

17 MAG 8126

Approved: Michael C. McGinnis / Elizabeth A. Hanft
MICHAEL C. MCGINNIS / ELIZABETH A. HANFT
Assistant United States Attorneys

Before: THE HONORABLE BARBARA C. MOSES
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:
	:
- v. -	:
	:
SHARON WASHINGTON-BHAMRE,	:
	:
Defendant.	:
	:
	:
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SEALED COMPLAINT
Violation of
21 U.S.C. § 846
COUNTIES OF OFFENSE:
BRONX AND NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

KENNETH McGRAIL, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about December 2015, through in or about October 2017, in the Southern District of New York and elsewhere, SHARON WASHINGTON-BHAMRE, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree, together and with each other, to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that SHARON WASHINGTON-BHAMRE, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance that SHARON WASHINGTON-BHAMRE, the defendant, and others known and unknown, conspired to distribute and possess with intent to distribute was a

quantity of mixtures and substances containing a detectable amount of oxycodone, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

4. The bases for my knowledge and the foregoing charge are, in part, as follows:

5. I am a Special Agent with the DEA Tactical Diversion Squad ("TDS"). I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

BACKGROUND ON OXYCODONE AND OXYCODONE DIVERSION

6. I have personally participated in the investigation and prosecution of several schemes to illegally divert large amounts of oxycodone for resale. Based on my participation in these investigations, and my conversations with witnesses and review of records involved in these schemes, I know the following:

a. Oxycodone is a highly addictive, narcotic-strength opioid that is used to treat severe and chronic pain conditions, such as post-operative pain, severe back and orthopedic injuries, and pain associated with certain forms of cancer and other terminal illnesses. Oxycodone can be obtained from most pharmacies with a prescription written by a treating physician, and is typically dispensed in tablet form, with dosages varying between 5 milligrams and 80 milligrams.

b. Oxycodone is a Schedule II narcotic, meaning that it is a "controlled substance" under the Controlled Substances Act ("CSA"). In addition to the prescription required to purchase oxycodone, oxycodone is also subject to heightened restrictions under the CSA. For example, the CSA requires manufacturers, distributors, and pharmacists to report all transactions to the DEA regarding the theft, loss, sale,

transfer, or destruction of controlled substances, including narcotics like oxycodone.

c. Oxycodone prescriptions are in high demand and have significant cash value to drug dealers. Oxycodone tablets can be resold on the street for thousands of dollars. For example, 30-milligram oxycodone tablets have a street value of approximately \$20 to \$30 per tablet in New York City, with street prices even higher in other parts of the country, such as Massachusetts, Vermont, and Maine. A single prescription for 120 30-milligram tablets of oxycodone can net an illicit distributor \$2,400 in cash or more.

THE DEFENDANT'S PRESCRIPTIONS OF OXYCODONE

7. Based upon my review of records maintained by the New York State Office of Professional Licensing Services, and numerous medical boards, I have learned that SHARON WASHINGTON-BHAMRE, the defendant, is a pediatric nurse practitioner who is registered with the DEA and authorized to prescribe oxycodone and other controlled substances.

8. Based upon review of data obtained from the New York State Bureau of Narcotics Enforcement ("BNE") and the Prescription Monitoring Program ("PMP"), I have learned, in part, that:

a. Between January 2016 and September 2017, SHARON WASHINGTON-BHAMRE, the defendant, wrote approximately 158 oxycodone prescriptions.

b. Between December 2015 and July 2017, approximately 115 oxycodone 30-milligram prescriptions written by WASHINGTON-BHAMRE were filled at a specific pharmacy in Manhattan ("Pharmacy-1"), representing approximately 13,710 oxycodone tablets.

FRAUDULENT PRESCRIPTIONS OF OXYCODONE

9. Since approximately March 2016, the DEA has been investigating the diversion of oxycodone through the issuance of medically unnecessary prescriptions in connection with a New York City-based doctor (the "New York Doctor"). As part of that investigation, law enforcement used a confidential source ("CS-

1")¹ to obtain prescriptions from the New York Doctor. On or about June 12, 2017, an office assistant for the New York Doctor referred CS-1 to Pharmacy-1 in order to fill CS-1's prescription for oxycodone (the "June 12 Prescription").

