be reliable and has been corroborated through, among other means, the audio and video recordings described herein, electronic prescription records, and electronically stored information extracted from CS-1's cellphone.

with or speak to CS-1's parents before doing so—he simply wrote the prescriptions after meeting with CS-1 alone.² BAR typically charged CS-1 approximately \$100 in cash per name (*i.e.*, \$100 for prescriptions in CS-1's name, \$100 for prescriptions in the name of CS-1's mother, etc.). On occasion, BAR's office would send in prescriptions for CS-1 without BAR meeting with CS-1 beforehand. For those sales, CS-1 would pay approximately \$100 to BAR's office staff on top of the typical \$100-per-name price.

d. Although CS-1 abused some of the controlled substances that BAR prescribed to him/her, CS-1 re-sold the vast majority.

e. CS-1 indicated that even at the beginning of his/her relationship with BAR, CS-1 did not have a legitimate medical issue that would have required the large amount of oxycodone that BAR was prescribing to him/her. CS-1 was simply purchasing prescriptions for controlled substances to abuse and re-sell.

13. I have reviewed BNE prescription data for the period between in or about January 2019 and in or about December 2022. Through that review, I have learned that MORDECHAI BAR, the defendant, wrote prescriptions in the names of CS-1 and CS-1's parents nearly every month during that period. Those prescriptions were for oxycodone, amphetamine, and alprazolam.

The Controlled Buys

14. Since CS-1 began working with law enforcement in or about late 2022, CS-1 has continued (at law enforcement's direction) to purchase prescriptions from MORDECHAI BAR, the defendant, in both CS-1's name and the names of CS-1's parents. In or about February 2023, CS-1 also began purchasing prescriptions in the name of "Nicole Gilbert." "Nicole Gilbert" is an undercover name used by a law enforcement officer—*i.e.*, it is not the officer's real name. Through my participation in this investigation, discussions with other law enforcement officers and CS-1, and a review of BNE data, I know that each prescription CS-1 purchased from BAR during this time was for the following controlled substances, in the approximate listed amounts:

Person	Controlled Substance(s)
CS-1	<ul style="list-style-type: none"> • 300 tablets of oxycodone HCl (IR) 20mg • 60 tablets of dextroamphetamine-amphetamine 30mg • 90 tablets of alprazolam 2mg
CS-1's Mother	<ul style="list-style-type: none"> • 300 tablets of oxycodone HCl (IR) 20mg • 60 tablets of dextroamphetamine-amphetamine 30mg • 120 tablets of alprazolam 2mg
CS-1's Father	<ul style="list-style-type: none"> • 240 tablets of oxycodone-acetaminophen 10/325mg • 60 tablets of dextroamphetamine-amphetamine 30mg • 120 tablets of alprazolam 2mg

² CS-1 recalled that his/her mother may have gone to BAR's office on approximately 15 occasions, and that his/her father may have gone to BAR's office on one occasion.

“Nicole Gilbert”

- 90 to 120 tablets of oxycodone-acetaminophen 5/325mg³

15. On approximately twelve different days between in or about February 2023 and in or about April 2024, MORDECHAI BAR, the defendant, issued electronic prescriptions for controlled substances in the names of CS-1, CS-1’s parents, and Nicole Gilbert. Before each meeting between BAR and CS-1, a law enforcement officer brought CS-1 to BAR’s office in New Rochelle, gave CS-1 a recording device, waited in the vicinity until the deal was complete, and then met CS-1 immediately after he/she left BAR’s office, at which point the recording device was recovered. As part of several of those sales, BAR’s office staff collected additional cash payments from CS-1 for helping to facilitate the electronic submission of prescriptions without CS-1 meeting with BAR ahead of time. Based on my participation in this investigation, conversations with other law enforcement officers and others, and a review of law enforcement records and the audio/video recordings created by CS-1, I have learned the following about several of those sales:

a. **February 16, 2023:** On or about February 16, 2023, CS-1 went to BAR’s office for an appointment. BAR met with CS-1 for approximately 10 minutes, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1’s parents, despite not meeting with or speaking to them. During the meeting, CS-1 also asked BAR to prescribe oxycodone to Nicole Gilbert, who CS-1 claimed was his/her friend. CS-1 then showed BAR a driver’s license with Gilbert’s information on it and promised BAR \$200 in cash for writing the prescription.⁴ BAR agreed and wrote a prescription for oxycodone-amphetamine tablets without meeting Gilbert:

CS-1: Dr. Bar, I have a girlfriend of mine. She’s a nice girl. I went to school with her. She’s like 33 years old. Works construction, and her back’s really bothering her. And she just wanted to know if, um, you could take her on as a patient. This is her, and she’d give you like \$200 per visit. She just wants like 30 Percocet, 10mg. Do you think you could take her as a patient possibly?

