

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
June 2011 Grand Jury

CR 11 00847

UNITED STATES OF AMERICA,
Plaintiff,
v.
OWUSU ANANEH FIREMPONG,
Defendant.

) CR No.
) I N D I C T M E N T
) [18 U.S.C. § 1347: Health Care
) Fraud; 18 U.S.C. § 2(b):
) Causing an Act to Be Done]

The Grand Jury charges:

COUNTS ONE THROUGH TEN
[18 U.S.C. §§ 1347, 2(b)]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

The Defendant

1. Defendant OWUSU ANANEH FIREMPONG ("defendant FIREMPONG") was a medical doctor licensed to practice in California.

2. Beginning in or about March 2000, defendant FIREMPONG owned and operated Major Medical Center, Inc. (the "Major

1 Clinic"), a medical clinic he incorporated, which was initially
2 located at 1411 West 54th Street in Los Angeles, California (the
3 "West 54th Street location"), within the Central District of
4 California.

5 3. Beginning in or about January 2004, defendant FIREMPONG
6 owned and operated Marine Family Medical Clinic (the "Marine
7 Clinic"), a medical clinic he incorporated, which was initially
8 located at 11180 Warner Avenue in Fountain Valley, California
9 (the "Warner Avenue location"), within the Central District of
10 California.

11 4. Defendant FIREMPONG submitted applications to Medicare
12 to obtain and maintain Medicare provider numbers for both the
13 Major Clinic and the Marine Clinic.

14 5. On or about March 19, 2007, the Major Clinic was
15 evicted from the West 54th Street location. In or about
16 September 2007, the Marine Clinic was evicted from the Warner
17 Avenue location. After those evictions, the Major Clinic and the
18 Marine Clinic did not operate at either of those locations.

19 6. Between on or about November 29, 2007, and on or about
20 June 9, 2008, the Major Clinic and the Marine Clinic together
21 submitted to Medicare claims totaling approximately \$1,289,907,
22 for which Medicare paid the Major and Marine Clinics
23 approximately \$782,710.36.

24 7. Medicare electronically deposited payments to the Major
25 and Marine Clinics into the clinics' corporate bank accounts, on
26 which defendant FIREMPONG was the sole signatory.

27
28

1 The Medicare Program

2 8. Medicare was a federal health care benefit program,
3 affecting commerce, that provided benefits to individuals who
4 were over the age of 65 or disabled. Medicare was administered
5 by the Centers for Medicare and Medicaid Services ("CMS"), a
6 federal agency under the United States Department of Health and
7 Human Services ("HHS").

8 9. Individuals who qualified for Medicare benefits were
9 referred to as Medicare "beneficiaries." Each Medicare
10 beneficiary was given a Health Identification Card containing a
11 unique Identification number ("HICN").

12 10. Physicians and other health care providers who provided
13 medical services that were reimbursed by Medicare were referred
14 to as Medicare "providers."

15 11. To obtain reimbursement from Medicare, a physician
16 first had to apply for and obtain a provider number. By signing
17 the provider application, the physician agreed to (a) abide by
18 Medicare rules and regulations and (b) not submit claims to
19 Medicare knowing they were false or fraudulent or with deliberate
20 ignorance or reckless disregard of their truth or falsity.

21 12. If Medicare approved a provider's application, Medicare
22 assigned the provider a Medicare provider number, which enabled
23 the physician to submit claims to Medicare for services rendered
24 to Medicare beneficiaries.

25 13. If a physician provided services at different clinics
26 or practice locations, the physician could obtain a provider
27 number for each clinic or practice location.

28

1 14. The National Health Insurance Company ("NHIC")
2 processed and paid Medicare claims by physicians in Southern
3 California.

4 15. Medicare reimbursed providers only for services that
5 were medically necessary to the treatment of a beneficiary's
6 illness or injury, were prescribed by a beneficiary's physician,
7 and were provided in accordance with Medicare regulations and
8 guidelines that governed whether a particular service would be
9 reimbursed by Medicare.

10 16. Medicare required a claim for Medicare reimbursement of
11 services to set forth, among other things, the beneficiary's
12 name, HICN, and diagnosis; the Current Procedural Terminology
13 ("CPT") code for the service provided to the beneficiary; any
14 relevant billing modifiers; the date when and location where the
15 service was provided; the name and physician identification
16 number ("NPI") of the physician who ordered the service; the
17 identification number of the provider who actually rendered the
18 service; the use of any outside lab for the service; and any
19 charges incurred from the use of an outside lab.

20 17. Medicare claims for diagnostic testing had both a
21 technical and professional component, representing the
22 performance and interpretation of the test, respectively. A
23 physician could indicate that he provided only the technical
24 component of the test by using the billing modifier TC. A
25 physician could indicate that he provided only the professional
26 component of the test by using the billing modifier 26. The
27 absence of either the TC or 26 modifier on a claim indicated that
28

1 the physician had performed both the technical and professional
2 components of the test.

3 18. A physician could indicate that the service billed was
4 distinct and independent from other services performed on the
5 same day by using the billing modifier 59.

6 19. By submitting a Medicare claim, the physician certified
7 that the information provided in the claim was accurate and that
8 the service billed was medically necessary.

9 B. THE SCHEME TO DEFRAUD

10 20. Beginning on or about November 29, 2007, and continuing
11 through on or about July 30, 2008, in Los Angeles and Orange
12 Counties, within the Central District of California, and
13 elsewhere, defendant FIREMPONG, together with others known and
14 unknown to the Grand Jury, knowingly, willfully, and with intent
15 to defraud, executed, and attempted to execute, a scheme and
16 artifice: (a) to defraud a health care benefit program, namely,
17 Medicare, as to material matters in connection with the delivery
18 of and payment for health care benefits, items, and services; and
19 (b) to obtain money from Medicare by means of material false and
20 fraudulent pretenses and representations and the concealment of
21 material facts in connection with the delivery of and payment for
22 health care benefits, items, and services.

23 C. MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD

24 21. The fraudulent scheme operated, in substance, as
25 follows:

26 a. Medicare beneficiaries were approached by unknown
27 individuals who promised them money or free durable medical
28 equipment such as power wheelchairs from Medicare.

1 b. In response, the Medicare beneficiaries supplied
2 their Medicare cards, HICNs, and patient information; they were
3 often taken to clinics that were not affiliated with their
4 regular primary care physicians; and they often subsequently
5 received power wheelchairs.

6 c. These clinics purported to refer the Medicare
7 beneficiaries to defendant FIREMPONG, a general practitioner, for
8 nerve conduction velocity studies ("NCVs"), peripheral vascular
9 tests ("PVLs"), and sleep studies, even though the beneficiaries
10 themselves were not aware of these referrals and often had not
11 seen the referring doctor, and even though the tests were not
12 medically necessary.

13 d. Defendant FIREMPONG used the names, HICNs, and
14 other patient information of those Medicare beneficiaries to
15 submit false and fraudulent claims to Medicare under the Marine
16 Clinic and Major Clinic provider numbers. Defendant FIREMPONG
17 represented in his claims to Medicare that he had performed both
18 the technical and professional components of NCVs, PVLs, and
19 sleep studies. In fact, the services were not medically
20 necessary and were either (i) performed by providers other than
21 defendant FIREMPONG, including T.H., a physician who was excluded
22 from the Medicare program; or (ii) never performed at all.

23 e. Defendant FIREMPONG billed Medicare for providing
24 multiple services to beneficiaries in the same day using modifier
25 59, when in fact beneficiaries did not receive multiple, distinct
26 tests in one day, and sometimes received no tests at all.

27 f. Defendant FIREMPONG directed that Medicare
28 payments be deposited into the Major Clinic and the Marine Clinic

1 bank accounts that he alone controlled, and received
 2 approximately \$782,710.36 as a result of fraudulent claims he
 3 billed to Medicare.

4 g. From the Major Clinic and the Marine Clinic bank
 5 accounts, defendant FIREMPONG withdrew more than \$175,000 in
 6 cash, and wrote checks to pay for a variety of personal expenses
 7 and pay approximately \$2,325 to T.H.

8 D. THE EXECUTION OF THE FRAUDULENT SCHEME

9 22. On or about the dates set forth below, within the
 10 Central District of California and elsewhere, defendant
 11 FIREMPONG, together with others known and unknown to the Grand
 12 Jury, for the purpose of executing and attempting to execute the
 13 fraudulent scheme described above, knowingly and willfully caused
 14 to be submitted to Medicare the following false and fraudulent
 15 claims for payment:

<u>COUNT</u>	<u>CLAIM NUMBER</u>	<u>APPROX. DATE SUBMITTED</u>	<u>APPROX. AMOUNT SUBMITTED</u>	<u>NATURE OF CLAIM & BENEFICIARY</u>
ONE	551108043674040	2/12/2008	\$850.00	PVL - M.M.
TWO	551108127166690	5/6/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - R.L.
THREE	551808129111100	5/8/2008	\$480.00	NCV - R.L.
FOUR	551108137446250	5/16/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - M.I.
FIVE	551108140475010	5/19/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - B.G.

<u>COUNT</u>	<u>CLAIM NUMBER</u>	<u>APPROX. DATE SUBMITTED</u>	<u>APPROX. AMOUNT SUBMITTED</u>	<u>NATURE OF CLAIM & BENEFICIARY</u>
SIX	551108140474730	5/19/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - A.G.
SEVEN	551108140474720	5/19/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - A.V.
EIGHT	551108142396570	5/21/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - E.V.
NINE	551108142396560	5/21/2008	\$900.00	NCV and H-Reflex Amplitude and Latency Study - H.V.

<u>COUNT</u>	<u>CLAIM NUMBER</u>	<u>APPROX. DATE SUBMITTED</u>	<u>APPROX. AMOUNT SUBMITTED</u>	<u>NATURE OF CLAIM & BENEFICIARY</u>
TEN	551108144327720	5/23/2008	\$980.00	Sleep Study - R.K.

A TRUE BILL

151.
Foreperson

ANDRÉ BIROTTE JR.
United States Attorney

R. E. Dugdale

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

BEONG-SOO KIM
Assistant United States Attorney
Chief, Major Frauds Section

CONSUELO S. WOODHEAD
Assistant United States Attorney
Deputy Chief, Major Frauds Section

KRISTEN A. WILLIAMS
Assistant United States Attorney
Major Frauds Section

<p align="center">FILED CLERK, U.S. DISTRICT COURT</p> <p align="center">September 10, 2012</p> <p align="center">CENTRAL DISTRICT OF CALIFORNIA</p> <p align="center">BY: <u>RF</u> DEPUTY</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
 Plaintiff,
 v.
 OWUSU ANANEH FIREMPONG,
 Defendants.

No. CR 11-847-GAF
**REDACTED
 VERDICT**

We, the jury in the above-entitled action, unanimously reach the verdicts set forth below beyond a reasonable doubt.

COUNT FOUR

1. With respect to the charge in Count Four of the Indictment charging the defendant with Health Care Fraud in violation of 18 United States Code § 1347, regarding claims made for patient M [REDACTED] I [REDACTED], we unanimously find the defendant:

Not Guilty _____ Guilty √

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT FIVE

2. With respect to the charge in Count Five of the Indictment charging the defendant with Health Care Fraud in violation of 18 United States Code § 1347, regarding claims made for patient B [REDACTED] G [REDACTED], we unanimously find the defendant:

Not Guilty _____ Guilty √

COUNT SIX

3. With respect to the charge in Count Six of the Indictment charging the defendant with Health Care Fraud in violation of 18 United States Code § 1347, regarding claims made for patient A [REDACTED] G [REDACTED], we unanimously find the defendant:

Not Guilty _____ Guilty √

COUNT EIGHT

4. With respect to the charge in Count Eight of the Indictment charging the defendant with Health Care Fraud in violation of 18 United States Code § 1347, regarding claims made for patient E [REDACTED] V [REDACTED], we unanimously find the defendant:

Not Guilty _____ Guilty √

COUNT TEN

1
2 5. With respect to the charge in Count Ten of the Indictment charging the
3 defendant with Health Care Fraud in violation of 18 United States Code § 1347,
4 regarding with respect to claims made with respect to patient R [REDACTED] K [REDACTED],
5 we unanimously find the defendant:

6
7 Not Guilty _____ Guilty √

8
9 DATED: September 10, 2012

10 /S/

11 _____
12 Foreperson of the Jury
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Central District of California

JS-3

UNITED STATES OF AMERICA vs.

