

AFFIDAVIT FOR SEIZURE WARRANT
COUNTY OF MARICOPA
STATE OF ARIZONA

NUMBER _____

Your Affiants, Phoenix Police Detective Jamie Barilla and Erin Hager, a Diversion Investigator with the United States Drug Enforcement Administration (DEA) Tactical Diversion Task Force, being first duly sworn upon oath depose and say:

SYNOPSIS

1. This affidavit seeks the issuance of a Seizure Warrant pursuant to A.R.S. §§ 13-4301 through 13-4314, and 13-2301 through 13-2317, ordering the seizure for forfeiture of property having a value not exceeding the amount of \$10,046,057.00 owned and/or controlled by an Arizona licensed physician, Dr. Albert YEH, and ordering the seizure for forfeiture of certain property *in rem*. While practicing medicine in Mohave County, Arizona, Dr. YEH committed racketeering in violation of Arizona law through his commission of drug dealing, fraud, theft, money laundering, and illegally controlling and/or participating in the conduct of an enterprise engaged in the foregoing racketeering offenses.

2. Between 2004 and 2009, Dr. YEH intentionally and as a regular course of conduct prepared and submitted false insurance claims to the Arizona Health Care Cost Containment System (“AHCCCS”), and to insurance companies other than AHCCCS, for medical services which he falsely claimed to have provided, in order to collect payments which in fact had not been earned. AHCCCS alone paid Dr. YEH more than 2.4 million dollars just for the period of 2006 through 2008 on his fraudulent claims.

3. Between 2004 and 2009, Dr. YEH intentionally and as a regular course of conduct prescribed prescription-only, dangerous and narcotic drugs in violation of

Arizona drug laws, violating A.R.S. §§ 13-3406 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs); 13-4307 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs); and 13-3408 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs). The provisions of A.R.S. §§ 13-3406, 13-3407, and 13-3408 do not apply to a medical practitioner who is acting in the course of his professional practice, in good faith and in accordance with generally accepted medical standards. A.R.S. § 13-3412(A). This affidavit sets forth sufficient facts to establish, in the opinion of your Affiants, probable cause to believe that Dr. YEH did not act in good faith and in accordance with generally accepted medical standards with respect to his actions described herein, and therefore that he committed racketeering in, from, and into Arizona in violation of A.R.S. §§ 13-2301 through 13-2318, through violations of A.R.S. §§ 13-3406, 13-3407, and 13-3408 (drugs); 13-2310 and 13-2311 (fraud); 13-1802 (theft); 13-2317 (money laundering); and 13-2312 (illegally controlling and/or participating in the conduct of an enterprise engaged in the foregoing racketeering offenses). And therefore, that the State of Arizona is entitled to seize for forfeiture the property described on Appendix One submitted herewith.

4. This affidavit supports the issuance of a Seizure Warrant, pursuant to A.R.S. §§ 13-2301 et seq. and 13-4301 et seq., including but not limited to A.R.S. §§ 13-2314(C), 13-4310(A), 13-4312(C), 13-4313, and 13-2317(D), to effect the seizure of assets to prevent their transfer or concealment pending forfeiture. The information contained in this Affidavit, including its conclusions, is based upon your Affiants' investigation; their training and experience; information related to them by other law enforcement officers involved in this investigation through their oral and written reports, including undercover officers posing as patients of Dr. YEH; and the expert opinions of medical professionals, all as more fully described below. This investigation has been jointly conducted by the DEA Phoenix Division Office assisted by state and local agencies in Arizona and Nevada, including but not limited to the Phoenix Police Department. The relevant law pertinent to this Affidavit is set forth in the "Application for Issuance of a Seizure

Warrant *In Personam* and *In Rem*” submitted by the Arizona Attorney General’s Office requesting this Court to issue its Seizure Warrant based upon this Affidavit.

YOUR AFFIANTS’ TRAINING AND EXPERIENCE

5. Your Affiant, Jamie Barilla, has been a Phoenix Police Officer for over twenty years and was assigned to the Phoenix Drug Enforcement Bureau from February 1997 through March 2009. Detective Barilla is currently assigned to the DEA Tactical Diversion Task Force as well as the DEA Provisional Clandestine Laboratory Task Force.

6. Detective Barilla has received numerous hours of training from various organizations such as the Arizona Narcotics Officers Association, the United States Department of Justice and the DEA in topics such as street drug pharmacology, methods of manufacturing, distribution, search warrants, undercover drug operations, and asset forfeiture. Detective Barilla has been trained and certified by the DEA in the recognition, processing and dismantling of clandestine laboratories for the illegal manufacture of dangerous drugs. Detective has also purchased narcotic drugs in an undercover capacity, including oxycodone.

7. Detective Barilla has initiated and participated in hundreds of drug related investigations which have resulted in the seizure of illegal drugs; arrests and convictions for the possession of illegal drugs, the sale of drugs, the possession of and /or transportation of drugs for sale, the possession of chemicals and equipment to manufacture drugs, the cultivation of drugs and the manufacture of drugs; and in the seizure and forfeiture of assets related to the illegal sales of drugs.

8. Your Co-Affiant, Erin Hager, has been a Diversion Investigator with the DEA since August 2005. As a Diversion Investigator, Affiant Hager is responsible for investigating the diversion of pharmaceutical controlled substances from legitimate channels to the illicit drug market. Affiant Hager has been trained at the DEA Academy in Quantico, Virginia, where she received several hundred hours of training in such areas

as drug identification, the distribution of legally manufactured controlled substances to the illicit market, controlled substance related conspiracies and legal issues related to controlled substance law enforcement and financial crimes related to the illegal distribution of controlled substances, including money laundering. Affiant Hager earned Bachelor's Degrees in Criminal Justice and Psychology and a Master's Degree in Forensic Psychology. Affiant Hager has participated in several investigations involving the unlawful possession and distribution of legally manufactured controlled substances, including oxycodone, a Schedule II controlled substance and hydrocodone, a Schedule III controlled substance.

PURPOSE OF AFFIDAVIT

9. By this affidavit, your Affiants request the Court to issue its Seizure Warrant ordering seizure for forfeiture of the assets described on Appendix One hereto, including but not limited to real property, to be seized constructively, and assets to be physically seized, including two vehicles and not less than \$10,046,057 on deposit in several bank accounts.

