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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JASON S. MIN,  
  
Defendant.

CR No. 16-0018-DOC

I N F O R M A T I O N

[18 U.S.C. § 1503(a): Obstruction  
of Justice]

The United States Attorney charges:

[18 U.S.C. § 1503(a)]

A. DEFENDANT AND HIS FATHER

1. At all times relevant to this Information, defendant JASON S. MIN ("defendant MIN") was a resident of Irvine, California, within the Central District of California. Defendant MIN is the son of Byong Chun Min ("Byong Min").

2. Beginning in or about October 2009 and continuing through in or about January 2016, Byong Min owned, operated, and controlled Glory Rehab Team, Inc., also known as ("aka") "Dream Hospital," aka

1 "Daesung Clinic," a California corporation ("Glory Rehab"), which was  
2 located in Orange County, within the Central District of California.

3 3. Beginning in or about May 2012 and continuing through in or  
4 about August 2015, Byong Min also operated and controlled Ace  
5 Physical Therapy and Rehab, Inc. ("Ace Physical Therapy"), which was  
6 located in Orange County, within the Central District of California.

7 B. INVESTIGATIONS OF FEDERAL HEALTH CARE OFFENSES

8 4. The United States Department of Justice ("DOJ") is a  
9 department within the Executive Branch of the United States  
10 government that is responsible for enforcing federal law. DOJ has  
11 several components, including the Federal Bureau of Investigation  
12 (the "FBI"), which investigates federal crimes through its various  
13 field offices, and the United States Attorney's Office for the  
14 Central District of California (the "USAO"), which investigates and  
15 prosecutes federal crimes committed in Los Angeles County, Orange  
16 County, and elsewhere.

17 5. The United States Department of Health and Human Services  
18 ("HHS") is a department within the Executive Branch of the United  
19 States. HHS has many components, including its Office of Inspector  
20 General ("HHS-OIG"), which among other things, investigates fraud  
21 committed against the Medicare program.

22 6. Among the investigations conducted by DOJ, FBI, HHS-OIG,  
23 and the USAO are investigations of Federal health care offenses. In  
24 such investigations, DOJ, FBI, HHS-OIG, and the USAO are authorized,  
25 and often do, use federal grand juries. In such investigations, to  
26 obtain documents for the grand jury, DOJ and the USAO are authorized  
27 to use a variety of mechanisms, including grand jury subpoenas and  
28 subpoenas compelling testimony and the production of documents under

1 the authority of Section 248 of the Health Insurance Portability and  
2 Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486)  
3 ("HIPAA subpoenas") for use in the investigation.

4 C. THE MEDICARE PROGRAM

5 7. Medicare is a health care benefit program, affecting  
6 commerce, that provides medical benefits to individuals who are over  
7 the age of 65 or disabled. Medicare is administered by the Centers  
8 for Medicare and Medicaid Services ("CMS"), a federal agency  
9 operating under the authority of HHS.

10 8. Individuals who qualify for Medicare benefits are referred  
11 to as Medicare "beneficiaries." Each Medicare beneficiary is given a  
12 Health Identification Card containing a unique identification number  
13 ("HICN").

14 9. Health care providers who provide medical services that are  
15 reimbursed by Medicare were referred to as Medicare "providers."

16 10. CMS contracts with private companies to certify providers  
17 for participation in the Medicare program and monitor their  
18 compliance with Medicare standards, to process and pay claims, and to  
19 perform program safeguard functions, such as identifying and  
20 reviewing suspect claims.

21 11. To obtain reimbursement from Medicare, a provider has to  
22 apply for and obtain a provider number. By signing the provider  
23 application, the provider agrees to (a) abide by Medicare rules and  
24 regulations and (b) not submit claims to Medicare knowing they were  
25 false or fraudulent or with deliberate ignorance or reckless  
26 disregard of their truth or falsity.

27 12. If Medicare approves a provider's application, Medicare  
28 assigns the provider a Medicare provider number, which enables the

1 provider to submit claims to Medicare for services rendered to  
2 Medicare beneficiaries.

3 13. Medicare reimburses providers only for services, including  
4 physical therapy, that are medically necessary to the treatment of a  
5 beneficiary's illness or injury, are prescribed by a beneficiary's  
6 physician or a qualified physician's assistant acting under the  
7 supervision of a physician, and are provided in accordance with  
8 Medicare regulations and guidelines that governed whether a  
9 particular service or product will be reimbursed by Medicare.

10 14. Medicare requires that physical therapy services be  
11 performed by (a) a physician, (b) a physical therapist ("PT"), or  
12 (c) a physical therapy assistant ("PTA") acting under the direct  
13 supervision of a physician or PT. "Direct supervision" requires that  
14 the doctor or PT be physically present in the same office suite and  
15 immediately available to provide assistance and direction throughout  
16 the time the PTA is performing physical therapy services. Physical  
17 therapy services provided by aides or physical therapy students are  
18 not reimbursable by Medicare, regardless of the level of supervision.

19 15. Medicare does not cover acupuncture or reimburse providers  
20 for acupuncture services. Medicare does not cover massages unless  
21 they are therapeutic massages provided by a licensed therapist as  
22 part of the beneficiary's plan of care.

23 D. FRAUD AT GLORY REHAB AND ACE PHYSICAL THERAPY

24 16. Beginning in or about April 2011, and continuing until at  
25 least in or about December 2015, in Orange County, within the Central  
26 District of California and elsewhere, Byong Min, together with others  
27 known and unknown to the United States Attorney, knowingly,  
28 willfully, and with the intent to defraud, executed and attempted to

1 execute a scheme and artifice: (1) to defraud a health care benefit  
2 program, namely, Medicare, as to material matters in connection with  
3 the delivery of and payment for health care benefits, items, and  
4 services; and (2) to obtain, by means of material false and  
5 fraudulent pretenses and representations and the concealment of  
6 material facts, in connection with the delivery of and payment for  
7 health care benefits, items, and services, money under the custody  
8 and control of Medicare.

9 17. The fraudulent scheme operated, in substance, in the  
10 following manner:

11 a. Byong Min recruited Medicare beneficiaries to Glory  
12 Rehab and Ace Physical Therapy. The Medicare beneficiaries supplied  
13 their Medicare cards, HICNs, and patient information to Glory Rehab  
14 and Ace Physical Therapy.

15 b. Byong Min hired licensed PTs, many of whom worked  
16 full-time elsewhere, to provide initial evaluations for Medicare  
17 beneficiaries at Glory Rehab and Ace Physical Therapy. As Byong Min  
18 well knew, the PTs evaluated some, but not all, of these  
19 beneficiaries and created plans of physical therapy treatment for  
20 them, even though, many of these beneficiaries never received any  
21 physical therapy services at any follow-up visits.

22 c. While at Glory Rehab and Ace Physical Therapy,  
23 Medicare beneficiaries often received only massages and acupuncture  
24 (services Byong Min knew were not covered by Medicare) from  
25 individuals not licensed to perform physical therapy.

26 d. Byong Min submitted and knew others submitted  
27 information to J.R., E.C., or Woori Practice Solutions (aka  
28 "Microbill"), including the names, HICNs, and other patient

1 information for the Glory Rehab and Ace Physical Therapy Medicare  
2 beneficiaries, as well as falsified records that made it appear as  
3 though these Medicare beneficiaries had received physical therapy  
4 treatments from specific PTs hired by Glory Rehab and Ace Physical  
5 Therapy, knowing and intending that J.R., E.C., and Microbill would  
6 use this falsified information to submit false and fraudulent claims  
7 to Medicare for physical therapy.

8 e. As a result of the claims submitted by J.R., E.C., and  
9 Microbill, Byong Min received, through Glory Rehab and Ace Physical  
10 Therapy, payment from Medicare for those false and fraudulent  
11 physical therapy claims.

12 18. Between in or about April 2011 and continuing until at  
13 least in or about December 2015, Byong Min, through Glory Rehab,  
14 submitted and caused to be submitted approximately \$5,847,873 in  
15 false and fraudulent claims to Medicare, primarily for physical  
16 therapy, on behalf of Medicare beneficiaries recruited at Glory  
17 Rehab, for which Medicare paid approximately \$3,218,218.

18 19. Between in or about October 2012 and in or about August  
19 2015, Byong Min, through Ace Physical Therapy, submitted and caused  
20 to be submitted approximately \$2,322,083 in false and fraudulent  
21 claims to Medicare, primarily for physical therapy, on behalf of  
22 Medicare beneficiaries recruited at Ace Physical Therapy, for which  
23 Medicare paid approximately \$1,130,406.

24 E. THE GRAND JURY INVESTIGATION OF GLORY REHAB AND ACE PHYSICAL  
25 THERAPY

26 20. Beginning no later than October 16, 2013, the USAO and FBI  
27 initiated a grand jury investigation of Glory Rehab and Ace Physical  
28 Therapy.

