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Concierge Compounding Pharmaceuticals, Inc.

Exhibit #	Document	File Date
	USA v. Hootan Melamed, et. al. Case #: 16CR1409H	6/16/2016
1	CA Secretary of State (CA SOS) Statement and Designation by Foreign Corporation, signed by Hootan Melamed-President	10/22/2012
2	CA SOS Statement of Information (SI), Farshad Sassounian, CEO/Secretary/CFO and Director	12/15/2017
3	CA SOS SI Farshad Sassounian, CEO/Secretary/CFO and Director	7/10/2018
4	CA SOS Resignation of Agent Upon Whom Process May Be Served	11/20/2018
5	Nevada SOS Farshad Sassounian, President, Secretary, Treasurer, Director	4/30/2012

ORIGINAL

FILED

CASE UNSEALED PER ORDER OF COURT

2016 JUN 16 PM 4:44

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____ *acc*
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

UNITED STATES OF AMERICA,

Case No.

16 CR 1409H

Plaintiff,

I N D I C T M E N T

v.

HOOTAN MELAMED (1),
JEAN FRANCOIS PICARD (2),
JOHN PANGELINAN (3),
PHONG HUNG TRAN (4),
JONATHAN PENA (5),

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 18, U.S.C.,
Secs. 1341 and 1346 - Honest
Services Mail Fraud; Title 18,
U.S.C., Sec. 1952(a)(1) and
(a)(2) - Travel Act; Title 18,
U.S.C., Sec. 2 - Aiding and
Abetting; Title 18, U.S.C.,
Sec. 981(a)(1)(C) and
Title 28, U.S.C., Sec. 2461(c) -
Criminal Forfeiture

Defendants.

The Grand Jury charges, at all times relevant:

INTRODUCTORY ALLEGATIONS

1. Defendant HOOTAN MELAMED was a pharmacist licensed with the state of California. He operated and was the de facto owner of New Age Pharmaceuticals, Inc., ("New Age") a compounding pharmacy located in Beverly Hills, California. He also had business interests in other pharmacies, including RoxSan Pharmacy, Inc. ("RoxSan"), Concierge Compounding Pharmaceuticals, Inc. ("Concierge"), Alexso, Inc., and Portland Professional Pharmacy ("Portland Pharmacy") (together, "Melamed's Pharmacies"). These compound pharmacies supplied compound creams and other custom pharmaceuticals to patients.

VHC:nlv(1):San Diego
6/16/16

1 NALT

1 medical and legal fees, were billed directly to, and were paid by, the
2 insurer. The CWCS was regulated by the California Labor Code, the
3 California Insurance Code, and the California Code of Regulations, and
4 was administered by the California Department of Industrial Relations.

5 8. CWCS benefits were administered by the employer, an
6 insurer, or a third party administrator. The CWCS required claims
7 administrators to authorize and pay for medical care that was
8 "reasonably required to cure or relieve the injured worker from the
9 effects of his or her injury."

10 9. California law, including but not limited to the California
11 Business and Professions Code, the California Insurance Code, and the
12 California Labor Code, prohibited the offering, delivering,
13 soliciting, or receiving of anything of value in return for referring
14 a patient for goods or services paid for under the CWCS.

15 10. The United States offered a workers' compensation program to
16 provide medical care to federal workers who suffer work-related
17 injuries or occupational diseases. The program was administered by
18 the Office of Workers' Compensation Programs. Claims are submitted to
19 the Department of Labor for adjudication and payment.

20 11. Both California and the federal workers' compensation
21 benefits included prescription medications prescribed by a doctor.
22 Compound creams were specialty medications prescribed for patients who
23 are unable to take medications in their standard formulations (for
24 example, tablets, pills, or injections), for medications that must be
25 absorbed through the skin, or where the specific combination of
26 medicines is not available. Compound pharmacies could custom-mix the
27 prescribed medicines into a cream to be dispensed to the patient.

28

1 12. Both California and the federal workers' compensation
2 benefits included DME prescribed by a doctor. DME was any equipment
3 that provides therapeutic benefits to a patient in need because of
4 certain medical conditions and/or illnesses. An Inferential Unit
5 ("IF Unit") was a device that provides low-level electrical
6 stimulation to a body part to encourage healing.

7 Count 1

8 **CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HONEST SERVICES MAIL FRAUD AND**
9 **VIOLATE THE TRAVEL ACT, 18 USC § 371**

10 13. Paragraphs 1 through 12 of this Indictment are realleged and
11 incorporated by reference.

12 14. Beginning on a date unknown to the grand jury and continuing
13 through at least June 2016, within the Southern District of California
14 and elsewhere, defendants HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN
15 PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA and others did knowingly
16 and intentionally conspire together and with each other and with
17 others to:

18 a. commit Health Care Fraud, that is, to knowingly and with the
19 intent to defraud execute a material scheme to defraud a health care
20 benefit program, and to obtain by means of materially false and
21 fraudulent pretenses, representations, and promises, any of the money
22 and property owned by, and under the custody and control of a health
23 care benefit program, in connection with the delivery of and payment
24 for health care benefits, items, and services, in violation of
25 Title 18, United States Code, Section 1347;

26 b. commit Honest Services Mail Fraud, that is, to knowingly and
27 with the intent to defraud, devise and participate in a material
28 scheme to defraud and to deprive patients of the intangible right to a

