

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

In the Matter of the License to Practice
as a Medical Physician and Surgeon of
Spiro Y. Kassis, M.D.
License No. MD061655L

Case No.:

19-49-010803

PROTHONOTARY
2020 MAR 10 PM 12:52
DEPARTMENT OF STATE

NOTICE AND ORDER OF AUTOMATIC SUSPENSION

WHEREAS, the records of the State Board of Medicine ("Board") reflect that **SPIRO Y. KASSIS, M.D.** ("Respondent") is the holder of a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license number **MD061655L**, that the Board issued on July 15, 1997; and

WHEREAS, the prosecuting attorney for the Commonwealth has filed a Petition for Automatic Suspension (attached hereto as **Attachment A**), including certified copies of the Information, Guilty Plea Agreement and Sentencing in the matter of United States of America v. Kassis, filed in the United States District Court for the Eastern District of Pennsylvania (Philadelphia) at Case No. 2:19-cr-00449-GEKP-1 in which Respondent was named as Defendant; and

WHEREAS, the information specifies, among other things, that on or about August 8, 2019, an Information was filed to Counts 1-11 of Unlawful Distribution of Schedule II controlled substances (oxycodone), in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) along with other counts; and

WHEREAS, on or about September 12, 2019, Respondent entered a plea of guilty to Counts 1-11 of Unlawful Distribution of Schedule II controlled substances (oxycodone), along

with other counts, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and

WHEREAS, on or about February 20, 2020, a Judgement was entered at Counts 1-11, along with other counts, where Respondent was sentenced to the following: 1) imprisonment for a period of forty-eight (48) months, 2) two years of supervised release following release from prison, 3) payment of a \$1,400.00 special assessment and 4) payment of \$25,000 fine.

WHEREAS, Title 21 of the United States Code, Section 841(a)(1) specifies, in pertinent part, the following:

§ 841 Prohibited Acts

(a) Unlawful acts. Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally -

* * *

(1) To manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance;

21 U.S.C. §841(a)(1); and

WHEREAS, section 13 of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act¹ ("Drug Act"), at 35 P.S. § 780-113, provides, in pertinent part, that:

(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

* * *

(14) The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the

¹ Act of April 14, 1972, P.L. 233 as amended, 35 P.S. §§ 780-101 to 780-144

patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

35 P.S. §780-113(a)(14); and

WHEREAS, the Drug Act at 35 P.S. §780-113(f)(2) classifies violations of subsection 13(a)(14) as follows:

(f) Any person who violates clause ... (14) ... of subsection (a) with respect to:

** * **

(2) Any other controlled substance or counterfeit substance classified in Schedule I, II, or III, is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding five years, or to pay a fine not exceeding fifteen thousand dollars (\$15,000), or both.

35 P.S. § 780-113(f)(2); and

WHEREAS, Oxycodone, the controlled substance at issue in Respondent's criminal case at United States of America v. Spiro Y. Kassis, M.D., Case No. 2:19-cr-0000449-GEKP-1 is classified as a Schedule II substance under the Drug Act, 35 P.S. § 780-104(2)(i)(1), and

WHEREAS, the criminal offense of distribution of controlled substances to which the Respondent was found guilty would be a felony if prosecuted under subsection 13(f)(2) of the Drug Act, 35 P.S. § 780-113(f)(2); and

WHEREAS, section 40(b) of the Medical Practice Act of 1985² ("MPA"), provides in part:

(b) Automatic suspensions. - A license or certificate issued under this act shall automatically be suspended upon the ... conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere.

63 P.S. § 422.40(b); and

² Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §§ 422.1-422.53

WHEREAS, section 43 of the MPA, 63 P.S. § 422.43, provides, in pertinent part, that:

(b) REINSTATEMENT AFTER FELONY CONVICTION.-- Any person whose license, certificate or registration has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or similar law of another jurisdiction, may apply for reinstatement after a period of at least ten years has elapsed from the date of conviction....

