

FILED

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FEDERAL DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2008 Grand Jury

CR08-01084

9 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 v.)
12 ARMEN SHAGOYAN,)
13 aka "L.B.",)
14 EDWARD ASLANYAN,)
15 aka "Eduardo Aslanyan")
16 CAROLYN ANN VASQUEZ,)
17 aka "Kat", and)
18 ZURAMA CLAUDINA ESPANA,)
19 Defendants.)

CR No. 08-

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to Commit Health Care Fraud; 18 U.S.C. § 1347: Health Care Fraud; 18 U.S.C. § 982(a)(7): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

A. GENERAL ALLEGATIONS

At all times relevant to this Indictment:

The Medicare Program

1. The Medicare Program ("Medicare") was a federal health care program providing benefits to individuals who were over the age of sixty-five or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services ("CMS"), a federal

JH:jh

1 agency under the United States Department of Health and Human
2 Services. Medicare was a "health care benefit program" as
3 defined by Title 18, United States Code, Section 24(b).

4 2. Medicare was subdivided into several parts, including
5 Medicare Part A and Medicare Part B. Medicare Part A covered
6 inpatient care in hospitals, skilled nursing facilities, hospice
7 care, and home health care. Medicare Part B covered physician's
8 services and outpatient care, including an individual's access to
9 re-usable, or durable, medical equipment ("DME"), such as
10 motorized wheelchairs, hospital beds, and orthotic devices.

11 3. An individual who, or a company that, supplied power
12 wheelchairs could customize or upgrade the wheelchairs by adding
13 various accessories to the power wheelchairs. These accessories
14 included, but were not limited to, adjustable and detachable arm
15 rests, positioning and safety belts, pelvic straps, reclining
16 backs, acid lead batteries, tubes for pneumatic drive, seat
17 cushions, captain's chairs, and tire pressure tubes (collectively
18 "wheelchair accessories").

19 4. CMS contracted with Durable Medical Equipment Regional
20 Carriers ("DMERCS") to issue Local Coverage Determinations and
21 process claims for reimbursement submitted by DME suppliers.

22 5. Individuals who qualified for Medicare benefits were
23 referred to as Medicare "beneficiaries." Each beneficiary was
24 given a unique Medicare identification number.

25 6. DME companies, pharmacies, physicians, and other health
26 care providers that provided services to Medicare beneficiaries
27 were referred to as Medicare "providers." In order to
28 participate in Medicare, providers were required to submit an

1 application in which the providers agreed to comply with all
2 Medicare-related laws and regulations. If Medicare approved a
3 provider's application, Medicare assigned the provider a Medicare
4 "provider number." A health care provider with a Medicare
5 provider number could file claims with Medicare to obtain
6 reimbursement for services rendered to beneficiaries.

7 7. Medicare reimbursed providers, including DME companies,
8 for services rendered to beneficiaries. To receive reimbursement
9 from Medicare, providers submitted or caused the submission of
10 claims to Medicare for payment of services to beneficiaries,
11 either directly or through a billing company.

12 8. Medicare would generally pay reimbursement for DME only
13 if the DME was prescribed by the beneficiary's physician; the DME
14 was medically necessary to the treatment of the beneficiary's
15 illness or injury; and the DME companies provided the DME in
16 accordance with Medicare guidelines and regulations, including
17 Local Coverage Determinations ("LCDs") issued by DMERCS.

18 9. Two of the DMERCS that processed and paid Medicare DME
19 claims in Southern California were Noridian and Cigna, which were
20 DMERCS for Region D, the Western United States.

21 10. In order to bill Medicare for DME provided to a
22 beneficiary, a provider submitted a claim form (Form 1500) to
23 Noridian or Cigna. When a Form 1500 was submitted, usually in
24 electronic form, the provider certified: (1) that the contents
25 of the form were true, correct, and complete; (2) that the form
26 was prepared in compliance with the laws and regulations
27 governing Medicare; and (3) that the contents of the claim were
28 medically necessary.

