

CLOSED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CRIMINAL DOCKET FOR CASE #: 2:97-cr-00276-EJG-1**

Case title: USA v. Anderson

Date Filed: 05/22/1997

Date Terminated: 09/22/1997

Assigned to: Senior Judge Edward J.
Garcia

Defendant (1)

David P Anderson

DC

TERMINATED: 09/22/1997

represented by **Joseph A Milchen**

Law Offices of Joseph A Milchen

136 Redwood Street

San Diego, CA 92103-5690

619-574-1888

TERMINATED: 09/22/1997

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

18:1341.F Mail Fraud

(1)

26:7206A.F Subscribing to False Tax
Return

(2)

Disposition

8 months imprisonment per count;
recommendation to serve at Cornell or
Pacific Furlough; surrender date
10/27/97; termed supervisory release 36
months; fine \$5,000; S/A \$150

8 months imprisonment per count;
recommendation to serve at Cornell or
Pacific Furlough; surrender date
10/27/97; termed supervisory release 36
months; fine \$5,000; S/A \$150

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Eugene G. Illovsky**
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
650-813-5818
Fax: 650-494-0792
Email: eillovsky@mof.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/22/1997	1	INFORMATION by US Attorney Eugene Illovsky naming David P Anderson (1) count(s) 1, 2 (nnd) (Entered: 05/23/1997)
05/22/1997	2	LETTER to court from counsel for USA that the Hon GEB was not in USAtty's office (nnd) (Entered: 05/23/1997)
05/28/1997	3	NOTICE TO APPEAR arraignment set for 2:00 6/19/97 for David P Anderson (nnd) (Entered: 05/28/1997)
05/28/1997	4	RELATED CASE NOTICE by plaintiff USA relating 2:96-cv-012 with 2:97-cv-271, 2:97-cv-272, 2:97-cv-273, 2:97-cv-274, and 2:97-cv-277 (old) (Entered: 05/29/1997)
06/02/1997	5	RELATED CASE ORDER by Judge Edward J. Garcia relating case(s) CR S 95-379, CR S 97-271, 97-272, 97-273, 97-274, 97-276 and CR S 97-277 EJJ , Case reassigned to Judge Edward J. Garcia for all further proceedings and any dates currently set in the reassigned case ONLY are hereby VACATED; ALL DDLs VACATED ; IT IS FURTHER ORDERED that the Clerk of the Court make appropriate adjustment in the reassignment of criminal cases to compensate for this reassignment (cc: all counsel) (old) (Entered: 06/02/1997)
06/17/1997	6	NOTICE of hearing by USA arraignment set for 6/19/97 before Judge Nowinski is vacated ; dft to enter guilty plea before Judge Garcia on 7/14/97 at 9am (old) (Entered: 06/20/1997)
07/14/1997	7	MINUTES before Judge Edward J. Garcia David P Anderson enters guilty plea as charged , sentencing hearing set for 9/22/97 for David P Anderson C/R McNamara (old) (Entered: 07/16/1997)
07/14/1997	8	MEMORANDUM OF PLEA Agreement as to David P Anderson (old) (Entered: 07/16/1997)