1           21. On or about April 17, 2015, in connection with the grand  
2 jury investigation of the fraud at Glory Rehab and Ace Physical  
3 Therapy, the FBI served two HIPAA subpoenas on Byong Min, through his  
4 counsel, as the custodian of records for Glory Rehab and Ace Physical  
5 Therapy (the "Two HIPAA Subpoenas").

6           22. The Two HIPAA Subpoenas required Glory Rehab and Ace  
7 Physical Therapy to produce all original clinical files and patient  
8 records for Medicare patients, including patient lists and patient  
9 sign in sheets, among other items, for the period from January 2011  
10 to April 17, 2015. The deadline to respond to the Two HIPAA  
11 Subpoenas was originally May 1, 2015, and was subsequently continued  
12 to on or about May 27, 2015.

13           23. On or about May 27, 2015, through his counsel, Byong Min,  
14 as custodian of records for Glory Rehab and Ace Physical Therapy,  
15 provided to the FBI and HHS-OIG a portion of the documents sought by  
16 the Two HIPAA Subpoenas.

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1 F. OBSTRUCTION OF JUSTICE ALLEGATION

2 24. From on or about May 1, 2015, to on or about January 20,  
3 2016, defendant MIN corruptly endeavored to influence, obstruct, and  
4 impede the due administration of justice, namely, a federal grand  
5 jury investigation into health care fraud and illegal remunerations  
6 for health care referrals through the submission to Medicare of false  
7 and fraudulent claims for alleged physical therapy services by Glory  
8 Rehab and Ace Physical Therapy. Specifically, defendant MIN  
9 instructed J.Y. to conceal from investigating agents involved in the  
10 grand jury investigation material evidence, including patient files,  
11 that was responsive to the HIPAA subpoenas and falsely to state to  
12 investigating agents involved in the grand jury investigation that  
13 J.Y. did not know what happened to the missing patient files even  
14 though J.Y. knew where the missing files were located and J.Y.  
15 possessed the patient files sought by the HIPAA subpoenas. In  
16 response to the HIPAA subpoenas, defendant MIN also instructed J.Y.  
17 to continue to falsely indicate to investigative agents that J.Y.

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1 continued to see patients at Glory Rehab after 2012, even though  
2 defendant MIN knew that J.Y. did not see patients at Glory Rehab at  
3 any point in or after 2012.

4  
5 EILEEN M. DECKER  
6 United States Attorney

7 

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Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JASON S. MIN,

16 Defendant.

No. CR 16-0018-DOC

PLEA AGREEMENT FOR DEFENDANT  
JASON S. MIN

17  
18 1. This constitutes the plea agreement between JASON S. MIN  
19 ("defendant") and the United States Attorney's Office for the Central  
20 District of California (the "USAO") in the above-captioned case.  
21 This agreement is limited to the USAO and cannot bind any other  
22 federal, state, local, or foreign prosecuting, enforcement,  
23 administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:  
26 a. Give up the right to indictment by a grand jury and,  
27 at the earliest opportunity requested by the USAO and provided by the  
28 Court, appear and plead guilty to a one-count Information in the form

1 attached to this agreement as Exhibit A or a substantially similar  
2 form, which charges defendant with Obstruction of Justice in  
3 violation of 18 U.S.C. § 1503.

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained  
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered  
8 for service of sentence, obey all conditions of any bond, and obey  
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be  
11 excluded for sentencing purposes under United States Sentencing  
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
13 within the scope of this agreement.

14 f. Be truthful at all times with Pretrial Services, the  
15 United States Probation Office, and the Court.

16 g. Pay the applicable special assessments at or before  
17 the time of sentencing unless defendant lacks the ability to pay and  
18 prior to sentencing submits a completed financial statement on a form  
19 to be provided by the USAO.

20 h. Not seek the discharge of any restitution obligation,  
21 in whole or in part, in any present or future bankruptcy proceeding.

22 i. Defendant understands and acknowledges that as a  
23 result of pleading guilty pursuant to this agreement, defendant will  
24 be excluded from Medicare, Medicaid, and all Federal health care  
25 programs. Defendant agrees to complete and execute all necessary  
26 documents provided by the United States Department of Health and  
27 Human Services, or any other department or agency of the federal  
28 government, to effectuate this exclusion within 60 days of receiving

1 the documents. This exclusion will not affect defendant's right to  
2 apply for and receive benefits as a beneficiary under any Federal  
3 health care program, including Medicare and Medicaid.

4 THE USAO'S OBLIGATIONS

5 3. The USAO agrees to:

6 a. Not contest facts agreed to in this agreement.

7 b. Abide by all agreements regarding sentencing contained  
8 in this agreement.

9 c. At the time of sentencing, move to dismiss the counts  
10 of the indictment as against defendant in United States v. Byong Chun  
11 Min and Jason S. Min, CR No. 16-0018. Defendant agrees, however,  
12 that at the time of sentencing the Court may consider any dismissed  
13 charges in determining the applicable Sentencing Guidelines range,  
14 the propriety and extent of any departure from that range, and the  
15 sentence to be imposed.

16 d. At the time of sentencing, provided that defendant  
17 demonstrates an acceptance of responsibility for the offenses up to  
18 and including the time of sentencing, recommend a two-level reduction  
19 in the applicable Sentencing Guidelines offense level, pursuant to  
20 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
21 additional one-level reduction if available under that section.

22 e. Except for criminal tax violations (including  
23 conspiracy to commit such violations chargeable under 18 U.S.C.  
24 § 371), not further criminally prosecute defendant for violations of  
25 18 U.S.C. § 1347 (Health Care Fraud) and 42 U.S.C. § 1320(a)-  
26 7b(b)(1)(A) (Illegal Remunerations for Health Care Referrals) arising  
27 out of defendant's conduct described in the agreed-to factual basis  
28 set forth in paragraph 9 below. Defendant understands that the USAO

1 is free to criminally prosecute defendant for any other unlawful past  
2 conduct or any unlawful conduct that occurs after the date of this  
3 agreement. Defendant agrees that at the time of sentencing the Court  
4 may consider the uncharged conduct in determining the applicable  
5 Sentencing Guidelines range, the propriety and extent of any  
6 departure from that range, and the sentence to be imposed after  
7 consideration of the Sentencing Guidelines and all other relevant  
8 factors under 18 U.S.C. § 3553(a).

9 NATURE OF THE OFFENSES

10 4. Defendant understands that for defendant to be guilty of  
11 the crime charged in the single count Information, that is,  
12 Obstruction of Justice, in violation of Title 18, United States Code,  
13 Section 1503, the following must be true:

14 First, defendant influenced, obstructed, or impeded, or tried to  
15 influence, obstruct, or impede the due administration of justice; and

16 Second, defendant acted corruptly, or by threats or force, or by  
17 any threatening communication, with the intent to obstruct justice.

18 "Corruptly" means that the act must be done with the purpose of  
19 obstructing justice.

20 To influence, obstruct, or impede the due administration of  
21 justice, the action taken by the defendant must be with the intent to  
22 influence judicial or grand jury proceedings.

23 PENALTIES

24 5. Defendant understands that the statutory maximum sentence  
25 that the Court can impose for a violation of Title 18, United States  
26 Code, Section 1503, is: 10 years imprisonment; a 3-year period of  
27 supervised release; a fine of \$250,000 or twice the gross gain or  
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1 gross loss resulting from the offense, whichever is greatest; and a  
2 mandatory special assessment of \$100.

3         6. Defendant understands that supervised release is a period  
4 of time following imprisonment during which defendant will be subject  
5 to various restrictions and requirements. Defendant understands that  
6 if defendant violates one or more of the conditions of any supervised  
7 release imposed, defendant may be returned to prison for all or part  
8 of the term of supervised release authorized by statute for the  
9 offense that resulted in the term of supervised release, which could  
10 result in defendant serving a total term of imprisonment greater than  
11 the statutory maximum stated above.

12         7. Defendant understands that, by pleading guilty, defendant  
13 may be giving up valuable government benefits and valuable civic  
14 rights, such as the right to vote, the right to possess a firearm,  
15 the right to hold office, and the right to serve on a jury.  
16 Defendant understands that once the court accepts defendant's guilty  
17 plea, it will be a federal felony for defendant to possess a firearm  
18 or ammunition. Defendant understands that the conviction in this  
19 case may also subject defendant to various other collateral  
20 consequences, including but not limited to mandatory exclusion from  
21 federal health care benefit programs for a minimum of five years,  
22 suspension or revocation of a professional license, and revocation of  
23 probation, parole, or supervised release in another case. Defendant  
24 understands that unanticipated collateral consequences will not serve  
25 as grounds to withdraw defendant's guilty plea.