1 doctor's honest services, and to cause mailings in furtherance
2 thereof, in violation of Title 18, United States Code, Sections 1341
3 and 1346; and

4 c. violate the Travel Act, that is, to use and cause to be used
5 facilities in interstate commerce with intent to promote, manage,
6 establish, carry on, distribute the proceeds of, and facilitate the
7 promotion, management, establishment, carrying on, and distribution of
8 the proceeds of an unlawful activity, that is, commercial bribery in
9 violation of California law, and, thereafter, to promote and attempt
10 to perform acts to promote, manage, establish, carry on, distribute
11 the proceeds of, and facilitate the promotion, management,
12 establishment, carrying on, and distribution of the proceeds of such
13 unlawful activity, in violation of Title 18, United States Code,
14 Sections 1952(a)(1) and (a)(3).

15 **FRAUDULENT PURPOSE**

16 15. It was the goal of the conspiracy to fraudulently obtain
17 money from health care benefit programs by submitting claims for
18 prescription pharmaceuticals and DME that were generated through a
19 secret pattern of bribes to doctors (and those acting with them and on
20 their behalf), to induce the doctors to refer patients to particular
21 pharmacies and DME providers, in violation of the doctors' fiduciary
22 duty to their patients.

23 **MANNER AND MEANS**

24 16. The conspirators used the following manner and means in
25 pursuit of their fraudulent purpose:

26 a. It was a part of the conspiracy that defendants MELAMED,
27 PICARD, PANGELINAN and PENA, and other co-conspirators, knowing that
28 the payment of per-patient referral fees was unlawful, paid doctors to

1 recommend certain goods and services and refer workers' compensation
2 patients to specific providers for those goods and services, including
3 to pharmacies in which MELAMED had an interest for prescription
4 pharmaceuticals, to Company No. 1 for DME, and to other providers in
5 which the co-conspirators had financial interests for other goods and
6 services.

7 b. It was a further part of the conspiracy that defendant TRAN,
8 knowing that receiving a per-patient referral fee was unlawful, agreed
9 to accept per-patient bribes from the co-conspirators to refer
10 workers' compensation patients to companies owned by his co-
11 conspirators or in which they had an interest.

12 c. It was a further part of the conspiracy that the co-
13 conspirators paid or accepted specific bribe and kickback amounts for
14 specific kinds of prescriptions, including: between \$200-250 per IF
15 Unit referral, \$150-200 for each Flurbiprofen cream prescription, \$150
16 for each Gabapentin cream, and \$50 per Terocin patch.

17 d. It was a further part of the conspiracy that the co-
18 conspirators bribed and solicited marketers and doctors to prescribe
19 compound creams and patches over other types of medications, because
20 these custom pharmaceuticals can be billed at high rates to insurance
21 companies.

22 e. It was a further part of the conspiracy that the co-
23 conspirators crafted compound creams and other pharmaceuticals to
24 contain the most expensive components, in order to bill at high rates
25 to insurance companies, instead of customizing the medications to the
26 needs of particular patients.

27 f. It was a further part of the conspiracy that the co-
28 conspirators concealed from patients, and intended to cause the

1 doctors, including Dr. TRAN, to conceal from patients, the kickback
2 and bribe payments made to doctors for referring patients to companies
3 owned by the co-conspirators or in which they had an interest, in
4 violation of the doctors' fiduciary duty to their patients.

5 g. It was a further part of the conspiracy that the co-
6 conspirators obscured the true nature of their financial relationships
7 in order to conceal their corrupt payments for patient referrals,
8 including by entering sham agreements to purportedly lease office
9 space or provide marketing services, when in reality the corrupt
10 payments were made in exchange for, or to induce, the referral of
11 patients.

12 h. It was a further part of the conspiracy that the co-
13 conspirators, knowing that the payment of per-patient referral fees
14 was unlawful, inserted intermediaries (referring to them as
15 "marketers" or "marketing companies") to hide and obscure the flow of
16 payments from providers to doctors, when in reality the payments were
17 unlawful volume-based, per-patient referral fees.

18 i. It was a further part of the conspiracy that the co-
19 conspirators obscured the true nature of their financial relationships
20 in order to conceal their corrupt payments for patient referrals,
21 including by creating separate companies in the names of nominees and
22 straw owners, to pay and receive kickback and bribe money.

23 j. It was a further part of the conspiracy that, knowing that
24 per-patient referral fees were unlawful, the co-conspirators disguised
25 their bribes and kickbacks to doctors by providing gift cards,
26 vacations, sports tickets, cash, or patient referrals.

27 k. It was a further part of the conspiracy that MELAMED, after
28 paying doctors and marketers kickbacks and bribes to prescribe

1 compound creams, then filled the prescriptions himself through New
2 Age, or sent those prescriptions to other pharmacies to be filled,
3 including RoxSan, Concierge, or Portland, in exchange for a further
4 kickback from those pharmacies.

5 l. It was a further part of the conspiracy that the co-
6 conspirators discussed via telephone calls, emails, and in-person
7 meetings the workers' compensation patients who had been corruptly
8 referred for goods and services in exchange for kickbacks.

9 m. It was a further part of the conspiracy that the co-
10 conspirators utilized interstate facilities, including cellular
11 telephones and email, in order to coordinate the referral of patients
12 for goods and services, knowing that such referrals were predicated on
13 unlawful per-patient kickback payments.