Docket No. CR11-847 GAF

Defendant Owusu Ananeh Firempong
akas: None

Social Security No. ■ ■ ■ ■
(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
March	3	2014

COUNSEL

Dominic Cantalupo, CJA

(Name of Counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea. **NOLO** **NOT**
CONTENDERE **GUILTY**

FINDING

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
Health Care Fraud, Causing an Act to Be Done in violation of 18 U.S.C. §§ 1374, 2(b) as charged in Counts 4, 5, 6, 8, and 10 of the Ten-Count Indictment.

JUDGMENT AND PROB/ COMM ORDER

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

Fifty-Seven (57) months on each of counts four, five, six, eight, and ten, to be served concurrently to one another, and to be served concurrently with the undischarged term of imprisonment in the United States District Court, Western District of Michigan, Docket No. 08-00274-PLM.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three (3) years. This term consists of three years on each of counts four, five, six, eight, and ten, all such terms to run concurrently under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the U. S. Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05;
2. During the period of community supervision the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment;

///

USA vs. Owusu Ananeh Firemong

Docket No.: CR11-847 GAF

3. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer;
4. The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritance, judgements and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation; and
5. The defendant shall cooperate in the collection of a DNA sample from the defendant.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is ordered that the defendant shall pay to the United States a special assessment of \$500, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

It is ordered that the defendant shall pay restitution in the total amount of \$782,710.36 pursuant to 18 U.S.C. § 3663A. The amount of restitution ordered shall be paid as follows:

<u>Victim</u>	<u>Amount</u>
Medicare	\$782,710.36

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least \$25 shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The defendant shall comply with General Order No. 01-05.

All fines are waived as it is found that the defendant does not have the ability to pay a fine in

USA vs. Owusu Ananeh Firemong

Docket No.: CR11-847 GAF

addition to restitution.

To the extent defendant retained any rights to appeal, defendant advised to file a notice of appeal within fourteen days.

Court recommends to the Bureau of Prisons that the defendant be incarcerated in the Victorville, California facility.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.



March 5, 2014

Date

U. S. District Judge Gary Allen Feess

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

March 7, 2014

Filed Date

By Stephen Montes

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

USA vs. Owusu Ananeh Firempong

Docket No.: CR11-847 GAF

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

USA vs. Owusu Ananeh Firempong

Docket No.: CR11-847 GAF

at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

Date

By _____
Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

Filed Date

By _____
Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

Date

U. S. Probation Officer/Designated Witness

Date

FILED - GR

February 24, 2010 3:27 PM

TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: ECJ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:08-CR-274

vs.

Hon. Paul L. Maloney
Chief United States District Judge

KELLY BURNETT GARMON,
CHARLES JACKSON, SR.,
CHARLES JACKSON, JR.,
WILLIE CORNELIUS JACKSON,
SAMUEL AARON COLLINS,
Also Known As "Duran Anthony Lloyd,"
Also Known As "DuJuan Winston,"
Also Known As "DuJuan Bell,"
Also Known As "Steven Parker,"
Also Known As "Lucio Garcia,"
ROBERT EDWARD WILSON,
OWUSU ANANEH FIREMPONG,
REGINA Y. CAWTHORNE-SHARIFF,
JAMES DYLAN HAYES,
Also Known As "Shawn Anthony Davis,"
MARLAN MICAH McRAE,
ALVIN MAURICE ANDERSON,
Also Known As "Reece,"
EMOND DUREA LOGAN,
CAROLINE EPPS LOGAN,
MARTELL D. LOGAN, and
SHARON LOGAN,

SECOND SUPERSEDING INDICTMENT

Defendants.

The Grand Jury charges:

COUNT ONE

(Conspiracy to Distribute and to Possess with Intent to Distribute Cocaine)

Beginning on or about an unknown date in the mid-1990s and continuing through on or about an unknown date in 2009, in the Southern Division of the Western District of Michigan, and elsewhere, the defendants,

**KELLY BURNETT GARMON,
CHARLES JACKSON, SR.,
CHARLES JACKSON, JR.,
WILLIE CORNELIUS JACKSON,
SAMUEL AARON COLLINS,
Also Known As "Duran Anthony Lloyd,"
Also Known As "DuJuan Winston,"
Also Known As "DuJuan Bell,"
Also Known As "Steven Parker,"
Also Known As "Lucio Garcia,"
ROBERT EDWARD WILSON,
OWUSU ANANEH FIREMPONG,
REGINA Y. CAWTHORNE-SHARIFF,
JAMES DYLAN HAYES,
Also Known As "Shawn Anthony Davis,"
MARLAN MICAH McRAE,
ALVIN MAURICE ANDERSON,
Also Known As "Reece,"
EMOND DUREA LOGAN, and
CAROLINE EPPS LOGAN,**

did combine, conspire, confederate, and agree together, and with Alvin Keith Jackson, Donnie Charles, Lindell Brown, Felicia Blake, Tamara Hughes, Kevin Emerson (a/k/a "Kenneth Coleman"), and other persons both known and unknown to the Grand Jury, to knowingly, intentionally and unlawfully distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(A)(ii)

COUNT TWO
(Money Laundering Conspiracy)

Beginning on or about an unknown date in the mid-1990s and continuing through on or about December 2, 2009, in the Southern Division of the Western District of Michigan, and elsewhere, the defendants,

**CHARLES JACKSON SR.,
CHARLES JACKSON JR.,
WILLIE CORNELIUS JACKSON,
SAMUEL AARON COLLINS,
Also Known As "Duran Anthony Lloyd,"
Also Known As "DuJuan Winston,"
Also Known As "DuJuan Bell,"
Also Known As "Steven Parker,"
Also Known As "Lucio Garcia,"
ROBERT EDWARD WILSON,
OWUSU ANANEH FIREMPONG,
REGINA Y. CAWTHORNE-SHARIFF,
JAMES DYLAN HAYES,
Also Known As "Shawn Anthony Davis,"
MARLAN MICAH McRAE, and
ALVIN MAURICE ANDERSON,
Also Known As "Reece,"**

knowing that the property involved represented the proceeds of some form of unlawful activity, as defined in Title 18, United States Code, Section 1956(c)(1), that is, the distribution of cocaine and conspiracy to do the same, both felony offenses under Title 21, United States Code, Sections 841(a)(1) and 846, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree together, and with Lindell Brown, Donnie Charles, Felicia Blake, Tamara Hughes, Kevin Emerson (a/k/a "Kenneth Coleman"), and other persons both known and unknown to the Grand Jury, to conduct and cause to be conducted financial transactions which involved the proceeds of said unlawful activity, with intent to promote the carrying on of said unlawful activity, to conceal and disguise the nature, location, source, ownership and control of the

proceeds of the unlawful activity, and to avoid transaction reporting requirements under federal law.

Means and Methods

During the course of this unlawful conspiracy, CHARLES JACKSON, SR., CHARLES JACKSON, JR., SAMUEL AARON COLLINS, Donnie Charles, Lindell Brown, and others procured thousands of kilograms of cocaine from the State of California that was delivered to and distributed in the Detroit, Michigan area, and elsewhere, for further redistribution in both the Eastern and Western Districts of Michigan, and elsewhere.

It was a further part of the unlawful conspiracy that at regular intervals, at least once or twice a month, CHARLES JACKSON, SR., SAMUEL AARON COLLINS, and Donnie Charles directed Kevin Emerson (a/k/a "Kenneth Coleman") to transport multiple-kilogram loads of cocaine from the State of California to the Detroit, Michigan area and elsewhere, using the United States interstate highways, including Interstate 94 in the Western and Eastern Districts of Michigan. After Kevin Emerson (a/k/a "Kenneth Coleman") arrived in the Detroit, Michigan area with the cocaine from California, he would meet with JAMES DYLAN HAYES, Lindell Brown, Felicia Blake, Tamara Hughes and others at various locations in the Detroit, Michigan area. At times during the course of the conspiracy, Kevin Emerson (a/k/a "Kenneth Coleman") delivered loads of cocaine to JAMES DYLAN HAYES at 37530 Jefferson Ave., Apt. #104, Harrison Township, Michigan ("the Harrison Township Condo"), the title for which was placed in the name of "Kenneth Coleman" (Kevin Emerson's alias) but the true owners of which were CHARLES JACKSON, SR. and JAMES DYLAN HAYES.

It was further part of the unlawful conspiracy that JAMES DYLAN HAYES redistributed the cocaine he received from Kevin Emerson (a/k/a "Kenneth Coleman") to MARLAN MICAH McRAE, ALVIN MAURICE ANDERSON and others. After JAMES DYLAN HAYES, Lindell Brown, Felicia Blake, Tamara Hughes and others further distributed the cocaine, they collected the drug proceeds in the form of United States currency.

It was further part of the unlawful conspiracy that JAMES DYLAN HAYES, Lindell Brown, Felicia Blake, Tamara Hughes and others retained their profits from the sale of cocaine, but returned the bulk of the drug proceeds to Kevin Emerson (a/k/a "Kenneth Coleman"), who transported the drug proceeds, in the form of United States currency, back to CHARLES JACKSON, SR., SAMUEL AARON COLLINS, Donnie Charles and others in the State of California. This United States currency that Kevin Emerson (a/k/a "Kenneth Coleman") transported to the State of California was used to pay for the cocaine previously obtained by the drug trafficking organization and for purchasing additional cocaine in the State of California, thus promoting the continued illicit distribution of cocaine in the State of Michigan and elsewhere. Typically the value of these loads of United States currency transported by Kevin Emerson (a/k/a "Kenneth Coleman") ranged from several hundred thousand dollars to over \$1,000,000. Kevin Emerson (a/k/a "Kenneth Coleman") was paid in cash for transporting the kilograms of cocaine and United States currency derived from the sale of the cocaine between the States of California and Michigan.

It was further part of the conspiracy that CHARLES JACKSON, SR., SAMUEL AARON COLLINS, JAMES DYLAN HAYES, OWUSU ANANEH FIREMPONG, Donnie Charles and others purchased and provided Kevin Emerson (a/k/a "Kenneth Coleman") with various motor

vehicles, including minivans and motor homes, so that Kevin Emerson (a/k/a "Kenneth Coleman") could transport the multiple-kilogram loads of cocaine to the State of Michigan and elsewhere, and transport the drug proceeds back to the State of California. Some of these vehicles that Kevin Emerson (a/k/a "Kenneth Coleman") used to transport the cocaine and U.S. currency included:

- a 1995 Toyota Previa Minivan with VIN JT3AC14R0S1171553;
- a 1997 Toyota Previa Minivan with VIN JT3GK13M7V1247468;
- a 1998 Toyota Camry sedan with VIN JT2SV22W6J0209275;
- a 2000 Windstar Minivan with VIN 2FMZA5041YBC47571;
- a 1997 American Dream Motor Home with VIN 4V2BN1098VC023724;
- a 2000 Pace Arrow Motor Home with VIN 1FCNF53S5Y0A0224; and
- a 2003 Revolution Motor Home built on a Freightliner Chassis with VIN 4UZA AHBS83CM0384.