INVESTIGATION

10. In August 2007 the DEA initiated an investigation of the alleged illegal distribution of prescription-only, dangerous and narcotic drugs by Dr. Albert YEH at his PAIN WELLNESS CENTER clinic located in Golden Valley, Arizona. This investigation arose from information received by DEA's Diversion Group from the Kingman Police Department. Information received indicated that an individual from Las Vegas, Nevada had traveled to Dr. YEH's clinic in Golden Valley, Arizona and had received controlled substance prescriptions from Dr. YEH. The Kingman Police Department informed DEA that Dr. YEH saw patients at the Golden Valley, Arizona clinic solely on Tuesdays, and otherwise practiced in the Las Vegas, Nevada area. The distance between those locales is about 105 miles and the travel time is about 110 minutes.

11. DEA determined that Dr. YEH had written in excess of 6,000 controlled substance prescriptions from January 2006 through April 2007. Approximately 3,800 of these prescriptions were issued and filled in Arizona on Tuesdays, the only day of the week that Dr. YEH's clinic located in Golden Valley, Arizona was open. Based on this information, DEA investigators began an investigation into the potential diversion and illegal distribution of prescription-only, dangerous and narcotic drugs by Dr. YEH. A review of the Arizona State Board of Pharmacy's Prescription Monitoring Program (PMP) database revealed Arizona pharmacies filled 9,454 prescriptions between April 1, 2008 and February 9, 2009, which were written by Dr. YEH. There were 45 Tuesdays during this time period. That is an average of just over 210 prescriptions filled in Arizona for the 45 Tuesdays during this time period.

12. Dr. YEH holds active state licenses from the Arizona Medical Board and the State of Nevada Board of Medical Examiners. Dr. YEH holds two DEA controlled substance registrations, one in Nevada and one in Arizona. Dr. YEH rented office space in the Golden Valley Medical Plaza, at 4995 West Highway 68, Suite 1, Golden Valley, Arizona for his Arizona PAIN WELLNESS CENTER clinic.

ILLEGAL DISTRIBUTION OF PRESCRIPTION-ONLY, DANGEROUS AND NARCOTIC DRUGS

13. On 11 separate occasions, DEA agents and an agent from the Arizona Attorney General's Office, acting in an undercover capacity, obtained from Dr. YEH prescriptions for prescription-only and narcotic drugs as defined in A.R.S §§ 36-2513, 36-2514, 36-2515, and 36-2516. The eye witness observations of those agents have been communicated to your Affiants, causing them to believe that Dr. YEH's method of practice was to prescribe controlled substances without obtaining a reliable medical history, without conducting an appropriate physical examination, and without establishing a valid physician-patient relationship, each of which violates the Arizona Medical Practice Act, A.R.S. § 32-1401 *et seq.*

UNDERCOVER PATIENT VISITS

14. On March 25, 2008, an Arizona peace officer acting in an undercover capacity posing as a new patient at Dr. YEH's Golden Valley medical clinic met with Dr. YEH. That agent, Arizona State Attorney General's Office Special Agent (SA) Cheryl Thomas, was instructed by Dr. YEH's staff at the clinic to complete paperwork entitled 'Narcotic Contract' which indicated that no early refills would be issued, and paperwork entitled 'pain diagram,' which was left blank by SA Thomas. SA Thomas informed Dr. YEH's medical assistant she did not have a referral from another doctor, nor did she have any X-rays with her. The only medical evaluation performed by the medical assistant consisted of placing what resembled a pulse oximeter on SA Thomas's finger. Without first introducing himself, Dr. YEH immediately asked SA Thomas what kind of pain she was having. SA Thomas responded that she didn't feel good, that she had aches and a headache. When asked specifically if she had pain in her shoulders and arms, SA Thomas replied "no." Upon having SA Thomas stand on her toes and her heels, Dr. YEH told SA Thomas that, "You're fine, what can I do for you, what can I do to make you feel better." SA Thomas told Dr. YEH she had taken Vicodin (hydrocodone) in the past. Dr. YEH then issued SA Thomas one prescription for 120 Lortab tablets (hydrocodone - 30 day supply), one prescription for 120 Robaxin tablets (prescription-only muscle relaxer - 30 day supply), and a third prescription for an X-ray of the spine.

15. On April 22, 2008, at SA Cheryl Thomas's second appointment at Dr. YEH's Golden Valley medical clinic, she was seen by Dr. YEH's Physician's Assistant (PA), Bryan ESPINOSA. It should be noted that while ESPINOSA is licensed as a PA in Nevada, he is not licensed as a PA in Arizona and has no legal authority to examine, treat, or issue prescriptions to patients in Arizona. At the outset of this visit, ESPINOSA began by asking SA Thomas, "So, are we just gonna do some refills today." SA Thomas asked PA ESPINOSA if she could increase the number of Lortab tablets she received and was instructed she would need to talk to Dr. YEH for this request. While waiting for Dr. YEH, SA Thomas was handed some paperwork, which contained two pre-printed

prescriptions that had already been signed by Dr. YEH. SA Thomas informed Dr. YEH that she had not scheduled the X-ray as ordered, however Dr. YEH agreed to increase SA Thomas's Lortab prescription from 120 dosage units to 150 dosage units. Using a laptop computer, Dr. YEH printed off and signed a new prescription for 150 Lortab and ripped up the pre-printed Lortab prescription. In addition to the Lortab, SA Thomas was given a second prescription for 120 Robaxin tablets.

16. On April 22, 2008, DEA SA Steve Lamkin visited with Dr. YEH in an undercover capacity posing as a new patient at Dr. YEH's Golden Valley medical clinic. At no time during SA Lamkin's visit was any sort of medical examination performed. Additionally, while meeting with Dr. YEH, the door to Dr. YEH's office remained open and Dr. YEH remained behind a computer terminal at his desk throughout the meeting. SA Lamkin informed Dr. YEH that he was not in pain and wasn't suffering from any injuries, but that he was taking his girlfriend's Percocet to cope with work troubles and his boss. Dr. YEH told SA Lamkin that he could not help him to cope with stress, but suggested to SA Lamkin that he should say he was in pain. Dr. YEH asked SA Lamkin if he had any neck pain, to which SA Lamkin replied that he did not. SA Lamkin then simply said, "my ankles," to which Dr. YEH responded by asking SA Lamkin what he had been taking and what he wanted. SA Lamkin said that he took Percocet (oxycodone) twice a day and Dr. YEH issued SA Lamkin a prescription for Percocet four times a day and a second prescription for an X-ray.

