

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

| | | |
|-----------------------------|---|----------------|
| DEPARTMENT OF FINANCIAL AND |) | |
| PROFESSIONAL REGULATION |) | |
| of the State of Illinois, |) | Complainant, |
| v. |) | No. 2018-08865 |
| Kirk A. Hopkins, M.D. |) | |
| License No. 036-111765, |) | Respondent. |

INDEFINITE SUSPENSION ORDER

This matter, coming before me pursuant to 20 ILCS 2105/2105-170, and after being duly advised in this matter, I hereby FIND:

1. Kirk A. Hopkins, M.D. ("Respondent") holds a Physician and Surgeon License, License No. 036-111765, in the State of Illinois. Said Illinois Physician and Surgeon License is currently in active status.
2. Respondent's Physician and Surgeon License qualifies him as a "health care worker" as defined in the Health Care Worker Self-Referral Act and by Rule in 68 Ill. Admin. Code § 1130.110.
3. On October 9, 2020, the Department emailed to Respondent to his last known email address with the Department a Notice of Intent to Issue Indefinite Suspension Order. Respondent did not submit a response to the Notice of Intent to Issue Indefinite Suspension Order within twenty (20) days.
4. Respondent's Illinois Physician and Surgeon Licenses, License 036-111765, is hereby indefinitely suspended, by operation of law and without a hearing because on June 17, 2020, Respondent plead guilty to wire fraud, in violation of Title 18 U.S.C. Section 1343 arising out of scheme to defraud and to obtain money from Medicare and Medicaid by means of materially false and fraudulent pretenses, representation and promises, attached herein and


incorporated into this Order as **Exhibit B**. On October 7, 2020, Respondent was convicted of wire fraud, in violation of 18 U.S.C. 1343 and sentenced to thirty-six (36) months of imprisonment, followed by one (1) year supervised release and restitution in the amount of \$ 3.189.007.88 as set forth in the attached copy of the Judgment in the Criminal Case No. 18CR00373 attached herein and incorporated into this Order as **Exhibit C**.

5. Respondent may request a hearing for the sole purpose of determining the length of the suspension of Respondent's Illinois Physician and Surgeon License No. 036-111765

WHEREFORE, pursuant to 20 ILCS 2105/2105-170, it is hereby ORDERED that Respondent's Illinois Physician and Surgeon License, License No. 036-111765, is hereby INDEFINITELY SUSPENDED. Respondent shall immediately surrender said license and all other indicia of licensure to the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois. If Respondent fails to comply with this order, the Department shall seize said license. This Order shall become effective fourteen (14) calendar days after the Director's signature, as dated and signed below.

DATED THIS 10th DAY OF December, 2020.

**DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the
State of Illinois; Deborah Hagan, Secretary
Division of Professional Regulation**


Cecilia Abundis
Acting Director

Case No. 2018-08865
License No. 036-111765

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois,

Complainant,

v.

Kirk A. Hopkins, M.D.
License No. 036-111765,

Respondent.

)
)
) No. 2018-08865
)
)

20 OCT -3 PM 10:44
RECEIVED
DIVISION OF PROFESSIONAL REGULATION
STATE OF ILLINOIS

NOTICE OF INTENT TO ISSUE INDEFINITE SUSPENSION ORDER

TO: KIRK A HOPKINS

Email: [REDACTED]

Under Illinois law, 20 ILCS 2105/2105-170, the text attached herein as **Exhibit A**, a Health Care Worker who has been convicted of, or has entered a plea of guilty or nolo contendere in a criminal prosecution to a criminal health care or criminal insurance fraud offense shall by operation of law have his or her licenses automatically and indefinitely suspended.

Please take notice that the Department intends to issue an order indefinitely suspending your license as an Illinois Physician and Surgeon, License No. 036-111765, because on June 17, 2020, Respondent plead guilty to wire fraud, in violation of Title 18 U.S.C. Section 1343 arising out of scheme to defraud and to obtain money from Medicare and Medicaid by means of materially false and fraudulent pretenses, representation and promises, attached herein as **Exhibit B**. On October 7, 2020, Respondent was convicted of wire fraud, in violation of 18 U.S.C. 1343 and sentenced to thirty-six (36) months of imprisonment, followed by one (1) year supervised release and restitution in the amount of \$ 3,189,007.88 as set forth in the attached copy of the Judgment in the Criminal Case No. 18CR00373 marked as **Exhibit C**, which is a criminal health care or insurance fraud offense.