26         8. Defendant understands that, if defendant is not a United  
27 States citizen, the felony conviction in this case may subject  
28 defendant to: removal, also known as deportation, which may, under

1 some circumstances, be mandatory; denial of citizenship; and denial  
2 of admission to the United States in the future. The court cannot,  
3 and defendant's attorney also may not be able to, advise defendant  
4 fully regarding the immigration consequences of the felony conviction  
5 in this case. Defendant understands that unexpected immigration  
6 consequences will not serve as grounds to withdraw defendant's guilty  
7 plea.

8 FACTUAL BASIS

9 9. Defendant admits that defendant is, in fact, guilty of the  
10 offense to which defendant is agreeing to plead guilty. Defendant  
11 and the USAO agree to the statement of facts provided below and agree  
12 that this statement of facts is sufficient to support a plea of  
13 guilty to the charge described in this agreement and to establish the  
14 Sentencing Guidelines factors set forth in paragraph 11 below but is  
15 not meant to be a complete recitation of all facts relevant to the  
16 underlying criminal conduct or all facts known to either party that  
17 relate to that conduct.

18 Background

19 At various times from in or about October 2009 to in or about  
20 January 2016, defendant's father ("Byong Chun Min") owned, operated,  
21 and controlled Glory Rehab, Inc., also known as ("aka") "Dream  
22 Hospital," aka "Daesung Clinic," a California corporation ("Glory  
23 Rehab"), which was located in Orange County, within the Central  
24 District of California. In addition to owning, operating and  
25 controlling Glory Rehab, from May 2012 to August 2015, Byong Chun Min  
26 also operated and controlled Ace Physical Therapy and Rehab, Inc.  
27 ("Ace Physical Therapy"), which was located in Orange County, within  
28 the Central District of California.

1 Obstruction of Justice by Defendant Jason Min

2 On or about April 17, 2015, in connection with a federal grand  
3 jury investigation of the fraud at Glory Rehab and Ace Physical  
4 Therapy, the Federal Bureau of Investigation (the "FBI") served two  
5 subpoenas compelling testimony and the production of documents under  
6 the authority of Section 248 of the Health Insurance Portability and  
7 Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486)  
8 ("HIPAA subpoenas") on Byong Min, through his counsel, as the  
9 custodian of records for Glory Rehab and Ace Physical Therapy.

10 From on or about May 1, 2015, to on or about January 20, 2015, <sup>2016</sup>  
11 after investigating agents served the two HIPAA subpoenas on Byong ~~2015~~  
12 Chun Min, as the custodian of records, for the production of patient  
13 files from Glory Rehab and Ace Physical Therapy, defendant corruptly  
14 endeavored to influence, obstruct, and impede the due administration  
15 of justice, namely, a federal grand jury investigation into health  
16 care fraud and illegal remunerations for health care referrals  
17 through the submission to Medicare of false and fraudulent claims for  
18 alleged physical therapy services by Glory Rehab and Ace Physical  
19 Therapy. Specifically, defendant instructed J.Y. to conceal from  
20 investigating agents involved in the grand jury investigation  
21 material evidence, including patient files, that was responsive to  
22 the HIPAA subpoenas and falsely <sup>JY</sup> ~~to~~ state to investigating agents <sup>psk</sup>  
23 involved in the grand jury investigation that J.Y. did not know what  
24 happened to the missing patient files even though J.Y. knew where the  
25 missing files were located and J.Y. possessed the patient files  
26 sought by the HIPAA subpoenas. In response to the HIPAA subpoenas,  
27 defendant also instructed J.Y. to continue to falsely indicate to  
28 investigative agents that J.Y. continued to see patients at Glory

1 Rehab after 2012, even though defendant knew that J.Y. did not see  
2 patients at Glory Rehab at any point in or after 2012. In taking  
3 these actions, defendant acted with the intent to obstruct the  
4 federal grand jury investigation.

5 Underlying Fraudulent Conduct Investigated

6 Beginning in or about April 2011, and continuing until at least  
7 in or about December 2015, in Orange County, within the Central  
8 District of California, and elsewhere, Byong Chun Min, together with  
9 others known and unknown, knowingly, willfully, and with the intent  
10 to defraud, executed and attempted to execute a scheme and artifice:  
11 (1) to defraud a health care benefit program, namely Medicare, as to  
12 material matters in connection with the delivery of and payment for  
13 health care benefits, items, and services; and (2) to obtain money  
14 from Medicare by means of material false and fraudulent pretenses and  
15 representations and the concealment of material facts in connection  
16 with the delivery of and payment for health care benefits, items, and  
17 services, in violation of Title 18, United States Code, Section 1347.

18 As of April 2011 for Glory Rehab and as of October 2012 for Ace  
19 Physical Therapy, Byong Chun Min was aware that Glory Rehab and Ace  
20 Physical Therapy were being used in a scheme to commit fraud against  
21 Medicare through the direct submission of fraudulent claims for  
22 physical therapy that often never occurred. Byong Chun Min was the  
23 organizer and leader of this extensive criminal activity. The  
24 criminal activity involved, but was not limited to, the following  
25 physical therapists and physical therapy assistants: J.Y., H.K.,  
26 J.M., E.A., J.T., and Y.K.

27 Byong Chun Min recruited Medicare beneficiaries to Glory Rehab  
28 and Ace Physical Therapy. The Medicare beneficiaries supplied their

1 Medicare cards, HICNs, and patient information to Glory Rehab and Ace  
2 Physical Therapy. Byong Chun Min hired licensed PTs, ~~some of who~~   
3 ~~worked full time elsewhere~~, to provide initial evaluations for  
4 Medicare beneficiaries at Glory Rehab and Ace Physical Therapy.  
5 However, as Byong Chun Min well knew, the PTs evaluated some, but not  
6 all, of these beneficiaries and created plans of physical therapy  
7 treatment for them, even though, many of these beneficiaries never  
8 received any physical therapy services at any follow-up visits.

9 While at Glory Rehab and Ace Physical Therapy, many of the Medicare  
10 beneficiaries often received only massages and acupuncture, services  
11 Byong Chun Min knew were not covered by Medicare, from individuals  
12 not licensed to provide physical therapy. Those unlicensed  
13 individuals were provided by Glory Rehab and Ace Physical Therapy.

14 Byong Chun Min submitted and knew others submitted information  
15 to J.R., E.C., or Woori Practice Solutions (a.k.a. Microbill),  
16 including the names, HICNs, and other patient information for the  
17 Glory Rehab and Ace Physical Therapy Medicare beneficiaries, as well  
18 as falsified records that made it appear as though these Medicare  
19 beneficiaries had received physical therapy treatments from specific  
20 PTs hired by Glory Rehab and Ace Physical Therapy, knowing and  
21 intending that J.R., E.C., and Microbill would use this falsified  
22 information to submit false and fraudulent claims to Medicare for  
23 physical therapy. In particular, Byong Chun Min prepared or caused  
24 the preparation of fraudulent documentation that was provided to  
25 J.R., E.C., or Microbill, falsely claiming (1) that PTs were  
26 providing medically necessary physical therapy treatment, when in  
27 fact unlicensed individuals were often providing uncovered massages  
28 and acupuncture, and (2) that PTs had treated patients they actually

1 had not treated.

2 As an example, for the purpose of executing and attempting to  
3 execute the fraudulent scheme, Byong Chun Min knowingly and willfully  
4 submitted or caused to be submitted to Medicare on or about July 11,  
5 2011, a false and fraudulent claim (claim number 551811192439070).  
6 This false and fraudulent claim alleged that H.K. performed manual  
7 physical therapy and therapeutic exercises for beneficiary K.P on  
8 June 16, 2011, in Orange County at Glory Rehab. However, despite  
9 submitting and causing the claim to be submitted, Byong Chun Min knew  
10 H.K. did not perform such physical therapy on June 16, 2011, because  
11 H.K. was working at a different location on the same day and K.P. did  
12 not recognize the physical therapist.

13 As another example, for the purpose of executing and attempting  
14 to execute the fraudulent scheme, defendant knowingly and willfully  
15 submitted or caused to be submitted to Medicare on or about November  
16 8, 2013, a false and fraudulent claim (claim number 551113315179860).  
17 This false and fraudulent claim alleged that J.Y. performed manual  
18 physical therapy for beneficiary H.L. on October 31, 2013, in Orange  
19 County at Ace Physical Therapy. However, despite submitting and  
20 causing the claim to be submitted, Byong Chun Min knew J.Y. did not  
21 perform such physical therapy on October 31, 2013, because J.Y. did  
22 not work on Tuesdays and Thursdays (i.e. Thursday, October 31, 2013)  
23 and because H.L. would have visited Glory Rehab only and never would  
24 have visited Ace Physical Therapy.