NOW THEREFORE, upon consideration of the allegations set forth in the Petition, Respondent's license number MD061655L, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (collectively, "authorization to practice the profession") issued by the Board to Respondent shall be **AUTOMATICALLY SUSPENDED** for at least 10 years from the date of conviction under authority of sections 40(b) and 43(b) of the MPA, 63 P.S. §§ 422.40(b) and 422.43(b), effective March 30, 2020 (twenty days from the date of this Order) unless Respondent files a response to the Petition and a request for hearing by that same date.

Should Respondent desire to file a response to the Petition and request a hearing, Respondent must file a written response and/or request such that it is received by the Prothonotary for the Department of State by March 30, 2020, twenty (20) days from the date of this Order. Responses to the Petition and any hearing held in connection with the responses shall be limited to the issues of whether (a) Respondent was convicted of the offense as alleged in the Petition and (b) whether the offense would be classified as a felony under the Drug Act if they had been committed in this Commonwealth.

Responses to the petition and any request for hearing shall be filed with the Prothonotary for the Department of State at the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649

A copy of the response and request for hearing shall also be served on the prosecuting attorney identified in the petition at the address set forth below.

Hearings shall be scheduled within 30 days of receipt of the request for a hearing. Continuances will only be granted for good cause shown.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**K. KALONJI JOHNSON
ACTING COMMISSIONER**

Respondent:

9171 9690 0935 0226 6159 93

For the Commonwealth:

Board Legal Counsel:

Date of Mailing:

BY ORDER:

STATE BOARD OF MEDICINE



**KEITH E. LOISELLE
CHAIR**

Spiro Y. Kassis, M.D.
40 West Germantown Pike
Norristown, PA 19401

Jason Anderson, Esq.

Dana M. Wucinski, Esq.

March 10, 2020

ATTACHMENT A

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**In the Matter of the Automatic
Suspension of the License to
Practice Medicine and Surgery of
Spiro Y. Kassis, M.D.**

File No.: 19-49-010803

PETITION FOR AUTOMATIC SUSPENSION

AND NOW comes the Commonwealth of Pennsylvania, by and through its duly authorized Prosecuting Attorney, Jason Anderson, to file this Petition for Automatic Suspension and in support thereof avers the following:

1. At all times relevant and material hereto, **Spiro Y. Kassis, M.D.** (*hereinafter* “Respondent”), held a license issued by the State Board of Medicine (“Board”) to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license no. MD061655L.
2. Respondent’s license to practice as a medical physician and surgeon was originally issued on July 15, 1997, and which expired on December 31, 2018. However, a Petition for Immediate Temporary Suspension was approved by the Board’s Probable Cause Screening Committee¹ and an Order of Temporary Suspension was issued on February 20, 2018 at File No. 18-49-01513.
3. Absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.
4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania and a license to practice as a physician acupuncturist in the Commonwealth of Pennsylvania.

¹ The Medical Board’s Probable Cause Screening Committee consisted of John M. Mitchell, LP, CCP; Charles A. Castle, MD; and Keith E. Loiselle.

5. Respondent's last known address, as on file with the Board is: 40 West Germantown Pike, Norristown, PA 19401. However, based on information contained in the February 14, 2018, Police Criminal Complaint (MJ-38101-CR-0000040-2018), it is believed that Respondent maintains an address at: 116 Chancery Pl., Plymouth Meeting, PA 19462.

6. Respondent retains a property interests in his license until and unless it is revoked by the Board.

COUNT ONE

7. Paragraphs 1 through 6 are incorporated by reference.

8. On or about August 8, 2019, an Information was filed in the US District Court, Eastern District of PA, Docket No. 2:19-cr-00449 to Counts 1-11 of Unlawful Distribution of Schedule II controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(C), and Counts 12-14 of Unlawful Distribution of Schedule III controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(E). **See Exhibit A.**

9. Pursuant to the Information as it relates to Counts 1 through 11 of Unlawful Distribution of Schedule II controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(C), the controlled substance was oxycodone². **See Exhibit A.**

10. Pursuant to the Information as it relates to Counts 12 through 14 of Unlawful Distribution of Schedule III controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(E), the controlled substance was buprenorphine³. **See Exhibit A.**

11. On September 12, 2019, Respondent entered a plea of guilty in the US District Court, Eastern District of PA, Docket No. 2:19-cr-00449 to Counts 1-11 of Unlawful Distribution of Schedule II controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(C), and

² Oxycodone is a Schedule II controlled substance.