14 n. It was a further part of the conspiracy that the co-
15 conspirators utilized the mails as an essential part of their
16 fraudulent scheme, including by mailing bills to insurance carriers,
17 and mailing prescription pharmaceuticals and DME to patients.

18 o. It was a further part of the conspiracy that co-conspirators
19 billed, and caused insurers to bill, for services provided to patients
20 that the co-conspirators had procured by paying bribes and kickbacks.

21 p. It was a further part of the conspiracy that defendants
22 concealed from insurers and patients the material fact of the kickback
23 arrangements, which were in violation of California state law, that
24 led to the referrals.

25 q. Using the manners and means described above, defendants
26 submitted and caused to be submitted claims of over \$27 million for
27 pharmaceutical prescriptions and over \$7.6 million in DME
28 prescriptions procured through the payment of bribes and kickbacks.

OVERT ACTS

1
2 17. In furtherance of the conspiracy and in order to effect the
3 objects thereof, the defendants and others committed or caused the
4 commission of the following overt acts in the Southern District of
5 California and elsewhere:

6 a. On or about August 9, 2012, in a telephone call, PICARD
7 offered to pay a marketer \$125 per compound cream prescription the
8 marketer could get a doctor to prescribe, which would be filled by
9 MELAMED and fraudulently billed to an insurance carrier.

10 b. On or about August 20, 2012, PICARD offered to pay a
11 marketer a "guaranteed [\$]200 per script" if the marketer could find
12 doctors who would prescribe compound creams to workers' compensation
13 patients, which would be filled by MELAMED and fraudulently billed to
14 an insurance carrier.

15 c. On or about December 12, 2012, PICARD offered a marketer a
16 25 percent kickback of the proceeds on any creams that the marketer
17 could get doctors to prescribe, which would be filled by MELAMED and
18 fraudulently billed to an insurance carrier.

19 d. In or about March 2013, PICARD explained to a marketer that
20 the compound creams cost around \$20 to produce, but that they could
21 bill the insurance company \$3,000 for a "five-pack" of pharmaceuticals
22 that were formulated to contain the highest-priced medications.

23 e. In or about March 2013, PICARD suggested that a marketer
24 offer to pay the prescribing doctor between \$100 and \$150 to prescribe
25 a "five-pack" of prescriptions offered by MELAMED's pharmacy.

26 f. In or about March 2013, PICARD directed a marketer to fax
27 compound cream prescriptions to a fax number for New Age.

28

1 g. On or about March 26, 2013, in a telephone call, PICARD
2 requested information about patients that had been procured as a
3 result of a bribe, so that New Age could bill the Department of Labor
4 for prescription pharmaceuticals for those patients.

5 h. On or about March 27, 2013, MELAMED caused \$4,497.77 to be
6 billed to the U.S. Department of Labor's workers' compensation program
7 for pharmaceuticals that MELAMED had bribed a doctor to prescribe.

8 i. On or about March 28, 2013, MELAMED caused \$2,613.60 to be
9 billed to the U.S. Department of Labor's workers' compensation program
10 for pharmaceuticals that he had bribed a doctor to prescribe.

11 j. On or about March 30, 2013, MELAMED and PICARD and others
12 caused prescription pharmaceuticals that were prescribed due to
13 payment of kickbacks and bribes to be mailed to a location in San
14 Diego.

15 k. On or about April 4, 2013, MELAMED and PICARD and others
16 caused prescription pharmaceuticals that were prescribed due to
17 payment of kickbacks and bribes to be mailed to a location in San
18 Diego.

19 l. On or about April 11, 2013, MELAMED and PICARD and others
20 caused prescription pharmaceuticals that were prescribed due to
21 payment of kickbacks and bribes to be mailed to a location in San
22 Diego.

23 m. On or about May 2, 2013, MELAMED and PICARD and others
24 caused prescription pharmaceuticals that were prescribed due to
25 payment of kickbacks and bribes to be mailed to a location in San
26 Diego.

27
28

1 n. On or about May 9, 2013, MELAMED caused \$10,740.28 to be
2 billed to the U.S. Department of Labor's workers' compensation program
3 for pharmaceuticals that he had bribed a doctor to prescribe.

4 o. On or about July 23, 2013, MELAMED and PICARD and others
5 caused prescription pharmaceuticals that were prescribed due to
6 payment of kickbacks and bribes to be mailed to a location in San
7 Diego.

8 p. On or about October 17, 2013, MELAMED caused \$1,476.00 to be
9 billed to the U.S. Department of Labor's workers' compensation program
10 for pharmaceuticals that he had bribed a doctor to prescribe.

11 q. On or about November 26, 2013, MELAMED caused \$1,476.00 to
12 be billed to the U.S. Department of Labor's workers' compensation
13 program for pharmaceuticals that he had bribed a doctor to prescribe.

14 r. On or about June 24, 2014, PENA gave a doctor gift cards
15 totaling \$1,050 in value, in payment for 42 MRI scans that the doctor
16 had referred to Company A.

17 s. On or about August 1, 2014, PENA gave a doctor a gift card
18 for \$725, in payment for 29 MRI scans that the doctor had referred to
19 Company A.