25 As a result of the claims submitted by J.R., E.C., and  
26 Microbill, Byong Min received, through Glory Rehab and Ace Physical  
27 Therapy, payment from Medicare for those false and fraudulent  
28 physical therapy claims.

1 Based on this fraudulent scheme, between in or about April 2011  
2 and in or about December 2015, Byong Chun Min, through Glory Rehab,  
3 submitted and caused to be submitted approximately \$5,847,873 in  
4 false and fraudulent claims to Medicare, for which Medicare paid  
5 approximately \$3,218,218. In addition, based on this fraudulent  
6 scheme, between in or about October 2012 and in or about August 2015,  
7 Byong Chun Min, through Ace Physical Therapy, submitted and caused to  
8 be submitted approximately \$2,322,083 in false and fraudulent claims  
9 to Medicare, for which Medicare paid approximately \$1,130,406.

10 SENTENCING FACTORS

11 10. Defendant understands that in determining defendant's  
12 sentence the Court is required to calculate the applicable Sentencing  
13 Guidelines range and to consider that range, possible departures  
14 under the Sentencing Guidelines, and the other sentencing factors set  
15 forth in 18 U.S.C. § 3553(a). Defendant understands that the  
16 Sentencing Guidelines are advisory only, that defendant cannot have  
17 any expectation of receiving a sentence within the calculated  
18 Sentencing Guidelines range, and that after considering the  
19 Sentencing Guidelines and the other § 3553(a) factors, the Court will  
20 be free to exercise its discretion to impose any sentence it finds  
21 appropriate up to the maximum set by statute for the crimes of  
22 conviction.

23 11. Defendant and the USAO agree to the following applicable  
24 Sentencing Guidelines factors:

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1 Obstruction of Justice:

2 Underlying Offense (base 24 U.S.S.G. § 2B1.1(a)(2);  
3 offense level w loss more U.S.S.G. § 2B1.1(b)(1)(J)  
4 than \$3.5 million and less  
than \$9.5 million)

5 Accessory After the Fact -6 U.S.S.G. § 2X3.1(a)(1)

6  
7 Defendant and the USAO agree not to seek or argue, either orally or  
8 in writing, that any other specific offense characteristics,  
9 adjustments, or departures relating to the offense level be imposed.

10 12. The USAO will agree to a two-level downward adjustment for  
11 acceptance of responsibility (and, if applicable, move for an  
12 additional one-level downward adjustment under U.S.S.G. § 3E1.1(b))  
13 only if the conditions set forth in paragraph 3(d) are met.

14 13. Defendant understands that there is no agreement as to  
15 defendant's criminal history or criminal history category.

16 14. Defendant understands that the government intends to  
17 recommend that defendant be sentenced to a term of imprisonment no  
18 lower than the high end of the applicable Sentencing Guidelines  
19 range.

20 15. Defendant and the USAO reserve the right to argue for a  
21 sentence outside the sentencing range established by the Sentencing  
22 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
23 (a)(2), (a)(3), (a)(6), and (a)(7).

24 WAIVER OF CONSTITUTIONAL RIGHTS

25 16. Defendant understands that by pleading guilty, defendant  
26 gives up the following rights:

- 27 a. The right to persist in a plea of not guilty.  
28 b. The right to a speedy and public trial by jury.

1           c. The right to be represented by counsel -- and if  
2 necessary have the court appoint counsel -- at trial. Defendant  
3 understands, however, that, defendant retains the right to be  
4 represented by counsel -- and if necessary have the court appoint  
5 counsel -- at every other stage of the proceeding.

6           d. The right to be presumed innocent and to have the  
7 burden of proof placed on the government to prove defendant guilty  
8 beyond a reasonable doubt.

9           e. The right to confront and cross-examine witnesses  
10 against defendant.

11           f. The right to testify and to present evidence in  
12 opposition to the charges, including the right to compel the  
13 attendance of witnesses to testify.

14           g. The right not to be compelled to testify, and, if  
15 defendant chose not to testify or present evidence, to have that  
16 choice not be used against defendant.

17           h. Any and all rights to pursue any affirmative defenses,  
18 Fourth Amendment or Fifth Amendment claims, and other pretrial  
19 motions that have been filed or could be filed.

20                                   WAIVER OF APPEAL OF CONVICTION

21           17. Defendant understands that, with the exception of an appeal  
22 based on a claim that defendant's guilty plea was involuntary, by  
23 pleading guilty defendant is waiving and giving up any right to  
24 appeal defendant's conviction on the offense to which defendant is  
25 pleading guilty.

26                                   LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

27           18. Defendant agrees that, provided the Court imposes a total  
28 term of imprisonment on all counts of conviction within or below the

1 range corresponding to an offense level of 16 and the criminal  
2 history category calculated by the Court, defendant gives up the  
3 right to appeal all of the following: (a) the procedures and  
4 calculations used to determine and impose any portion of the  
5 sentence; (b) the term of imprisonment imposed by the Court; (c) the  
6 fine imposed by the court, provided it is within the statutory  
7 maximum; (d) the term of probation or supervised release imposed by  
8 the Court, provided it is within the statutory maximum; and (e) any  
9 of the following conditions of probation or supervised release  
10 imposed by the Court: the conditions set forth in General Orders 318,  
11 01-05, and/or 05-02 of this Court; the drug testing conditions  
12 mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and  
13 drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

14 19. The USAO agrees that, provided (a) all portions of the  
15 sentence are at or below the statutory maximum specified above and  
16 (b) the Court imposes a term of imprisonment within or above the  
17 range corresponding to an offense level of 15 and the criminal  
18 history category calculated by the Court, the USAO gives up its right  
19 to appeal any portion of the sentence.

20 RESULT OF WITHDRAWAL OF GUILTY PLEA

21 20. Defendant agrees that if, after entering a guilty plea  
22 pursuant to this agreement, defendant seeks to withdraw and succeeds  
23 in withdrawing defendant's guilty plea on any basis other than a  
24 claim and finding that entry into this plea agreement was  
25 involuntary, then (a) the USAO will be relieved of all of its  
26 obligations under this agreement; and (b) should the USAO choose to  
27 pursue any charge that was either dismissed or not filed as a result  
28 of this agreement, then (i) any applicable statute of limitations

1 will be tolled between the date of defendant's signing of this  
2 agreement and the filing commencing any such action; and  
3 (ii) defendant waives and gives up all defenses based on the statute  
4 of limitations, any claim of pre-indictment delay, or any speedy  
5 trial claim with respect to any such action, except to the extent  
6 that such defenses existed as of the date of defendant's signing this  
7 agreement.

8 EFFECTIVE DATE OF AGREEMENT

9 21. This agreement is effective upon signature and execution of  
10 all required certifications by defendant, defendant's counsel, and an  
11 Assistant United States Attorney.

12 BREACH OF AGREEMENT

13 22. Defendant agrees that if defendant, at any time after the  
14 effective date of this agreement, knowingly violates or fails to  
15 perform any of defendant's obligations under this agreement ("a  
16 breach"), the USAO may declare this agreement breached. All of  
17 defendant's obligations are material, a single breach of this  
18 agreement is sufficient for the USAO to declare a breach, and  
19 defendant shall not be deemed to have cured a breach without the  
20 express agreement of the USAO in writing. If the USAO declares this  
21 agreement breached, and the Court finds such a breach to have  
22 occurred, then: (a) if defendant has previously entered a guilty plea  
23 pursuant to this agreement, defendant will not be able to withdraw  
24 the guilty plea, and (b) the USAO will be relieved of all its  
25 obligations under this agreement.

26 23. Following the Court's finding of a knowing breach of this  
27 agreement by defendant, should the USAO choose to pursue any charge  
28

1 that was either dismissed or not filed as a result of this agreement,  
2 then:

3 a. Defendant agrees that any applicable statute of  
4 limitations is tolled between the date of defendant's signing of this  
5 agreement and the filing commencing any such action.

6 b. Defendant waives and gives up all defenses based on  
7 the statute of limitations, any claim of pre-indictment delay, or any  
8 speedy trial claim with respect to any such action, except to the  
9 extent that such defenses existed as of the date of defendant's  
10 signing this agreement.

11 c. Defendant agrees that: (i) any statements made by  
12 defendant, under oath, at the guilty plea hearing (if such a hearing  
13 occurred prior to the breach); (ii) the agreed to factual basis  
14 statement in this agreement; and (iii) any evidence derived from such  
15 statements, shall be admissible against defendant in any such action  
16 against defendant, and defendant waives and gives up any claim under  
17 the United States Constitution, any statute, Rule 410 of the Federal  
18 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal  
19 Procedure, or any other federal rule, that the statements or any  
20 evidence derived from the statements should be suppressed or are  
21 inadmissible.