³ Buprenorphine is a Schedule III controlled substance.

Counts 12-14 of Unlawful Distribution of Schedule III controlled substances, 21 U.S.C. § 841(a)(1) and 841(b)(1)(E). **See Exhibit A.**

12. On or about February 20, 2020, a Judgment was entered in the U.S. District Court, Eastern District of Pennsylvania at Criminal Docket No. 2:19-cr-00449. Pursuant to the Judgment, Respondent was found guilty on counts 1 through 14 for which he was sentenced to: 1) imprisonment for a period of Forty-eight (48) months, 2) upon release from imprisonment, Respondent shall be placed on a two (2) year period of supervised release, 3) payment of a \$1,400.00 special assessment, and 4) payment of a \$25,000.00 fine. **See Exhibit A.**

13. A true and correct certified copy of the Information, Guilty Plea Agreement, Waiver of filing of Indictment, Sentencing, Judgment, and Criminal Docket for 2:19-cr-00449 are attached and incorporated as **Exhibit "A"**.

14. Pursuant to the Information in US District Court, Eastern District of PA, Docket No. 2:19-cr-00449, counts 1 through 11 for which Respondent's plea of guilty was accepted, Unlawful Distribution of Schedule II controlled substances, 21 U.S.C. § 841(a)(1)⁴ and 841(b)(1)(C), related to the unlawful distribution of a Schedule II Controlled Substances, specifically oxycodone, which is a Schedule II Controlled Substance under the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act. 35 P.S. §§780-104(2).

⁴ Section 841(a)(1), provides in pertinent part:

- (a) "Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally –
 - (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or"

21 U.S.C. § 841(a)(1). Given the language present in this section of the Federal Code and the schedule of the controlled substance at issue in the relevant counts, the most relevant/comparable section of the PA Drug Act is 35 P.S. §780-113(a)(14). As such, the counts to which Respondent was adjudicated guilty in his Federal case would constitute felonies under the PA Drug Act.

15. The Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, P.L. 233 as amended ("Drug Act"), 35 P.S. §§780-101 et seq., at 35 P.S. §780-113(a)(14), provides:

(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

* * * *

(14) The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's discretion and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

35 P.S. §780-113(a)(14).

21. The Drug Act at 35 P.S. §780-113(f)(2) classifies violations of Subsection 113 (a)(14) as follows:

(f) Any person who violates clause ...(14) ...of subsection (a) with respect to:

* * * *

(2) Any other controlled substance or counterfeit substance classified in Schedule I, II, or III, is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding five years, or to pay a fine not exceeding fifteen thousand dollars (\$15,000), or both.

35 P.S. §780-113(f)(2)

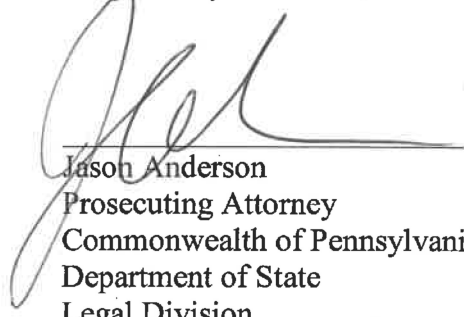
22. Section 40(b) of the Medical Practice Act , provides pertinent part:

"A license or certificate issued under this act shall automatically be suspended upon...the conviction of a felony under the act of April 14, 1972(P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act or conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section, the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere."

63 P.S. § 422.40(b).

WHEREFORE, based upon the Respondent's adjudication of guilty and sentencing in the above referenced federal criminal case to what constitute felony violations under the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, the Commonwealth petitions the Board to notify Respondent that, pursuant to the Controlled Substance, Drug, Device and Cosmetics Act ("Drug Act"), an Act of April 14, 1972, P.L. 233, No. 64, as amended, and Section 40(b) of the Medical Practice Act, 63 P.S. § 422.40(b), his license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania shall be **AUTOMATICALLY SUSPENDED**, and it orders Respondent to **CEASE and DESIST** from practicing as a medical physician and surgeon in the Commonwealth of Pennsylvania and surrender his licensure documents to the Board, and for such other relief as the Board deems appropriate.