YOU ARE HEREBY NOTIFIED that you have twenty (20) days from the date this Notice is mailed to present to this Department a written response contesting the Department issuing an order to indefinitely suspend your license. Your response will be considered only for the following reasons: 1) you have been incorrectly identified as the person with the conviction; 2) the conviction has been vacated, overturned, or reversed, expunged, or a pardon has been granted; or 3) the conviction is not a disqualifying conviction. Your written response must be accompanied by documentation which supports one of these three reasons and must be mailed to the address below. No extensions will be granted.

Your response and supporting documentation must be sent to:

Frank Lamas
Chief of Medical Prosecutions for the
Division of Professional Regulation
100 West Randolph Street, Suite 9-100
Chicago, Illinois 60601
Frank.Lamas@illinois.gov

YOU ARE FURTHER NOTIFIED that your failure to present a written response to the Department within twenty (20) days from the date this Notice is emailed will result in an Order indefinitely suspending your Illinois Physician and Surgeon License No. 036-111765 pursuant to 20 ILCS Admin. 2105/2105-170.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of
the State of Illinois, Deborah Hagan, Secretary
Division of Professional Regulations



Cecilia Abundis
Acting Director

Case No. 2018-08865
License No. 036-111765

EXHIBIT A

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Department of Professional Regulation Law of
the Civil Administrative Code of Illinois is amended by adding
Section 2105-170 as follows:

(20 ILCS 2105/2105-170)

Sec. 2105-170. Health care workers; automatic suspension of license. A health care worker, as defined by the Health Care Worker Self-Referral Act, licensed by the Department shall be automatically and indefinitely suspended at such time as the final trial proceedings are concluded whereby a licensee has been either convicted of, or has entered a plea of guilty or nolo contendere in a criminal prosecution to, a criminal health care or criminal insurance fraud offense, requiring intent, under the laws of the State, the laws of any other state, or the laws of the United States of America, including, but not limited to, criminal Medicare or Medicaid fraud. A certified copy of the conviction or judgment shall be the basis for the suspension. If a licensee requests a hearing, then the sole purpose of the hearing shall be limited to the length of the suspension of the licensee's license, as the conviction or judgment is a matter of record and may not be challenged.

(Source: P.A. 99-211, eff. 1-1-16.)

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY as provided by law, Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached NOTICE OF INTENT TO ISSUE INDEFINITE SUSPENSION ORDER together with all documents described therein as being attached thereto, to be emailed to Respondent at his last know email address with the Department on October 9, 2020



Case No. 2018-08865

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUL 17 2020

JUDGE JOAN H. LEFKOW
UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

No. 18 CR 373

v.

Judge Joan Humphrey Lefkow

KIRK ALAN HOPKINS

PLEA AGREEMENT

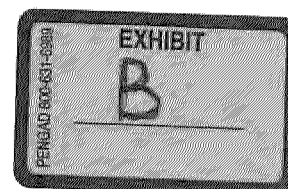
1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, JOHN R. LAUSCH, JR., and defendant KIRK ALAN HOPKINS, and his attorney, TONY THEDFORD, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The indictment in this case charges defendant with wire fraud, in violation of Title 18, United States Code, Section 1343 (Counts One through Five).

3. Defendant has read the charges against him contained in the indictment, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.



Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following count of the indictment: Count Two, which charges defendant with wire fraud, in violation of Title 18, United States Code, Section 1343.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charge contained in Count Two of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt and constitute relevant conduct pursuant to Guideline § 1B1.3:

Beginning in or around 2008, and continuing through in or around May 2014, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant KIRK ALAN HOPKINS knowingly devised, intended to devise, and participated in a scheme to defraud and to obtain money from Medicare and Medicaid by means of materially false and fraudulent pretenses, representations and promises.