22 COURT AND PROBATION OFFICE NOT PARTIES

23 24. Defendant understands that the Court and the United States  
24 Probation Office are not parties to this agreement and need not  
25 accept any of the USAO's sentencing recommendations or the parties'  
26 agreements to facts or sentencing factors.

27 25. Defendant understands that both defendant and the USAO are  
28 free to: (a) supplement the facts by supplying relevant information

1 to the United States Probation Office and the Court, (b) correct any  
2 and all factual misstatements relating to the Court's Sentencing  
3 Guidelines calculations and determination of sentence, and (c) argue  
4 on appeal and collateral review that the Court's Sentencing  
5 Guidelines calculations and the sentence it chooses to impose are not  
6 error, although each party agrees to maintain its view that the  
7 calculations in paragraph 11 are consistent with the facts of this  
8 case. While this paragraph permits both the USAO and defendant to  
9 submit full and complete factual information to the United States  
10 Probation Office and the Court, even if that factual information may  
11 be viewed as inconsistent with the facts agreed to in this agreement,  
12 this paragraph does not affect defendant's and the USAO's obligations  
13 not to contest the facts agreed to in this agreement.

14 26. Defendant understands that even if the Court ignores any  
15 sentencing recommendation, finds facts or reaches conclusions  
16 different from those agreed to, and/or imposes any sentence up to the  
17 maximum established by statute, defendant cannot, for that reason,  
18 withdraw defendant's guilty plea, and defendant will remain bound to  
19 fulfill all defendant's obligations under this agreement. Defendant  
20 understands that no one -- not the prosecutor, defendant's attorney,  
21 or the Court -- can make a binding prediction or promise regarding  
22 the sentence defendant will receive, except that it will be within  
23 the statutory maximum.

24 NO ADDITIONAL AGREEMENTS

25 27. Defendant understands that, except as set forth herein,  
26 there are no promises, understandings, or agreements between the USAO  
27 and defendant or defendant's attorney, and that no additional  
28

1 promise, understanding, or agreement may be entered into unless in a  
2 writing signed by all parties or on the record in court.

3 FLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

4 28. The parties agree that this agreement will be considered  
5 part of the record of defendant's guilty plea hearing as if the  
6 entire agreement had been read into the record of the proceeding.

7 AGREED AND ACCEPTED

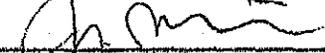
8 UNITED STATES ATTORNEY'S OFFICE  
9 FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

10 EILEEN M. DECKER  
United States Attorney

11 

12 BYRON J. MOLAIN  
13 Assistant United States Attorney

8-17-16  
Date

14 

15 JASON S. MIN  
Defendant

8/16/16  
Date

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17 PIO S. KIM  
Attorney for Defendant JASON MIN

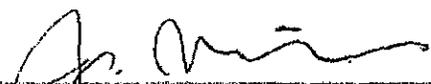
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CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

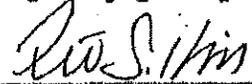
  
\_\_\_\_\_  
JASON S. MIN  
Defendant

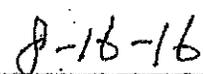
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CERTIFICATION OF DEFENDANT'S ATTORNEY

I am JASON S. MIN's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.

  
\_\_\_\_\_  
PIO S. KIM  
Attorney for Defendant JASON MIN

  
\_\_\_\_\_  
Date

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JASON S. MIN,  
  
Defendant.

CR No.  
  
I N F O R M A T I O N  
  
[18 U.S.C. § 1503(a): Obstruction  
of Justice]

The United States Attorney charges:  
  
[18 U.S.C. § 1503(a)]

A. DEFENDANT AND HIS FATHER

1. At all times relevant to this Information, defendant JASON S. MIN ("defendant MIN") was a resident of Irvine, California, within the Central District of California. Defendant MIN is the son of Byong Chun Min ("Byong Min").

2. Beginning in or about October 2009 and continuing through in or about January 2016, Byong Min owned, operated, and controlled Glory Rehab Team, Inc., also known as ("aka") "Dream Hospital," aka

1 "Daesung Clinic," a California corporation ("Glory Rehab"), which was  
2 located in Orange County, within the Central District of California.

3 3. Beginning in or about May 2012 and continuing through in or  
4 about August 2015, Byong Min also operated and controlled Ace  
5 Physical Therapy and Rehab, Inc. ("Ace Physical Therapy"), which was  
6 located in Orange County, within the Central District of California.

7 B. INVESTIGATIONS OF FEDERAL HEALTH CARE OFFENSES

8 4. The United States Department of Justice ("DOJ") is a  
9 department within the Executive Branch of the United States  
10 government that is responsible for enforcing federal law. DOJ has  
11 several components, including the Federal Bureau of Investigation  
12 (the "FBI"), which investigates federal crimes through its various  
13 field offices, and the United States Attorney's Office for the  
14 Central District of California (the "USAO"), which investigates and  
15 prosecutes federal crimes committed in Los Angeles County, Orange  
16 County, and elsewhere.

17 5. The United States Department of Health and Human Services  
18 ("HHS") is a department within the Executive Branch of the United  
19 States. HHS has many components, including its Office of Inspector  
20 General ("HHS-OIG"), which among other things, investigates fraud  
21 committed against the Medicare program.

22 6. Among the investigations conducted by DOJ, FBI, HHS-OIG,  
23 and the USAO are investigations of Federal health care offenses. In  
24 such investigations, DOJ, FBI, HHS-OIG, and the USAO are authorized,  
25 and often do, use federal grand juries. In such investigations, to  
26 obtain documents for the grand jury, DOJ and the USAO are authorized  
27 to use a variety of mechanisms, including grand jury subpoenas and  
28 subpoenas compelling testimony and the production of documents under

1 the authority of Section 248 of the Health Insurance Portability and  
2 Accountability Act of 1996, Public Law No. 104-91 (18 U.S.C. § 3486)  
3 ("HIPAA subpoenas") for use in the investigation.

4 C. THE MEDICARE PROGRAM

5 7. Medicare is a health care benefit program, affecting  
6 commerce, that provides medical benefits to individuals who are over  
7 the age of 65 or disabled. Medicare is administered by the Centers  
8 for Medicare and Medicaid Services ("CMS"), a federal agency  
9 operating under the authority of HHS.

10 8. Individuals who qualify for Medicare benefits are referred  
11 to as Medicare "beneficiaries." Each Medicare beneficiary is given a  
12 Health Identification Card containing a unique identification number  
13 ("HICN").

14 9. Health care providers who provide medical services that are  
15 reimbursed by Medicare were referred to as Medicare "providers."

16 10. CMS contracts with private companies to certify providers  
17 for participation in the Medicare program and monitor their  
18 compliance with Medicare standards, to process and pay claims, and to  
19 perform program safeguard functions, such as identifying and  
20 reviewing suspect claims.

21 11. To obtain reimbursement from Medicare, a provider has to  
22 apply for and obtain a provider number. By signing the provider  
23 application, the provider agrees to (a) abide by Medicare rules and  
24 regulations and (b) not submit claims to Medicare knowing they were  
25 false or fraudulent or with deliberate ignorance or reckless  
26 disregard of their truth or falsity.

27 12. If Medicare approves a provider's application, Medicare  
28 assigns the provider a Medicare provider number, which enables the

1 provider to submit claims to Medicare for services rendered to  
2 Medicare beneficiaries.

3 13. Medicare reimburses providers only for services, including  
4 physical therapy, that are medically necessary to the treatment of a  
5 beneficiary's illness or injury, are prescribed by a beneficiary's  
6 physician or a qualified physician's assistant acting under the  
7 supervision of a physician, and are provided in accordance with  
8 Medicare regulations and guidelines that governed whether a  
9 particular service or product will be reimbursed by Medicare.

10 14. Medicare requires that physical therapy services be  
11 performed by (a) a physician, (b) a physical therapist ("PT"), or  
12 (c) a physical therapy assistant ("PTA") acting under the direct  
13 supervision of a physician or PT. "Direct supervision" requires that  
14 the doctor or PT be physically present in the same office suite and  
15 immediately available to provide assistance and direction throughout  
16 the time the PTA is performing physical therapy services. Physical  
17 therapy services provided by aides or physical therapy students are  
18 not reimbursable by Medicare, regardless of the level of supervision.

19 15. Medicare does not cover acupuncture or reimburse providers  
20 for acupuncture services. Medicare does not cover massages unless  
21 they are therapeutic massages provided by a licensed therapist as  
22 part of the beneficiary's plan of care.