At times while Kevin Emerson (a/k/a "Kenneth Coleman") remained in the Detroit, Michigan area waiting for the cocaine to be sold and the drug proceeds collected, JAMES DYLAN HAYES provided him access to 37530 Jefferson Ave., Apt. #104, Harrison Township, Michigan ("the Harrison Township Condo") and with a 1991 Oldsmobile Calais with VIN 1G3NL54UXMM059322, so that Kevin Emerson (a/k/a "Kenneth Coleman") had lodging and transportation in the Detroit area while the cocaine was sold and the transport vehicle loaded with drug proceeds for the return trip to the State of California.

It was further part of the unlawful conspiracy that REGINA Y. CAWTHORNE-SHARIFF paid the storage bill for at least one of the motor homes used to transport the cocaine and drug proceeds between the States of Michigan and California. At various times during the

course of the unlawful conspiracy, REGINA Y. CAWTHORNE-SHARIFF stocked the motor home with provisions for the trips to the State of Michigan and elsewhere with the cocaine, and she helped unload the duffle bags containing drug proceeds from the motor homes upon their return to the State of California. Moreover, on or about February 17, 2008, REGINA Y. CAWTHORNE-SHARIFF drove Donnie Charles to a location in Carson, California, where Donnie Charles delivered approximately \$80,000.00 in United States currency to his cocaine supplier.

It was further part of the unlawful conspiracy that CHARLES JACKSON, SR., CHARLES JACKSON, JR., SAMUEL AARON COLLINS and others used the United States Postal Service to send kilograms of cocaine from the State of California to various addresses in the Detroit, Michigan area, including a residence located at 12711 Wade Street, Detroit, Michigan, a residence owned by JAMES DYLAN HAYES. It was further part of the conspiracy that CHARLES JACKSON, SR. and SAMUEL COLLINS instructed others to use the United States Postal Service to send the drug proceeds back to them in the State of California, where the packages containing United States currency were sent to homes and businesses of others, in order to avoid detection by law enforcement.

It was further part of the unlawful conspiracy that CHARLES JACKSON, SR., CHARLES JACKSON, JR., WILLIE CORNELIUS JACKSON, OWUSU ANANEH FIREMPONG, JAMES DYLAN HAYES, MARLAN MICAH McRAE, ALVIN MAURICE ANDERSON, Donnie Charles and others used a portion of their drug proceeds to purchase real estate, businesses, motor vehicles, and other items of personal property. For example, during the course of the conspiracy, CHARLES JACKSON, SR., CHARLES

JACKSON, JR., WILLIE CORNELIUS JACKSON, and Donnie Charles purchased, constructed, maintained, remodeled, refinanced, and made mortgage payments on the following properties, in whole or in part, with drug proceeds obtained from the unlawful sale of cocaine in the State of Michigan and elsewhere:

- 4588 Don Milagro, Los Angeles, California;
- 4230 Don Jose, Los Angeles, California;
- 1943 West 74th Street, Los Angeles, California;
- 3745 Lorado Way, Los Angeles, California;
- 4607 3rd Avenue, Los Angeles, California;
- 2800 6th Avenue (also referred to as 2800 54th Street), Los Angeles, California;
- 1061 West 111th Street, Los Angeles, California;
- 1063 West 111th Street, Los Angeles, California;
- 1603 West 209th Street, Torrance, California, to include 20821-20823 Harvard, Torrance, California, which are buildings now located on the property;
- 715 West Rosecrans, Compton, California;
- 4900 South Van Ness Avenue, Los Angeles, California;
- 5411 6th Avenue, Los Angeles, California;
- 5419 6th Avenue, Los Angeles, California;
- 5912 West Blvd., Los Angeles, California;
- 7620 S. Western, Los Angeles, California;
- 10232 Victoria, Riverside, California;

- 11915 Willowbrook, Los Angeles, California;
- 12201 South Vermont, Los Angeles, California, to include 1002-1004 West 112nd Street, which are buildings now located on the property;
- 19441 Radlett, Carson, California;
- 11846-50 S. Normandie, Los Angeles, California;
- 8936 Haas Avenue, Los Angeles, California;
- 19506 Fariman, Carson, California; and
- 10318 St. Andrews Place, Los Angeles, California.

CHARLES JACKSON, SR., CHARLES JACKSON, JR., WILLIE CORNELIUS JACKSON, and Donnie Charles purchased these properties, and later transferred ownership of several of these properties between themselves, to other co-conspirators, to nominees, and to corporations they control, in order to conceal the true source, nature, and ownership of the funds involved in the real estate transactions, as these funds were derived, in whole or in part, from the sale of cocaine in the State of Michigan and elsewhere.

Similarly, it was further part of the conspiracy that JAMES DYLAN HAYES and MARLAN MICAH McRAE purchased, refinanced, and made mortgage payments on the following properties, in whole or in part, with drug proceeds obtained from the unlawful sale of cocaine in the State of Michigan:

- 37530 Jefferson Ave., Apt. #104, Harrison Township, Michigan (“the Harrison Township Condo”);
- 48714 Tanglewood Dr., Macomb, Michigan;
- 21973 International Lane, Macomb, Michigan; and
- 5480 Seneca Street, Detroit Michigan.

JAMES DYLAN HAYES and MARLAN MICAH McRAE purchased these properties using documents provided to financial institutions which falsely portrayed the source of the funds used to purchase the properties in order to conceal the true source, nature, and ownership of the funds involved in the real estate transactions, as these funds were derived, in whole or in part, from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the conspiracy that ROBERT EDWARD WILSON and others provided fraudulent documents, including fake W-2 tax forms and employment documents, to other co-conspirators and to financial institutions for the purchase and transfer of some of these properties in both the States of California and Michigan, including fraudulent documents used for the purchase of 37530 Jefferson Ave., Apt. #104, Harrison Township, Michigan ("the Harrison Township Condo") by "Kenneth Coleman" (alias for Kevin Emerson) in May of 2001.

It was further part of the conspiracy that JAMES DYLAN HAYES used proceeds from the sale of cocaine to purchase commercial real estate and operate business entities including Executive Auto Sales, Inc., a used car business located at 10333 and 10351 Gratiot Avenue, Detroit, MI. JAMES DYLAN HAYES used these businesses and others to conceal the true source, nature, and ownership of the funds involved in the purchase and operation of these businesses, as these funds were derived, in whole or in part, from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the unlawful conspiracy that the defendants used accounts at banks and other financial institutions to conceal the true source, nature and ownership of the United States currency they acquired from the sale of cocaine in the State of Michigan and elsewhere. For example, between January 14, 2003 and March 16, 2009, JAMES DYLAN HAYES made

144 large cash deposits totaling more than \$961,000 into a JP Morgan Chase Bank account ending in number "4693," which he controlled. Similarly, between January 1, 2003 and January 27, 2009, JAMES DYLAN HAYES made 73 individual cash deposits totaling \$226,391 into a JP Morgan Chase Bank account ending in number "8235," which he controlled. All of these cash deposits into both accounts were under \$10,000 with the maximum cash deposit being \$9,900. Several transactions involving the JP Morgan Chase Bank account ending in number "4693" show cash deposits of just under \$10,000 with money orders being purchased and deposited on the same day, all in an attempt to avoid the filing of currency transaction reports by financial institutions as required by law, and to conceal the true source, nature and ownership of the United States currency involved in these transactions, which was derived from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the unlawful conspiracy that JAMES DYLAN HAYES, ALVIN MAURICE ANDERSON and others submitted false and fraudulent loan applications for the purchase of automobiles and other items of personal property, in order to conceal the true source, nature and ownership of the United States currency involved in these transactions, which was derived from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the unlawful conspiracy that the defendants either failed to file federal tax returns and/or filed fraudulent or misleading federal tax returns for the tax years 2002 through 2008, in order to hide and conceal their illegal proceeds from the sale of cocaine in the State of Michigan and elsewhere.

18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(1)(A)(i)
18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 1956(a)(1)(B)(ii)
18 U.S.C. § 1957

COUNT THREE
(Money Laundering Conspiracy)

Beginning on or about an unknown date in 2004 and continuing through in or about September 2009, in the Southern Division of the Western District of Michigan, and elsewhere, the defendants,

**EMOND DUREA LOGAN,
CAROLINE EPPS LOGAN,
MARTELL D. LOGAN and
SHARON LOGAN**

knowing that the property involved represented the proceeds of some form of unlawful activity, as defined in Title 18, United States Code, Section 1956(c)(1), that is, the distribution of cocaine and conspiracy to do the same, both felony offenses under Title 21, United States Code, Sections 841(a)(1) and 846, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree together, and with Alvin Keith Jackson, Lindell Brown, Felicia Blake, Tamara Hughes and others, both known and unknown to the Grand Jury, to conduct and cause to be conducted financial transactions which involved the proceeds of said unlawful activity, with intent to promote the carrying on of said unlawful activity, to conceal and disguise the nature, location, source, ownership and control of the proceeds of the unlawful activity, and to avoid transaction reporting requirements under federal law.

Means and Methods

It was part of the unlawful conspiracy that Lindell Brown, Alvin Keith Jackson, Felicia Blake, Tamara Hughes and others operated a large-scale drug distribution organization which involved the procurement of thousands of kilograms of cocaine from the State of California, and the delivery of said cocaine to the Detroit, Michigan area, for distribution in both the Eastern and Western Districts of Michigan, and elsewhere.

It was a further part of the unlawful conspiracy that, once or twice a month from in or about April 2004 through in or about January 2007, EMOND DUREA LOGAN used a tractor-trailer to transport multiple-kilogram quantities of cocaine from the State of California to the Detroit, Michigan area and elsewhere, using interstate highways, including Interstate 94 in the Western and Eastern Districts of Michigan. After EMOND DUREA LOGAN arrived in the Detroit, Michigan area with the cocaine, Alvin Keith Jackson would meet with EMOND DUREA LOGAN at various locations, including a truck-related business located at 3000 Williams Road in Ypsilanti, Michigan, for the purpose of retrieving the cocaine from EMOND DUREA LOGAN. After retrieving the cocaine from EMOND DUREA LOGAN, Alvin Keith Jackson would transport the cocaine to various locations in the Detroit, Michigan area, including a residence owned by Felicia Sabrina Blake located at 22521 Carleton Avenue, Southfield, Michigan 48033, where the cocaine was unloaded by Alvin Keith Jackson, Lindell Brown, and others, for distribution to and by various drug trafficking organizations, including AHH DEE AHH, which operated in the Lansing, Michigan area from 2001 through 2006.

It was further part of the unlawful conspiracy that Alvin Keith Jackson, Lindell Brown, and others at their direction, collected or arranged for the collection, counting and packaging of large amounts of United States currency derived from the sale of the cocaine in the Lansing and metropolitan Detroit areas, and elsewhere. After the United States currency was counted, vacuum-sealed, and packaged, Alvin Keith Jackson delivered the United States currency to EMOND DUREA LOGAN at various locations in the Detroit, Michigan area, including a truck-related business located at 3000 Williams Road in Ypsilanti, Michigan. EMOND DUREA LOGAN then transported the United States currency in his tractor-trailer back to the State of California via the interstate highway system, including Interstate 94 in both the Eastern and Western Districts of Michigan. The United States currency that EMOND DUREA LOGAN transported to the State of California was used to pay for cocaine previously obtained by the drug

trafficking organization and for purchasing additional cocaine in California, thus promoting the continued illicit distribution of cocaine in the State of Michigan and elsewhere. Typically, these loads of United States currency transported by EMOND DUREA LOGAN ranged from several hundred thousand dollars to over \$1,000,000. EMOND DUREA LOGAN was paid in cash derived from the sale of the cocaine.