20 t. On or about April 15, 2014, TRAN and PANGELINAN caused
21 Company No. 1 to send a claim for \$1,375.31 for DME for patient
22 Michael W., that was referred to Company No. 1 due to payment of
23 kickbacks and bribes, to be sent to an insurance company in San Diego.

24 u. On or about August 21, 2014, TRAN and PANGELINAN caused
25 Company No. 1 to send a claim for \$1,375.31 for DME for patient Maria
26 H., that was referred to Company No. 1 due to payment of kickbacks and
27 bribes, to be sent to an insurance company in San Diego.

28

1 v. On or about August 14, 2014, TRAN and PANGELINAN caused
2 Company No. 1 to send a claim for \$1,375.31 for DME for patient
3 Francisco C., that was referred to Company No. 1 due to payment of
4 kickbacks and bribes, to be sent to an insurance company in San Diego.

5 w. On or about November 29, 2014, MELAMED caused New Age to
6 send to an insurer in San Diego a claim for reimbursement for
7 prescription pharmaceuticals (for patient Edgar M.).

8 x. On or about December 13, 2014, MELAMED caused New Age to
9 send to an insurer in San Diego a claim for reimbursement for
10 prescription pharmaceuticals (for patient Clara S.).

11 y. On or about December 13, 2014, MELAMED caused New Age to
12 send to an insurer in San Diego a claim for reimbursement for
13 prescription pharmaceuticals (for patient Fidel V).

14 z. On or about October 28, 2015, MELAMED paid a marketer a
15 total of \$75,810 for 390 compound creams and 331 Terocin patches
16 prescribed in September 2015 by doctors recruited by the marketer or
17 those working with him.

18 aa. On or about October 29, 2015, PANGELINAN accepted \$20,130.50
19 as his share of the kickback paid by MELAMED, for 237 creams and 237
20 Terocin patches that PANGELINAN's doctors prescribed.

21 bb. On or about November 4, 2015, TRAN asked PENA to send
22 kickback money to a separate marketing company, because TRAN did not
23 want the money going directly to him.

24 cc. On or about November 4, 2015, TRAN asked PENA to send him a
25 text message that used the code "Let's meet at one [o'clock]" if PENA
26 would pay \$100 per compound cream prescription, or "two [o'clock]" if
27 PENA would pay \$200.

28

1 dd. In November 2015, TRAN and PANGELINAN discussed a bribe
2 payment of over \$100 per cream prescribed.

3 ee. On or about November 16, 2015, PANGELINAN delivered to TRAN
4 or TRAN's representative a check for \$10,000 made out to "Team
5 Enterprise," in payment for 50 IF Units referred by TRAN to Company
6 No. 1.

7 ff. On or about November 19, 2015, PANGELINAN accepted a check
8 for \$11,565.06 in payment for the DME referrals he had caused doctors
9 to make to Company No. 1 in October 2015.

10 gg. On or about November 20, 2015, MELAMED paid a marketer a
11 total of \$75,900 for 387 compound creams and 339 Terocin patches
12 prescribed by doctors recruited by that marketer and those working
13 with him in October 2015.

14 hh. On or about November 24, 2015, PANGELINAN suggested a new
15 kickback deal with TRAN, to pay TRAN over \$100 for each compound cream
16 prescription that TRAN prescribed to MELAMED'S Pharmacies.

17 ii. On or about November 24, 2015, PANGELINAN offered to tell
18 doctors that he worked with, including Dr. F and Dr. Y, and their
19 staff, that they should conceal the fact that the doctors were
20 supposed to prescribe a certain amount of DME for the monthly payments
21 received from Company No. 1.

22 jj. On or about November 24, 2015, PANGELINAN accepted
23 \$17,037.50 as his share of the kickback paid by MELAMED, for 254
24 creams and 252 Terocin patches that PANGELINAN's doctors prescribed.

25 kk. Sometime before December 2015, TRAN and PANGELINAN agreed
26 that TRAN would receive \$10,000 per month (disguised as payment for
27 "marketing" services) in exchange for referring 50 IF Units per month
28 to Company No. 1.

1 ll. On or about December 8, 2015, TRAN said that he would be
2 sending many more DME referrals to Company No. 1, and in order for
3 Company No. 1 to "catch up" on payments due him, TRAN suggested that
4 he only have to refer 40 IF Units per month in exchange for the
5 \$10,000 monthly payment from Company No. 1.

6 mm. On or about December 8, 2015, TRAN and PANGELINAN agreed
7 that TRAN would be paid \$125 per compound cream that he prescribed and
8 sent to PANGELINAN, to be filled by a pharmacy designated by MELAMED.

9 nn. On or about December 15, 2015, PANGELINAN delivered to TRAN
10 or TRAN's representative a check for \$10,000 made out to "Team
11 Enterprise," in payment for 50 IF Units referred by TRAN to Company
12 No. 1.

13 oo. On or about December 17, 2015, PANGELINAN accepted a check
14 for \$7,506.34 in payment for the DME referrals he had caused doctors
15 to make to Company No. 1 in November 2015.

16 pp. In or around December 2015, TRAN started a new marketing
17 company so that he could receive kickback payments.

18 qq. In or about December 2015, MELAMED agreed to pay \$175 per
19 compound cream prescription to a marketer so that TRAN, in turn, could
20 be paid \$125 per prescription for prescribing compound creams to be
21 filled by a pharmacy designated by MELAMED.