10. Based on my involvement in this investigation, including my and other law enforcement agents' conversations with CS-1, review of law enforcement reports, and discussions with other law enforcement officials involved in the investigation, I have learned, in part, the following:

a. On or about June 12, 2017, CS-1 went to Pharmacy-1 to fill the June 12 Prescription. An employee at Pharmacy-1 informed CS-1, in sum and substance, that Pharmacy-1 did not have the medication in stock and that CS-1 could fill the June 12 Prescription elsewhere. Thereafter, CS-1 received a telephone call from an individual ("CC-1") (the "June 12 Call"). Based on my review of a draft transcript of the June 12 Call, I have learned, in part, the following: CC-1 asked CS-1 whether the New York Doctor's employee gave CS-1 "the breakdown of how this is going down." CC-1 stated that CS-1 was not to go to Pharmacy-1 because Pharmacy-1 was "[CC-1's] Pharmacy" and that Pharmacy-1 "deal[s] with me."

11. On or about September 28, 2017, the Honorable Loretta A. Preska, United States District Judge for the Southern District of New York, signed an order (the "September 28 Order") authorizing the interception of wire and electronic communications occurring over a cellphone used by CC-1. Interception pursuant to the September 28 Order began on or about September 28, 2017 and terminated on or about October 20, 2017. Based on my and other law enforcement agents' review of draft preliminary linesheets of calls and text messages intercepted pursuant to the September 28 Order, I have learned the following, in substance and in part:

a. On or about September 29, 2017, at approximately 5:14 p.m., CC-1 called an individual whom law enforcement agents

¹ Since approximately 2015, CS-1 has been a paid DEA informant. Since CS-1 began providing information to the DEA, the DEA has deemed CS-1 reliable and CS-1's information has sometimes been corroborated by independent evidence, including, among other things, the audio- and video-recordings described herein. CS-1 has previously been convicted of multiple offense, including narcotics-related offenses.

have identified, based on this investigation, as SHARON WASHINGTON-BHAMRE, the defendant.² During that call, WASHINGTON-BHAMRE asked CC-1, "How many ID's do you have, 4?" CC-1 responded, "Yeah, about that, yeah" and WASHINGTON-BHAMRE stated, "you're gonna have to get some more." WASHINGTON-BHAMRE stated "you're gonna have to do that 'cuz once I transfer I have to get rid of the other ones because I'm going to need to have urine samples and all that stuff in the computer and we're gonna have to do everything differently. You know?" CC-1 responded, "All right." WASHINGTON-BHAMRE then told CC-1, "They're going to start with the ISTOP so, if you have 4, that's all we are going to be able to do" and added, "[Y]ou're going to have to give urine and everything."

b. Based on my training, experience, and participation in this investigation, I believe that, during this call, WASHINGTON-BHAMRE was telling CC-1 that the system for obtaining prescriptions would become different and more rigorous, including requiring urine samples to determine that a patient was in fact taking the medication which he or she has been prescribed rather than diverting it, and the use of a system called "ISTOP"³ ("I'm going to need to have urine samples and all that stuff in the computer and we're gonna have to do everything differently"; "They're going to start with the ISTOP"; "you're going to have to give urine and everything.").

c. On or about October 1, 2017, at approximately 5:07 p.m., WASHINGTON-BHAMRE sent a text message to CC-1 that stated "Names of people with Id need to Put them in new

² Law enforcement agents conducted a traffic stop of the individual believed, based on wire interceptions followed by physical surveillance, to be using a particular phone number that communicated with CC-1. During that traffic stop, the individual provided identification in the name of "Sharon Washington." Based on this stop, as well as law enforcement agents' comparison of that individual with law enforcement photographs of WASHINGTON-BHAMRE, law enforcement agents have learned that the individual communicating with CC-1 in the conversations described herein was WASHINGTON-BHAMRE.