BAR: I don’t know [*Unintelligible*].

CS-1: Well, I had her drive me here today, and she said she’d give you \$200 for the visit, so you let me know. She only wants like 30 Percocet. She’s a nice girl. She works hard.

BAR: Ya?

CS-1: Ya.

BAR: She’s nice like you?

CS-1: Just like me.

³ As discussed below, Nicole Gilbert’s initial prescription was for approximately 90 tablets, but that was increased to approximately 120 tablets in or about April 2023.

⁴ The driver’s license that CS-1 showed to MORDECHAI BAR, the defendant, is an “undercover” license bearing the name “Nicole Gilbert” and the undercover officer’s photograph.

BAR: Better than you?

CS-1: [*Laughing*] Better than me. Ya, but if you could do me that favor. You – I don't even need to make her come up. I could just give you the money, if you want to send it to QV for her.⁵

BAR: What's her name?

CS-1: Um, right here. It's Nicole Gilbert.

BAR: [*Unintelligible*] get a piece of paper. . . .

. . . .

BAR: She has back pain?

CS-1: Ya, she has such bad back pain. She was in a car accident, and she works for Local 731, the laborer's union, and she does, like, really back-breaking work or whatever. And she just needs – like, like, if you could give her 60 Percocet or whatever, that would be fine.

BAR: Percocet.

CS-1: 10mg, 325.

BAR: No, I cannot start with 10. I'll give her 5.

CS-1: 5mg? Okay, that's fine. . . . How many are you going to give her?

BAR: 90.

At the end of the meeting, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room—\$300 for his/her typical prescriptions and an extra \$200 for Gilbert's prescription.

b. **March 15, 2023:** On or about March 15, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately three minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them.⁶ CS-1 even had to remind BAR of Gilbert's name so that he could fill out the prescription form:

⁵ Based on my participation in this investigation, and a review of BNE records, I know that MORDECHAI BAR, the defendant, had previously sent prescriptions in the names of CS-1 and CS-1's parents to FK Pharmacy Inc. in Queens, which does business as a retail pharmacy under the name QV Pharmacy.

⁶ Despite MORDECHAI BAR, the defendant, agreeing to write the prescription for Nicole Gilbert, that prescription does not appear in BNE data. And before CS-1 went to pick up the prescription from a pharmacy, he/she was told by the pharmacy that they did not have a prescription in Gilbert's name. CS-1 thereafter recorded a phone call with BAR on which he/she told BAR that BAR needed to reach out to the

CS-1: And then if you can write the 90, um, Percocet for my – for my friend. Remember, you did last time?

BAR: Hmm. [*Unintelligible*]

CS-1: If you want to see her, sh – she'll come, but –

. . . .

BAR: What's the name?

CS-1: Nicole Marie Gilbert, is the last name. G-I-L-B-E-R-T. . . .

BAR: Nicole?

CS-1: Mhm.

BAR: That's what I write on the prescription, yes?

CS-1: Ya, Nicole.

BAR: Okay.

- In exchange for the various prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

c. **April 20, 2023:** On or about April 20, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately three minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them.



Mordechai Bar at the April 20, 2023 sale

pharmacy about the Gilbert prescription, and BAR agreed to do so. After that call, CS-1 was able to pick up the Gilbert prescription from the pharmacy.

During this meeting, CS-1 asked BAR to increase both the size and strength of Gilbert's prescription from 90 tablets of oxycodone-acetaminophen 5/325mg to 120 tablets of oxycodone-acetaminophen 10/325mg. BAR agreed to increase the prescription size, and a review of BNE records confirms that he upped Gilbert's prescription from 90 to 120 tablets from this day forward:

CS-1: Can you do 120 instead of 90 for her, or no?

....

BAR: Okay, what's the name again?

CS-1: Um, Nicole Gilbert.

....

BAR: What did I give her last time?

CS-1: Um, 90 Percocet. Could you do like 120 instead? Of the 5mg.

BAR: Percocet?

CS-1: Ya.