07/14/1997	9	WAIVER of Indictment by plaintiff USA (old) (Entered: 07/16/1997)
07/14/1997	10	SCHEDULE FOR DISCLOSURE OF PSR as to defendant David P Anderson (old) (Entered: 07/16/1997)
07/14/1997	11	NOTICE to dft being released (old) (Entered: 07/16/1997)
08/22/1997	12	RELATED CASE ORDER by Judge Edward J. Garcia ORDERED that relating case 2:97cr276 with member of case 2:96cr466 (cc: all counsel) (nnd) (Entered: 08/22/1997)
09/18/1997	13	RELATED CASE ORDER by Judge Edward J. Garcia relating case cr 97-276 with member cases cr 97-463 and cr 97-464 (cc: all counsel) (nnd) (Entered: 09/19/1997)
09/22/1997	14	MINUTES before Judge Edward J. Garcia sentencing David P Anderson (1) count(s) 1, 2; 8 months imprisonment per count recommendation to serve at Cornell or Pacific Furlough; surrender date 10/27/97; termed supervisory release 36 months; fine \$5,000; S/A \$150 , terminating defendant David P Anderson case terminated ; court grants 5K1.1 request; C/R McNamara (old) Modified on 09/26/1997 (Entered: 09/26/1997)
09/22/1997	15	LETTER OF REQUEST by plaintiff USA for Section 5K1.1 re sentencing guideline range for dft (old) Modified on 09/26/1997 (Entered: 09/26/1997)
09/29/1997	16	JUDGMENT and Commitment issued as to David P Anderson by Judge Edward J. Garcia (old) (Entered: 10/01/1997)
11/06/1997	17	RELATED CASE ORDER by Judge Edward J. Garcia RELATING new case 2:97-cr-512 with lead case 2:95-cr-379 (cc: all counsel) (kdc) (Entered: 11/06/1997)
11/13/1997	18	JUDGMENT and Commitment returned executed on 10/27/97 as to David P Anderson (old) (Entered: 11/14/1997)
12/12/1997	19	RELATED CASE ORDER by Judge Edward J Garcia ORDERING: the action denominated 2:96-cr-104 GEB is hereby reassigned to to Judge Garcia; the clerk is to make appropriate adjustment the assignment of criminal cases (cc: all counsel) (old) (Entered: 12/12/1997)
02/06/1998	20	RELATED CASE NOTICE by plaintiff USA (ljr) (Entered: 02/09/1998)
02/11/1998	21	RELATED CASE ORDER by Judge Edward J. Garcia ORDERED that relating case 2:97cr276 with member of case 2:97cr578 (cc: all counsel) (nnd) Modified on 02/13/1998 (Entered: 02/11/1998)
04/16/1998	22	NOTICE of related cases by plaintiff USA regarding 2:98CR173 WBS and 2:98CR175 MLS (pb) (Entered: 04/17/1998)
04/27/1998	23	RELATED CASE ORDER by Judge Edward J. Garcia relating case 2:97cr276 with member of cases 2:98cr173 and 2:98cr175 (cc: all counsel) (nnd) (Entered: 04/27/1998)
05/08/1998	24	NOTICE by plaintiff USA relating CR F-98-5079 REC to this case (old) (Entered: 05/11/1998)

07/10/1998	25	RELATED CASE ORDER by Judge Edward J. Garcia CRS 98-079 GEB is REASSIGNED to EJG (cc: all counsel) (ljr) (Entered: 07/10/1998)
07/14/1998	26	NOTICE of related cases by plaintiff USA re CRS 98-297 WBS (ljr) (Entered: 07/16/1998)
07/16/1998	27	RELATED CASE ORDER by Judge Edward J. Garcia CRS 98-297 WBS is REASSIGNED to EJG (cc: all counsel) (ljr) (Entered: 07/16/1998)
08/06/1998	28	NOTICE by plaintiff USA of related cases (old) (Entered: 08/07/1998)
08/10/1998	29	RELATED CASE ORDER by Judge Edward J. Garcia ORDERING relating LEAD case(s) 2:95-cr-379 EJG with member cases 2:98-cr-143 ; CRS 98-143 DFL REASSIGNED to EJG; reassigned case shall be shown as CR S 98-143 EJGJ (cc: all counsel) (ljr) (Entered: 08/10/1998)
08/11/1998	30	NOTICE by plaintiff USA of related cases (old) (Entered: 08/12/1998)
08/17/1998	31	RELATED CASE ORDER by Judge Edward J. Garcia ORDERING relating LEAD case 2:95-cr-379 with member cases 2:98-cr-346 ; CR S 98-346 LKK REASSIGNED to EJG (cc: all counsel) (ljr) (Entered: 08/17/1998)
10/01/1998	32	NOTICE by plaintiff USA of related case CR S-98-383 DFL (kh) Modified on 10/19/1998 (Entered: 10/06/1998)
11/24/1998	33	MOTION to compel specific performance by USA , hearing set for 9:00 12/14/98 by USA as to David P Anderson (ljr) (Entered: 11/25/1998)
11/24/1998	34	NOTICE by plaintiff USA to compel specific performance [33-1] (ljr) (Entered: 11/25/1998)
12/07/1998		LODGED Substitution of Attorneys by defendant David P Anderson in 2:97-cr-00276 (old) (Entered: 12/08/1998)
12/09/1998	35	ORDER by Judge Edward J. Garcia lodged substitution of David Anderson substitutes himself as atty in place of Joseph Milchen re order approving substitution of attys STRICKEN (cc: all counsel) (ljr) (Entered: 12/09/1998)
12/14/1998	36	MINUTES before Judge Edward J. Garcia govt's motion to compel specific performance [33-1]; no appearance by dft; Court ORDERS no bail bench warrant; upon execution of warrant; dft to be brought before this court forthwith; 10:45 dft appears; directed to FD ofc; bench warrant recalled; further status hearing set for 12/21/98 for David P Anderson C/R Dennis McKinnon (ljr) (Entered: 12/15/1998)
12/15/1998	37	CJA Form 23 (Financial Affidavit) as to David P Anderson (mll) (Entered: 12/16/1998)
12/21/1998	38	MINUTES before Judge Edward J. Garcia status hearing CONTINUED for 9:00 1/19/99 for David P Anderson (ljr) (Entered: 12/22/1998)
01/13/1999	39	MEMORANDUM by plaintiff USA in 2:97-cr-00276 re Scheduling order status hearing CONTINUED for 9:00 1/19/99 for David P Anderson [38-1] (ljr) (Entered: 01/21/1999)
12/01/1999	40	