Respectfully submitted,



Jason Anderson
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
Legal Division
2601 North Third Street
P.O. Box 69521
Harrisburg, PA 17106-9521

Dated: _____

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:19-cr-00449-GEKP-1
Internal Use Only**

Case title: USA v. KASSIS

Date Filed: 08/01/2019

Date Terminated: 02/20/2020

Assigned to: HONORABLE GENE E.K.
PRATTER

Defendant (1)**SPIRO Y. KASSIS**

TERMINATED: 02/20/2020

represented by **JOHN I. MCMAHON, JR.**
MCMAHON LENTZ & THOMPSON
21 WEST AIRY ST
NORRISTOWN, PA 19401
610-272-9502
Email: john@mcmahon4law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

**ECF
DOCUMENT**

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Eastern District of Pennsylvania.

Date Filed: 2/24/2020

Kate Barkman, Clerk

By: [Signature]

Deputy Clerk

**EXHIBIT
A**

Pending Counts

21:841(a)(1),(b)(1)(C) - DISTRIBUTION
OF SCHEDULE II CONTROLLED
SUBSTANCES
(1-11)

21:841(a)(1),(b)(1)(E) - DISTRIBUTION
OF SCHEDULE III CONTROLLED
SUBSTANCES
(12-14)

Highest Offense Level (Opening)

Felony

Terminated Counts

BROOKS T. THOMPSON
MCMAHON LENTZ & THOMPSON
21 WEST AIRY STREET
NORRISTOWN, PA 19401
610-272-9502
Fax: 610-272-1036
Email: brooks@mcmahon4law.com
ATTORNEY TO BE NOTICED

Disposition

IMPRISONMENT: 48 MONTHS;
SUPERVISED RELEASE: 2 YEARS;
SPECIAL ASSESSMENT: \$1400.00;
FINE: \$25,000.00

IMPRISONMENT: 48 MONTHS;
SUPERVISED RELEASE: 2 YEARS;
SPECIAL ASSESSMENT: \$1400.00;
FINE: \$25,000.00

A TRUE COPY CERTIFIED FROM THE RECORD

DATED: FEB 24 2020ATTEST: [Signature]

DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **MARY BETH LEAHY**
USAO
615 CHESTNUT ST STE 1250
PHILADELPHIA, PA 19106
215-861-8343
Email: mary.beth.leahy@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
08/01/2019	<u>1</u>	INFORMATION as to SPIRO Y. KASSIS (1) counts 1-11, 12-14. (mac,) (Additional attachment(s) added on 8/2/2019: # <u>1</u> DESIGNATION FORM) (mac,). (Entered: 08/02/2019)
08/27/2019	<u>2</u>	NOTICE OF ATTORNEY APPEARANCE JOHN I. MCMAHON, JR appearing for SPIRO Y. KASSIS (MCMAHON, JOHN) (Entered: 08/27/2019)
08/29/2019	<u>3</u>	NOTICE OF HEARING as to SPIRO Y. KASSIS Arraignment/Guilty Plea set for 9/12/2019 10:00 AM in COURTROOM 10-B before HONORABLE GENE E.K. PRATTER. (mlc,) (Entered: 08/29/2019)
09/12/2019		O/R Bond Entered as to SPIRO Y. KASSIS in amount of \$ 10,000, (mac,) (Entered: 09/12/2019)
09/12/2019	<u>4</u>	Plea Document as to SPIRO Y. KASSIS (mac,) (Entered: 09/12/2019)
09/12/2019	<u>5</u>	WAIVER OF INDICTMENT as to SPIRO Y. KASSIS. (mac,) (Entered: 09/12/2019)
09/13/2019	<u>6</u>	Minute Entry for proceedings held before HONORABLE GENE E.K. PRATTER in Courtroom 10B: Arraignment/Guilty Plea Hearing as to SPIRO Y. KASSIS (1) Counts 1-11,12-14 held on 9/12/19. Counsel addressed the Court. Rule 11 colloquy. Plea entered as to SPIRO Y. KASSIS (1): Guilty to Counts 1-11,12-14. Court accepts plea. Sentencing scheduled for January 9, 2020 at 10:00 a.m. PSIR ordered. Bail set for \$100,000 o/r, with conditions.Court Reporter K. FELDMAN.(mac,) (Entered: 09/13/2019)
09/16/2019	<u>7</u>	NOTICE OF HEARING as to SPIRO Y. KASSIS Sentencing set for 1/9/2020 10:00 AM in COURTROOM 10-B before HONORABLE GENE E.K. PRATTER. (mlc,) (Entered: 09/16/2019)
09/18/2019	<u>8</u>	ORDER SETTING CONDITIONS OF RELEASE AS TO SPIRO Y. KASSIS (1) THAT DEFENDANT IS RELEASED ON BAIL IN THE AMOUNT OF \$100,000 O/R