It was further part of the unlawful conspiracy that EMOND DUREA LOGAN and his wife, CAROLINE EPPS LOGAN, used EMOND DUREA LOGAN's portion of the drug proceeds to pay for and maintain various motor vehicles, including a tractor-trailer, pay the mortgage for their residence located at 19058 Springbrook Court, Riverside, California 92508, credit card bills, and other expenses. Beginning in or about April 2004, EMOND DUREA LOGAN began making large cash deposits, typically ranging from \$9,000 to \$9,800, into various financial institutions in an attempt to avoid the filing of currency transaction reports by financial institutions as required by law, and to conceal the true source, nature and ownership of the United States currency involved in these transactions, which was derived from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the unlawful conspiracy that on or about Memorial Day weekend (late May) in 2006, EMOND DUREA LOGAN informed at least one co-conspirator that a load of United States currency from the State of Michigan was confiscated from him by law enforcement in another state on his way back to the State of California. Shortly thereafter, EMOND DUREA LOGAN began making large cash deposits into accounts he and CAROLINE EPPS LOGAN controlled in two or more financial institutions. On twenty-one (21) days between May 30, 2006, and November 15, 2006, EMOND DUREA LOGAN made 62 large cash deposits ranging from \$1,500 to \$9,800 and totaling \$527,200 into accounts he controlled in two financial institutions. These large cash deposits typically ranged from \$9,000 to \$9,800. EMOND DUREA LOGAN, and others on his behalf, structured these large cash deposits in an

attempt to avoid the filing of currency transaction reports by financial institutions as required by law, and to conceal the true source, nature and ownership of this United States currency, which was derived from the sale of cocaine in the State of Michigan and elsewhere.

It was a further part of the unlawful conspiracy that EMOND DUREA LOGAN, and others at his direction, including CAROLINE EPPS LOGAN, MARTELL D. LOGAN, and SHARON LOGAN, deposited funds into various financial institutions to purchase and lease motor vehicles and to conduct other financial transactions, while concealing the true source, nature and ownership of the funds involved in these transactions, which were derived from the sale of cocaine in the State of Michigan and elsewhere.

It was further part of the unlawful conspiracy that EMOND DUREA LOGAN and CAROLINE EPPS LOGAN would utilize funds in these financial institutions to pay their mortgage held by World Savings Bank on their residence located at 19058 Springbrook Court, Riverside, California 92508, and that in or about August 2006 EMOND DUREA LOGAN and CAROLINE EPPS LOGAN used \$177,000 of these funds derived from the sale of cocaine in the State of Michigan and elsewhere to pay off this mortgage.

It was a further part of the unlawful conspiracy that EMOND DUREA LOGAN, CAROLINE EPPS LOGAN, MARTELL LOGAN, and SHARON LOGAN would take large amounts of cash derived from the organization's sale of cocaine and: (1) deposit the cash into various bank accounts or direct others to make the deposits; and (2) purchase cashier's checks and money orders or direct others to make such purchases. These funds would then be used to purchase assets and pay personal expenses with the goal of concealing the true source, nature and ownership of the funds.

It was a further part of the unlawful conspiracy that during the course of the conspiracy EMOND DUREA LOGAN and/or CAROLINE EPPS LOGAN purchased the following

vehicles, in whole or in part, with proceeds from the sale of cocaine in the State of Michigan and elsewhere:

A 2008 Ford Mustang with Vehicle Identification Number
1ZVHT82H285157391;

A 2007 Maserati Quattroporte with Vehicle Identification Number
ZAMCE39A670027835;

A 2004 Porsche Cayenne with Vehicle Identification Number
WP1AB29P04LA66271;

A 2010 Ford Mustang with Vehicle Identification Number
1ZVBP8CH9A5116707;

A 2007 Volvo semi tractor-trailer with Vehicle Identification
Number 4V4NC9TJ17N457049;

A 2007 Lexus RX350 with Vehicle Identification Number
2T2GK31U77C005333;

A 2006 Chrysler 300 with Vehicle Identification Number
2C3KA53G66H192383;

A 2007 Mercedes Benz SL 500R with Vehicle Identification Number
WDBSK71FO7F128632;

A Zieme Trailer with Vehicle Identification Number 1ZCS14011W304061; and

A 2009 Great Dane Trailer with Vehicle Identification Number
1GRAA06209T548382.

18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(1)(A)(i)
18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 1956(a)(1)(B)(ii)
18 U.S.C. § 1957

(Forfeiture Allegation)

The Grand Jury realleges the conspiracy charges in this Second Superseding Indictment as though fully set forth herein. Upon conviction of the controlled substance and/or money laundering offense charged in this Second Superseding Indictment, the defendants,

**KELLY BURNETT GARMON,
CHARLES JACKSON, SR.,
CHARLES JACKSON, JR.,
WILLIE CORNELIUS JACKSON,
SAMUEL AARON COLLINS,
Also Known As "Duran Anthony Lloyd,"
Also Known As "DuJuan Winston,"
Also Known As "DuJuan Bell,"
Also Known As "Steven Parker,"
Also Known As "Lucio Garcia,"
ROBERT EDWARD WILSON,
OWUSU ANANEH FIREMPONG,
REGINA Y. CAWTHORNE-SHARIFF,
JAMES DYLAN HAYES
Also Known As "Shawn Anthony Davis,"
MARLAN MICAH McRAE,
ALVIN MAURICE ANDERSON,
Also Known As "Reece,"
EMOND DUREA LOGAN,
CAROLINE EPPS LOGAN,
MARTELL D. LOGAN, and
SHARON LOGAN,**

shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any and all property constituting or derived from proceeds obtained, directly or indirectly, as a result of the violation of the Controlled Substances Act in Count One of this Second Superseding Indictment, and any and all property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation set forth in Count One; and shall forfeit, pursuant to 18 U.S.C. § 982(a)(1), any property, real or personal, involved in the violation of the money laundering

offenses set forth in Counts Two and Three of this Second Superseding Indictment, and any property traceable to such property, including but not limited to the following:

I. ACCOUNTS

- a. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX4693, in the name of Executive Auto Sales, Inc./"JAMES HAYES" ("Account #1");
- b. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX8235, in the name of "JAMES HAYES" ("Account #2")
- c. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX5591, in the names of WILLIE CORNELIUS JACKSON, Lois Jackson or Charles Jackson ("Account #3");
- d. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX6780, in the name of WILLIE CORNELIUS JACKSON ("Account #4");
- e. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX8540 in the name of WILLIE CORNELIUS JACKSON ("Account #5");
- f. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9811, in the name of Casa Don Jose, Inc. ("Account #6");
- g. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX8706, in the name of Casa Don Milagro, Inc. ("Account #7");
- h. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX6150, in the name of WILLIE CORNELIUS JACKSON ("Account #8");
- i. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9803, in the name of Rosetta 111th and Rosecrans Corp. ("Account #9");
- j. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9837, in the name of Rosetta 3rd and Van Ness Corp. ("Account #10");
- k. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9613, in the name of Rosetta 209th and Western Corp. ("Account #11");
- l. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9639, in the name of Rosetta 54th and 6th Avenue Corp. ("Account #12");

- m. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9829, in the name of Rosetta West Blvd. and Vermont Corp. ("Account #13");
- n. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9621, in the name of Rosetta Willowbrook Plus Corp. ("Account #14");
- o. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX9605, in the name of Rosetta 69th and St. Andrew Corp. ("Account #15");
- p. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX3508, in the name of CCW Assets Management Ltd. ("Account #16");
- q. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX3483, in the name of CCW Assets Management Ltd. ("Account #17");
- r. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX3516, in the name of CCW Assets Management Ltd. ("Account #18");
- s. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXX2551, in the name of CCW Assets Management Ltd. ("Account #19");
- t. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXXXX7758 in the name CCW Asset Management Ltd. ("Account #20");
- u. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXXXX3532 in the name CCW Asset Management Ltd. ("Account #21");
- v. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXXXX3524 in the name CCW Asset Management Ltd. ("Account #22");
- w. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXXXX3475 in the name CCW Asset Management Ltd. ("Account #23");
- x. Any and all funds in JP Morgan Chase Bank account ending in the numbers XXXXXX5102 in the name CCW Asset Management Ltd. ("Account #24");
- y. Any and all funds in JP Morgan Chase Bank account number N17-501727 in the name of Willie C. Jackson, Willie and L. Jackson Trust ("Account #25");
- z. Any and all funds in JP Morgan Chase Bank account number 000004953421628, in the name of CHARLES JACKSON, JR. ("Account #26");

- aa. Any and all funds in One United Bank account number 1002638592 in the name of CHARLES JACKSON, JR. ("Account #27");
- bb. Any and all funds in One United Bank account number 1002265303 in the name of Worldwide Auto Sales ("Account #28");
- cc. Any and all funds in NuVision Federal Credit Union account number 449401749, in the name of WILLIE C. JACKSON ("Account #29");
- dd. Any and all funds in NuVision Federal Credit Union account number 451625915, in the name of Lois Jackson ("Account #30");
- ee. Any and all funds in Bank of America account number 23621-01361, in the names of Lois Jackson and WILLIE C. JACKSON ("Account #31");
- ff. Any and all funds in Bank of America account number 21743-40484, in the name Marvin C. Shelton ("Account #32");
- gg. Any and all funds in Bank of America account number 21740-76671, in the name of Marvin C. Shelton ("Account #33");
- hh. Any and all funds in Broadway Federal Bank account number 730073124, in the name of Lois Jackson ("Account #34");
- ii. Any and all funds in Broadway Federal Bank account number 7300737728 in the name Willie Jackson ("Account #35");
- jj. Any and all funds in Broadway Federal Bank account number 710297311, in the name of WILLIE C. JACKSON ("Account #36");
- kk. Any and all funds in Western Federal Credit Union account number 2009660, in the name of WILLIE C. JACKSON ("Account #37");
- ll. Any and all funds in AIG Annuity Ins. Co account number VV270737, in the name of WILLIE C. JACKSON ("Account #38");
- mm. Any and all funds in AIG Annuity Ins. Co account number NN088610, in the name of WILLIE C. JACKSON ("Account #39");
- nn. Any and all funds in Western National Life Insurance Company account number VV270737, in the name of WILLIE C. JACKSON ("Account #40");

- oo. Any and all funds in ING, ReliaStar Life Insurance Company account number B1992050, in the name of Lois Jackson, Insured Rory Jackson ("Account #41");
- pp. Any and all funds in ING, ReliaStar Life Insurance Company account number B1992051, in the name of Lois Jackson, insured Willie C. Jackson, Jr. ("Account #42");
- qq. Any and all funds in SAFECO Life and Investments annuity account number LP1076145, in the name of WILLIE C. JACKSON ("Account #43");
- rr. Any and all funds in JP Morgan Chase account number 000000716102025 in the name of Executive Properties Enterprise LLC ("Account #44");
- ss. Any and all funds in Comerica Bank account number 1852519014 in the name of Executive Auto Sales Inc. ("Account #45");
- tt. Any and all funds in FAA First Federal Credit Union account number 56362 in the name of Stacy Jackson ("Account #46");
- uu. Any and all funds in Wells Fargo Bank Checking Account ending in the numbers XXXXX2635, in the name of EMOND D. LOGAN dba Executive Transporting ("Account #47");
- vv. Any and all funds in Wells Fargo Checking Account ending in the numbers XXXXXX5039, in the names of EMOND D. LOGAN and Caroline Epps ("Account #48");
- ww. Any and all funds in Wells Fargo Savings Account ending in the numbers XXXXXX9432, in the name of Caroline Epps ("Account #49");
- xx. Any and all funds in Wells Fargo Savings Account ending in the numbers XXX-XXX3464, in the name of EMOND D. LOGAN dba Executive Transporting ("Account #50");
- yy. Any and all funds in Wescom Credit Union, combined checking and money market Account ending in the number XX5664, in the name of EMOND LOGAN ("Account #51");
- zz. Any and all funds in JP Morgan Chase money market account number 411-878400001-1 in the name of Caroline Logan ("Account #52");
- aaa. Any and all funds in Wescom Credit Union account ending in the number XX9216, in the names of MARTELL LOGAN and SHARON LOGAN ("Account #53");