Specifically, HOPKINS was a medical doctor licensed to practice medicine in Illinois, with a specialty in psychiatry. HOPKINS owned and controlled Hopkins Medical Group, located in Chicago, that purported to provide psychotherapy services to Medicaid and Medicare beneficiaries that were bused from group and nursing homes to the clinic to participate in a day program. HOPKINS submitted, and caused to be submitted, false claims to Medicare and Medicaid for psychiatric services purportedly provided to the participants in the day program, when such services were

not provided in the following ways: HOPKINS purportedly provided individual psychotherapy sessions when, in fact, the services were not provided; and, HOPKINS purportedly provided, or supervised another therapist providing, group psychotherapy sessions when, in fact, the services were not provided either by HOPKINS or under his supervision. Numerous dates of services on the false claims included dates on which HOPKINS was traveling, and not located in Illinois, and dates on which the beneficiaries were themselves unavailable to have received the purported services because they were admitted into a hospital facility or deceased. HOPKINS also paid, and caused his employees to pay, cash to certain beneficiaries in order to entice them to attend the day program. In reality, rather than receive psychotherapy services the participants of the day program were placed in a large holding room to watch television and, on occasion, received group therapy from unsupervised and often-unlicensed counselors. With respect to the submission of the false claims, HOPKINS directed his employees to delay submission of the false claims until after beneficiaries' deductibles had been exhausted, in order to insure that Hopkins Medical Group received payment because HOPKINS did not collect deductibles.

HOPKINS also purportedly provided psychotherapy services to Medicare and Medicaid beneficiaries residing at nursing home facilities. HOPKINS submitted, and caused to be submitted, false claims to Medicaid or Medicare for payment for services purportedly rendered to such nursing home residents when, in fact, HOPKINS had

not provided the services because HOPKINS was traveling, and not located in Illinois, or the beneficiaries were themselves unavailable to have received the purported services because they were admitted into a hospital facility or deceased.

HOPKINS also offered and paid remuneration, including kickbacks and bribes, to induce individuals, including Individual A and Individual B—employees of Healthcare Facility A—to refer residents at Healthcare Facility A who were insured by Medicare or Medicaid to HOPKINS for psychotherapy treatment at either Healthcare Facility A or at Hopkins Medical Group. HOPKINS submitted, and caused to be submitted, false claims to Medicare and Medicaid for psychiatric services purportedly provided to patients at Healthcare Facility A, when such services were not provided in the following ways: HOPKINS purportedly provided individual psychotherapy sessions when, in fact, the services were not provided; and, HOPKINS purportedly provided, or supervised another therapist providing, group psychotherapy sessions when, in fact, the services were not provided either by HOPKINS or under his supervision. In addition, dates of services on the false claims for services purportedly provided or supervised by HOPKINS at Healthcare Facility A included dates on which HOPKINS was traveling, and not located in Illinois, and dates on which the beneficiaries were themselves unavailable to have received the purported services because they were admitted into a hospital facility or deceased.

For example, to execute the scheme as alleged in Count Two, on or about November 26, 2013, at Chicago, in the Northern District of Illinois, Eastern Division,

and elsewhere, HOPKINS knowingly caused to be transmitted in interstate commerce by means of wire communications, certain writings, signs, and signals, namely data relating to an electronic transfer from Hopkins Medical Group in Illinois to National Government Services in Kentucky, containing a claim bearing identification no. 621013330382840 to Medicare for psychotherapy services purportedly rendered to Beneficiary DS in Illinois at Hopkins Medical Group on or about November 20, 2013, despite the fact that HOPKINS was not in Illinois on that date.

HOPKINS acknowledges that as a result of the false claims he submitted, and caused to be submitted, to Medicare and Medicaid he received approximately \$3,365,616 which Medicare and Medicaid electronically transferred to a bank account in his name and which he controlled in the name of Hopkins Medical Group located at JP Morgan Chase Bank.

Maximum Statutory Penalties

7. Defendant understands that the charge to which he is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 20 years' imprisonment. This offense also carries a maximum fine of \$250,000, or twice the gross gain or gross loss resulting from that offense, whichever is greater. Defendant further understands that the judge also may impose a term of supervised release of not more than three years.

b. Defendant further understands that the Court must order restitution to the victims of the offense in an amount determined by the Court. The Court also may order restitution to any persons as agreed by the parties.

c. Pursuant to Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which he has pled guilty, in addition to any other penalty or restitution imposed.