		WITH THE FOLLOWING CONDITIONS AS OUTLINED HEREIN. Signed by HONORABLE GENE E.K. PRATTER on 9/17/19.9/19/19 Entered and Copies E-Mailed. (mac,) (Entered: 09/19/2019)
12/11/2019	<u>9</u>	First MOTION to Continue Sentence by SPIRO Y. KASSIS. (MCMAHON, JOHN) (Entered: 12/11/2019)
12/16/2019	<u>10</u>	ORDER AS TO SPIRO Y. KASSIS THAT DEFENDANT'S MOTION TO CONTINUE SENTENCING IS GRANTED. SENTENCING IS CONTINUED TO FEBRUARY 18, 2020 AT 2:00 P.M. Signed by HONORABLE GENE E.K. PRATTER on 12/13/19.12/16/19 Entered and Copies E-Mailed. (mac,) (Entered: 12/16/2019)
12/16/2019		(Court only) ***Motions terminated as to SPIRO Y. KASSIS: <u>9</u> First MOTION to Continue Sentence filed by SPIRO Y. KASSIS. (mac,) (Entered: 12/16/2019)
12/17/2019	<u>11</u>	NOTICE OF HEARING as to SPIRO Y. KASSIS Sentencing set for 2/18/2020 02:00 PM in COURTROOM 10-B before HONORABLE GENE E.K. PRATTER. (mlc,) (Entered: 12/17/2019)
02/04/2020	<u>12</u>	TRANSCRIPT of Proceedings as to SPIRO Y. KASSIS, Arraignment and Plea Hearing held on 9/12/20, before Judge GENE E.K. PRATTER. (mac,) (Entered: 02/04/2020)
02/12/2020	<u>13</u>	SENTENCING MEMORANDUM CERTIFICATE OF SERVICE by SPIRO Y. KASSIS (MCMAHON, JOHN) (Entered: 02/12/2020)
02/13/2020	<u>14</u>	SENTENCING MEMORANDUM and Certificate of Service by USA as to SPIRO Y. KASSIS (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B)(LEAHY, MARY) (Entered: 02/13/2020)
02/17/2020	<u>15</u>	Amended SENTENCING MEMORANDUM CERTIFICATE OF SERVICE by USA as to SPIRO Y. KASSIS (Attachments: # <u>1</u> Exhibit Attachment B Patient Letter-Pergolese, # <u>2</u> Exhibit Attachment B- Patient Letter- McCollough, # <u>3</u> Exhibit Attcahment B- Patient Letter - Iskra)(LEAHY, MARY) (Entered: 02/17/2020)
02/18/2020	<u>16</u>	Response by SPIRO Y. KASSIS re <u>15</u> Sentencing Memorandum, (MCMAHON, JOHN) (Entered: 02/18/2020)
02/18/2020	<u>17</u>	NOTICE OF ATTORNEY APPEARANCE BROOKS T. THOMPSON appearing for SPIRO Y. KASSIS (THOMPSON, BROOKS) (Entered: 02/18/2020)
02/20/2020	<u>18</u>	Minute Entry for proceedings held before HONORABLE GENE E.K. PRATTER in Courtroom 10B: Sentencing held on 2/18/20 for SPIRO Y. KASSIS (1), Count(s) 1-11, 12-14, IMPRISONMENT: 48 MONTHS; SUPERVISED RELEASE: 2 YEARS; SPECIAL ASSESSMENT: \$1400.00; FINE: \$25,000.00. DEFENDANT NOTICED OF RIGHT TO APPEAL. DEFENDANT SHALL SELF SURRENDER TO THE USM NO LATER THAN 2:00 P.M. ON APRIL 14, 2020.Court Reporter Kathy Feldman.(mac,) (Entered: 02/20/2020)
02/20/2020	<u>19</u>	JUDGMENT AS TO SPIRO Y. KASSIS (1), Count(s) 1-11, 12-14, IMPRISONMENT: 48 MONTHS; SUPERVISED RELEASE: 2 YEARS; SPECIAL ASSESSMENT: \$1400.00; FINE: \$25,000.00. Signed by HONORABLE GENE E.K. PRATTER on 2/19/20.2/20/20 Entered and Copies E-Mailed. (mac,) (Main Document 19 replaced on 2/20/2020) (mac,). (Entered: 02/20/2020)
02/20/2020		(Court only) ***Case Terminated as to SPIRO Y. KASSIS (mac,) (Entered: 02/20/2020)
02/20/2020		(Court only) ***Judgment Index Record Added (ke,) (Entered: 02/20/2020)
02/24/2020		(Court only) ***JS-3 Closing Information (mac,) (Entered: 02/24/2020)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 19-_____