22 rr. On or about December 14, 2015, MELAMED paid a marketer a
23 total of \$77,900 for 412 compound creams and 314 Terocin patches
24 prescribed in November 2015 by doctors recruited by the marker or
25 those working with him.

26 ss. On or about December 16, 2015, PANGELINAN accepted
27 \$18,462.50 as his share of the kickback paid by MELAMED, for 256
28 creams and 256 Terocin patches that PANGELINAN's doctors prescribed.

1 tt. On or about January 29, 2016, MELAMED paid a marketer a
2 total of \$64,150 for 335 compound creams and 278 Terocin patches
3 prescribed in December 2015 by doctors recruited by the marketer or
4 those working with him.

5 uu. On or about January 14, 2016, PANGELINAN accepted a check
6 for \$8,610.86 in payment for the DME referrals he had caused doctors
7 to make to Company No. 1 in December 2015.

8 vv. On or about January 14, 2016, PANGELINAN delivered to TRAN
9 or TRAN's representative a check for \$10,000 made out to "Team
10 Enterprise," in payment for 40 or 50 IF Units referred by TRAN to
11 Company No. 1.

12 ww. On or about February 18, 2016, PANGELINAN accepted a check
13 for \$12,981.27 in payment for the DME referrals he had caused doctors
14 to make to Company No. 1 in January 2016.

15 xx. On or about February 29, 2016, MELAMED caused New Age to
16 send to an insurer in San Diego a claim for reimbursement for
17 prescription pharmaceuticals (for patient Edgar M.).

18 yy. On or about March 1, 2016, MELAMED paid a marketer a total
19 of \$54,900 for 273 compound creams and 278 Terocin patches prescribed
20 in January 2016 by doctors recruited by the marketer or those working
21 with him..

22 zz. On or about March 3, 2016, PANGELINAN accepted \$12,768.75
23 as his share of the kickback paid by MELAMED, for 234 creams and 234
24 Terocin patches that PANGELINAN's doctors prescribed.

25 aaa. On or about March 16, 2016, PANGELINAN accepted a check for
26 \$9,469.34 in payment for the DME referrals he had caused doctors to
27 make to Company No. 1 in February 2016.

28

1 devised a material scheme to defraud, that is, to deprive patients of
2 their intangible right to doctors' honest services.

3 20. Paragraphs 15 and 16 of this Indictment are realleged and
4 incorporated by reference as more fully describing the scheme to
5 defraud.

6 21. For the purpose of executing the scheme and attempting to do
7 so, within the Southern District of California, the following
8 defendants knowingly caused to be delivered by U.S. Mail according to
9 the direction thereon the following mail matter:

Ct.	Date	Defendants	Item(s) Mailed
2	3/30/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
3	4/4/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
4	4/11/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
5	5/2/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
6	7/23/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
7	4/15/2014	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Michael W.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1
8	8/21/2014	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Maria H.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1
9	11/29/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Edgar M.) sent by New Age to an insurer

Ct.	Date	Defendants	Item(s) Mailed
10	12/13/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Clara S.) sent by New Age to an insurer
11	12/13/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Fidel V.) sent by New Age to an insurer
12	8/14/2015	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Francisco C.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Counts 13 - 14

TRAVEL ACT, 18 USC §§ 1952 AND 2

22. Paragraphs 1 through 12 are realleged and incorporated by reference.

23. Beginning on date unknown and continuing through at least June 2016, within the Southern District of California and elsewhere, defendants HOOTAN MELAMED and JEAN FRANCOIS PICARD knowingly used and cause to be used facilities in interstate commerce with the intent to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of an unlawful activity, that is, bribery in violation of California Penal Code Sections 139.3-32 and California Labor Code Section 3215, and, thereafter, to promote and attempt to perform acts to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of such unlawful activity as follows:

Ct.	Date	Defendants	Use of Facility in Interstate Commerce	Acts Performed Thereafter
13	8/9/2012	MELAMED, PICARD	Telephone call by PICARD offering to pay \$125 per compound cream prescription	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED
14	3/26/2013	MELAMED, PICARD	Telephone call by PICARD to obtain information to fill prescription and bill insurance carrier	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED

All in violation of Title 18, United States Code, Sections 1952(a)(1), (a)(2) and 2.

FORFEITURE ALLEGATION

24. Paragraphs 1 through 12 of this Indictment are realleged and incorporated as if fully set forth herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

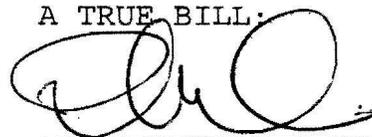
25. Upon conviction of the offenses of Conspiracy, Honest Services Mail Fraud and Travel Act as alleged in Counts 1 through 14, defendants HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA shall forfeit to the United States all right, title, and interest in any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of such offenses, including a sum of money equal to the total amount of gross proceeds derived, directly or indirectly, from such offenses.

1 26. If any of the above described forfeitable property, as a
 2 result of any act or omission of defendants HOOTAN MELAMED, JEAN
 3 FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA:
 4 (a) cannot be located upon the exercise of due diligence; (b) has been
 5 transferred or sold to, or deposited with, a third party; (c) has been
 6 placed beyond the jurisdiction of the Court; (d) has been
 7 substantially diminished in value; or (e) has been commingled with
 8 other property which cannot be divided without difficulty;
 9 it is the intent of the United States, pursuant to Title 21, United
 10 States Code, Section 853(p) and Title 18, United States Code,
 11 Section 982(b), to seek forfeiture of any other property of defendants
 12 HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN
 13 and JONATHAN PENA up to the value of the forfeitable property
 14 described above.