Sentencing Guidelines Calculations

8. Defendant understands that in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points, except as specified below:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2018 Guidelines Manual.

b. **Offense Level Calculations.**

i. The base offense level is 7, pursuant to Guideline § 2B1.1(a)(1).

ii. The base offense level is increased by 16 levels, pursuant to Guideline § 2B1.1(b)(1)(I), because the actual loss amount is more than \$1,500,000, and less than \$3,500,000.

iii. The base offense level is increased by 2 levels, pursuant to Guideline § 2B1.1(b)(7), because the offense is a federal health care offense involving a Government health care program and the loss to the government health care program was more than \$1,000,000.

iv. The base offense level is increased by 2 levels, pursuant to Guideline § 3B1.3, because the defendant abused a position of trust.

v. The base offense level is increased by 2 levels, pursuant to Guideline § 3A1.1(b)(1), because the defendant knew or should have known that a victim of the offense was a vulnerable victim.

vi. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to accept responsibility for his actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine or restitution that may be imposed in this case, a two-level reduction in the offense level is appropriate.

vii. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts

now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

d. Anticipated Advisory Sentencing Guidelines Range.

Therefore, based on the facts now known to the government, the anticipated offense level, is 26 which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 63 to 78 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose.

e. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Agreements Relating to Sentencing

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

13. Regarding restitution, defendant acknowledges that the total amount of restitution owed to Medicare is \$1,113,884 and to Medicaid is \$1,352,083, minus any credit for funds repaid prior to sentencing, and that pursuant to Title 18, United States Code, Section 3663A, the Court must order defendant to make full restitution in the amount outstanding at the time of sentencing. Defendant also agrees to pay

additional restitution, arising from the relevant conduct set forth above, specifically \$231,905 to Medicare and \$667,744 to Medicaid, pursuant to Title 18, United States Code, Sections 3663(a)(3) and 3664.

14. Restitution shall be due immediately, and paid pursuant to a schedule to be set by the Court at sentencing. Defendant acknowledges that pursuant to Title 18, United States Code, Section 3664(k), he is required to notify the Court and the United States Attorney's Office of any material change in economic circumstances that might affect his ability to pay restitution.

15. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

16. Defendant agrees that the United States may enforce collection of any fine or restitution imposed in this case pursuant to Title 18, United States Code, Sections 3572, 3613, and 3664(m), notwithstanding any payment schedule set by the Court.

17. After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment and the forfeiture allegation.

Forfeiture

18. Defendant acknowledges that on or about September 4, 2014, administrative forfeiture proceedings were commenced against certain property,

including \$176,608.21 in funds seized from Bank Account Ending 6364 in the name of Hopkins Medical Group at JPMorgan Chase Bank, Naperville, Illinois. By signing this plea agreement, defendant acknowledges that he had notice of the administrative forfeiture proceeding, relinquishes any right, title, and interest he may have had in this property, withdraws any previously filed claims, and understands that an administrative decree of forfeiture has been entered, or will be entered, thereby extinguishing any claim he may have had in the seized property. Defendant further agrees not to challenge or seek review of the civil or administrative forfeiture of any property identified in this agreement subject to forfeiture, and will not assist any third party with regard to such challenge or review.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

19. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 18 CR 373.

20. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other

federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

21. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a

reasonable doubt and that it was to consider each count of the indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

b. **Appellate rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to

trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

22. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

23. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

24. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility

pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

25. For the purpose of monitoring defendant's compliance with his obligations to pay a fine and restitution during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

26. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

27. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Conclusion

28. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.


29. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

30. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.


31. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.


32. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: 6/17/2020


JOHN R. LAUSCH, JR.
United States Attorney


L. HEIDI MANSCHRECK
Assistant U.S. Attorney


KIRK ALAN HOPKINS
Defendant


TONY THEDFORD
Attorney for Defendant

UNITED STATES DISTRICT COURT
Northern District of Illinois

UNITED STATES OF AMERICA

v.

KIRK HOPKINS

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:18-CR-00373(1)

USM Number: 53230-424

D'Anthony V. Thedford
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count Two (2) of the Indictment.
☐ pleaded nolo contendere to count(s) which was accepted by the court.
☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense

18:1343.F Fraud By Wire, Radio, Or Television

Offense Ended

05/01/2014

Count

2

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
☒ All remaining counts are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this District within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

October 7, 2020

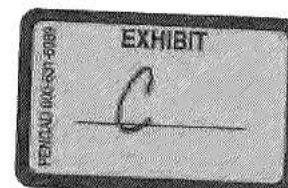
Date of Imposition of Judgment

Signature of Judge

Joan H. Lefkow, United States District Judge

Name and Title of Judge

Date



DEFENDANT: KIRK HOPKINS
CASE NUMBER: 1:18-CR-00373(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Thirty-six (36) months as to count 2.