1 11. A Medicare claim for reimbursement was required to set
2 forth, among other things, the beneficiary's name and unique
3 Medicare identification number; the service, equipment, or
4 medicine provided to the beneficiary; the date that the service,
5 equipment or medicine was provided; the cost of the service,
6 equipment, or medicine; and the name and unique physician
7 identification number of the physician who prescribed or ordered
8 the service, equipment or medicine.

9 12. Under the laws and regulations of the State of
10 California, a Physician Assistant could provide only those
11 medical services that the Physician Assistant was competent to
12 perform; that were consistent with the Physician Assistant's
13 education, training, and experience; and that were delegated in
14 writing by a "Supervising Physician" in a "Delegation of Services
15 Agreement" signed and dated by the Physician Assistant and the
16 Supervising Physician.

17 The Defendants

18 13. Defendants ARMEN SHAGOYAN ("SHAGOYAN"), also known as
19 "L.B.," and EDWARD ASLANYAN ("ASLANYAN"), also known as "Eduardo
20 Aslanyan" and "Eduard Aslanyan," owned, operated, and controlled
21 a company called Multiple Trading, Inc. ("Multiple Trading"),
22 which purported to do business at 6308 Woodman Avenue, Los
23 Angeles County, Van Nuys, California, within the Central District
24 of California.

25 14. Multiple Trading did business under the fictitious
26 business name "Advanced Medical Services."

27 15. Through Multiple Trading, defendants ASLANYAN and
28 SHAGOYAN owned, operated, and controlled medical clinics. Two of

1 the medical clinics defendants ASLANYAN and SHAGOYAN owned,
2 operated, or controlled were located at 231 West Vernon Avenue
3 (the "West Vernon Clinic"), Los Angeles County, Los Angeles,
4 California, and 7220 Woodman Avenue, Van Nuys, California (the
5 "Woodman Clinic"), within the Central District of California.

6 16. Defendant CAROLYN ANN VASQUEZ ("VASQUEZ"), also known
7 as "Kat", managed the West Vernon and the Woodman Clinics and
8 hired physicians, physician assistants, and others to staff the
9 clinics.

10 17. Defendant ZURAMA CLAUDINA ESPANA ("ESPANA") was a
11 physician assistant hired by defendant VASQUEZ to work at the
12 Woodman Clinic.

13 18. Defendants ASLANYAN and SHAGOYAN also owned, operated,
14 and controlled various DME companies, including but not limited
15 to Vila Medical Supply, Inc. ("Vila Medical"), which purported to
16 do business at 14545 Friar Street, Van Nuys, California; Lily
17 Medical Equipment Supplier, Inc. ("Lily Medical"), which
18 purported to do business at 2099 South Atlantic Boulevard,
19 Monterey Park, California; and Blanc Medical Supplies, Inc.
20 ("Blanc Medical"), which purported to do business at 10983
21 Glenoaks Boulevard, Pacoima, California, within the Central
22 District of California.

23 19. Vila Medical was a Medicare provider with a Medicare
24 provider number and purported to provide, among other things,
25 power wheelchairs and wheelchair accessories to Medicare
26 beneficiaries.

27 20. Lily Medical was a Medicare provider with a Medicare
28 provider number, and purported to provide, among other things,

1 power wheelchairs and wheelchair accessories to Medicare
2 beneficiaries.

3 21. Blanc Medical was a Medicare provider with a Medicare
4 provider number, and purported to provide, among other things,
5 power wheelchairs and wheelchair accessories to Medicare
6 beneficiaries.

7 B. OBJECT OF THE CONSPIRACY

8 22. Beginning in or about April 2007 and continuing to in
9 or about June 2008, in Los Angeles County, within the Central
10 District of California, and elsewhere, defendants ASLANYAN,
11 SHAGOYAN, VASQUEZ, and ESPANA, together with others known and
12 unknown to the Grand Jury, knowingly and intentionally combined,
13 conspired, and agreed to execute a scheme and artifice to defraud
14 a health care benefit program affecting commerce, that is,
15 Medicare, and to obtain, by means of materially false and
16 fraudulent pretenses, representations, and promises, and the
17 concealment of material facts, money and property owned by, and
18 under the custody and control of Medicare, in connection with the
19 delivery of and payment for health care benefits, items, and
20 services, in violation of Title 18, United States Code, Section
21 1347.