...

BAR: 120, okay.

CS-1: Thank you so much. Try to do the 10s if you could – the 10mg ones.

In exchange for the various prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

d. **May 18, 2023:** On or about May 18, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately two minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them. During the meeting, BAR asked CS-1 to confirm the prescriptions that CS-1 wanted before writing them:

BAR: So you get the, uh, oxycodone.

CS-1: Mhm.

BAR: Adderall.

CS-1: Mhm.

BAR: And the Xanax.

CS-1: Ya.

BAR: Nicole?

CS-1: Oxycodone 10.

BAR: She get, uh, Percocet, right?
CS-1: Ya.
BAR: Okay. [*Says CS-1's mother's first name*].
CS-1: Same as me.
BAR: Oxycodone. Adderall. Xanax.

In exchange for the prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

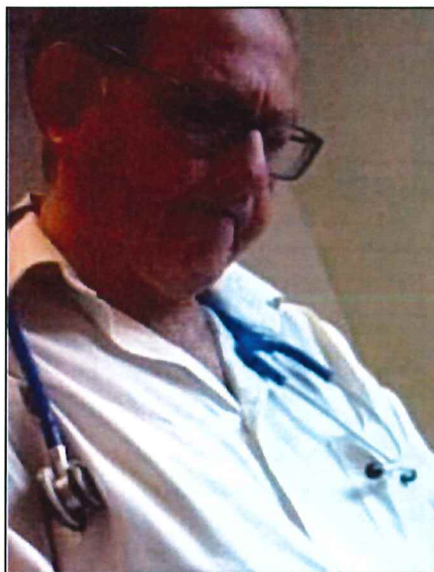
e. **June 21, 2023:** On or about June 21, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately three minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them. Near the end of the visit, CS-1 had to prompt BAR to write a prescription for Gilbert, which BAR agreed to do, but only after having to be reminded of Gilbert's name:

CS-1: Oh, and Nicole, too. Nicole Gilbert. The – for the – for the Percocet. Ya.
BAR: [*Unintelligible*] piece of paper.
CS-1: Oh, sorry.
....
BAR: What's her name?
CS-1: Nicole. N-I-C-O-L-E.
BAR: Last name?
CS-1: Gilbert. G-I-L-B-E-R-T.
BAR: Okay, let me see what I give her, I don't remember. Percocet?
CS-1: Percocet 10mg, I believe. Uh –
....
BAR: Okay.
CS-1: Okay. And that's for you. Thank you so much, Dr. Bar.

In exchange for the prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

f. **July 19, 2023:** On or about July 19, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately two minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical

prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them.



Mordechai Bar at the July 19, 2023 sale

In exchange for the prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.⁷

g. **August 23, 2023:** On or about August 23, 2023, BAR wrote the typical prescriptions for CS-1, CS-1's parents, and Nicole Gilbert, without first meeting with or speaking to CS-1 (or the other people). Approximately a week later, on or about August 30, 2023, CS-1 went to BAR's office to pay him for the prescriptions. Although BAR was not there that day, CS-1 was greeted by one of BAR's employees, who told CS-1 that "Dr. Bar asked about the money" In exchange for the prescriptions, CS-1 paid the office employee approximately \$500 in cash, plus an additional approximately \$100 for the prescriptions being submitted without an in-person visit.

h. **September 27, 2023:** On or about September 27, 2023, CS-1 went to BAR's office for an appointment. When CS-1 arrived, one of the office workers told CS-1 that BAR had already left for the day, but the employee confirmed that BAR had already written the typical prescriptions in the names of CS-1, CS-1's parents, and Nicole Gilbert, without meeting with CS-1: "Everything's called in for you guys." In exchange for the prescriptions, CS-1 paid the office employee approximately \$500 in cash, plus an additional approximately \$100 for the prescriptions being submitted without an in-person visit.