17. On May 6, 2008, SA Lamkin had a second appointment at Dr. YEH's Golden Valley medical clinic, just two weeks after SA Lamkin's first visit. SA Lamkin was seen by PA ESPINOSA who asked SA Lamkin to rate his pain. SA Lamkin told PA ESPINOSA he was not in pain and deferred to ESPINOSA to rate SA Lamkin's pain as he wished. ESPINOSA presented a pre-signed prescription for SA Lamkin from a file, but it was in the wrong patient name. ESPINOSA then printed out a new prescription for 120 Percocet for SA Lamkin and had Dr. YEH sign it. SA Lamkin did not receive any type of examination nor did he meet with Dr. YEH during this visit.

18. On May 6, 2008, DEA SA Ron Anson met with Dr. YEH in an undercover capacity as a new patient at Dr. YEH's Golden Valley medical clinic. Upon checking in for this initial visit, SA Anson informed Dr. YEH's office staff that he was not in pain, that he wanted to see Dr. YEH about getting a prescription for Vicodin, and that he did not have any medical records with him. When meeting with Dr. YEH's medical assistant, SA Anson told the medical assistant he had no pain and needed a prescription for Vicodin. SA Anson then met with Dr. YEH and informed him that he had been taking his girlfriend's Vicodin to cope with life. Dr. YEH told SA Anson that this behavior was against Dr. YEH's religion and that he would not be able to help SA Anson under these circumstances. Dr. YEH then coached SA Anson to come up with an area of his body that was in pain to which SA Anson replied he has pain in his big toe. Dr. YEH augmented this complaint to say SA Anson had pain in his knee. Dr. YEH also told SA Anson that SA Anson had back pain and that Dr. YEH would get him "taken care of." SA Anson was then passed back to the medical assistant who informed SA Anson that SA Anson's pain was caused from a car accident about 1 ½ years ago. Prior to leaving the clinic, Dr. YEH issued SA Anson a prescription for 120 Vicodin (30 day supply) and a prescription for an X-ray of the lumbar spine and right knee.

19. On May 20, 2008, SA Lamkin had a third appointment at Dr. YEH's Golden Valley medical clinic, just two weeks after SA Lamkin's second visit, which had also been two weeks early. SA Lamkin was seen by PA ESPINOSA and did not receive any type of examination nor did he meet with Dr. YEH at any time during this visit. SA Lamkin was given a prescription for 120 Percocet, the third 30-day supply of Percocet given to him within a 6 week time frame.

20. On May 20, 2008, SA Cheryl Thomas had a third appointment at Dr. YEH's Golden Valley medical clinic. SA Thomas was seen by PA ESPINOSA and did not receive any type of examination nor did she meet with Dr. YEH at any time during this visit. SA Thomas was given two prescriptions pre-signed by Dr. YEH, one prescription for 150 Lortab tablets and one prescription for 120 Robaxin tablets

21. On May 20, 2008, SA Anson had a second appointment at Dr. YEH's Golden Valley medical clinic, just two weeks after SA Anson's first visit. SA Anson again informed Dr. YEH's medical assistant that he had no pain and asked for stronger medications. SA Anson was instructed to meet with Dr. YEH who informed SA Anson there was no medical reason to support giving SA Anson stronger medications, that Dr. YEH was aware SA Anson did not have any pain, that Dr. YEH believed SA Anson was not using the medication for any good purpose, and told SA Anson not to come back to his medical practice. Dr. YEH then provided SA Anson with a prescription for 120 tablets of Vicodin. Dr. YEH did not perform a medical examination during this time.

22. On June 17, 2008, SA Anson had a third appointment at Dr. YEH's Golden Valley medical clinic, the first visit back after being instructed not to return to Dr. YEH's practice. Dr. YEH. Upon seeing SA Anson, Dr. YEH told SA Anson that he was not to have returned to his clinic since SA Anson did not have any legitimate reason for receiving controlled substances. Dr. YEH then stated that SA Anson was going to get Dr. YEH "in trouble with the DEA," but provided SA Anson with a prescription for 120 tablets of Vicodin. Dr. YEH did not perform a medical examination during this time.

23. On June 17, 2008, a fourth visit for SA Lamkin was scheduled at Dr. YEH's Golden Valley medical clinic. Instead of SA Lamkin, DEA SA Tom Cama posed as SA Lamkin, despite obvious physical differences between the two men. SA Cama was seen by PA ESPINOSA and told PA ESPINOSA that he had no pain. PA ESPINOSA provided SA Cama with a prescription pre-signed by Dr. YEH for 120 Percocet. There was no medical examination performed during this visit, which lasted approximately 55 seconds.

24. On June 17, 2008, DEA SA Stephanie LoVette met with Dr. YEH in an undercover capacity posing as a new patient at his Golden Valley medical clinic. SA LoVette was informed by one of Dr. YEH's patients waiting in the lobby that Dr. YEH "hands out prescriptions like candy." SA LoVette left the medical questionnaire given to her blank and did not indicate that she had any pain on her forms. SA LoVette informed Dr. YEH's medical assistant that she had no pain, though she was taking OxyContin

(oxycodone). The medical assistant placed what appeared to be a pulse oximeter on SA LoVette's finger. Upon meeting Dr. YEH, the doctor remained seated behind a desk with a laptop computer in front of him. SA LoVette informed Dr. YEH that she had been taking a friend's OxyContin. Dr. YEH asked SA LoVette if she was in pain to which she replied "no." Dr. YEH informed SA LoVette that it did not appear that she had any pain and suggested SA LoVette was abusing drugs. When SA LoVette told Dr. YEH she had some pain in her wrist from typing, Dr. YEH responded that she was trying to invent problems to obtain drugs. After continued discussion in which Dr. YEH told SA LoVette that she only wants drugs and is not really in pain, Dr. YEH asks SA LoVette if she would take Percocet (an oxycodone product) instead of OxyContin (also an oxycodone product). Dr. YEH then provided SA LoVette with a prescription for 180 Percocet, a prescription for 120 Robaxin, and a prescription for an X-ray of the Lumbar spine. No medical examination was performed by Dr. YEH during this visit.

25. For each of these 11 undercover visits to Dr. YEH's clinic, Affiant Hager transferred custody of DEA Official Funds in United States currency to the undercover agents for payment of their office visit fee to Dr. YEH. In each instance, the serial numbers on the currency were documented by Affiant Hager prior to transferring custody of the currency to the undercover agents. During each of the 11 undercover visits, the undercover agent transferred custody of the DEA Official Funds to Dr. YEH's receptionist at the clinic check-in window. On every occasion, the undercover agent was provided with a receipt from the receptionist for the exact amount of DEA Official Funds paid by the undercover agent. Each of these receipts states the undercover agent's name, the date, the amount paid in the "cash" column, the words "PAIN WELLNESS CENTER, 4040 Martin Luther King Blvd., Ste. A-N. Las Vegas, NV 89032, Telephone: (702) 644-7246", and the initials of the receptionist.