15 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
 16 Title 28, United States Code, Section 2461(c).

17 DATED: June 16, 2016.

18 A TRUE BILL:

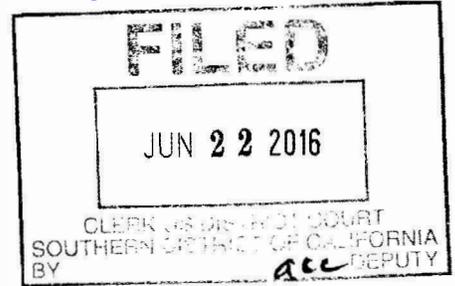


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Foreperson

21 LAURA E. DUFFY
 22 United States Attorney

23 By: 
 24 VALERIE H. CHU
 25 Assistant U.S. Attorney

ORIGINAL



1 LAURA E DUFFY
 United States Attorney
 2 VALERIE H. CHU
 Assistant U.S. Attorney
 3 California Bar No.: 241709
 Office of the U.S. Attorney
 4 880 Front Street, Room 6293
 San Diego, CA 92101
 5 Tel: (619) 546-6750
 Fax: (619) 546-0450
 6 Email: Valerie.chu@usdoj.gov
 7 Attorneys for the United States

8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,
 11 Plaintiff,
 12 v.
 13 HOOTAN MELAMED (1),
 14 JEAN FRANCOIS PICARD (2),
 15 JOHN PANGELINAN (3),
 PHONG HUNG TRAN (4),
 16 JONATHAN PENA (5),
 Defendants.

Case No.: 16cr1409-H
MOTION TO UNSEAL

17 The plaintiff, UNITED STATES OF AMERICA, by and through its
 18 counsel, LAURA E. DUFFY, United States Attorney, and Valerie H. Chu,
 19 Assistant United States Attorney, hereby moves to unseal the
 20 indictment filed in the above-referenced matter.

21 On June 16, 2016, a federal grand jury in the Southern District
 22 of California returned a 14-count indictment against the defendants.
 23 That same day, the Honorable Ruben B. Brooks granted a motion by the
 24 United States to seal the indictment and issue arrest warrants. The
 25 United States now moves to unseal the indictment for all purposes.

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DATED: June 21, 2016

Respectfully submitted,

LAURA E. DUFFY
United States Attorney



VALERIE H. CHU
Assistant United States Attorney

IT IS SO ORDERED.

Dated: *6/21/2016*



Hon. Ruben B. Brooks
United States Magistrate Judge

3:16-cr-01409-H-1 USA v. Melamed et al

Date filed: 06/16/2016

Date of last filing: 06/24/2016

History

Doc. No.	Dates	Description
<u>1</u>	<i>Filed:</i> 06/16/2016 <i>Entered:</i> 06/17/2016	Indictment (Sealed)
<u>2</u>	<i>Filed:</i> 06/16/2016 <i>Entered:</i> 06/17/2016	Warrant Issued
<u>9</u>	<i>Filed & Entered:</i> 06/22/2016	Order to Unseal Indictment
10	<i>Filed & Entered:</i> 06/24/2016	Set/Reset Duty Hearings

PACER Service Center			
Transaction Receipt			
06/27/2016 05:16:35			
PACER Login:	bh4809:3991041:0	Client Code:	
Description:	History/Documents	Search Criteria:	3:16-cr-01409-H
Billable Pages:	1	Cost:	0.10

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Thursday, February 28, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C3516757 CONCIERGE COMPOUNDING PHARMACEUTICALS, INC.

Registration Date: 10/22/2012
Jurisdiction: NEVADA
Entity Type: FOREIGN STOCK
Status: ACTIVE
Agent for Service of Process: ** RESIGNED ON 11/20/2018
 *
Entity Address: 23970 CRAFTSMAN RD.
 CALABASAS CA 91302
Entity Mailing Address: 23970 CRAFTSMAN RD.
 CALABASAS CA 91302

A Statement of Information is due EVERY year beginning five months before and through the end of October.

Document Type	↕	File Date	↕	PDF
AGENT RESIGNED		11/20/2018		
SI-COMPLETE		07/10/2018		
SI-COMPLETE		12/15/2017		
REGISTRATION		10/22/2012		

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)

[New Search](#)

[Back to Search Results](#)

EXHIBIT 1

Emm/NA

FILED
in the office of the Secretary of State
of the State of California

OCT 22 2012

Statement and Designation by Foreign Corporation

CONCIERGE COMPOUNDING PHARMACEUTICALS, INC.

[Name of Corporation]

_____, a corporation organized and existing under the

laws of NEVADA, makes the following statements and designation:
[State or Place of Incorporation]

1. The address of its principal executive office is 1887 WHITNEY MESA DR., HENDERSON, NV 890
2. The address of its principal office in the State of California is _____
[If none, leave Item 2 blank.]

Designation of Agent for Service of Process in the State of California

[Complete either Item 3 or Item 4.]