³ Based on my training, experience, and review of public records, I have learned that I-STOP is an acronym for Internet System for Tracking Over-Prescribing. I-STOP is an online electronic monitoring system used in New York State designed to improve electronic monitoring of narcotics prescriptions, including for oxycodone.

computer". At approximately 10:48 p.m., CC-1 responded "John Scott/John Scoot/Kevin Brown/Bill Hobson/Andre Miller."

d. On or about October 2, 2017, at approximately 7:22 p.m., CC-1 sent WASHINGTON-BHAMRE a text message, which stated "Don't forget who is Barry Gore is if u get a call from Dr [John Doe] u are My primary care doctor." At approximately, 7:48 p.m., WASHINGTON-BHAMRE responded to CC-1, "Ok did you u give office number" and then provided CC-1 with a telephone number.

e. On or about October 3, 2017, WASHINGTON-BHAMRE called CC-1 and engaged in the following conversation, in part:

CC-1: Hello.

WASHINGTON-BHAMRE: Did you get the number that I gave you for the office, my office?

CC-1: Yeah, I got it.

WASHINGTON-BHAMRE: A'right, use that number, don't use the other number. Okay?

CC-1: Okay.

WASHINGTON-BHAMRE: Because that goes directly to me, if you use the other number then they are gonna try to look you up and they are not gonna find you.

CC-1: Okay. cool.

WASHINGTON-BHAMRE: Okay? Alright.


Based on my training, experience, and participation in this investigation, I believe that, during this telephone call, WASHINGTON-BHAMRE was agreeing to serve as a fake reference for CC-1 ("u are My primary care doctor") so that CC-1 could obtain a medically unnecessary prescription for oxycodone from a specific doctor. Further, it appears that WASHINGTON-BHAMRE was instructing CC-1 to provide WASHINGTON-BHAMRE's direct telephone number because otherwise a different employee at her medical practice would answer the phone and reveal that CC-1 was not a patient ("Because that goes directly to me, if you use the other number then they are gonna try to look you up and they are not gonna find you.").

f. Based on my review of interceptions pursuant to the September 28 Order, and my discussions with other law enforcement agents who have analyzed the interceptions from the September 28 Order, I have learned that CC-1 sent WASHINGTON-BHAMRE the names of approximately 12 individuals (the "Washington-Bhamre Patients"). Based on my review of BNE and PMP records for the Washington-Bhamre Patients, I have learned that from approximately December 2015 to approximately September 2017, the Washington-Bhamre Patients received approximately 93 oxycodone 30-milligram prescriptions, totaling approximately 11,070 oxycodone pills, with a street value in excess of \$200,000.


12. On or about October 20, 2017, law enforcement agents conducted a search of CC-1's residence after being provided with consent to search the residence. During that search, law enforcement agents recovered, among other things, multiple identification cards in a variety of names, all with photographs of CC-1, including, for example, in the names of "John Scott," "John Scoot," "Kevin Brown," and "Bill Hobson," that is, the names of individuals sent via text message from CC-1 to SHARON WASHINGTON-BHAMRE, the defendant, in response to WASHINGTON-BHAMRE's request for "Names of people with Id," as described *supra* at ¶ 11(c).

13. Based on the foregoing, I submit that there is probable cause to believe that SHARON WASHINGTON-BHAMRE, the defendant, is conspiring with CC-1 to write medically unnecessary prescriptions for oxycodone and that the majority of those prescriptions are filled at Pharmacy-1.

WHEREFORE, deponent requests that a warrant be issued for the arrest of SHARON WASHINGTON-BHAMRE, the defendant, and that she be arrested and imprisoned, or bailed, as the case may be.


KENNETH McGRAIL
Special Agent
Drug Enforcement
Administration

Sworn to before me this
31st day of October, 2017


HONORABLE BARBARA C. MOSES
United States Magistrate Judge
Southern District of New York