23 D. FRAUD AT GLORY REHAB AND ACE PHYSICAL THERAPY

24 16. Beginning in or about April 2011, and continuing until at  
25 least in or about December 2015, in Orange County, within the Central  
26 District of California and elsewhere, Byong Min, together with others  
27 known and unknown to the United States Attorney, knowingly,  
28 willfully, and with the intent to defraud, executed and attempted to

1 execute a scheme and artifice: (1) to defraud a health care benefit  
2 program, namely, Medicare, as to material matters in connection with  
3 the delivery of and payment for health care benefits, items, and  
4 services; and (2) to obtain, by means of material false and  
5 fraudulent pretenses and representations and the concealment of  
6 material facts, in connection with the delivery of and payment for  
7 health care benefits, items, and services, money under the custody  
8 and control of Medicare.

9 17. The fraudulent scheme operated, in substance, in the  
10 following manner:

11 a. Byong Min recruited Medicare beneficiaries to Glory  
12 Rehab and Ace Physical Therapy. The Medicare beneficiaries supplied  
13 their Medicare cards, HICNs, and patient information to Glory Rehab  
14 and Ace Physical Therapy.

15 b. Byong Min hired licensed PTs, many of whom worked  
16 full-time elsewhere, to provide initial evaluations for Medicare  
17 beneficiaries at Glory Rehab and Ace Physical Therapy. As Byong Min  
18 well knew, the PTs evaluated some, but not all, of these  
19 beneficiaries and created plans of physical therapy treatment for  
20 them, even though, many of these beneficiaries never received any  
21 physical therapy services at any follow-up visits.

22 c. While at Glory Rehab and Ace Physical Therapy,  
23 Medicare beneficiaries often received only massages and acupuncture  
24 (services Byong Min knew were not covered by Medicare) from  
25 individuals not licensed to perform physical therapy.

26 d. Byong Min submitted and knew others submitted  
27 information to J.R., E.C., or Woori Practice Solutions (aka  
28 "Microbill"), including the names, HICNs, and other patient

1 information for the Glory Rehab and Ace Physical Therapy Medicare  
2 beneficiaries, as well as falsified records that made it appear as  
3 though these Medicare beneficiaries had received physical therapy  
4 treatments from specific PTs hired by Glory Rehab and Ace Physical  
5 Therapy, knowing and intending that J.R., E.C., and Microbill would  
6 use this falsified information to submit false and fraudulent claims  
7 to Medicare for physical therapy.

8 e. As a result of the claims submitted by J.R., E.C., and  
9 Microbill, Byong Min received, through Glory Rehab and Ace Physical  
10 Therapy, payment from Medicare for those false and fraudulent  
11 physical therapy claims.

12 18. Between in or about April 2011 and continuing until at  
13 least in or about December 2015, Byong Min, through Glory Rehab,  
14 submitted and caused to be submitted approximately \$5,847,873 in  
15 false and fraudulent claims to Medicare, primarily for physical  
16 therapy, on behalf of Medicare beneficiaries recruited at Glory  
17 Rehab, for which Medicare paid approximately \$3,218,218.

18 19. Between in or about October 2012 and in or about August  
19 2015, Byong Min, through Ace Physical Therapy, submitted and caused  
20 to be submitted approximately \$2,322,083 in false and fraudulent  
21 claims to Medicare, primarily for physical therapy, on behalf of  
22 Medicare beneficiaries recruited at Ace Physical Therapy, for which  
23 Medicare paid approximately \$1,130,406.

24 E. THE GRAND JURY INVESTIGATION OF GLORY REHAB AND ACE PHYSICAL  
25 THERAPY

26 20. Beginning no later than October 16, 2013, the USAO and FBI  
27 initiated a grand jury investigation of Glory Rehab and Ace Physical  
28 Therapy.

1           21. On or about April 17, 2015, in connection with the grand  
2 jury investigation of the fraud at Glory Rehab and Ace Physical  
3 Therapy, the FBI served two HIPAA subpoenas on Byong Min, through his  
4 counsel, as the custodian of records for Glory Rehab and Ace Physical  
5 Therapy (the "Two HIPAA Subpoenas").

6           22. The Two HIPAA Subpoenas required Glory Rehab and Ace  
7 Physical Therapy to produce all original clinical files and patient  
8 records for Medicare patients, including patient lists and patient  
9 sign in sheets, among other items, for the period from January 2011  
10 to April 17, 2015. The deadline to respond to the Two HIPAA  
11 Subpoenas was originally May 1, 2015, and was subsequently continued  
12 to on or about May 27, 2015.

13           23. On or about May 27, 2015, through his counsel, Byong Min,  
14 as custodian of records for Glory Rehab and Ace Physical Therapy,  
15 provided to the FBI and HHS-OIG a portion of the documents sought by  
16 the Two HIPAA Subpoenas.

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1 F. OBSTRUCTION OF JUSTICE ALLEGATION

2 24. From on or about May 1, 2015, to on or about January 20,  
3 2016, defendant MIN corruptly endeavored to influence, obstruct, and  
4 impede the due administration of justice, namely, a federal grand  
5 jury investigation into health care fraud and illegal remunerations  
6 for health care referrals through the submission to Medicare of false  
7 and fraudulent claims for alleged physical therapy services by Glory  
8 Rehab and Ace Physical Therapy. Specifically, defendant MIN  
9 instructed J.Y. to conceal from investigating agents involved in the  
10 grand jury investigation material evidence, including patient files,  
11 that was responsive to the HIPAA subpoenas and falsely to state to  
12 investigating agents involved in the grand jury investigation that  
13 J.Y. did not know what happened to the missing patient files even  
14 though J.Y. knew where the missing files were located and J.Y.  
15 possessed the patient files sought by the HIPAA subpoenas. In  
16 response to the HIPAA subpoenas, defendant MIN also instructed J.Y.  
17 to continue to falsely indicate to investigative agents that J.Y.

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1 continued to see patients at Glory Rehab after 2012, even though  
2 defendant MIN knew that J.Y. did not see patients at Glory Rehab at  
3 any point in or after 2012.

4  
5 EILEEN M. DECKER  
6 United States Attorney

7 

8 LAWRENCE S. MIDDLETON  
9 Assistant United States Attorney  
Chief, Criminal Division

10 GEORGE S. CARDONA  
11 Assistant United States Attorney  
Chief, Major Frauds Section

12 STEPHEN A. CAZARES  
13 Assistant United States Attorney  
Deputy Chief, Major Frauds Section

14 BYRON J. MCLAIN  
15 Assistant United States Attorney  
Major Frauds Section

United States District Court  
Central District of California

**\*\*AMENDED ON 2/16/17 TO REMOVE THE LANGUAGE "AND ONE DAY" AFTER TERM OF 22 MONTHS\*\***

UNITED STATES OF AMERICA vs.

Docket No. CR 16-0018-DOC

Defendant JASON S. MIN  
akas: Sung Min

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

**JUDGMENT AND PROBATION/COMMITMENT ORDER**

MONTH	DAY	YEAR
02	02	2017

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

**COUNSEL**

Pio S. Kim, Retained

(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:

Count 1, 18 U.S.C. § 1503(a): Obstruction of Justice of the Single-Count Superseding Information. All underlying remaining counts **DISMISSED** by motion of the Government.

**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:

It is ordered that the defendant shall pay to the United States a special assessment of \$100, 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.

All fines are waived as it is found that such sanction would place an undue burden on the defendant's dependent child.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Jason Sung-Jin Min, is hereby committed on the Single-Count Superseding Information to the custody of the Bureau of Prisons for a term of 22 months.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office and General Order 05-02.
2. During the period of community supervision, the defendant shall pay the special assessment in accordance with this judgment's orders pertaining to such payment.
3. The defendant shall not be employed by, affiliated with, own, control, volunteer for, or otherwise participate, directly or indirectly, in any business involving federally funded or state funded health insurance or entitlement programs without the express written approval of the Probation Officer prior to engaging in such employment.

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4. The defendant shall submit person and property to search and seizure at any time of the day or night by any law enforcement officer with or without a warrant and with or without reasonable or probable cause.
5. The defendant shall report to the United States Probation Office within 72 hours of his release from custody.
6. The defendant shall report in person directly to the Court within 21 days of his release from custody, at a date and time to be set by the United States Probation Office, and thereafter report in person to the Court as directed during his first year of supervised release.
7. The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapon, as defined by federal, state, or local law.
8. 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 further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons. In the absence of such designation, the defendant shall report on April 24, 2017 by 12:00 noon to the United States Marshal located at the United States Court House, 411 West Fourth Street, Santa Ana, California 92701-4516.

Defendant advised of right to appeal.

The Court recommends a facility in Southern California due to close family ties.

Defendant's bond is exonerated upon surrender.

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.

February 2, 2017

Date

*David O. Carter*

\_\_\_\_\_  
DAVID O. CARTER, U. S. District Judge

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

February 16, 2017

Filed Date

By *Deborah Goltz*

\_\_\_\_\_  
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.