		NOTICE of related cases by plaintiff 97-cr-276 ...99-cr-450 (ch) (Entered: 12/02/1999)
01/31/2000	<u>41</u>	RELATED CASE ORDER by Judge Edward J. Garcia ordering that case 2:97cr276 is related to member case numbers 2:95cr379, 2:95cr433, 2:95cr435, 2:95cr440, 2:96cr012, 2:96cr153, 2:96cr154, 2:96cr156, 2:96cr157, 2:95cr431, 2:97cr018, 2:97cr043, 2:97cr271, 2:97cr272, 2:97cr273, 2:97cr274, 2:97cr276, 2:97cr277, 2:96cr466, 2:97cr463, 2:97cr464, 2:97cr512, 2:96cr104, 2:97cr578, 2:98cr173, 2:98cr175, 2:98cr079, 2:98cr297, 2:98cr143, 2:98cr346, 2:98cr383, 2:99cr450, 2:00cr025 (cc: all counsel) (as) (Entered: 01/31/2000)
09/12/2002	42	RELEASE of Lien for Fine/Restitution by plaintiff USA (mm1) (Entered: 09/13/2002)

PACER Service Center			
Transaction Receipt			
09/13/2017 14:13:48			
PACER Login:	di0237:2536794:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:97-cr-00276-EJG
Billable Pages:	3	Cost:	0.30

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of Revoked License of:

DAVID P ANDERSON,

Respondent.

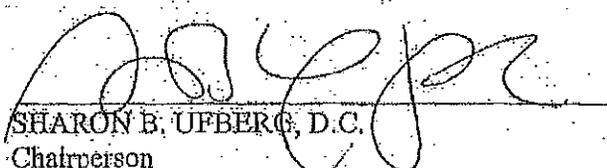
OAH No. N-2002040608

DECISION

The attached Decision of the Administrative Law Judge is hereby adopted by the
Board of Chiropractic Examiners as its Decision in the above-entitled matter.

This Decision shall become effective on August 1, 2002.

IT IS SO ORDERED July 19, 2002.


SHARON B. UFBERG, D.C.
Chairperson
Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of Revoked License of:

DAVID PAUL ANDERSON,

Petitioner.