22 C. MANNER AND MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS
23 TO BE ACCOMPLISHED

24 The manner and means by which defendants SHAGOYAN, ASLANYAN,
25 VASQUEZ, and ESPANA, together with others known and unknown to
26 the Grand Jury, were to accomplish the object of the conspiracy
27 included, among others, the following:
28

1 23. Defendant ASLANYAN caused the filing of articles of
2 incorporation for Multiple Trading with the State of California
3 listing himself as registered agent.

4 24. Defendant VASQUEZ caused the filing of a statement of
5 information with the State of California, on behalf of Multiple
6 Trading, listing herself as the chief executive officer,
7 secretary, and registered agent of Multiple Trading.

8 25. Defendant VASQUEZ caused to be filed a fictitious
9 business name statement to do business as "Advanced Medical
10 Services," at 231 West Vernon Avenue, Los Angeles County, Van
11 Nuys, California, within the Central District of California.

12 26. Defendant SHAGOYAN submitted a Medicare application on
13 behalf of Vila Medical listing himself as Vila Medical's Chief
14 Executive Officer and director, and obtained a Medicare provider
15 number.

16 27. In or about April or May, 2007, defendants SHAGOYAN and
17 ASLANYAN purchased Blanc Medical pursuant to a verbal agreement
18 by which G.D. remained the nominee owner of Blanc Medical, but
19 transferred beneficial ownership to defendants SHAGOYAN and
20 ASLANYAN around April or May, 2007.

21 28. Defendant VASQUEZ hired physicians to obtain use of
22 their Medicare provider numbers.

23 29. In one instance, defendant VASQUEZ caused the name and
24 Medicare provider number of L.L., a physician who had applied for
25 a job at Advanced Medical, to be printed on a prescription pad
26 and used without L.L.'s permission.

27 30. Defendant VASQUEZ hired Physician Assistants, including
28 defendant ESPANA, to write unnecessary prescriptions for power

1 wheelchairs, wheelchair accessories, and other DME at the West
2 Vernon and Woodman Clinics.

3 31. Between in or about late November 2007 and in or about
4 January 2008, defendant ESPANA saw patients, performed physical
5 evaluations, referred patients for diagnostic testing, and wrote
6 prescriptions for power wheelchairs, wheelchair accessories, and
7 other DME under the names of various physicians who did not
8 supervise defendant ESPANA, and did not enter into a Delegation
9 of Services Agreement with defendant ESPANA.

10 32. In January 2008, defendant ESPANA recruited M.G., a
11 physician, to serve as her Supervising Physician at the Woodman
12 Clinic, and entered into a Delegation of Services Agreement with
13 M.G.

14 33. Between in or about January 2008 and June 2008,
15 defendant ESPANA saw patients, performed physical evaluations,
16 referred patients for diagnostic testing, and wrote prescriptions
17 for power wheelchairs, wheelchair accessories, and other DME
18 using M.G. as her Supervising Physician.

19 34. Defendants VASQUEZ and ASLANYAN instructed the
20 Physician Assistants who worked at West Vernon and Woodman
21 Clinics, including defendant ESPANA, to write prescriptions to
22 Medicare beneficiaries for power wheelchairs, wheelchair
23 accessories, and other DME even though the beneficiaries did not
24 need the power wheelchairs, power wheelchair accessories, or
25 other DME the Physician Assistants prescribed.

26 35. Defendants ASLANYAN and SHAGOYAN distributed the
27 fraudulent prescriptions for power wheelchairs, wheelchair
28 accessories, and other DME written at the West Vernon and Woodman

1 Clinics to Vila Medical, Lily Medical, Blanc Medical, and other
2 DME companies that defendants ASLANYAN and SHAGOYAN, and others
3 known and unknown to the Grand Jury, owned and controlled, in
4 order to bill Medicare for unnecessary power wheelchairs,
5 wheelchair accessories, and other DME.