3. (Use this paragraph if the process agent is a natural person.)
Sassan Heydari, Esq., a natural person residing in the State of California, whose complete street address in California is 22845 Ventura Blvd., No. 401, Woodland Hills California 91364, is designated as agent upon whom process directed to this corporation may be served within the State of California, in the manner provided by law.
4. (Use this paragraph if the process agent is another corporation.)

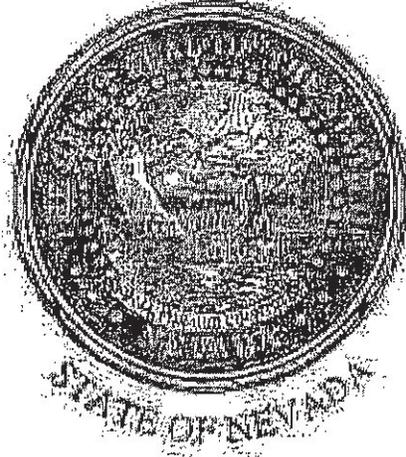
a corporation organized and existing under the laws of _____, is designated as agent upon whom process directed to this corporation may be served within the State of California, in the manner provided by law.
5. It irrevocably consents to service of process directed to it upon the agent designated above, and to service of process on the Secretary of State of the State of California if the agent so designated or the agent's successor is no longer authorized to act or cannot be found at the address given.


[Signature of Corporate Officer]

Hootan Melamed, President
[Typed Name and Title of Officer Signing]

If an individual is designated as the agent for service of process, include the agent's business or residential street address in California (a P.O. Box address is not acceptable). If another corporation is designated as the agent for service of process, do not include the address of the designated corporation. Note: Corporate agents must have complied with California Corporations Code section 1505 prior to designation, and a corporation cannot act as its own agent.

SECRETARY OF STATE



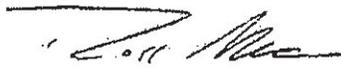
**CERTIFICATE OF EXISTENCE
WITH STATUS IN GOOD STANDING**

I, ROSS MILLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **CONCIERGE COMPOUNDING PHARMACEUTICALS, INC.**, as a corporation duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since April 30, 2012, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on October 5, 2012.




ROSS MILLER
Secretary of State

Electronic Certificate
Certificate Number: C20121005-2381
You may verify this electronic certificate
online at <http://www.nvsos.gov/>

EXHIBIT 2

17-668583



Secretary of State
Statement of Information
(California Stock, Agricultural
Cooperative and Foreign Corporations)

SI-550

34

FILED
Secretary of State
State of California

DEC 15 2017

11NF1PC

This Space For Office Use Only

IMPORTANT — Read instructions before completing this form.

Fees (Filing plus Disclosure) – \$25.00;

Copy Fees – First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

1. Corporation Name (Enter the exact name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, see instructions.)
Concierge Compounding Pharmaceuticals, Inc.

2. 7-Digit Secretary of State File Number
C3516757

3. Business Addresses

a. Street Address of Principal Executive Office - Do not list a P.O. Box 23970 Craftsman Rd.	City (no abbreviations) Calabasas	State CA	Zip Code 91302
b. Mailing Address of Corporation, if different than Item 3a	City (no abbreviations)	State	Zip Code
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Code

4. Officers The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer/ Farshad	First Name	Middle Name	Last Name Sassounian	Suffix
Address 23970 Craftsman Rd.			City (no abbreviations) Calabasas	State CA Zip Code 91302
b. Secretary Farshad	First Name	Middle Name	Last Name Sassounian	Suffix
Address 23970 Craftsman Rd.			City (no abbreviations) Calabasas	State CA Zip Code 91302
c. Chief Financial Officer/ Farshad	First Name	Middle Name	Last Name Sassounian	Suffix
Address 23970 Craftsman Rd.			City (no abbreviations) Calabasas	State CA Zip Code 91302

5. Director(s) California Stock and Agricultural Cooperative Corporations ONLY: Item 5a: At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).

a. First Name Farshad	Middle Name	Last Name Sassounian	Suffix
Address 23970 Craftsman Rd.		City (no abbreviations) Calabasas	State CA Zip Code 91302
b. Number of Vacancies on the Board of Directors, if any	<input type="text"/>		

6. Service of Process (Must provide either Individual OR Corporation.)
INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State CA	Zip Code

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b
eResidentAgent, Inc. C270 2827

7. Type of Business

Describe the type of business or services of the Corporation
We are a Compounding specialty pharmacy located in Henderson Nevada

8. The information contained herein, including in any attachments, is true and correct.

12/15/2017
Date

Erika A. Easter
Type or Print Name of Person Completing the Form

Authorized Person
Title

Signature

EXHIBIT 3



**State of California
Secretary of State**

F

**Statement of Information
(Foreign Corporation)**

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

**FX95296
FILED**

In the office of the Secretary of State
of the State of California

JUL-10 2018

1. CORPORATE NAME

CONCIERGE COMPOUNDING PHARMACEUTICALS, INC.

2. CALIFORNIA CORPORATE NUMBER

C3516757

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 13**.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
23970 CRAFTSMAN RD., CALABASAS, CA 91302			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
23970 CRAFTSMAN RD., CALABASAS, CA 91302			
6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
FARSHAD SASSOUNIAN	23970 CRAFTSMAN RD., CALABASAS, CA 91302			
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
FARSHAD SASSOUNIAN	23970 CRAFTSMAN RD., CALABASAS, CA 91302			
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
FARSHAD SASSOUNIAN	23970 CRAFTSMAN RD., CALABASAS, CA 91302			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

10. NAME OF AGENT FOR SERVICE OF PROCESS

ERESIDENTAGENT, INC.