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 (15<sup>th</sup>) 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 (pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid):
  - Non-federal victims (individual and corporate),
  - Providers of compensation to non-federal 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.

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**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 \_\_\_\_\_

at \_\_\_\_\_

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

United States Marshal

By \_\_\_\_\_  
Deputy Marshal

\_\_\_\_\_  
Date

**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

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Filed Date

**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

W/SO,CLOSED,RELATED-G

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CRIMINAL DOCKET FOR CASE #: 2:16-cr-00018-DOC-2**

Case title: USA v. Min et al

Date Filed: 01/20/2016

Date Terminated: 02/02/2017

Assigned to: Judge David O. Carter

**Defendant (2)****Jason S Min***TERMINATED: 02/02/2017*represented by **Carlos L Juarez**

Law Office of Carlos L Juarez

PO Box 2464

Riverside, CA 92516-2464

951-742-7354

Fax: 951-742-7358

Email: juarezlaw52@yahoo.com

*TERMINATED: 04/12/2016**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Pio S Kim**

LimNexus LLP

1055 West Seventh Street, 28th Floor

Los Angeles, CA 90017

213-955-9500

Fax: 213-955-9511

Email: pio.kim@LimNexus.com

*ATTORNEY TO BE NOTICED**Designation: Retained***Pending Counts**18:1503(a) OBSTRUCTION OF  
JUSTICE

(1s)

**Disposition**

Committed on the Single-Count  
Superseding Information to the custody  
of the Bureau of Prisons for a term of  
22 months and one day. Pay \$100  
special assessment. All fines are  
waived. Placed on supervised release  
for 2 years under terms and conditions  
of US Probation Office and General  
Order 05-02. AMENDED 2/16/17 to

remove the language "and one day"  
after term of 22 months.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:1347, 2(b) HEALTH CARE  
FRAUD, CAUSING AN ACT TO BE  
DONE  
(1-6)

42:1320a-7b(b)(1)(A) ILLEGAL  
REMUNERATIONS FOR HEALTH  
CARE REFERRALS  
(7-12)

18:1028A(a)(1) AGGRAVATED  
IDENTITY THEFT  
(13-14)

**Disposition**

All underlying remaining counts  
DISMISSED by motion of the  
Government.

All underlying remaining counts  
DISMISSED by motion of the  
Government.

All underlying remaining counts  
DISMISSED by motion of the  
Government.

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Byron J McLain**  
AUSA - Office of the US Attorney  
Major Frauds Section  
312 North Spring Street 11th Floor  
Los Angeles, CA 90012  
213-894-0637  
Fax: 213-894-6269  
Email: byron.mclain@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
01/20/2016	<u>1</u>	INDICTMENT filed as to Byong Chun Min (1) count(s) 1-6, 7-12, 13-14, Jason S Min (2) count(s) 1-6, 7-12, 13-14. Offense occurred in LA, OC. (ja) (Entered: 01/27/2016)

01/20/2016	<u>4</u>	EX PARTE APPLICATION to Seal Indictment and Related Documents Filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min. (ja) (Entered: 01/27/2016)
01/20/2016	<u>5</u>	ORDER by Magistrate Judge Andrew J. Wistrich granting <u>4</u> EX PARTE APPLICATION to Seal Indictment and Related Documents as to Byong Chun Min (1), Jason S Min (2) (ja) (Entered: 01/27/2016)
01/20/2016	<u>7</u>	CASE SUMMARY filed by AUSA Byron J McLain as to Defendant Jason S Min; defendant's Year of Birth: 1981 (ja) (Entered: 01/27/2016)
01/20/2016	<u>8</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min in regards to the following Magistrate Judges: Jacqueline Chooljian, Patrick J. Walsh, Sheri Pym, Michael Wilner, Alka Sagar, Jean Rosenbluth, Douglas McCormick, Rozella Oliver (ja) (Entered: 01/27/2016)
01/20/2016	<u>9</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min. This criminal action, being filed on 1/20/16, was pending in the U. S. Attorneys Office before the date on which Judge Andre Birotte Jr began receiving criminal matters, it was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters (ja) (Entered: 01/27/2016)
01/20/2016	<u>10</u>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min Related Case(s): CR 15-49-DDP, CR427-DDP, CR 15-435-DDP, CR 15-576-DDP (ja) (Entered: 01/27/2016)
01/20/2016	<u>12</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Jason S Min (ja) (Entered: 01/27/2016)
01/29/2016	<u>13</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Jason S Min; defendant's Year of Birth: 1981; date of arrest: 1/29/2016 (ja) (Entered: 02/02/2016)
01/29/2016	<u>14</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Suzanne H. Segal as to Defendant Jason S Min. Defendant states true name as charged. Attorney: Carlos L Juarez for Jason S Min, Appointed, present. Court orders bail set as: Jason S Min (2) \$100,000 Appearance Bond, SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Defendant remanded to the custody of the USM. Government's move to UNSEAL case is GRANTED. Court Smart: CS 1/29/16. (ja) (Entered: 02/02/2016)
01/29/2016	<u>15</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Jason S Min conditions of release: \$100,000 Appearance Bond approved by Magistrate Judge Suzanne H. Segal. (ja) (Entered: 02/02/2016)
01/29/2016	<u>16</u>	DECLARATION RE: PASSPORT filed by Defendant Jason S Min, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the

		pendency of this case. RE: Bond and Conditions (CR-1) <u>15</u> . (ja) (Entered: 02/02/2016)
01/29/2016	<u>17</u>	MEMORANDUM FOR RELEASE ORDER AUTHORIZATION filed by PSA Officer as to Defendant Jason S Min. Submitted in compliance with conditions as set forth in Bond and Conditions (CR-1) <u>15</u> . (ja) (Entered: 02/02/2016)
01/29/2016	<u>22</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Suzanne H. Segal as to Defendant Jason S Min (2) Count 1-6,7-12,13-14. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Carlos L. Juarez, Appointed present. Case assigned to Judge Dolly M. Gee. Jury Trial set for 3/29/2016 08:30 AM before Judge Dolly M. Gee. Pretrial Conference set for 3/16/2016 02:30 PM before Judge Dolly M. Gee. Court Smart: 01/29/2016. (tba) (Entered: 02/02/2016)
01/29/2016	<u>34</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$100,000 by surety: Sujin Min for Bond and Conditions (CR-1) <u>15</u> . Filed by Defendant Jason S Min (ja) (Entered: 02/04/2016)
01/29/2016	<u>35</u>	UNREDACTED Affidavit of Surety (CR-4) filed by Defendant Jason S Min re: Affidavit of Surety (No Justification)(CR-4) <u>34</u> (ja) (Entered: 02/04/2016)
01/29/2016	<u>36</u>	FINANCIAL AFFIDAVIT filed as to Defendant Jason S Min. (Not for Public View pursuant to the E-Government Act of 2002) (ja) (Entered: 02/04/2016)
02/01/2016	<u>37</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Jason S Min (ja) (Entered: 02/04/2016)
02/02/2016	<u>23</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 14-03 Related Case filed. Related Case No: 2:15-cr-00049 DDP. Case, as to Defendant Byong Chun Min, Jason S Min, transferred from Judge Dolly M. Gee to Judge Dean D. Pregerson for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:16-cr-00018 DDP. Signed by Judge Dean D. Pregerson (rn) (Entered: 02/02/2016)
02/03/2016	<u>27</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Jason S Min. USA passport was received on 2/1/16. (dv) (Entered: 02/03/2016)
02/05/2016	<u>38</u>	STIPULATION for Order Protective Order For Discovery To Defendants filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 02/05/2016)
02/11/2016	<u>39</u>	PROTECTIVE ORDER [38] as to Defendant Byong Chun Min, Jason S Min by Judge Dean D. Pregerson (lc) (Entered: 02/11/2016)
02/16/2016	<u>40</u>	ARREST WARRANT RETURNED Executed on 1/29/16 as to Defendant Jason S Min. (lc) (Entered: 02/17/2016)
02/29/2016	<u>42</u>	STIPULATION to Continue Trial Date from March 29, 2016 to November 8, 2016 filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 02/29/2016)