2. VEHICLES

- a. One 1995 Toyota Previa Minivan, VIN JT3AC14R0S1171553 ("Vehicle #1");
- b. One 1997 Toyota Previa Minivan, VIN JT3GK13M7V1247468 ("Vehicle #2");
- c. One 2000 Windstar Minivan, VIN 2FMZA5041YBC47571 ("Vehicle #3");
- d. One 1997 American Dream Motor Home, VIN 4VZBN1098VC023724 ("Vehicle #4");
- e. One 2003 Revolution Motor Home built on a Freightliner Chassis, VIN 4UZA AHBS83CM03804 ("Vehicle #5");
- f. One 2003 Lexus SC430, VIN JTHFN48Y330036099 ("Vehicle #6");
- g. One 2006 BMW, VIN WBAEK13436CN78697 ("Vehicle #7");
- h. One 2002 Mercedes Benz, VIN WDBRH64J62F150831 ("Vehicle #8");
- i. One 1996 Eliminator (boat), VIN ELBU0321C696 ("Vehicle #9");
- j. One 1994 Chevrolet pickup truck, VIN 1GCHC33N5RJ327018 ("Vehicle #10");
- k. One 2003 GMC Yukon SUV, VIN 1GKFK66U53J183318 ("Vehicle #11");
- l. One 2009 GMC Yukon SUV, VIN 1GKFK06269J120426 ("Vehicle #12");
- m. One 2008 Chevrolet Malibu, VIN 1G1ZH57B984267252 ("Vehicle #13");
- n. One 1949 Chevrolet pickup, VIN SGPC7445 ("Vehicle #14");
- o. One 2004 Rance Trailer, VIN 4PVCH20234E020390 ("Vehicle #15");
- p. One 2004 Honda Motorcycle, VIN 1HFSC53J14A000208 ("Vehicle #16");
- q. One 2006 Harley Davidson, VIN 1HD1FCW186Y638493 ("Vehicle #17");
- r. One 1996 Chevrolet Caprice, VIN 1G1BL52P5TR156051 ("Vehicle #18");
- s. One 2000 Freightliner wrecker, VIN 1FV3EFAC5YHB77710 ("Vehicle #19");

- t. One 2006 International wrecker, VIN 1HTMMAAL96H223946 ("Vehicle #20");
- u. One 2002 Toyota Sequoia, VIN 5TDBT48A52S105542 ("Vehicle #21");
- v. One 2003 Mercury Marauder, VIN 2MEHM75V43X677805 ("Vehicle #22");
- w. One 1999 Honda Accord, VIN 1HGCG164XXA054775 ("Vehicle #23");
- x. One 1998 Toyota Camry, VIN JT2BF22K0W0145137 ("Vehicle #24");
- y. A 1998 Buick Park Avenue with VIN 1G4CW52K8W4620356 ("Vehicle #25");
- z. A 2000 Ford Taurus with VIN 1FAFP5528YA202142 ("Vehicle #26");
- aa. A 2001 Chrysler Sebring with VIN 1C3EL46X21N617451 ("Vehicle #27");
- bb. A 2004 Honda Odyssey with VIN 2HKRL1859YH575538 ("Vehicle #28");
- cc. A 2000 Cadillac DeVille with VIN 1G6KD54YXYU168195 ("Vehicle #29");
- dd. A 1990 Mercury Grand Marquis with VIN 2MECM74F9LX668568 ("Vehicle #30");
- ee. A 2001 Ford Taurus with VIN 1FAHP53U01G232400 ("Vehicle #31");
- ff. A 2005 Pontiac Grand Prix with VIN 2G2WP522551287644 ("Vehicle #32");
- gg. A 2000 Chevrolet Impala with VIN 2G1WF52E9Y9338716 ("Vehicle #33");
- hh. A 2002 Ford Explorer with VIN 1FMZU73E02UA93489 ("Vehicle #34");
- ii. A 1996 Dodge Caravan with VIN 2B6HB21Y9VK500729 ("Vehicle #35");
- jj. A 1998 Lexus E8300 with VIN JT8BF28G0W5028489 ("Vehicle #36");

- kk. A 2001 Dodge Neon with VIN 1B3ES46C71D135853 ("Vehicle #37");
- ll. A 2000 Ford Windstar with VIN 2FMZA5244YBC92100 ("Vehicle #38");
- mm. A 1998 Chevrolet Venture with VIN 1GN DU06E5WD334896 ("Vehicle #39");
- nn. A 2000 Ford Taurus with VIN 1FAFP52U7YA253704 ("Vehicle #40");
- oo. A 1999 Mazda Protege with VIN JM1BJ2217X0157848 ("Vehicle #41");
- pp. A 2002 Kia Sedona with VIN KND0P131226116341 ("Vehicle #42");
- qq. A 2000 Chevrolet Venture with VIN 1GN DU06E5W0334896 ("Vehicle #43");
- rr. A 1999 Chevrolet Express Van with VIN 1GCHG35R7Y1160051 ("Vehicle #44");
- ss. A 2007 Kaufman trailer with serial number 15XFE47357L003674 ("Vehicle #45");
- tt. A 1997 Chevrolet van with VIN 1GCHG35R6V1062818 ("Vehicle #46");
- uu. A 1998 Yamaha Wave Runner with VIN YAMA1329L798 ("Vehicle #47");
- vv. A 2000 Seadoo (boat) with VIN ZZN58381D999 ("Vehicle #48");
- ww. A 2000 GMC pickup truck with VIN 1GTG034F9W2539X1 ("Vehicle #49");
- xx. A 2000 Bobcat front loader with VIN 512264612 ("Vehicle #50");
- yy. A 2001 Honda Accord with VIN 1HGCG8658XA033719 ("Vehicle #51");
- zz. A trailer (for watercraft) with serial number 6408201 ("Vehicle #52");
- aaa. A 2003 Freightliner with VIN 1FVJAPCK03DL81549 ("Vehicle #53");

- bbb. A 1999 Harley Davidson motorcycle with VIN 1HD1FCW37XY623907 ("Vehicle #54");
- ccc. A 2003 Harley Davidson motorcycle with VIN 1HD1FRW503Y702074 ("Vehicle #55");
- ddd. A 2005 Harley Davidson motorcycle with VIN 1HD1JAB345Y087116 ("Vehicle #56");
- eee. A 2000 Ultraloc 28-foot boat with VIN: UTCSX607G900 and hull number MC 8369PZ, and trailer ("Vehicle #57");
- fff. A 2005 Harley Davidson motorcycle with VIN 1HD1BYB115Y07723 ("Vehicle #58");
- ggg. A 2004 Harley Davidson motorcycle with VIN 1HD1FCW394Y604366 ("Vehicle #59");
- hhh. A 2007 Maserati Quattroporte with Vehicle Identification Number ZAMCE39A670027835 ("Vehicle #60");
- iii. A 2010 Ford Mustang with Vehicle Identification Number 1ZVBP8CH9A5116707 ("Vehicle #61");
- jjj. A 2007 Volvo semi tractor trailer with Vehicle Identification Number 4V4NC9TJ17N457049 ("Vehicle #62");
- kkk. A 2007 Lexus RX350 with Vehicle Identification Number 2T2GK31U77C005333 ("Vehicle #63");
- lll. A 2006 Chrysler 300 with Vehicle Identification Number 2C3KA53G66H192383 ("Vehicle #64");
- mmm. A 2007 Mercedes Benz SL 500R with Vehicle Identification Number WDBSK71FO7F128632 ("Vehicle #65");
- nnn. A Zierna Trailer with Vehicle Identification Number 1ZCS14011W304061 ("Vehicle #66"); and
- ooo. A 2009 Great Dane Trailer with Vehicle Identification Number 1GRAA06209T548382 ("Vehicle #67").

3. REAL PROPERTY

- a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 19441 Radlett Avenue, Carson, California, County of Los Angeles, more particularly described as:

Lot 127 of tract 29681, as per map recorded in book 739, pages 30 to 32 inclusive, of maps in the office of the County Recorder of Los Angeles County.

APN: 7322-017-037.

Owner: The Ralph and Mae Charles Living Trust. ("Property #1");

- b. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 12201 South Vermont Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

The north 45 feet of lots 10, 11 and 12, in block "J" in the townsite of Howard Tract, in the County of Los Angeles, State of California, as per map recorded in book 22, page 59 of seq. of miscellaneous records in the office of the County Recorder of said county.

APN: 6089-012-007

Owner: Rosetta West Blvd. and Vermont Corp., a California corporation. ("Property #2");

- c. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 11915 Willowbrook Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 132 of Springdale Tract in the County of Los Angeles, State of California, as per map recorded in book 6, page 194 of maps in the office of the County Recorder of said county.

APN: 6150-007-027.

Owner: Rosetta Willowbrook Plus Corp., a California corporation. ("Property #3");

- d. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 7620 South

Western Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

Lots 8, 9, and 10, block 17 of tract no. 6757, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 76, pages 35 and through 38 inclusive of maps, in the office of the County Recorder of said county.

APN: 6018-017-031.

Owner: Rosetta 209th and Western Corp. ("Property #4");

- e. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 5912 West Boulevard, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 88 of tract 2095, in the City of Los Angeles, County of Los Angeles, State of California as per map recorded in book 23, page 22 of maps in the office of the County Recorder of said county.

Except the easterly 20 feet thereof conveyed to the City of Los Angeles, for alley purposes, by deed recorded in book 933 page 172, official records.

APN: 4004-015-004.

Owner: Rosetta West Blvd. and Vermont Corp. ("Property #5");

- f. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 5159 South St. Andrews Place, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 115 of Chesterfield Square as per map recorded in book 21 pages 90 and 91 of maps, in the office of the County Recorder of said county.

APN: 5015-009-007.

Owner: Rosetta 69th and St. Andrews Corp. ("Property #6");

- g. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4900 S. Van Ness Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 82 of St. Vincents College Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 12, pages 118 and 119 of maps, in the office of the County Recorder of said county.

APN: 5015-023-010.

Owner: Rosetta 3rd and Van Ness Corp. ("Property #7");

- h. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 715 West Rosecrans, Compton, California, County of Los Angeles, more particularly described as:

TRACT # 6468 E 39.07 FT EX OF ST OF LOT 4 AND EX OF ST LOT 5
BLK 2

Parcel No.: 6178-003-002.

Owner: Rosetta 111th and Rosecrans Corp. ("Property #8");

- i. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1603 West 209th Street, Torrance, California, County of Los Angeles, more particularly described as:

Lot 13, block 43 of tract 4983, in the City of Los Angeles (Torrance Area), County of Los Angeles, State of California as per map recorded in book 58, page(s) 80 to 85, inclusive of maps in the office of the County Recorder of said county.

APN: 7351-010-013.

Owner: Rosetta 209th and Western Corp. ("Property #9");

- j. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1061 West 111th Street, Los Angeles, California, County of Los Angeles, more particularly described as:

The southerly 150 feet of lot 14, Woodcrest Tract, in the County of Los Angeles, State of California, as per map recorded in book 9, page 40 of maps, in the office of the County Recorder of said county.

APN: 6076-013-020.

Owner: Rosetta 111th and Rosecrans Corp. ("Property #10");

- k. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 2800 6th Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

Lots 32, 33 and 34 of the east 18 feet of lot 35 of tract no. 1610, as per map recorded in book 20, page 85 of maps in the office of the County Recorder of said county.

APN: 5006-023-033.