MEDICAL EXPERT REVIEW

26. David Greenberg, M.D., has been licensed with the Arizona Medical Board since August 1980 and specializes in Occupational Medicine, Addiction Medicine, and Pain Medicine. Dr. Greenberg earned a Master's Degree in Public Health in December 1999. Currently, Dr. Greenberg is contracted with the Arizona Medical Board as the Medical Director of the Board's Monitored Aftercare Program and serves as a consultant in substance abuse investigations and investigations involving the diversion and abuse of chronic pain medications.

27. On December 12, 2008, Dr. Greenberg was presented with the facts of DEA SA Lamkin's April 22, 2008 undercover patient visit with Dr. YEH. Specifically, Dr. Greenberg was informed that SA Lamkin was not given any medical examination during his initial visit with Dr. YEH, that SA Lamkin specifically told Dr. YEH that he was not in pain but that he had been taking his girlfriend's Percocet to cope with work troubles, that Dr. YEH suggested to SA Lamkin that he should say he was in some sort of pain, that SA Lamkin said he was taking Percocet twice a day and that Dr. YEH issued SA Lamkin a prescription for Percocet four times a day. Additionally, Dr. Greenberg was informed that Dr. YEH practiced in the State of Arizona one day each week in a town with a population of approximately 5,000 and that on some of those days Dr. YEH wrote in excess of 100 prescriptions for narcotic drugs and dangerous drugs as defined by A.R.S. 13-3401.

28. Based on this information, Dr. Greenberg told Diversion Investigator Erin Hager that Dr. YEH had issued a narcotic drug prescription to SA Lamkin outside of the exceptions and exemptions for possessing narcotic drugs for sale provided by A.R.S. 13-3412(A)(2). Specifically, Dr. Greenberg stated that these facts constituted Dr. YEH acting outside the course of his professional practice, without good faith, and in violation with generally accepted medical standards.

29. Denise Holtkamp, RN, MSN, is a Medical Investigative Nurse (MIN) with the Arizona Attorney General's Office AHCCCS Fraud Unit. MIN Holtkamp earned a

Masters Degree in Nursing Informatics from the University of Arizona in 2004. Nursing informatics is the integration of nursing, nursing information, and information management with information processing and communication technology. MIN Holtkamp earned her undergraduate Bachelor's Degree in Professional Nursing from Wayne State University in Detroit, Michigan in 1983 and began practicing as a licensed RN in the state of Arizona in 1984. MIN Holtkamp's experience includes direct patient care for several years as well as working at several Managed Care Organizations in various positions including Provider Relations, Utilization Management, and Quality Management. In these roles, MIN Holtkamp became very experienced in working with diagnostic and procedure codes and overall health care billing data.

30. In October 2007, MIN Holtkamp reviewed the claims paid by AHCCCS to Dr. YEH from October 2006 through September 2007. In her analysis of these claims, MIN Holtkamp disagreed with the medical necessity and appropriateness of Dr. YEH's treatment of his patients based upon the irregularities in his billings indicative of treatments not actually having been rendered. MIN Holtkamp stated that these billing irregularities could constitute fraud.

INTERVIEWS WITH DR. YEH AND EMPLOYEES OF THE PAIN WELLNESS CENTER

31. On February 10, 2009, search warrants were conducted simultaneously at two of Dr. YEH's clinics, one located at 4995 West Highway 68, Suite 1, Golden Valley, Arizona and one located at 4040 North Martin Luther King Boulevard, Suite A, North Las Vegas, Nevada 89032. Dr. YEH was present at the Golden Valley, Arizona clinic location when agents arrived to serve the warrants. Dr. YEH then traveled to his North Las Vegas, Nevada clinic. Affiant Hager and Nevada Department of Public Safety (DPS) Detective Russtin Wilson interviewed Dr. YEH and his front office supervisor and billing manager, Todd Coleman in North Las Vegas, Nevada.

32. Records seized during the execution of these search warrants included a printout from Dr. YEH's computer entitled "Coding Tips." This printout lists insurance

billing codes and the corresponding amount of time that should be spent with each patient to justify the billing code. For February 3, 2009, Dr. YEH had 188 patients scheduled from 8:30 a.m. until 2:50 p.m., a time frame of 380 minutes. This allows for an average of just over 2 minutes per patient. A review of the insurance billing codes written on the patient superbills for this date reveal that Dr. YEH documented that he spent 4,170 minutes (69.5 hours) with patients on this date.

33. Records seized during the execution of the search warrant at Dr. YEH's Golden Valley, Arizona clinic revealed that on the date of the search warrants, Dr. YEH had 153 patients scheduled in a time frame of less than 7 hours. This amounts to just over 2 ½ minutes per patient, 39 of whom were scheduled to receive an injection procedure by Dr. YEH. One hundred and thirty five patient printouts for which one hundred and twelve pre-printed prescriptions that had been pre-signed by Dr. YEH were also among the records seized.

Interview with Dr. YEH

34. During Affiant Hager's interview with Dr. YEH, Dr. YEH admitted that his office staff would pre-print and that he would pre-sign the prescriptions from his North Las Vegas, Nevada clinic on Monday nights for the patients who were return patients scheduled to be seen the following Tuesday at his Golden Valley, Arizona clinic. Dr. YEH also admitted that it was not possible to both see as many patients as he did and take the time to print out all of the prescriptions that same day.

Interview with Todd Coleman, Front Office Supervisor and Billing Manager

35. During the interview with Mr. Coleman, he informed investigators that he was not surprised that federal investigators were conducting a search warrant at Dr. YEH's office. When investigators asked him to elaborate on this statement, Coleman stated that the volume of patients Dr. YEH was seeing in Golden Valley, Arizona could be considered excessive. Coleman went on to explain that when he reviews the daily super bills, which include the charting on each patient put together by Dr. YEH, the

documentation is almost word for word what it was for the patients' previous visits. Coleman went on to say that Dr. YEH used a template called "canned documentation" to document his patient visits, but that the medical care documented could not possibly reflect accurately what actually occurred during the patient visits. Coleman further explained that there was no possible way, within a day's time, Dr. YEH was spending the amount of time required to perform the services he was billing for.