⁷ The prescriptions that MORDECHAI BAR, the defendant, wrote on or about July 19, 2023, are not reflected in BNE records. I have spoken to members of BNE, and I have learned, among other things, that one possible explanation for this is that the pharmacy to which the prescriptions were sent failed to verify some piece of required information. Regardless, I know that these prescriptions were dispensed to CS-1 on or about July 20, 2023, indicating that BAR did in fact submit these prescriptions.

i. **November 8, 2023:** On or about November 8, 2023, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately two minutes total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them. During the meeting, CS-1 reminded BAR that he/she was paying BAR several hundred dollars for the prescriptions, and confirmed that BAR was going to write a prescription in Gilbert's name: "You gonna write for my friend too? You gonna write for my friend too? I gave you 500" In exchange for the prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

j. **January 10, 2024:** On or about January 10, 2024, CS-1 went to BAR's office for an appointment. BAR met with CS-1 for approximately one minute and thirty seconds total, during which time BAR performed no medical examinations or tests. Nevertheless, BAR wrote CS-1 his/her typical prescriptions for oxycodone, amphetamine, and alprazolam. BAR also wrote the typical prescriptions in the names of CS-1's parents and Nicole Gilbert, despite not meeting with or speaking to them. Similar to the visit on or about May 18, 2023, CS-1 told BAR the specific prescriptions that he/she wanted before BAR wrote them:

CS-1: Trifecta. I get the addys, oxys, xannies.

BAR: Okay, the same thing.

CS-1: Ya.

BAR: [*Says CS-1's mother's first name*].

CS-1: The same thing. Oxy, addy, xanny.

. . . .

BAR: Your father?

CS-1: Daddy does the Percocet, the xanny, and the addy. And Nicole gets the Percocet.

BAR: Okay.

CS-1: Alright, you have yourself a great day.

In exchange for the prescriptions, CS-1 handed BAR approximately \$500 in cash while the two were still in the examination room.

k. **February 21, 2024:** On or about February 21, 2024, BAR wrote the typical prescriptions for CS-1, CS-1's parents, and Nicole Gilbert, without first meeting with or speaking to CS-1 (or the other people). Approximately a week later, on or about February 27, 2024, CS-1 went to the vicinity of 177th Street and Tremont Avenue, Bronx, New York, where CS-1 met BAR's office employee. CS-1 paid the office employee approximately \$500 in cash, plus an additional approximately \$100 for BAR writing the prescription without an in-person visit.


1. **March 27, 2024:** On or about March 27, 2024, BAR wrote the typical prescriptions for CS-1, CS-1's parents, and Nicole Gilbert, without first meeting with or speaking to CS-1 (or the other people). Approximately a week later, on or about April 3, 2024, CS-1 went to BAR's office and paid the office employee approximately \$500 in cash, plus an additional approximately \$100 for BAR writing the prescription without an in-person visit.

16. In sum, between in or about February 2023 and in or about April 2024, based on meeting with CS-1—and only CS-1—for around 30 minutes total, and without performing any medical examinations or tests, MORDECHAI BAR, the defendant, prescribed thousands of tablets of oxycodone, amphetamine, and alprazolam in the names of CS-1, CS-1's parents, and "Nicole Gilbert." In exchange for those prescriptions, CS-1 paid BAR thousands of dollars in cash, most of which CS-1 handed directly to BAR while the two were in the examination room. Several hundred dollars of cash were also paid to BAR's office staff for submitting prescriptions without BAR meeting with CS-1 in advance.

17. The circumstances surrounding the prescription sales discussed above indicate that MORDECHAI BAR, the defendant, was knowingly diverting controlled substances to CS-1. For instance, based on my training and experience in other diversion investigations, I know that it is atypical for a physician to (i) prescribe controlled substances—especially powerful opioids like oxycodone—to patients without meeting them in person and performing evaluations on them, such as regular urinalyses; (ii) prescribe a patient the "Holy Trinity" drug cocktail of oxycodone, amphetamine, and alprazolam given the health risks of mixing an opioid and a benzodiazepine, *see supra* ¶ 8(d), and the high instances of abuse of those drugs among oxycodone addicts; (iii) write similar prescriptions for large amounts of oxycodone to multiple members of the same family; and (iv) receive cash payments for prescriptions directly from patients, especially while still in the examination room. While each of those facts is, on its own, an indication that diversion is occurring, together they are strong evidence that the prescriptions that the physician is writing are not being issued for a legitimate medical purpose by a practitioner acting within the usual course of professional practice.

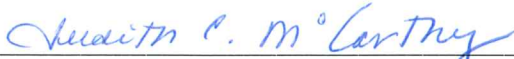
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WHEREFORE, I respectfully request that a warrant be issued for the arrest of MOR-DECHAI BAR, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



GEORGE BURDZY
Special Agent
Drug Enforcement Administration

Sworn to before me this 30th day of May, 2024.



THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York