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE

Type of Business

12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
SPECIALTY PHARMACY

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

07/10/2018

ERIKA EASTER

AUTHORIZED PERSON

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

EXHIBIT 4

20091421

RA-100



State of California Secretary of State

Resignation of Agent Upon Whom Process May Be Served

FILED JVF Secretary of State State of California NOV 20 2018

There is no fee for filing this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

Entity Type (Identify the type of business from which you are resigning as agent for service of process. Check only one box.)

- 1. [X] Corporation (domestic or qualified foreign) [] Registered General Partnership [] Limited Liability Company (domestic or registered foreign) [] Unincorporated Association [] Limited Partnership (domestic or registered foreign) [] Foreign Partnership (other than a foreign limited partnership) [] Limited Liability Partnership (domestic or registered foreign) [] Foreign Association

Entity Name (Enter the name of the entity from whom you are resigning as agent for service of process.)

Entity File Number (Enter the file number issued by the Secretary of State to the entity named in Item 2.)

2. Concierge Compounding Pharmaceuticals, Inc.

3. C3516757

Statement of Resignation (The following statement declares intent to resign as agent for service of process and should not be altered.)

4. The undersigned hereby resigns as agent upon whom process may be served in California for the above-named entity.

Execution

5. I declare I am the person who executed this instrument, which execution is my act and deed.

eResidentAgent, Inc.

Type or Print Name of declarant (i.e., the individual or corporation resigning as agent for service of process for the above-named entity)

[Handwritten Signature]

Signature of Declarant or Signature of Authorized Representative of Declarant (if declarant is a corporation)

Jeffrey Unger, President

Title of Office of Authorized Representative of Declarant (if declarant is a corporation)

EXHIBIT 5

CONCIERGE COMPOUNDING PHARMACEUTICALS, INC.

Business Entity Information			
Status:	Default	File Date:	4/30/2012
Type:	Domestic Corporation	Entity Number:	E0238212012-9
Qualifying State:	NV	List of Officers Due:	4/30/2019
Managed By:		Expiration Date:	
NV Business ID:	NV20121273598	Business License Exp:	4/30/2019

Additional Information	
Central Index Key:	

Registered Agent Information
Registered Agent resigned

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 10,000.00
Par Share Count:	10,000.00	Par Share Value:	\$ 1.00

- Officers		<input type="checkbox"/> Include Inactive Officers	
President - FARSHAD SASSOUNIAN			
Address 1:	1887 WHITNEY MESA DR	Address 2:	
City:	HENDERSON	State:	NV
Zip Code:	89014	Country:	
Status:	Active	Email:	
Secretary - FARSHAD SASSOUNIAN			
Address 1:	1887 WHITNEY MESA DR	Address 2:	
City:	HENDERSON	State:	NV
Zip Code:	89014	Country:	
Status:	Active	Email:	
Treasurer - FARSHAD SASSOUNIAN			
Address 1:	1887 WHITNEY MESA DR	Address 2:	
City:	HENDERSON	State:	NV
Zip Code:	89014	Country:	
Status:	Active	Email:	
Director - FARSHAD SASSOUNIAN			
Address 1:	1887 WHITNEY MESA DR	Address 2:	
City:	HENDERSON	State:	NV

Zip Code:	89014	Country:	
Status:	Active	Email:	

- Actions\Amendments			
Action Type:	Articles of Incorporation		
Document Number:	20120303862-17	# of Pages:	1
File Date:	4/30/2012	Effective Date:	
Initial Stock Value: Par Value Shares: 10,000 Value: \$ 1.00 No Par Value Shares: 0 ----- ----- Total Authorized Capital: \$ 10,000.00			
Action Type:	Initial List		
Document Number:	20120415882-23	# of Pages:	1
File Date:	6/13/2012	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130373260-27	# of Pages:	1
File Date:	6/4/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20140410938-32	# of Pages:	1
File Date:	6/4/2014	Effective Date:	
(No notes for this action)			
Action Type:	Commercial Registered Agent Resignation		
Document Number:	20140437429-36	# of Pages:	3
File Date:	6/16/2014	Effective Date:	
(No notes for this action)			
Action Type:	Acceptance of Registered Agent		
Document Number:	20140697869-52	# of Pages:	1
File Date:	10/1/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150044573-71	# of Pages:	1
File Date:	1/30/2015	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20150404869-89	# of Pages:	1
File Date:	9/11/2015	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20160084419-65	# of Pages:	1
File Date:	2/24/2016	Effective Date:	
(No notes for this action)			

Action Type:	Annual List		
Document Number:	20160113728-31	# of Pages:	1
File Date:	3/11/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170097277-32	# of Pages:	1
File Date:	3/3/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20180102260-92	# of Pages:	1
File Date:	3/5/2018	Effective Date:	
(No notes for this action)			
Action Type:	Commercial Registered Agent Resignation		
Document Number:	20180502666-76	# of Pages:	1
File Date:	11/20/2018	Effective Date:	
(No notes for this action)			