Owner: Rosetta 54th and 6th Avenue Corp. ("Property #11");

- l. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4607 3rd Avenue, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 95 of tract 1700 in the City of Los Angeles, County of Los Angeles, as per map recorded in book 22, page 29 of maps, in the office of the County Recorder of said county.

Except all oil, naphtha, maltha gas, or other kindred substances deposited in, lying under or flowing through said property as reserved in deed from Los Angeles Investment Company, a corporation recorded April 11, 1918 in book 6644 page 158 of deeds.

APN: 5014-027-011.

Owner: Rosetta 3rd and Van Ness Corp. ("Property #12");

- m. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 3745 Lorado Way, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 51 of tract 6177, in the City of Los Angeles, County of Los Angeles, California as per map recorded in book 144, page(s) 77 through 81, inclusive of maps in the office of the County Recorder of said county.

APN: 5012-027-004.

Owner: Owusu Firempong, a single man. ("Property #13");

- n. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1943 West 74th Street, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 16, in block 7, of tract no. 5107, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 54 pages 67 to 70 inclusive of maps, in the office of the County Recorder of said county.

APN: 6017-007-016.

Owner: Peggy Dalcour, a single woman. ("Property #14");

- o. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4230 Don Jose Drive, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 100 of tract no. 20871, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 619, pages 93 through 96, inclusive of maps, in the office of the County Recorder of said county.

APN: 5028-012-013.

Owner: Casa Don Jose, Inc. ("Property #15");

- p. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4588 Don Milagro Drive, Los Angeles, California, County of Los Angeles, more particularly described as:

Lot 100 of tract no. 17455, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in book 542, pages 33 through 36 inclusive of maps, in the office of the County Recorder of said county.

Except therefrom all petroleum, oil, gas, naphtha, asphaltum, brea and other hydrocarbons and all minerals within or underlying said land, without, however, any right to re-enter or use the surface of said land or any portion of the subsurface thereof to a depth of 200 feet from the present surface of said land, as reserved by Dextra Baldwin Derx, Baldwin M. Baldwin and Raymond L. Knisley, as trustees under the trust created by the last will and testament of Anita M. Baldwin, deceased, in the deed recorded April 22, 1947 in book 24497 page 230, official records.

APN: 5028-017-015.

Owner: Casa Don Milagro, Inc. ("Property #16");

- q. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 21973 International Lane, Macomb, Michigan, County of Macomb, more particularly described as:

Lot(s) 30, Towngate Subdivision, according to the plat thereof as recorded in Liber 137, Page(s) 34, 35, 36, 37, 38, 39 and 40 of Plats, Macomb County Records.

APN: 08-35-151-016.

Owner: Marlan M. McRae, a single man. ("Property #17");

- r. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 37530 Jefferson, #104, Harrison Township, Michigan, County of Macomb, more particularly described as:

Unit 63, Harbor Club North Condominium, according to the Master Deed recorded in Liber 9472, Page(s) 518 through 580, inclusive, and any amendments thereto, Macomb County Records, and designated as Macomb County Condominium Subdivision Plan No. 657, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

APN: 12-29-204-063.

Owner: James Hayes, a single man. ("Property #18");

- s. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 48714 Tanglewood Drive, Macomb, Michigan, County of Macomb, more particularly described as:

Lot(s) 26, Sycamore Estates No. 1, according to the plat thereof as recorded in Liber 155 of Plats, Page(s) 64, Macomb County Records.

APN: 08-26-126-007.

Owner: James Dylan Hayes, as Trustee of the Revocable Living Trust of James Dylan Hayes dated July 30, 2007. ("Property #19");

- t. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 5480 Seneca, Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 6, Stephenson-Trebein Company's Subdivision, according to the plat thereof as recorded in Liber 27, Page(s) 48 of Plats, Wayne County Records.

APN: 17-006743.

Owner: Executive Properties Enterprises LLC. ("Property #20");

- u. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4893 Chatsworth, Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 1, Arthur J. Scully's Rifle Range Subdivision, according to the plat thereof as recorded in Liber 45, Page(s) 34 of Plats, Wayne County Records.

APN: 21-69028.

Owner: Executive Properties Enterprises LLC. ("Property #21");

- v. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 10300 and 10351 Gratiot Avenue, Detroit, Michigan, County of Wayne, more particularly described as:

Parcel 1: Lots 1 through 10, both inclusive, Edgewood Subdivision, according to the plat thereof as recorded in Liber 15, page(s) 83 of Plats, Wayne County Records.

Parcel 2: Lot 14, except the east 100 feet and that part taken for Gratiot Avenue, as widened, Bessenger & Moore's Gratiot Avenue Subdivision No. 2, according to the plat thereof as recorded in Liber 28, page(s) 30 of Plats, Wayne County Records.

APN: 19-1773 through 19-1779 and 19-1598.

Owner: Executive Properties Enterprises LLC. ("Property #22");

- w. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 10333 Gratiot Avenue (as to Lots 12 and 13) and 10341 Gratiot Avenue (as to Lot 14), Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 12, 13 and 14, except Gratiot as widened, Alfred M. Lows Gratiot Avenue Subdivision, according to the plat thereof as recorded in Liber 17, Page(s) 69 of Plats, Wayne County Records.

APN: 19-001771 and 19-001772.

Owner: Executive Properties Enterprises LLC. ("Property #23");

- x. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 12711 Wade, Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 612, Ravendale Subdivision No. 1, according to the plat thereof as recorded in Liber 46, Page(s) 72 of Plats, Wayne County Records.

APN: 21-6287

Owners: James Hayes, a single man, and Sandra Chatman, a single woman.

("Property #24");

- y. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 16130 Whitcomb, Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 50, Puritan Greenfield Subdivision of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page(s) 8 of Plats, Wayne County Records.

APN: 22-047548.003L.

Owner: Executive Properties Enterprises LLC ("Property #25");

- z. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 16161 Roselawn, Detroit, Michigan, County of Wayne, more particularly described as:

Lot(s) 166, McIntyre Park Subdivision, according to the plat thereof as recorded in Liber 44, Page(s) 12 of Plats, Wayne County Records.

APN: 16-30787.

Owner: James Hayes, a married man, and Twyla Cabil Hayes, his wife.

("Property #26");

- aa. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 8936 Haas Avenue, Los Angeles, California, Los Angeles County, more particularly described as:

Lot 32 of Tract 11772 in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 219, Page 3 and 4 of Maps in the Office of the County Recorder of said County.

APN: 6036-023-008.

Owner: Stacey Jackson, A Single Woman. ("Property #27");

- bb. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 11846-50 S. Normandie, Los Angeles, California, Los Angeles County, more particularly described as:

The portion of Lot(s) 17 of Tract No. 15735, in the County of Los Angeles, State of California, as per map recorded in Book 378, Page(s) 7 and 8 of Maps, in the Office of the County Recorder of Said County, Lying Westerly of a Line Parallel with and Distant Easterly 53.00 Feet, Measured at right angles form the Tangent Portion of the Prologation of the Westerly Line of said Lot 17.

APN: 6079-011-020.

Owner: Rosetta 69th and St. Andrews Corp. ("Property #28"); and

- cc. 19058 Springbrook Court, Riverside California 92508-6283, more fully described as: The land situated in the State of CA, County of Riverside, City of Riverside, and described as follows:

Lot 45 of Tract No. 28628, as shown by map on file in Book 285 Pages 34 through 38 inclusive of Maps, records of Riverside County, California.

APN: 266-491-012-1

Owner: Caroline Epps-Logan and Emond D. Logan, wife and husband as joint tenants ("Property #29").

4. PERSONAL PROPERTY

- a. The following items of personal property seized and removed from 19058 Springbrook Court, Riverside California 92508-6283, a residence owned by EMOND DUREA LOGAN and CAROLINE EPPS-LOGAN, on or about September 11 and 14, 2009, including but not limited to:
1. Three Rolex Watches and assorted items of jewelry;
 2. Three fur coats and a fur wrap;

3. Sixty-three designer handbags and pieces of designer luggage; and
 4. United States currency in the amount of \$7,535.00, now in the form of a Bank of America Cashier's Check.
- b. The following items of personal property seized and removed from MARLAN McRAE's residence, located at 21973 International, Macomb, MI, on or about December 2, 2009, including but not limited to:
1. One Rolex watch and assorted items of jewelry;
 2. Eight (8) fur coats;
 3. U.S. currency in the amount of \$14,372, now in the form of a Comerica Bank Cashier's Check #00553166;
 4. U.S. Savings Bonds in various denominations; and
 5. Foreign currency.
- c. United States currency in the amount of \$56,314 seized from the residence of JAMES DYLAN HAYES located at 48714 Tanglewood, Macomb, MI and from his safe deposit box located at Comerica Bank on or about December 2 and 3, 2009, and now the form of a Comerica Bank Cashier's Check #00553165.
- d. United States currency in the amount of \$440 seized from the residence of ALVIN ANDERSON after his arrest on or about December 2, 2009, and now in the form of a Comerica Bank Cashier's Check #00553167.
- e. United States currency in the amount of \$30,011 seized from the residence of Sandy Yamamoto and Marvin Shelton during the search of their home on or about December 2, 2009, and now in the form of a Bank of America cashier's check.
- f. United States currency in the amount of \$19,200, now in the form of two Bank of America cashier's checks, and U.S. Savings Bonds in various denominations, seized from the residence of WILLIE CORNELIUS JACKSON during the search of his home located at 4230 Don Jose, Los Angeles, California, on or about December 2, 2009.
- g. U.S. Savings Bonds in various denominations and assorted rare coins seized from MARLAN McRAE's safe deposit box at 5th/3rd Bank on or about December 3, 2009.

5. SUBSTITUTE ASSETS

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

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

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

6. MONEY JUDGMENT

By virtue of the commission of the controlled substance offense contained in Count One of this Second Superseding Indictment, the defendants shall forfeit to the United States the sum of \$136,000,000.00, which sum represents the aggregate of monies received in exchange for their

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:08-cr-274

vs.

OWUSU ANANEH FIREMPONG,
MARLAN MICAH McRAE, and
ROBERTO JUAN FARIAS, JR.,

Honorable Paul L. Maloney

Chief United States District Judge

Defendants.

VERDICT FORM

We, the Jury, unanimously find as follows:

As to Defendant **OWUSU ANANEH FIREMPONG**:

Count I - Conspiracy to distribute and to possess with intent to distribute five kilograms or more of a mixture of substance containing a detectable amount of cocaine, a Schedule II controlled substance.

 NOT GUILTY

 X GUILTY AS CHARGED

Count II - Conspiracy to Launder Money

 NOT GUILTY

 X GUILTY AS CHARGED

As to Defendant **MARLAN MICAH MCRAE**:

Count I- Conspiracy to distribute and to possess with intent to distribute five kilograms or more of a mixture of substance containing a detectable amount of cocaine, a Schedule II controlled substance.

 NOT GUILTY
 X GUILTY AS CHARGED

As to Defendant **ROBERT JUAN FARIAS, JR**:

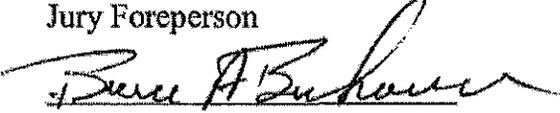
Count I- Conspiracy to distribute and to possess with intent to distribute five kilograms or more of a mixture of substance containing a detectable amount of cocaine, a Schedule II controlled substance.