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender to the United States Marshal for this district:
- ☒ at 2:00 p.m. on April 7, 2021.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2:00 pm on
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows: _____

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KIRK HOPKINS
CASE NUMBER: 1:18-CR-00373(1)

MANDATORY CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C § 3583(d)

Upon release from imprisonment, you shall be on supervised release for a term of:
one (1) year.

The court imposes those conditions identified by checkmarks below:

During the period of supervised release:

- ☒ (1) you shall not commit another Federal, State, or local crime.
- ☒ (2) you shall not unlawfully possess a controlled substance.
- ☐ (3) you shall attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, if an approved program is readily available within a 50-mile radius of your legal residence. [Use for a first conviction of a domestic violence crime, as defined in § 3561(b).]
- ☐ (4) you shall register and comply with all requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913).
- ☒ (5) you shall cooperate in the collection of a DNA sample if the collection of such a sample is required by law.
- ☒ (6) you shall refrain from any unlawful use of a controlled substance AND submit to one drug test within 15 days of release on supervised release and at least two periodic tests thereafter, up to 104 periodic tests for use of a controlled substance during each year of supervised release. [This mandatory condition may be ameliorated or suspended by the court for any defendant if reliable sentencing information indicates a low risk of future substance abuse by the defendant.]

DISCRETIONARY CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C § 3563(b) AND 18 U.S.C § 3583(d)

Discretionary Conditions — The court orders that you abide by the following conditions during the term of supervised release because such conditions are reasonably related to the factors set forth in § 3553(a)(1) and (a)(2)(B), (C), and (D); such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in § 3553 (a)(2) (B), (C), and (D); and such conditions are consistent with any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994a. The court imposes those conditions identified by checkmarks below:

During the period of supervised release:

- ☐ (1) you shall provide financial support to any dependents if you are financially able to do so.
- ☐ (2) you shall make restitution to a victim of the offense under § 3556 (but not subject to the limitation of § 3663(a) or § 3663A(c)(1)(A)).
- ☐ (3) you shall give to the victims of the offense notice pursuant to the provisions of § 3555, as follows: ~~none~~
- ☒ (4) you shall seek, and work conscientiously at, lawful employment or, if you are not gainfully employed, you shall pursue conscientiously a course of study or vocational training that will equip you for employment.
- ☐ (5) you shall refrain from engaging in the following occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in the following specified occupation, business, or profession only to a stated degree or under stated circumstances:
- ☒ (6) you shall not knowingly meet or communicate with any person whom you know to be engaged, or planning to be engaged, in criminal activity and shall not:
 - ☐ visit the following type of places: ~~none~~.
 - ☐ knowingly meet or communicate with the following persons: ~~none~~.
- ☒ (7) you shall refrain from ☐ any or ☒ excessive use of alcohol (defined as ☐ having a blood alcohol concentration greater than 0.08; or ☐), and from any use of a narcotic drug or other controlled substance, as defined in § 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner.
- ☒ (8) you shall not possess a firearm, destructive device, or other dangerous weapon.
- ☐ (9) ☐ you shall participate, at the direction of a probation officer, in a substance abuse treatment program, which may include urine testing up to a maximum of 104 tests per year.
 - ☐ you shall participate, at the direction of a probation officer, in a mental health treatment program, and shall take any medications prescribed by the mental health treatment provider.
 - ☐ you shall participate, at the direction of a probation officer, in medical care; (if checked yes, please specify:

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- ☐ (10) (intermittent confinement): you shall remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling [] [no more than the lesser of one year or the term of imprisonment authorized for the offense], during the first year of the term of supervised release (provided, however, that a condition set forth in §3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with § 3583(e)(2) and only when facilities are available) for the following period [].
- ☐ (11) (community confinement): you shall reside at, or participate in the program of a community corrections facility (including a facility maintained or under contract to the Bureau of Prisons) for all or part of the term of supervised release, for a period of [] months.
- ☐ (12) you shall work in community service for [] hours as directed by a probation officer.
- ☐ (13) you shall reside in the following place or area: [], or refrain from residing in a specified place or area: [].
- ☒ (14) you shall not knowingly leave from the federal judicial district where you are being supervised, unless granted permission to leave by the court or a probation officer. The geographic area of the Northern District of Illinois currently consists of the Illinois counties of Cook, DuPage, Grundy, Kane, Kendall, Lake, LaSalle, Will, Boone, Carroll, DeKalb, Jo Daviess, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago.
- ☒ (15) you shall report to the probation office in the federal judicial district to which you are released within 72 hours of your release from imprisonment. You shall thereafter report to a probation officer at reasonable times as directed by the court or a probation officer.
- ☒ (16) ☒ you shall permit a probation officer to visit you ☒ at any reasonable time or ☐ as specified:
☒ at home ☒ at work ☒ at school ☐ at a community service location
☒ other reasonable location specified by a probation officer
☒ you shall permit confiscation of any contraband observed in plain view of the probation officer.
- ☒ (17) you shall notify a probation officer within 72 hours, after becoming aware of any change in residence, employer, or workplace and, absent constitutional or other legal privilege, answer inquiries by a probation officer. You shall answer truthfully any inquiries by a probation officer, subject to any constitutional or other legal privilege.
- ☒ (18) you shall notify a probation officer within 72 hours if after being arrested, charged with a crime, or questioned by a law enforcement officer.
- ☐ (19) (home confinement)
☐ (a)(i) (home incarceration) for a period of ___ months, you are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the court.
☐ (a)(ii) (home detention) for a period of ___ months, you are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the probation officer.
☐ (a)(iii) (curfew) for a period of ___ months, you are restricted to your residence every day.
☐ from the times directed by the probation officer; or ☐ from ___ to ____.
☐ (b) your compliance with this condition, as well as other court-imposed conditions of supervision, shall be monitored by a form of location monitoring technology selected at the discretion of the probation officer, and you shall abide by all technology requirements.
☐ (c) you shall pay all or part of the cost of the location monitoring, at the daily contractual rate, if you are financially able to do so.
- ☐ (20) you shall comply with the terms of any court order or order of an administrative process pursuant to the law of a State, the District of Columbia, or any other possession or territory of the United States, requiring payments by you for the support and maintenance of a child or of a child and the parent with whom the child is living.
- ☐ (21) (deportation): you shall be surrendered to a duly authorized official of the Homeland Security Department for a determination on the issue of deportability by the appropriate authority in accordance with the laws under the Immigration and Nationality Act and the established implementing regulations. If ordered deported, you shall not remain in or enter the United States without obtaining, in advance, the express written consent of the United States Attorney General or the United States Secretary of the Department of Homeland Security.
- ☒ (22) you shall satisfy such other special conditions as ordered below.
- ☐ (23) You shall submit your person, property, house, residence, vehicle, papers [computers (as defined in 18 U.S.C. 1030(e)(1)), other electronic communications or data storage devices or media,] or office, to a search conducted by a United States Probation Officer(s). Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer(s) may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

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☐ (24) Other:

SPECIAL CONDITIONS OF SUPERVISED RELEASE PURSUANT TO 18 U.S.C. 3563(b)(22) and 3583(d)

The court imposes those conditions identified by checkmarks below:

During the term of supervised release:

- ☐ (1) if you have not obtained a high school diploma or equivalent, you shall participate in a General Educational Development (GED) preparation course and seek to obtain a GED within the first year of supervision.
- ☐ (2) you shall participate in an approved job skill-training program at the direction of a probation officer within the first 60 days of placement on supervision.
- ☒ (3) you shall, if unemployed after the first 60 days of supervision, or if unemployed for 60 days after termination or lay-off from employment, perform at least 20 hours of community service per week at the direction of the probation office until gainfully employed. The total amount of community service required over your term of service shall not exceed 400 hours.
- ☐ (4) you shall not maintain employment where you have access to other individual's personal information, including, but not limited to, Social Security numbers and credit card numbers (or money) unless approved by a probation officer.
- ☒ (5) you shall not incur new credit charges or open additional lines of credit without the approval of a probation officer unless you are in compliance with the financial obligations imposed by this judgment.
- ☒ (6) you shall provide a probation officer with access to any requested financial information requested by the probation officer to monitor compliance with conditions of supervised release.
- ☒ (7) within 72 hours of any significant change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments, you must notify the probation officer of the change.
- ☒ (8) you shall file accurate income tax returns and pay all taxes, interest, and penalties as required by law.
- ☐ (9) you shall participate in a sex offender treatment program. The specific program and provider will be determined by a probation officer. You shall comply with all recommended treatment which may include psychological and physiological testing. You shall maintain use of all prescribed medications.
- ☐ You shall comply with the requirements of the Computer and Internet Monitoring Program as administered by the United States Probation Office. You shall consent to the installation of computer monitoring software on all identified computers to which you have access and to which the probation officer has legitimate access by right or consent. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, Internet use history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. You shall not remove, tamper with, reverse engineer, or in any way circumvent the software.
- ☐ The cost of the monitoring shall be paid by you at the monthly contractual rate, if you are financially able, subject to satisfaction of other financial obligations imposed by this judgment.
- ☐ You shall not possess or use at any location (including your place of employment), any computer, external storage device, or any device with access to the Internet or any online computer service without the prior approval of a probation officer. This includes any Internet service provider, bulletin board system, or any other public or private network or email system.
- ☐ You shall not possess any device that could be used for covert photography without the prior approval of a probation officer.
- ☐ You shall not view or possess child pornography. If the treatment provider determines that exposure to other sexually stimulating material may be detrimental to the treatment process, or that additional conditions are likely to assist the treatment process, such proposed conditions shall be promptly presented to the court, for a determination, pursuant to 18 U.S.C. § 3583(e)(2), regarding whether to enlarge or otherwise modify the conditions of supervision to include conditions consistent with the recommendations of the treatment provider.
- ☐ You shall not, without the approval of a probation officer and treatment provider, engage in activities that will put you in unsupervised private contact with any person under the age of 18, and you shall not knowingly visit locations where persons under the age of 18 regularly congregate, including parks, schools, school bus stops, playgrounds, and childcare facilities. This condition does not apply to contact in the course of normal commercial business or unintentional incidental contact.
- ☐ This condition does not apply to your family members: [Names]
- ☐ Your employment shall be restricted to the judicial district and division where you reside or are supervised, unless approval is granted by a probation officer. Prior to accepting any form of employment, you shall seek the approval of a probation officer, in order to allow the probation officer the opportunity to assess the level of risk to the community you will pose if employed in a particular capacity. You shall not participate in any volunteer

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activity that may cause you to come into direct contact with children except under circumstances approved in advance by a probation officer and treatment provider.

- ☐ You shall provide the probation officer with copies of your telephone bills, all credit card statements/receipts, and any other financial information requested.
- ☐ You shall comply with all state and local laws pertaining to convicted sex offenders, including such laws that impose restrictions beyond those set forth in this order.
- ☒ (10) you shall pay to the Clerk of the Court any financial obligation ordered herein that remains unpaid at the commencement of the term of supervised release, at a rate of not less than 10% of the total of your gross earnings minus federal and state income tax withholdings.
- ☒ (11) you shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the prior permission of the court.
- ☐ (12) you shall pay to the Clerk of the Court \$ [redacted] as repayment to the United States of government funds you received during the investigation of this offense. (The Clerk of the Court shall remit the funds to [redacted] (list both Agency and Address.)
- ☐ (13) if the probation officer determines that you pose a risk to another person (including an organization or members of the community), the probation officer may require you to tell the person about the risk, and you must comply with that instruction. Such notification could include advising the person about your record of arrests and convictions and substance use. The probation officer may contact the person and confirm that you have told the person about the risk.
- ☐ (14) You shall observe one Reentry Court session, as instructed by your probation officer.
- ☐ (15) Other: [redacted]

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | Assessment | Restitution | Fine | AVAA Assessment* | JVTA Assessment** |
|--------|------------|----------------|--------|------------------|-------------------|
| TOTALS | \$100.00 | \$3,189,007.88 | \$0.00 | \$0.00 | \$0.00 |

- ☐ The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$3,189,007.88 to:

DIVISION OF ACCOUNTING OPERATIONS CENTERS FOR MEDI
P.O. BOX 7520
BALTIMORE, MD 21207-0520
\$1,169,180.88

OIG COLLECTIONS ILLINOIS DEPARTMENT OF HEALTHCARE
2200 CHURCHILL RD., BLDG. A-1
SPRINGFIELD, IL 62702
\$2,019,827.00

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the restitution.
- ☐ the interest requirement for the is modified as follows:
- ☐ The defendant's non-exempt assets, if any, are subject to immediate execution to satisfy any outstanding restitution or fine obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018. Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$3,189,107.88 due immediately.
- ☐ balance due not later than _____, or
- ☐ balance due in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g. months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g. months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

| Case Number | Total Amount | Joint and Several Amount | Corresponding Payee, if Appropriate |
|---|--------------|--------------------------|-------------------------------------|
| Defendant and Co-Defendant Names (including defendant number) | | | |

See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.