OAH No. N2002040608

DECISION

On May 23, 2002, in Sacramento, California, the Board of Chiropractic Examiners ("Board"), Department of Consumer Affairs, State of California, heard this matter. Board members present were: Sharon B. Ufberg, D.C., Chairperson; Jeffrey M. Steinhardt, D.C., Vice-Chairperson; Ronald G. Heyes, D.C.; and John A. Marder, Public Member. Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Jana L. Tuton, Deputy Attorney General, represented the complainant.

David Paul Anderson, petitioner, appeared in his own behalf.

Evidence was received, the record was closed and the matter was submitted.

FACTUAL FINDINGS

1. On or about April 23, 2002, petitioner filed a Petition for Reinstatement of Revoked License and the matter was set for hearing before the Board.

2. On or about January 1, 1990, the Board issued Chiropractic license number 20105 to petitioner.

Effective March 2, 1999, in Case No. 1998-71, the Board, pursuant to a Stipulation for Surrender of License, accepted the surrender of petitioner's Chiropractic license in lieu of hearing for violation of Business and Professions Code section 1000-10.

3. After receiving his license in January 1990, petitioner worked for an established chiropractor before starting his own private practice in January 1991. In January 1992, petitioner entered into an arrangement with a law firm whereby petitioner paid a referral fee for each accident victim referred to him for chiropractic care. Petitioner voluntarily stopped participating in the scheme in 1995, a year before law enforcement contacted him about it. Petitioner admitted that his participation in the scheme cost insurance companies approximately \$83,000.

As a result of his criminal conviction, petitioner served eight months in a half-way house and three years on probation. He was released from probation in 2001. Since his conviction, petitioner has worked at various jobs to support his chronically ill wife and four of their five children who are still living at home. He is presently working two jobs. He readily admits that what he did was wrong and says he has learned his lesson.

While practicing chiropractic, petitioner used a diversified approach and worked hard to provide quality care.

Petitioner is active in his church where he works with the children's ministry and helps with church projects. He provided a letter of support from his pastor. He also volunteers at his daughter's school once a week.

Petitioner misses practicing chiropractic and wants to return to it. He has taken continuing education courses to maintain his knowledge and skill.

Petitioner was credible when he testified that he has learned his lesson and will not re-offend. He accepts responsibility for his actions and presented significant evidence of his efforts to rehabilitate himself and of his success in that endeavor.

LEGAL CONCLUSIONS

Petitioner established cause for restoration of his revoked chiropractic license pursuant to Business and Professions Code section 1000-10 and Government Code section 11522 as found in Finding 3.

ORDER

The Petition for Reinstatement of Revoked License of petitioner (respondent) David Paul Anderson is granted and his license is placed on probation for three years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all federal, state and local laws, and all statutes and regulations governing the practice of Chiropractic in California.

2. Quarterly Reports

Respondent shall submit quarterly reports under penalty of perjury on a form entitled "Quarterly Probation Report" (No. QPR100 (Rev. 1/99)), certifying and documenting whether there has been compliance with all conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made.

3. Probation Monitoring

Respondent shall pay the costs associated with probation monitoring each and every year of probation. Respondent shall comply with the Board's probation compliance monitoring program. Failure to pay costs or comply with probation monitoring shall be considered a violation of probation.

4. Interview with Board

Respondent shall appear in person for interviews with the Board's enforcement staff, the full Board, or its designee upon request at various intervals and with reasonable notice.

5. Continuing Education

Respondent shall provide evidence of continuing education, required for license renewal, if requested by the Board.

6. Telling of Probation

If respondent leaves California to reside or practice outside this state, or for any reason should respondent stop practicing chiropractic in California, respondent must notify the Board in writing of the dates of departure and return or the dates of non-practice within ten (10) days of departure or return. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in the practice of chiropractic as defined in section 302 of the California Code of Regulations. Periods of temporary residency or practice outside the state or of non-practice within the state shall not apply to reduction of the probationary period. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total, consecutive period of three (3) years.

7. No Preceptorships or Supervision of Interns

Respondent shall not supervise any intern and shall not perform any of the duties of a preceptor.

8. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been met or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

9. Notification of Employment

Within ten (10) days of a change in employment—either leaving or commencing employment—respondent shall so notify the Board in writing, including the address of the new employer.