36. When asked if some of Dr. YEH's patients were receiving controlled substance prescriptions for no legitimate medical reason, Coleman stated, "By definition, yes, absolutely" and went on to say that some of YEH's patients were receiving prescriptions for reasons that should have been resolved if properly treated. Coleman went on to state that the treatment plan promulgated by Dr. YEH in writing is not at all what is actually put into practice by Dr. YEH. Coleman stated that in theory the drugs are to be used as a crutch, not as a long term treatment plan, but that this theory contradicts how YEH is actually practicing, which is that Dr. YEH prescribes more and more drugs and does not employ other treatment modalities such as physical or chiropractic therapy.

37. In discussing the amount of time spent with each patient, Coleman explained that the average amount of time spent with each patient should be approximately 7 minutes and that any less time would not allow enough time to conduct an appropriate medical exam. Coleman went on to state that Dr. YEH is not in Golden Valley, Arizona long enough to provide even the minimum amount of time to each patient or to spend enough time with each patient to account for what Dr. YEH is documenting in the patient chart and billing records.

38. Coleman informed investigators that the prescriptions for Dr. YEH's patients are pre-printed and pre-signed, typically on Monday nights in Nevada, and taken to Golden Valley, Arizona on Tuesday mornings. Coleman explained that this means Dr. YEH has decided how he is going to treat his patients even before he has the opportunity to see them. Coleman told investigators that Dr. YEH uses the master schedule of appointments stored in the computer system to determine which patients have previously

received prescriptions and then duplicates the prescription based on what the patient was given at their last appointment. Coleman also stated that he also found it suspicious that other doctors certified in pain management and trained to treat individuals legitimately suffering from pain would refuse to see patients that Dr. YEH would accept.

FRAUDULENT CLAIMS

39. Your Affiants' investigation has established that Dr. YEH knowingly obtained payments from the Arizona Health Care Cost Containment System (AHCCCS) and from other insurance companies by filing fraudulent claims for approximately \$8 million for patient services, a violation of A.R.S. § 13-2310 and A.R.S. § 13-2311. Your Affiants further believe that these claims were submitted for financial gain. As shown below, payments to Dr. YEH by AHCCCS alone, in accordance with their scheduled amounts for reimbursement, have exceeded a total of nearly \$2.4 million dollars since 2004.

40. The number of patients scheduled and seen by Dr. YEH at the PAIN WELLNESS CENTER located in Golden Valley, Arizona, coupled with the number of claims submitted to AHCCCS and other insurance companies by Dr. YEH, lead your Affiants to believe that Dr. YEH could not possibly have performed all the procedures billed for in the insurance reimbursement claims. Information received from AHCCCS indicated that Dr. YEH filed 31,979 claims for reimbursement between March 2004 and April 2009, far in excess for what could be possible during the amount of time he saw patients in Arizona. The total amount billed to AHCCCS by Dr. YEH for these claims was \$7,983,522.45. Based thereon and its scheduled amounts for reimbursement thereon, AHCCCS paid Dr. YEH \$2,451,186.15 on these claims. As shown below, the number of claims submitted by Dr. YEH to AHCCCS increased from 3,528 claims in calendar year 2005 to 12,215 claims in calendar year 2008, an increase of 246% from 2005 through 2008:

<u>DATE</u>	Total Claims	Weekly Average	Total AHCCCS Payments to Dr. YEH
Mar -Dec 2004	364	9	\$33,350.44
CY 2005	3,528	68	\$251,204.14.
CY 2006	5,159	99	\$386,068.53
CY 2007	9,806	188	\$796,790.88
CY 2008	12,215	234	\$934,761.54
<u>Jan-Apr 2009</u>	907	N/A	<u>\$49,010.62</u>
Totals:	31,979		\$2,451,186.15

41. On February 18, 2009, Affiant Hager was contacted by one of Dr. YEH's patients, referred to here as WB, wanting to file a complaint against Dr. YEH. WB told DI Hager that she believed Dr. YEH was billing her insurance for services not provided to her. WB provided Affiant Hager with copies of WB's medical records ranging in date from June 17, 2008 September 23, 2008 that WB had obtained from Dr. YEH's office. During a telephone conversation with WB on February 19, 2009, WB pointed out several falsehoods in her medical record to Affiant Hager. These falsehoods include the following: documentation that WB was referred to Dr. YEH; that WB's condition worsened through activity; that WB suffered anxiety; that WB would be treated with pain medication; multiple references that Dr. YEH reviewed WB's imaging and lab reports with her; multiple references that WB's blood pressure, pulse, respirations and oxygen saturation were taken during her appointments; multiple references that WB's reflexes were examined, multiple references that Dr. YEH discussed WB's diagnoses and disease processes with her; that monitors were applied to WB and that she was draped and had lidocaine administered prior to receiving injections; that Dr. YEH was monitoring the

long-term use of narcotic medications (Dr. YEH did not prescribe WB narcotic medications); and that WB was placed in a recovery room following her injections.

42. During the execution of the search warrant at Dr. YEH's North Las Vegas, Nevada clinic on February 10, 2009, investigators obtained printouts from the computerized medical records for Stephen Williams, Brian Anderson, Stacey Alvarado and Sherry Palmer, the four patient names used by undercover agents posing as patients on various dates at Dr. YEH's Golden Valley, Arizona clinic.

43. A review of these medical records revealed several instances where Dr. YEH falsely stated in those records medical procedures that were not performed, inaccurate medical information, and diagnoses that were not communicated to the patients. A detailed analysis of these records is outlined below:

Undercover Agent Cheryl Thomas Posing as Patient Sherry Palmer

44. The patient record maintained by Dr. YEH for Sherry Palmer dated March, 25, 2008, documenting AG SA Cheryl Thomas's first undercover visit with Dr. YEH on March 25, 2008 falsely documents that Sherry Palmer was referred by her primary physician to Dr. YEH; that blood pressure and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that Dr. YEH discussed the disease process, among other things, with the patient; and that Dr. YEH requires all unused medications to be brought back to his office for destruction per "Drug Enforcement Agency" rules. It should be noted that this practice is not authorized by the DEA and is, in fact, a violation of Title 21 United States Code §844(a) which states, in part, that it is unlawful for any person to knowingly or intentionally possess a controlled substance unless that individual obtained the controlled substance directly, or pursuant to a valid prescription or order, from a practitioner.