6 36. As a result of this scheme, defendants ASLANYAN,
7 SHAGOYAN, VASQUEZ, and ESPANA, and others known and unknown to
8 the Grand Jury, filed and caused to be filed approximately
9 \$16,352,980 worth of false and fraudulent Medicare claims on
10 behalf of Vila Medical, Lily Medical, Blanc Medical, and other
11 DME companies, resulting in Medicare payments of approximately
12 \$10,032,659.

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COUNTS TWO THROUGH SEVEN

[18 U.S.C. § 1347, 18 U.S.C. § 2(b)]

D. GENERAL ALLEGATIONS

37. The allegations in paragraphs 1 through 21 of the General Allegations section of Count One of this Indictment are realleged and incorporated by reference as if fully set forth herein.

E. THE SCHEME TO DEFRAUD

38. Beginning in or about April 2007, and continuing to in or about June 2008, in Los Angeles County, within the Central District of California, and elsewhere, defendants ASLANYAN, SHAGOYAN, VASQUEZ, and ESPANA, together with others known and unknown to the Grand Jury, knowingly, willfully, and with intent to defraud, executed a scheme and artifice: (a) to defraud a health care benefit program, namely Medicare, as to material matters in connection with the delivery of and payment for health care benefits, items and services; and (b) to obtain money from Medicare by means of material false and fraudulent pretenses and representations and concealment of material facts in connection with the delivery of and payment for health care benefits, items, and services.

F. MEANS TO ACCOMPLISH THE FRAUDULENT SCHEME

39. The allegations in Paragraphs 22 through 36 of Count One of this Indictment are realleged and incorporated as though fully set forth herein.

G. THE EXECUTION OF THE FRAUDULENT SCHEME

40. On or about the dates set forth below, within the Central District of California and elsewhere, the following

1 defendants, together with others known and unknown to the Grand
 2 Jury, for the purpose executing and attempting to execute the
 3 fraudulent scheme described above, knowingly and willfully
 4 submitted and caused to be submitted to Medicare the following
 5 false and fraudulent claims for payment:

COUNT	DEFENDANTS	BENEFICIARY	APPROXIMATE DATE CLAIMS SUBMITTED	APPROXIMATE CLAIM AMOUNT
TWO	ASLANYAN SHAGOYAN VASQUEZ	A.C.	SEPTEMBER 5, 2007	\$5,675
THREE	ASLANYAN SHAGOYAN VASQUEZ	E.C.	SEPTEMBER 5, 2007	\$5,675
FOUR	ASLANYAN SHAGOYAN VASQUEZ ESPANA	R.R.	JANUARY 29, 2008	\$5,675
FIVE	ASLANYAN SHAGOYAN VASQUEZ ESPANA	H.B.	FEBRUARY 14, 2008	\$5,375
SIX	ASLANYAN SHAGOYAN VASQUEZ ESPANA	G.B.	FEBRUARY 14, 2008	\$5,375
SEVEN	ASLANYAN SHAGOYAN VASQUEZ ESPANA	S.B.	FEBRUARY 14, 2008	\$5,375

COUNT EIGHT

[18 U.S.C. § 982(a)(7), 21 U.S.C. § 853,
and 28 U.S.C. § 2461(c)].

41. The Grand Jury hereby realleges and incorporates by reference Counts One through Seven of this Indictment as though fully set forth herein, for the purpose of alleging forfeiture, pursuant to the provisions of Title 18, United States Code, Section 982(a)(7).

42. Counts One through Seven of this Indictment allege acts or activities constituting federal health care fraud offenses pursuant to Title 18, United States Code, Sections 1349 and 1347. Pursuant to Title 18, United States Code, Section 982(a)(7), upon conviction of a federal health care fraud offense, defendants ASLANYAN, SHAGOYAN, VASQUEZ, and ESPANA shall forfeit to the United States of America:

a. All right, title and interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such offense; and

b. A sum of money equal to the total amount of gross proceeds derived from such offense.

43. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and 28 U.S.C. § 2461(c), a defendant so convicted shall forfeit substitute property, up to the value of the amount described in paragraph 42, if, by any act or omission of said defendant, the property described in paragraph 42, or any portion thereof, cannot be located upon the exercise of due diligence;

1 has been transferred, sold to or deposited with a third party;
2 has been placed beyond the jurisdiction of this court; has been
3 substantially diminished in value; or has been commingled with
4 other property that cannot be divided without difficulty.

5 A TRUE BILL

6
7 *AS*

8 _____
9 Foreperson

10
11 THOMAS P. O'BRIEN
12 United States Attorney

13 *Christin Clark*

14 CHRISTINE C. EWELL
15 Assistant United States Attorney
16 Chief, Criminal Division

17 KIRK OGROSKY
18 Deputy Chief
19 Fraud Section, Criminal Division
20 United States Department of Justice

21 JONATHAN BAUM
22 Trial Attorney
23 Fraud Section, Criminal Division
24 United States Department of Justice

25 JOSEPH C. HUDZIK
26 Special Trial Attorney
27 Fraud Section, Criminal Division
28 United States Department of Justice

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. CR 08-1084(A)-CBM JS-3

Defendant ARMEN SHAGOYAN
akas: 'L.B.'

Social Security No.
(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH	DAY	YEAR
OCT.	28	2014

COUNSEL WITH COUNSEL John L. Carlton, appointed
(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:
Conspiracy to Commit Health Care Fraud in violation of Title 18 United States Code, Section 1349, 18 United States Code, Section 1347, as charged in the Count 1 of the Indictment.

JUDGMENT AND PROB/ COMM ORDER The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of: **(12) TWELVE MONTHS AND (1) ONE DAY.**

The Court ORDERS the defendant to pay to the United States a special assessment of \$100.00, to the Clerk of the Court, which is due immediately.

It is ordered that the defendant shall pay restitution in the total amount of \$20,000 to Medicare, pursuant to 18 U.S.C. § 3663A.

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least \$125 shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

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

The defendant shall be held jointly and severally liable with co-participants, Edward Aslanyan, Carolyn Ann Vasquez, Zurama Claudina Espana, and David James Garrison, for the amount of restitution ordered in this judgment. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives full restitution.

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

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Armen Shagoyan, is hereby committed on Count 1 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of **12 months and 1 day.**

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years under the following terms and conditions:

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

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2. The defendant shall comply with the rules and regulations of the U. S. Probation Office and General Order 318.
3. During the period of community supervision the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment.
4. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer.
5. The defendant shall cooperate in the collection of a DNA sample from the defendant.
6. The defendant shall not purchase, own, possess or have access to any firearms or ammunition.
7. The defendant shall, immediately upon commencement of community supervision, show proof of having disposed of all firearms in his possession and specifically the Beretta .40 caliber, semi-automatic pistol, serial No. BER283715.

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 on or before 12 noon, on **March 1, 2015**. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at the Roybal Federal Building, 244 East Temple Street, Los Angeles, California 90012.

The bond will be exonerated upon surrender. The Court informs the defendant of his right to appeal. On Government's motion, all remaining count(s)/underlying indictment/information are hereby ordered dismissed.

The Court recommends to the Bureau of Prisons that the defendant be designated to the Terminal Island facility. Justification is as stated today on the record. The transcript of this hearing is ordered UNDER SEAL, except the Court would approve the Government's request that to the extent that Government needs to provide a copy of this transcript to defense counsel consistent with their legal obligation, a copy of the transcript could be ordered, made and disclosed.

The Court further orders that in addition to the terms and conditions of supervised release, an additional condition is that the defendant shall make restitution consistent with this judgment and commitment order.

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.

10/30//2014

Date



Consuelo B. Marshall, Jr., 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.

Terry Nafisi, Clerk of U.S. District Court

10/30/2014

Filed Date

By Yolanda Skipper

Deputy Clerk

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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.

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

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

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

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

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

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

Payments shall be applied in the following order:

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

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SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

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

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

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

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

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

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.

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Clerk, U.S. District Court

By _____
Filed Date Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

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

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

(Signed) _____
Defendant Date

U. S. Probation Officer/Designated Witness Date