10. Notice to Employers

Respondent shall notify all present and prospective employers of the decision in this case and the terms, conditions and restrictions imposed on respondent by the decision.

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking new employment, respondent shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in this case.

"Employment" within the meaning of this provision shall include any full-time, part-time or temporary service as a chiropractor.

11. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the

circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation. Respondent shall relinquish his/her wall license and pocket renewal license to the Board or its designee within ten (10) days from the date of acceptance.

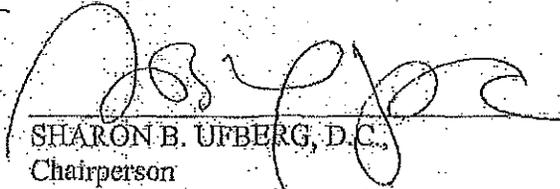
12. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

13. Supervision of Practice

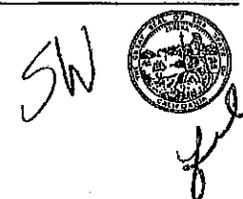
During the first year of this probation, respondent shall submit to the Board, for its prior approval, a plan of practice in which respondent's practice shall be supervised by another doctor of chiropractic including the name and qualifications of three proposed supervisors. Each proposed supervisor shall be a California licensed chiropractor, who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. Respondent shall not practice until he has received notification that the Board has approved his/her supervisor. It shall be the respondent's responsibility to assure that the required reports are filed in a timely fashion. Respondent shall give the supervisor access to the respondent's fiscal and patient records. The supervisor shall be independent, with no prior business professional or personal relationship with respondent. If the supervisor resigns or is no longer available, respondent shall, within 15 days, move to have a new monitor appointed, through nomination by respondent and approval by the Board. Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face-to-face meetings. Failure to comply with this condition shall be considered a violation of probation.

Dated: July 19, 2002


SHARON B. UFBERG, D.C.
Chairperson
Board Of Chiropractic Examiners

DEPARTMENT OF HEALTH SERVICES

714/744 P Street
P.O. Box 942732
Sacramento, CA 94234-7320
FAX: (916) 657-3017



DEC 13 2001

David P. Anderson
2535 Camino Del Rio, Suite 245
San Diego, California 92108

Chiropractor;
License DC20105;
DOB: 07/20/59;
SSN: 141-58-0317;
PROVIDER NO.: DC0201050

Dear Mr. Anderson:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by M. Joanne Lanahan, Reviewing Official, Health Care Program Exclusions, Office of Counsel to the Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective September 20, 2001. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program.

Pursuant to Welfare and Institutions Code, section 14123, subdivision (b), the Department's Director is required to suspend any provider or other individual practitioner from participation in the Title XIX Medicaid (Medi-Cal) program for the same period as the practitioner is excluded from participation in the Federal Medicare program.

A provider of services is defined in Welfare and Institutions, section 14043.1, subdivision (e) as any individual, partnership, group, association, corporation, institution, or entity, and the officers, directors, owners, managing employees, or agents of any partnership, group, association, corporation, institution, or entity, that provides services, goods, supplies, or merchandise, directly or indirectly, to a Medi-Cal beneficiary and that has been enrolled in the Medi-Cal program.

Therefore, pursuant to the authority delegated to me by the Director, of the Department of Health Services you are hereby notified that you are suspended from participation in the Medi-Cal program, effective September 20, 2001. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. Additionally, no provider numbers may be issued to you or to any other person, entity, or employer on your behalf prior to your reinstatement to the Medicare program by the Office of the

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Inspector General, and to the Medi-Cal program by the Department of Health Services. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted.

Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51484, 51458.1, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

You will be eligible to petition the Department for consideration of reinstatement to the Medi-Cal program subsequent to your reinstatement as a provider of services in the Federal Medicare program.

If you have any questions about this action, please submit your concerns, in writing, to Sherry A. Detwiler-Cummins, Senior Legal Analyst, at the above address.

Sincerely,

Nancy A. Grace
for Sheila C. Nolan
Assistant Chief Counsel

cc: See next page.

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