45. The patient record maintained by Dr. YEH for Sherry Palmer dated April 22, 2008, documenting AG SA Cheryl Thomas's second undercover visit with Dr. YEH on April 22, 2008 falsely documents that SA Thomas denied side effects or neurological signs; that blood pressure and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that Dr. YEH discussed the

disease process, among other things, with the patient; that stretching exercises, ergonomics, occupational modification, nutrition and psychological support were recommended; and that injection risk and benefits and steroid side effects were discussed. The patient record also states, “Patient to continue care with *his* [sic] present doctors.” (Emphasis added)

46. The patient record maintained by Dr. YEH for Sherry Palmer dated May 20, 2008, documenting AG SA Cheryl Thomas’s third undercover visit with Dr. YEH on May 20, 2008 falsely documents that SA Thomas denied side effects or neurological signs; that blood pressure and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; and that Dr. YEH discussed the disease process, among other things, with the patient. The patient record also states, “Patient to continue care with *his* [sic] present doctors.” (Emphasis added) Additionally, the patient record is signed electronically by Dr. YEH, though Dr. YEH never saw or examined SA Thomas.

Undercover Agent Steve Lamkin Posing as Patient Stephen Williams

47. The patient record maintained by Dr. YEH for Stephen Williams dated April 22, 2008, documenting AG SA Steve Lamkin’s first undercover visit with Dr. YEH on April 22, 2008 falsely documents that Stephen Williams was referred by his primary physician; that the patient’s blood pressure, pulse, oxygen saturation and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that the disease process, pain treatment, prognosis, treatment plan, injections, steroid risk, physical therapy, occupational therapy, nutrition, psychological support, acupuncture, alternative medicine and narcotics side effects were discussed with the patient; and that “injection will be used to control pain and reduce narcotics use;” and that Dr. YEH requires all unused medications to be brought back to his office for destruction per “Drug Enforcement Agency” rules.

48. The patient record maintained by Dr. YEH for Stephen Williams dated May 6, 2008, documenting SA Steve Lamkin’s second undercover visit with Dr. YEH on May 6, 2008 falsely documents that the patient’s blood pressure, pulse, oxygen saturation and

respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that the patient denied side effects or neurological signs; and that Dr. YEH discussed the disease process, steroid side effects and narcotics side effects with the patient. The patient record is signed electronically by Dr. YEH, though Dr. YEH never saw or examined SA Lamkin.

49. The patient record maintained by Dr. YEH for Stephen Williams dated May 20, 2008, documenting SA Steve Lamkin's third undercover visit with Dr. YEH on May 20, 2008 falsely documents that the patient's blood pressure, pulse, oxygen saturation and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that the patient denied side effects or neurological signs; and that Dr. YEH discussed the disease process, steroid side effects and narcotics side effects with the patient. The patient record is signed electronically by Dr. YEH, though Dr. YEH never saw or examined SA Lamkin.

Undercover Agent Tom Cama Posing As Patient Stephen Williams

50. During this visit, SA Cama posed as patient Stephen Williams, the undercover patient name that had been used by SA Lamkin during three prior visits to Dr. YEH's Golden Valley, Arizona clinic. The patient record maintained by Dr. YEH for Stephen Williams dated June 17, 2008, documenting SA Cama's undercover visit with Dr. YEH falsely documents that the patient's blood pressure, pulse, oxygen saturation and respiration were measured; that multiple trigger point palpations, reflexes, and a neurological exam were given; that the patient denied side effects or neurological signs; that Dr. YEH reviewed a complete medical history, imaging films and steroid side effects with the patient and that "Patient request injections." The patient record is signed electronically by Dr. YEH, though Dr. YEH never saw or examined SA Cama.

Undercover Agent Ron Anson posing as undercover patient Brian Anderson

51. The patient record maintained by Dr. YEH for Brian Anderson dated May 6, 2008, documenting SA Ron Anson's first undercover visit with Dr. YEH on May 6, 2008 falsely documents that Brian Anderson was referred by his primary physician; that blood pressure and respirations were measured; that multiple trigger point palpations, reflexes,

and a neurological exam were given; that Dr. YEH discussed the disease process, pain treatment, prognosis, treatment plan, injections, steroid risk, physical therapy, occupational therapy, nutrition, psychological support, acupuncture, alternative medicine and narcotics side effects with the patient; and that Dr. YEH requires all unused medications to be brought back to his office for destruction per “Drug Enforcement Agency” rules.

52. The patient record maintained by Dr. YEH for Brian Anderson dated May 20, 2008, documenting SA Ron Anson’s second undercover visit with Dr. YEH on May 20, 2008 falsely documents that SA Anson denied side effects or neurological signs; that the patient’s blood pressure and respirations were measured; and that trigger point palpations, reflexes, and a neurological exam were given.

53. The patient record maintained by Dr. YEH for Brian Anderson dated June 17, 2008, documenting SA Ron Anson’s third undercover visit with Dr. YEH on June 17, 2008 falsely documents that SA Anson denied side effects or neurological signs; that the patient’s blood pressure and respirations were measured; and that trigger point palpations, reflexes, and a neurological exam were given; and that Dr. YEH discussed the disease process, narcotic side effects and steroid effects with the patient.

Undercover Agent Stephanie LoVette posing as undercover patient Stacey Alvarado

54. The patient record maintained by Dr. YEH for Stacey Alvarado dated June 17, 2008, documenting SA Stephanie LoVette’s first undercover visit with Dr. YEH on June 17, 2008 falsely documents that SA LoVette was referred by her primary physician; that blood pressure and respiration were measured; that trigger point palpations, reflexes, and a neurological exam were performed; that Dr. YEH discussed the disease process, pain treatment, prognosis, treatment plan, injections, steroid risk, physical therapy, occupational therapy, nutrition, psychological support, acupuncture, alternative medicine and narcotics side effects with the patient; and that Dr. YEH requires all unused medications to be brought back to his office for destruction per “Drug Enforcement Agency” rules.

**VEHICLES AND REAL PROPERTY USED BY
DR. YEH TO FACILITATE RACKETEERING OFFENSES**

2006 Silver Toyota 4-Door Wagon

55. On Tuesday, August 21, 2007, Affiant Hager and another DEA investigator traveled to Dr. YEH's medical clinic located at 4995 West Highway 68, Suite 1, Golden Valley, Arizona. When Affiant Hager arrived at this address at approximately 8:00 a.m., a silver 4-door Toyota SUV bearing Nevada license plate number 915TNA was parked near the front door of the clinic. At all pertinent times, this vehicle was registered to both Albert YEH and the PAIN WELLNESS CENTER with a registered address of 4845 South Rainbow Boulevard, Las Vegas, NV 89103. 4845 South Rainbow Boulevard, Las Vegas, NV 89103 is the address for one of the three PAIN WELLNESS CENTER clinics operated by Dr. YEH in Nevada. At approximately 10:00 a.m. on August 21, 2007, Affiant Hager witnessed Dr. YEH's Physician's Assistant, Bryan ESPINOSA, exit the clinic, enter the Toyota SUV and drive away from the clinic. A short while later, ESPINOSA returned to the clinic in the same vehicle.