 X NOT GUILTY
 GUILTY AS CHARGED

Signed,



Jury Foreperson



Juror Member



Juror Member



Juror Member



Juror Member



Juror Member



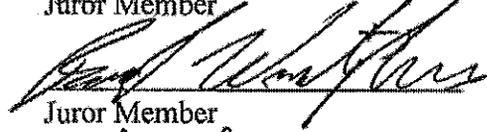
Juror Member



Juror Member



Juror Member



Juror Member



Juror Member



Juror Member

United States District Court
Western District of Michigan

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

-vs-

Case Number: 1:08-cr-274-10

OWUSU ANANEH FIREMPONG

USM Number: 57388-112

Lawrence J. Phelan
Defendant's Attorney

Date of Imposition of Original Judgment: November 30, 2011

Reason for Amendment: [X] Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

THE DEFENDANT:

- pleaded guilty to_____.
- pleaded nolo contendere to Count(s) ____, which was accepted by the court.
- was found guilty on Counts One and Two of the Second Superseding Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Offense Ended</u>	<u>Count No.</u>
21 U.S.C. § 846 and 841(a)(1) and (b)(1)(A)(ii)	December 31, 2009	One
18 U.S.C. § 1956(h)	December 31, 2009	Two

Nature of Offense

Count One - Conspiracy to Distribute and Possess With Intent to Distribute 5 Kilograms or More of Cocaine
Count Two - Conspiracy to Launder Money

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

DATED: November 30, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge

Judgment – Page 2

Defendant: OWUSU ANANEH FIREMPONG

Case Number: 1:08-cr-274-10

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **three hundred twenty-four (324) months on Count 1 and two hundred forty (240) months on Count 2, to be served concurrently.**

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated to a correctional facility as close as possible to California.

The defendant is remanded to the custody of the United States Marshal.

The Defendant shall surrender to the United States Marshal for this district:

At _____ on _____.

As notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before 2:00 P.M. on _____.

As notified by the United States Marshal.

As notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ To _____

At _____, with a certified copy of this judgment.

United States Marshal

By: _____
Deputy U.S. Marshal

Judgment -- Page 3

Defendant: OWUSU ANANEH FIREMPONG

Case Number: 1:08-cr-274-10

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **five (5) years on Count 1 and three (3) years on Count 2, to be served concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) As directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.
- The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Judgment – Page 4

Defendant: OWUSU ANANEH FIREMPONG

Case Number: 1:08-cr-274-10

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer with access to any requested financial information.
2. The defendant shall not apply for, nor enter into, any loan or other credit transaction without the approval of the probation officer.

CRIMINAL MONETARY PENALTIES¹

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the following pages.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
\$200.00	-0-	-0-

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	-------------------	----------------------------	-------------------------------

- Restitution amount ordered pursuant to plea agreement: \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The Court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine.
 - the interest requirement is waived for the restitution.
 - the interest requirement for the fine is modified as follows:
 - the interest requirement for the restitution is modified as follows:

¹ Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Judgment – Page 6

Defendant: OWUSU ANANEH FIREMPONG

Case Number: 1:08-cr-274-10

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of **\$200.00** due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F, below; or
- B Payment to begin immediately (may be combined with C, D, or F, below.)
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment, or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30, 60 or 90 days) after release from imprisonment to a term of supervision;
- E Payment during term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at the time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court, 399 Federal Building, 110 Michigan N.W., Grand Rapids, MI 49503, unless otherwise directed by the court, the probation officer, or the United States Attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Preliminary Order of Forfeiture issued November 28, 2011.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 BENETH A. BROWNE
Deputy Attorney General
4 State Bar No. 202679
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-7816
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 06-2012-228977

12 **OWUSU ANANEH-FIREMPONG, M.D.**

13 311 North Robertson Blvd., Suite 822
Beverly Hills, CA 90211

**DEFAULT DECISION
AND ORDER**

14 Physician's and Surgeon's Certificate No.
15 G42397

[Gov. Code, § 11520]

16 Respondent.

17
18 FINDINGS OF FACT

19 1. On or about July 3, 2014, Complainant Kimberly Kirchmeyer, in her official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
21 filed Accusation No. 06-2012-228977 against OWUSU ANANEH-FIREMPONG, M.D.
22 (Respondent) before the Medical Board of California. A true and correct copy of the Accusation,
23 the related documents, and Declaration of Service are attached as **Exhibit 1**.

24 2. On or about July 1, 1980, the Medical Board of California (Board) issued Physician's
25 and Surgeon's Certificate Number G42397 to Respondent. Said Physician's and Surgeon's
26 Certificate became delinquent on February 12, 2012.¹ On or about May 22, 2014, an Automatic

27
28 ¹ Section 118, subdivision (b), of the Business and Professions Code states:

(continued...)

1 Suspension Order – No Practice was issued pursuant to Business and Professions Code section
2 2236.1. Respondent’s Certificate of Licensure is attached as **Exhibit 2**.

3 3. On or about July 3, 2014, John F. Yelchak, an employee of the Complainant Agency,
4 served by Certified Mail, a copy of the Accusation No. 06-2012-228977, Statement to
5 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
6 11507.6, and 11507.7 to Respondent’s address of record with the Board. [See **Exhibit 1**] Also,
7 since the Board had knowledge that Respondent was in custody (as a result of being convicted of
8 conspiracy to distribute and possess with intent to distribute 5 kilograms or more of cocaine,
9 among other criminal acts) at FCI Victorville Medium II, Federal Correctional Institution , the
10 Board served a courtesy copy of the Accusation and accompanying documents by Certified Mail
11 on Respondent as follows: Owusu Ananeh-Firempong, Inmate No. 57388-112, FCI Victorville
12 Medium II, Federal Correctional Institution, P. O. Box 3850, Adelanto, CA 92301. [See **Exhibit**
13 **1**]

14 3. On or about July 21, 2014, an “M. Park” signed the certified mail receipt card
15 addressed to Respondent at his address of record. The original certified mail receipt card is
16 attached as **Exhibit 3**.

17 4. Government Code section 11506 states, in pertinent part:

18 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
19 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
20 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
21 respondent’s right to a hearing, but the agency in its discretion may nevertheless grant a hearing."
22
23

24 (...continued)

25 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board
26 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
27 of a court of law, or its surrender without the written consent of the board, shall not, during any
28 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee upon any ground
provided by law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground."

1 Respondent has failed to file a Notice of Defense within 15 days after service upon him of the
2 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 06-2012-
3 228977.

4 5. On or about September 30, 2014, a courtesy copy of Notice of Default was served on
5 Respondent by Certified Mail to both of the addresses set forth above. The Notice of Default
6 advised Respondent of the service of the Accusation, and provided him with an opportunity to
7 appear and contest the allegations.

8 6. To date, neither Deputy Attorney General Beneth A. Browne nor the Board has
9 received a Notice of Defense from Respondent. The Declaration of Deputy Attorney General
10 Beneth A. Browne is attached as **Exhibit 4**.

11 7. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c).

13 8. California Government Code section 11520 states, in pertinent part:

14 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
15 agency may take action based upon the respondent's express admissions or upon other evidence
16 and affidavits may be used as evidence without any notice to respondent."

17 9. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on
19 Respondent's express admissions by way of default and the evidence before it, contained in
20 exhibits 1 through 4, finds that the allegations in Accusation No. 06-2012-228977 are true.

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent OWUSU ANANEH-
23 FIREMPONG, M.D. has subjected his Physician's and Surgeon's Certificate Number G42397 to
24 discipline.

25 2. A copy of the Accusation and the related documents and Declaration of Service are
26 attached.

27 3. The agency has jurisdiction to adjudicate this case by default.

28 4. Pursuant to its authority under Government Code section 11520, the Board finds

1 Respondent is in default. The Board will take action without further hearing and, based on
2 Respondent's express admissions by way of default and the evidence before it, contained in
3 exhibits 1 through 4, finds that the allegations in Accusation No. 06-2012-228977 are true.

4 5. The Medical Board of California is authorized to revoke Respondent's Physician's
5 and Surgeon's Certificate Number G42397 based upon the following violations alleged in the
6 Accusation:

7 a. Violation of Business and Professions Code sections 490, 2236 and
8 2236.1, to wit, convictions of crimes substantially related to the practice of medicine,
9 specifically, (1) conspiracy to distribute cocaine in violation of Title 21, United States
10 Code, sections 846, 841(a)(1), and 841(b)(1)(A)(ii); (2) conspiracy to conduct financial
11 transactions from the proceeds of criminal activity and to avoid transaction reporting
12 requirements under federal law (money laundering) in violation of Title 18, United States
13 Code, section 1956(h); and (3) health care fraud in violation of Title 18, United States
14 Code, sections 1374 and 2(b). (See Exhibits A and B to Exhibit 4, Declaration of Beneth A.
15 Browne.)

16 b. Violation of Business and Professions Code section 2234, subdivision (e),
17 dishonesty as reflected in the conduct underlying the above convictions; and

18 c. Violation of Business and Professions Code section 2261, false
19 representation of facts as reflected in the above convictions.

20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate Number G42397, heretofore issued to Respondent OWUSU ANANEH-FIREMPONG, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 2, 2016.

It is so ORDERED August 5, 2016



FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 BENETH A. BROWNE
Deputy Attorney General
4 State Bar No. 202679
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-7816
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 3, 2014
BY: [Signature] ANALYST

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 06-2012-228977

12 **OWUSU ANANEH-FIREMPONG, M.D.,**
13 311 N. Robertson Blvd, Suite 822
Beverly Hills, CA 90211

ACCUSATION

14 Physician's and Surgeon's Certificate
15 No. G42397

16 Respondent.

18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs.

23 2. On or about July 1, 1980, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number G42397 to Owusu Ananeh-Firempong, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate became delinquent on February 29, 2012. On or about May
26 22, 2014, Respondent was served Notice of Automatic Suspension of his license by operation of
27 law during his incarceration following conviction of a felony pursuant to Business and
28 Professions Code section 2236.1.

1 8. Section 2236 of the Code states:

2 “(a) The conviction of any offense substantially related to the qualifications, functions, or
3 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
4 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
5 evidence only of the fact that the conviction occurred.

6 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
7 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
8 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
9 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
10 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
11 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
12 a license as a physician and surgeon.

13 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
14 after the conviction, transmit a certified copy of the record of conviction to the board. The
15 division may inquire into the circumstances surrounding the commission of a crime in order to fix
16 the degree of discipline or to determine if the conviction is of an offense substantially related to
17 the qualifications, functions, or duties of a physician and surgeon.

18 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
19 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
20 shall be conclusive evidence of the fact that the conviction occurred.”

21 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
22 revoke a license on the ground that the licensee has been convicted of a crime substantially
23 related to the qualifications, functions, or duties of the business or profession for which the
24 license was issued.

25 10. Section 2236.1 of the Code states:

26 “(a) A physician and surgeon's certificate shall be suspended automatically during any time
27 that the holder of the certificate is incarcerated after conviction of a felony, regardless of whether
28 the conviction has been appealed. The Division of Medical Quality shall, immediately upon

1 receipt of the certified copy of the record of conviction, determine whether the certificate of the
2 physician and surgeon has been automatically suspended by virtue of his or her incarceration, and
3 if so, the duration of that suspension. The division shall notify the physician and surgeon of the
4 license suspension and of his or her right to elect to have the issue of penalty heard as provided in
5 this section.

6 “(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is
7 determined therefrom that the felony of which the licensee was convicted was substantially
8 related to the qualifications, functions, or duties of a physician and surgeon, the Division of
9 Medical Quality shall suspend the license until the time for appeal has elapsed, if no appeal has
10 been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise
11 become final, and until further order of the division. The issue of substantial relationship shall be
12 heard by an administrative law judge from the Medical Quality Hearing Panel sitting alone or
13 with a panel of the division, in the discretion of the division.

14 “(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 2237,
15 or a conviction of Section 187, 261, 262, or 288 of the Penal Code, shall be conclusively
16 presumed to be substantially related to the qualifications, functions, or duties of a physician and
17 surgeon and no hearing shall be held on this issue. Upon its own motion or for good cause
18 shown, the division may decline to impose or may set aside the suspension when it appears to be
19 in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in
20 the medical profession.