03/01/2016	<u>43</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Dean D. Pregerson as to Defendant Byong Chun Min, Jason S Min. Jury Trial continued to 11/8/2016 09:00 AM. (lc) Modified on 3/1/2016 (lc). (Entered: 03/01/2016)
04/08/2016	<u>44</u>	REQUEST TO SUBSTITUTE ATTORNEY Pio S. Kim in place of attorney Carlos L. Huarez Filed by Plaintiff Jason S Min as to Defendant Byong Chun Min, Jason S Min. (Attachments: # <u>1</u> Proposed Order) (Attorney Pio S Kim added to party Jason S Min(pty:dft)) (Kim, Pio) (Entered: 04/08/2016)
04/12/2016	<u>45</u>	ORDER by Judge Dean D. Pregerson: granting <u>44</u> REQUEST TO SUBSTITUTE ATTORNEY Pio S. Kim in place of attorney Carlos L. Huarez to Defendant Jason S Min (2). (lc) (Entered: 04/13/2016)
06/21/2016	<u>50</u>	ORDER OF THE CHIEF JUDGE (#16-062) approved by Chief Judge George H. King. IT IS ORDERED, with the concurrence of the Case Management and Assignment Committee, that this case be reassigned from the calendar of Judge Dean D. Pregerson to the calendar of Judge David O. Carter. The case number will now reflect the initials of the transferee Judge 2:16-cr-00018 DOC (rn) (Entered: 06/21/2016)
08/17/2016	<u>60</u>	WAIVER OF INDICTMENT filed by Plaintiff USA as to Defendant Jason S Min (McLain, Byron) (Entered: 08/17/2016)
08/17/2016	<u>61</u>	SUPERSEDING INFORMATION FOR JASON S. MIN filed by Plaintiff USA as to Defendant Jason S Min (McLain, Byron) (Entered: 08/17/2016)
08/17/2016	<u>62</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Jason S Min (McLain, Byron) (Entered: 08/17/2016)
08/18/2016	<u>63</u>	SCHEDULING NOTICE by Judge David O. Carter as to Defendant Jason S Min. Change of Plea Hearing set for 9/6/2016 @ 7:30 AM before Judge David O. Carter. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dgo) TEXT ONLY ENTRY (Entered: 08/18/2016)
09/06/2016	<u>68</u>	WAIVER OF INDICTMENT by Defendant Jason S. Min before Judge David O. Carter. (dgo) (Entered: 09/07/2016)
09/06/2016	<u>69</u>	MINUTES OF ARRAIGNMENT ON FIRST SUPERSEDING INFORMATION held before Judge David O. Carter as to Defendant Jason S Min. Defendant enters plea of Not Guilty to all counts as charged. Court Reporter: CourtSmart; AUSA: Byron J. McLain; Defendant Attorney Pio S. Kim, Retained. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY. (dgo) (Entered: 09/07/2016)
09/06/2016	<u>70</u>	MINUTES OF Change of Plea Hearing held before Judge David O. Carter as to Defendant Jason S Min. Defendant sworn. Court questions defendant regarding the plea. The Defendant Jason S Min (2) pleads GUILTY to Count 1s of the Superseding Information. The plea is accepted. The Court ORDERS the preparation of a Presentence Report. Sentencing set for 12/5/2016 @ 1:30 PM before Judge David O. Carter. Court Reporter: CourtSmart; AUSA: Byron J. McLain; Defendant Attorney: Pio S. Kim, Retained. THERE IS NO PDF

		DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY. (dgo) (Entered: 09/07/2016)
09/09/2016	<u>72</u>	NOTICE of Manual Filing of Under Seal Documents filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min (McLain, Byron) (Entered: 09/09/2016)
09/09/2016	<u>74</u>	SEALED DOCUMENT RE EX PARTE APPLICATION TO SEAL. (dv) (Entered: 09/12/2016)
09/09/2016	<u>75</u>	SEALED DOCUMENT RE ORDER SEALING DOCUMENT. (dv) (Entered: 09/12/2016)
09/09/2016	<u>76</u>	SEALED DOCUMENT RE DOCUMENT FILED UNDER SEAL. (dv) (Entered: 09/12/2016)
09/09/2016	<u>77</u>	SEALED DOCUMENT RE DOCUMENT FILED UNDER SEAL. (dv) (Entered: 09/12/2016)
11/17/2016	<u>82</u>	STIPULATION to Continue Sentencing from December 5, 2016 to January 23, 2017 filed by Plaintiff USA as to Defendant Jason S Min (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 11/17/2016)
11/22/2016	<u>83</u>	ORDER TO CONTINUE Sentencing by Judge David O. Carter as to Defendant Jason S Min. FOR GOOD CAUSE SHOWN, the Court GRANTS the Application and ORDERS that the sentencing hearing for defendant Jason Min ("defendant"), will take place at 7:30 a.m. on February 6, 2017. Defendant's currently scheduled sentencing hearing on December 5, 2016 is vacated. (dv) (Entered: 11/22/2016)
12/20/2016	<u>84</u>	POSITION WITH RESPECT TO SENTENCING FACTORS filed by Plaintiff USA as to Defendant Jason S Min " <i>GOVERNMENT'S SENTENCING POSITION REGARDING DEFENDANT JASON S. MIN</i> " (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(McLain, Byron) (Entered: 12/20/2016)
12/30/2016	<u>89</u>	POSITION WITH RESPECT TO PRESENTENCE REPORT filed by Plaintiff USA as to Defendant Jason S Min (McLain, Byron) (Entered: 12/30/2016)
12/30/2016	<u>90</u>	NOTICE of Errata filed by Plaintiff USA as to Defendant Byong Chun Min, Jason S Min RE: Position with Respect to Presentence Report/Sentencing Factors <u>89</u> . (McLain, Byron) (Entered: 12/30/2016)
01/17/2017	<u>96</u>	SCHEDULING NOTICE by Judge David O. Carter as to Defendant Jason S Min: The Sentencing previously scheduled for 2/6/2017 @ 7:30 AM has been rescheduled. Sentencing set for 2/2/2017 @ 1:30 PM before Judge David O. Carter. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dgo) TEXT ONLY ENTRY (Entered: 01/17/2017)
01/23/2017	<u>97</u>	SENTENCING MEMORANDUM filed by Plaintiff Jason S Min as to Defendant Byong Chun Min, Jason S Min (Attachments: # <u>1</u> Declaration Byong Chun Min, # <u>2</u> Declaration Dr. Sangjun Byeon, # <u>3</u> Declaration Dr. Jae Man Park)(Kim, Pio) (Entered: 01/23/2017)
02/02/2017	<u>101</u>	

		MINUTES OF SENTENCING Hearing held before Judge David O. Carter as to Defendant Jason S Min. Defendant Jason S Min (2), Count(s) 1s, Committed on the Single-Count Superseding Information to the custody of the Bureau of Prisons for a term of 22 months and one day. Pay \$100 special assessment. All fines are waived. Placed on supervised release for 2 years under terms and conditions of US Probation Office and General Order 05-02. Count(s) 1-6, 7-12, 13-14, All underlying remaining counts DISMISSED by motion of the Government. Defendant to surrender on 4/24/2017 by 12:00 noon. Bond exonerated upon surrender. Defendant advised of right to appeal. The Court recommends a facility in Southern California due to close family ties. Court Reporter: Debbie Gale. (mt) (Entered: 02/03/2017)
02/02/2017	<u>102</u>	JUDGMENT AND COMMITMENT by Judge David O. Carter as to Defendant Jason S Min (2), Count(s) 1s, Committed on the Single-Count Superseding Information to the custody of the Bureau of Prisons for a term of 22 months and one day. Pay \$100 special assessment. All fines are waived. Placed on supervised release for 2 years under terms and conditions of US Probation Office and General Order 05-02. Count(s) 1-6, 7-12, 13-14, All underlying remaining counts DISMISSED by motion of the Government. (mt) (Entered: 02/04/2017)
02/16/2017	<u>104</u>	AMENDED JUDGMENT 2/16/17 TO REMOVE THE LANGUAGE "AND ONE DAY" AFTER TERM OF 22 MONTHS by Judge David O. Carter as to Defendant Jason S Min (2), Count(s) 1s, Committed on the Single-Count Superseding Information to the custody of the Bureau of Prisons for a term of 22 months. Pay \$100 special assessment. All fines are waived. Placed on supervised release for 2 years under terms and conditions of US Probation Office and General Order 05-02. Count(s) 1-6, 13-14, 7-12, All underlying remaining counts DISMISSED by motion of the Government. (mt) (Entered: 02/16/2017)
04/25/2017	<u>106</u>	VERIFICATION OF SURRENDER as to Jason S Min. The defendant was ordered to self-surrender to begin serving their sentence of imprisonment on 4/24/2017. The bond may be exonerated pending the verification as to whether the defendant is being electronically monitored by the U.S. Probation Office; confined to the custody of the Bureau of Prisons; or completed their jail time. As of 4/25/2017, it was verified the defendant has surrendered to the Bureau of Prisons. (lwag) (Entered: 04/25/2017)

PACER Service Center			
Transaction Receipt			
06/26/2018 16:19:17			
<b>PACER Login:</b>	Odlegal94612:2536794:0	<b>Client Code:</b>	AFU
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:16-cr-00018- DOC End date: 6/26/2018
	6	<b>Cost:</b>	0.60

<b>Billable</b>			
<b>Pages:</b>			