56. On Tuesday, March 25, 2008, Affiant Hager again traveled to Dr. YEH's medical clinic in Golden Valley, Arizona. Affiant Hager arrived at this address at approximately 7:00 a.m. At approximately 7:40 a.m., Affiant Hager witnessed the silver 4-door Toyota SUV arrive in the parking lot of the clinic and park near the front door. Affiant Hager also witnessed two males resembling Dr. YEH and Bryan ESPINOSA and two females exit the Toyota and enter the clinic. That afternoon, at approximately 1:25 p.m., Special Agent Cheryl Thomas met with both Bryan ESPINOSA and Dr. YEH inside the clinic for her first undercover patient visit. The silver 4-door Toyota SUV was still parked in the parking lot of the medical clinic during this undercover patient visit.

57. A vehicle registration check with the Nevada Department of Motor Vehicles conducted on June 23, 2009, revealed that on April 23, 2009, the silver 4-door Toyota SUV bearing Nevada license plate number 915TNA was re-registered to the PAIN

WELLNESS CENTER located at 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada.

2008 General Motors Passenger Van

58. On Tuesday, May 20, 2008, Affiant Hager traveled to Dr. YEH's medical clinic in Golden Valley, Arizona. At approximately 7:35 a.m. Affiant Hager observed a 2008 white GMC extended passenger van, bearing Nevada license plate 454UZJ, arrive at the clinic. This van was registered to PAIN WELLNESS CENTER, 4040 North Martin L. King Boulevard, North Las Vegas, NV 89032 at all pertinent times. The name and logo for PAIN WELLNESS CENTER was painted on this van, as well as the telephone number 702-644-PAIN (7246). This is the same phone number listed for Dr. YEH with the Arizona Medical Board, the Nevada Medical Board, and on Dr. YEH's Nevada DEA registration. This is also the same telephone number that all of the undercover agents used to call Dr. YEH's office to schedule their appointments to see Dr. YEH in Golden Valley, Arizona. Affiant Hager observed five individuals all wearing medical scrubs exit the van and enter the clinic. One of the individuals resembled Dr. YEH, one resembled Bryan ESPINOSA, and one resembled the medical assistant recorded on previous video recordings made by Special Agents posing as undercover patients. The other two individuals were women and are believed to be Dr. YEH's administrative staff.

59. On Tuesday, February 10, 2009, at approximately 8:10 a.m. Special Agent Thomas Cama witnessed a white van marked PAIN WELLNESS CENTER, bearing Nevada license plate number 454UZJ, arrive at Dr. YEH's medical clinic in Golden Valley, Arizona and park in the parking lot. Two males, one who resembled Dr. YEH, and one female exited the van and entered the medical clinic. On this date, DEA investigators conducted a search warrant at this medical clinic and confirmed that Dr. YEH had traveled to Golden Valley, Arizona from Las Vegas, Nevada, and is believed by Affiant Hager to have done so in the GMC van.

4040 North Martin Luther King Boulevard, North Las Vegas, Nevada

60. During each of the eleven undercover patient visits to Dr. YEH's Golden Valley, Arizona clinic, the undercover investigators received controlled substance prescriptions with the words "PAIN WELLNESS MANAGEMENT CENTER;" the addresses "4040 Martin Luther King Blvd., North Las Vegas 89032," "8480 S. Eastern Ave. Ste. D, Las Vegas, NV 89123," "4845 S. Rainbow Blvd. Ste. 401, Las Vegas, NV 89103" and "4995 West USHwy 68, Golden Valley, AZ, 86413;" the phone number "702-644-7246;" and "ALBERT YUN SZU YEH M.D." printed on them. On Monday, January 26, 2009, Affiant Hager traveled to 4040 North Martin Luther King Boulevard, Suite A, North Las Vegas, Nevada. A sign posted on the front door of this clinic directs patients to call Dr. YEH's main telephone number, 702-644-7246, at the 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada location for any patient questions or to schedule an appointment with Dr. YEH for any of his Nevada or Arizona clinic locations. This sign also states that Dr. YEH practices at four different locations, but that all administrative matters are handled by medical support staff at the 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada location from 8:00 a.m. to 3:30 p.m. Monday through Friday.

61. On January 29, 2009, investigators acquired subscriber records for Dr. YEH's telephone number, 702-644-7246. These records revealed that 702-644-7246 is registered to PAIN WELLNESS CENTER, 4040 North Martin Luther King Boulevard, Suite A, North Las Vegas, Nevada. This is the telephone number that each of the undercover agents used to call to schedule their patient visits with Dr. YEH at his Golden Valley, Arizona clinic.

62. On February 10, 2009, agents and officers from the DEA Phoenix office and from the DEA Las Vegas office executed a search warrant at Dr. YEH's clinic located at 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada. Investigators determined that all of Dr. YEH's patient records for his patients seen in Golden Valley, Arizona, are maintained digitally on a computer server located at the 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada. Todd Coleman, Dr. YEH's billing manager, informed Affiant Hager that when Dr. YEH sees patients in Golden Valley,

Arizona, he is connecting remotely to the main computer server located at 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada to view his Arizona patients' charts. Additionally, Mr. Coleman informed Affiant Hager that all of the "superbills" used to document services provided to patients in Arizona are brought back from Arizona to 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada. From this Nevada main office location, Mr. Coleman takes the information off of the Arizona patients' superbills and submits these claims for payment to the Arizona patients' insurance companies.

63. On June 23, 2009, Affiant Hager contacted an Appraisal Technician at the Clark County, Nevada Assessor's Office who told Affiant Hager that the address 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada was registered with the Clark County Assessor's Office under the business name PAIN WELLNESS CENTER, Attention: Dr. YEH. Title deed records notarized on March 23, 2007 that were obtained from the Clark County Assessor's Office document the purchase of 4040 North Martin Luther King Boulevard, North Las Vegas, Nevada by TAIBRA, LLC. A business entity search through the Nevada Secretary of State revealed that the principals of TAIBRA, LLC are Albert YEH and his wife, Jennifer WU.