21 “(d)(1) Discipline may be ordered in accordance with Section 2227, or the Division of
22 Licensing may order the denial of the license when the time for appeal has elapsed, the judgment
23 of conviction has been affirmed on appeal, or an order granting probation is made suspending the
24 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code
25 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting
26 aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

27 “(2) The issue of penalty shall be heard by an administrative law judge from the Medical
28 Quality Hearing Panel sitting alone or with a panel of the division, in the discretion of the

1 division. The hearing shall not be had until the judgment of conviction has become final or,
2 irrespective of a subsequent order under Section 1203.4 of the Penal Code, an order granting
3 probation has been made suspending the imposition of sentence; except that a licensee may, at his
4 or her option, elect to have the issue of penalty decided before those time periods have elapsed.
5 Where the licensee so elects, the issue of penalty shall be heard in the manner described in this
6 section at the hearing to determine whether the conviction was substantially related to the
7 qualifications, functions, or duties of a physician and surgeon. If the conviction of a licensee who
8 has made this election is overturned on appeal, any discipline ordered pursuant to this section
9 shall automatically cease. Nothing in this subdivision shall prohibit the division from pursuing
10 disciplinary action based on any cause other than the overturned conviction.

11 “(e) The record of the proceedings resulting in the conviction, including a transcript of the
12 testimony therein, may be received in evidence.

13 “(f) The other provisions of this article setting forth a procedure for the suspension or
14 revocation of a physician and surgeon's certificate shall not apply to proceedings conducted
15 pursuant to this section.”

16 11. Section 493 of the Code states:

17 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
18 the department pursuant to law to deny an application for a license or to suspend or revoke a
19 license or otherwise take disciplinary action against a person who holds a license, upon the
20 ground that the applicant or the licensee has been convicted of a crime substantially related to the
21 qualifications, functions, and duties of the licensee in question, the record of conviction of the
22 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
23 and the board may inquire into the circumstances surrounding the commission of the crime in
24 order to fix the degree of discipline or to determine if the conviction is substantially related to the
25 qualifications, functions, and duties of the licensee in question.

26 “As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
27 'registration.’”

28 12. California Code of Regulations, title 16, section 1360, states:

1 AFor the purposes of denial, suspension or revocation of a license, certificate or permit
2 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
3 considered to be substantially related to the qualifications, functions or duties of a person holding
4 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
5 evidences present or potential unfitness of a person holding a license, certificate or permit to
6 perform the functions authorized by the license, certificate or permit in a manner consistent with
7 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
8 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of, or conspiring to violate any provision of the Medical Practice Act.@

10 FIRST CAUSE FOR DISCIPLINE

11 *(Substantially Related Conviction: Michigan Federal Case)*

12 13. Respondent is subject to disciplinary action under sections 2236.1 and 490 in that he
13 was convicted of crimes substantially related to the practice of medicine on or about November
14 30, 2011. The circumstances are as follows:

15 14. On or about September 22, 2010, in *United States of America vs. Owusu Ananeh*
16 *Firempong*, United States District Court for the Western District of Michigan, Case Number 1:08-
17 CR-274-10, a Third Superseding Indictment was filed as to twelve named criminal defendants
18 including Respondent.

19 A. Count One alleged that Respondent, between unknown dates in the mid-1990's and
20 2009, conspired and agreed with other named defendants and others "to knowingly, intentionally
21 and unlawfully distribute and possess with intent to distribute five kilograms or more of a mixture
22 or substance containing a detectable amount of cocaine, a Schedule II controlled substance."
23 Respondent was alleged to have violated Title 21 of the United States Code, sections 846;
24 841(a)(1); and 841(b)(1)(A)(ii).

25 B. Count Two alleged that Respondent and other named defendants beginning on or
26 about an unknown date in the mid-1990's and continuing through on or about December 2, 2009,
27 knowing that the property involved proceeds of the offenses alleged in count one, knowingly and
28 intentionally conspired and agreed with other named defendants and others "to conduct and cause

1 to be conducted financial transactions which involved the proceeds of said unlawful activity, with
2 intent to promote the carrying on of said unlawful activity, to conceal and disguise the nature,
3 location, source, ownership and control of the proceeds of the unlawful activity, and to avoid
4 transaction reporting requirements under federal law.” Respondent and four of his co-defendants
5 and others were alleged to have used drug proceeds (1) to purchase various motor vehicles,
6 including minivans and motor homes, so that K.E. could transport the multiple-kilogram loads of
7 cocaine to the State of Michigan and other locations; (2) to obtain lodging and transportation
8 while waiting for the cocaine to be sold and the drug proceeds to be loaded in the vehicle; and (3)
9 to transport the drug proceeds back to California. Respondent was alleged to have violated Title
10 18 of the United States Code, section 1956(h).

11 15. On or about May 12, 2011, following a trial, the twelve jurors unanimously found
12 Respondent guilty as charged as to both counts. On or about November 30, 2011, a Judgment
13 issued and on or about January 9, 2013, a Second Amended Judgment issued. Respondent was
14 adjudicated guilty of both counts. For Count One, conspiracy to distribute and possess with
15 intent to distribute five kilograms or more of cocaine, Respondent was sentenced to serve a term
16 of incarceration for three hundred twenty-four (324) months.² For Count Two, conspiracy to
17 launder money, Respondent was sentenced to serve a term of incarceration for two hundred forty
18 (240) months,³ to be served concurrently with his sentence for Count One. Upon release from
19 incarceration, the Court ordered, Respondent would be subject to five years of supervised release,
20 consisting of five years for Count One and three years for Count Two, to be served concurrently.

21 16. Respondent appealed, and on or about November 13, 2013, the United States Court of
22 Appeals for the Sixth Circuit affirmed Respondent’s conviction and sentence. The Court found
23 that evidence presented at trial “showed that [Respondent] regularly and frequently associated
24 with drug dealers, accepted drug proceeds, and laundered the drug proceeds through his
25 businesses to purchase [a] motorhome, which in turn was used to transport drugs and money in

26
27 ² Three hundred twenty-four months (324) is the equivalent of twenty-seven (27) years.

28 ³ Two hundred forty (240) months is the equivalent of twenty (20) years.

1 furtherance of the cocaine conspiracy.” Respondent was close friends with C.J., a co-defendant
2 who was a drug kingpin and fugitive who used aliases. Respondent and C.J. attended basketball
3 games and threw lavish parties together. C.J. gave Respondent \$200,000 in cash in paper bags
4 and Respondent used it to purchase C.J. a motorhome that was used to transport at least 70
5 kilograms of cocaine from California to Michigan each month for thirty-two (32) months, over
6 two and a half years. C.J. charged \$18,000 per kilogram for the cocaine.⁴ Over 150 kilograms of
7 cocaine and over \$40,000,000 of cocaine proceeds were determined to be foreseeable to
8 Respondent.⁵ The appellate court noted that although the district court was mystified how a
9 doctor of Respondent’s stature could get involved in such a conspiracy, it had concluded that
10 Respondent knew precisely what he was doing and why he was doing it.

11 17. On or about May 22, 2014, after Respondent had begun serving his twenty-seven year
12 term of incarceration, Respondent was served a Notice of Automatic Suspension of his License
13 pursuant to Code section 2236.1.

14 SECOND CAUSE FOR DISCIPLINE

15 *(Substantially Related Conviction: California Federal Case)*

16 18. Respondent is subject to disciplinary action under sections 2236 and 490 in that he
17 was convicted of another crime substantially related to the practice of medicine on or about
18 August 22, 2013. The circumstances are as follows:

19 19. On or about September 2, 2011, in *United States of America vs. Owusu Ananeh*
20 *Firempong*, United States District Court for the Central District of California, Case Number CR
21 11-00847, an indictment was filed against Respondent for ten counts of Health Care Fraud in
22 violation of Title 18 U.S.C. Section 1374, 2(b). The indictment alleged that between on or about
23 November 29, 2007, and on or about June 9, 2008, using Medicare provider numbers for two
24 clinics he owned, Respondent submitted claims for diagnostic testing to Medicare totaling

25 _____
26 ⁴ Applying these numbers, each trip, \$1,260,00 of cocaine was transported. In 32 months,
27 just over two and a half years, a total of 2,240 kilograms, \$40,320,000, of cocaine was transported
28 in the motorhome.

⁵ 150 kilograms of cocaine, at \$18,000 per kilogram, totals \$2,700,000.

1 approximately \$1,289,907, and that as a result, he was paid approximately \$782,710.36.
2 Specifically, Respondent certified that he performed diagnostic tests including nerve conduction
3 velocity studies (NCV's), peripheral vascular tests (PVL's) and sleep studies. He claimed both
4 technical and diagnostic components, representing conducting and interpreting the tests,
5 respectively. He certified that all of the diagnostic tests were medically necessary. He also
6 certified that he provided accurate information in the claims. In fact, Respondent did not perform
7 any of the tests claimed and none of the tests were medically necessary.

8 20. On or about March 3, 2014, Respondent was found guilty of health care fraud,
9 causing an act to be done in violation of 18 U.S.C. section 1374, 2(b) as charged in counts 4, 5, 6,
10 8, and 10 of the ten-count indictment. He was sentenced to imprisonment for fifty-seven (57)
11 months on each of the five counts, to be served concurrently to one another, and to be served
12 concurrently with the undischarged term of imprisonment in the United States District Court,
13 Western District of Michigan, Docket No. 08-00274-PLM. Upon release from imprisonment, the
14 Court ordered, Respondent shall be placed on supervised release for a term of three (3) years,
15 consisting of concurrent three years on each of the five counts, all terms running concurrently.
16 Respondent was ordered to pay restitution to Medicare pursuant to 18 U.S.C. section 3663A in
17 the total amount of \$782,710.36.⁶

18 THIRD CAUSE FOR DISCIPLINE

19 *(Dishonest or Corrupt Acts)*

20 21. Respondent is subject to disciplinary action under section 2234, subdivision (e), in
21 that he engaged in numerous dishonest and corrupt acts over a lengthy period of time subsequent
22 to June of 2007. The circumstances as set forth in the paragraphs 14 through 17 and 19 through
23 20 above are incorporated herein.

24
25 ⁶ On or about March 3, 2014, Respondent filed a Notice of Appeal, entered on the district
26 court docket on or about March 7, 2014. On or about March 12, 2014, an order from the Ninth
27 Circuit Court of Appeals was filed in the district court assigning a Ninth Circuit case number, 14-
28 50118, and setting a time schedule. On or about March 19, 2014, an order from the Ninth Circuit
Court of Appeals was filed in the district court granting Respondent's appointed counsel's motion
to withdraw and appoint new counsel and setting a time schedule, with Respondent's opening
brief due August 11, 2014, and appellee's answering brief due September 10, 2014.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 *(False Representations of State of Facts with Fraudulent Intent)*

3 22. Respondent is subject to disciplinary action under section 2261 in that he committed
4 unprofessional conduct by falsely representing the existence of a state of facts when he submitted
5 fraudulent claims to Medicare, subsequent to June of 2007, resulting in his receipt of
6 approximately \$782,710.36. The circumstances as set forth in paragraphs 19 and 20 above are
7 incorporated herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Medical Board of California issue a decision:

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number G42397,
- 12 issued to Owusu Ananeh-Firempong, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent's authority to supervise
- 14 physician assistants, pursuant to section 3527 of the Code;
- 15 3. Ordering Respondent, if placed on probation, to pay the Medical Board of California
- 16 the costs of probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18 July 3, 2014

19 DATED: _____



 KIMBERLY KIRCHMEYER
 Executive Director
 Medical Board of California
 Department of Consumer Affairs
 State of California
Complainant

20
21
22
23
24 LA2014612716
61273827.doc