RACKETEERING AND MONEY LAUNDERING

64. Property is subject to forfeiture if it is used or intended for use to facilitate racketeering, is the proceeds of racketeering, affords a source of influence over a criminal enterprise, or is property of a person whose other property is subject to forfeiture for one of these reasons but the other property is unavailable for seizure (in these circumstances, property is called a "substitute asset"). Racketeering is defined in A.R.S. § 13-2301 to include felony conduct listed by type, including: drug offenses, fraud, theft, illegal enterprises, and money laundering.

65. As described above, your Affiants have probable cause to believe that Dr. YEH committed racketeering in, from, and into Arizona in violation of A.R.S. §§ 13-2301 through 13-2318, through violations of A.R.S. §§ 13-3406, 13-3407, and 13-3408

(drugs); 13-2310 and 13-2311 (fraud); 13-1802 (theft); 13-2317 (money laundering); and 13-2312 (illegally controlling and/or participating in the conduct of an enterprise engaged in the foregoing racketeering offenses). Your Affiants believe that as a result of Dr. YEH's commission of these crimes, Dr. YEH committed money laundering of the proceeds of these crimes, at a minimum, between January 1, 2006 through February 10, 2009, in amounts far exceeding one hundred thousand dollars per each twelve month period. Pursuant to A.R.S. § 13-2317(D), a person who commits the offense of money laundering of one hundred thousand dollars or more in any twelve month period is subject to forfeiture of substitute assets in an amount that is three times the amount of laundered money. The dollar amount, which is trebled, includes proceeds of conduct that occurred before and after the twelve month period.

66. In addition to the preparation and submission of false insurance claims to AHCCCS, Dr. YEH intentionally and as a regular course of conduct prepared and submitted false insurance claims to the following insurance companies for medical services which he falsely claimed to have provided in Arizona, at a minimum, between January, 1, 2006 through February 10, 2009, in order to collect payments which in fact had not been earned, in the following amounts: Medicare (\$793,529.36); Conseco (\$873.02); Bankers Life and Casualty (\$1,612.62); Blue Cross Blue Shield (\$62,945.18); Champ VA (\$13,352.47); totaling \$872,312.65. Cash payments to Dr. YEH during the same time period for such purported medical services performed in Arizona totaled \$25,187.00, which includes the 11 cash payments received by Dr. YEH from the undercover agents posing as patients. The total amount received by Dr. YEH for purported medical services performed in Arizona from AHCCCS, other insurance companies and in cash during the foregoing time period equals not less than \$3,348,685.80. Between 2005 through 2008, that amount far exceeds the statutory threshold of one hundred thousand dollars per year twelve month period for which substitute assets in the amount of three times the amount of money laundered are subject to forfeiture by statute. A.R.S. § 13-2317(D).

67. Based upon the foregoing undercover investigation; interviews; expert opinions; the records obtained and reviewed by DEA from the above-referenced search warrants served February 10, 2009; the financial records for Albert Yun YEH, his wife, Jennifer TP WU, and entities related to them that were requested and received via demand letters issued to Black Mountain Community Bank (BMCB), Wells Fargo Bank NA, Scottrade, and other financial institutions; and your Affiants' training and experience, your Affiants reasonably believe:

(a) Dr. YEH received and deposited into BMCB, between January 1, 2004 through April 21, 2009, \$3,323,498.80 which he received from AHCCCS and other insurance companies as a result of the drug, fraud, and other crimes which he committed in Arizona, described in this affidavit. In addition, Dr. YEH received a minimum of \$25,187.00 in cash as a result of drug, fraud and other crimes which he committed in Arizona, described in this affidavit.

(b) Dr. YEH acquired, transacted, transferred, transported and received the foregoing \$3,348,685.80 (which includes the \$25,187 in cash) knowing that the entire amount was the proceeds of his Arizona racketeering offenses, including the transfer of far more than that total amount to one or more of the financial institutions listed in Appendix One.

(c) Trebling that amount per A.R.S. § 13-2317(D) results in the \$10,046,057.40 amount of assets which your Affiants request by this affidavit be ordered seized for forfeiture.

68. Your Affiants are also aware that another method used to launder money is to document payment for services not provided or to overpay for the service provided, including payment of excess amounts to a related person or entity for the rental of property. Dr. YEH's Pain Wellness Center at 4040 North Martin Luther King was rented from TAIBRA, LLC. Records from the Nevada Secretary of State indicate that Jennifer WU and Albert YEH are the principals of TAIBRA, LLC. During 2008, 11 checks drawn on one of Dr. YEH's BMCB accounts, totaling \$163,000.00, were made out to TAIBRA, LLC as "rent" for Dr. YEH's clinic at 4040 North Martin Luther King

Boulevard, Suite A, North Las Vegas, Nevada, a rent of not less than \$13,000 per month. The amount of rent paid to the controlled entity, TAIBRA, LLC, is excessive compared to the rent paid by Dr. YEH to third-parties for his practices in Golden Valley, AZ; 4845 S. Rainbow Blvd, Las Vegas, NV; and at 8480 S. Eastern Ave, Ste D, Las Vegas, NV. The \$163,000 paid to TAIBRA, LLC for “rent” on Dr. YEH’s owned location in 2008 nearly equaled the *combined* rent of \$180,648 for his other three practice locations.

SUMMARY

69. Therefore, your Affiants request the issuance of a Seizure Warrant pursuant to A.R.S. §§ 13- 4301 through 13-4314, and 13-2301 through 13-2317, ordering the seizure for forfeiture of property described on Appendix One having a value not exceeding the amount of \$10,046,057.00 owned and/or controlled by Dr. Albert Szu Yun YEH, and ordering the seizure for forfeiture of certain property in rem described on Appendix One, based upon the conduct described in this affidavit:

1. Between 2004 and 2009, Dr. YEH intentionally and as a regular course of conduct prepared and submitted false insurance claims to the Arizona Health Care Cost Containment System (“AHCCCS”), and to insurance companies other than AHCCCS, for medical services which he falsely claimed to have provided, in order to collect payments which in fact had not been earned, in an amount not less than \$3,348,685.80.

2. Between 2004 and 2009, Dr. YEH intentionally and as a regular course of conduct prescribed prescription-only, dangerous and narcotic drugs in violation of Arizona drug laws, violating A.R.S. §§ 13-3406 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs); 13-4307 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs); and 13-3408 (illegal possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs), for which he requested payment of not less than \$8 million dollars.

Jamie Barilla
Task Force Officer
Drug Enforcement Administration

Erin Hager
Diversion Investigator
Drug Enforcement Administration

Subscribed and sworn to before me this _____ day of July, 2009

Superior Court Judge Gary E. Donahoe
Maricopa County Superior Court