v. : DATE FILED: _____

SPIRO Y. KASSIS :

**ECF
DOCUMENT**

VIOLATIONS:

21 U.S.C. § 841(a)(1), (b)(1)(C) (distribution of
Schedule II controlled substances – 11 counts)

21 U.S.C. § 841(a)(1), (b)(1)(E) (distribution of
Schedule III controlled substances – 3 counts)

Notice of forfeiture

I hereby attest and certify that this is a printed copy of a
document which was electronically filed with the United States
District Court for the Eastern District of Pennsylvania.

INFORMATION

Date Filed: 8/1/19

Michael E. Kunz, Clerk

COUNTS ONE THROUGH ELEVEN

By: Steve Tanna, Deputy Clerk

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Controlled Substances Act governs the manufacture, distribution, and dispensing of controlled substances in the United States. Under the Controlled Substances Act, there are five schedules of controlled substances – Schedules I, II, III, IV, and V. Controlled substances are scheduled into these levels based upon their potential for abuse, among other things. For example, abuse of Schedule II controlled substances may lead to severe psychological or physical dependence. Abuse of Schedule III controlled substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of Schedule IV controlled substances may lead to more limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

2. Oxycodone is an opioid medication that is similar to morphine and is classified as a Schedule II controlled substance. Oxycodone is used to treat moderate to severe pain. Oxycodone contains a narcotic and even if taken only in prescribed amounts, can cause physical and psychological

A TRUE COPY OF THE RECORD
DATED: FEB 24 2020
ATTEST: Steve Tanna
DEPUTY CLERK UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

dependence. At high doses, oxycodone can cause life threatening conditions or death, especially if used in combination with other narcotics or alcohol.

3. Methadone is a synthetic opioid that is similar to heroin and is classified as a Schedule II controlled substance. Methadone is a highly addictive drug which can cause life-threatening conditions or death, especially if used in combination with other narcotics or alcohol. The primary use for methadone is for the prevention of withdrawal symptoms in patients addicted to opiate drugs. For this purpose, methadone must be administered in the context of a comprehensive treatment program, where the drug has been shown to decrease the rate of relapse to illicit opioids. Methadone also can be used to relieve severe pain in patients in need of around the clock pain medication, and who cannot be safely and effectively treated with other medications.

4. Buprenorphine, commonly known as Suboxone, Subutex, or Buorenex, is an opioid medication indicated for the treatment of opioid addiction. Buprenorphine is classified as a Schedule III controlled substance. Buprenorphine is sometimes prescribed "off label" for pain management. Buprenorphine is known to be abused by opioid addicts when prescribed to such patients without supervision and appropriate adjunct treatment.

5. Title 21, United States Code, Section 841(a)(1), provides that "[e]xcept as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally ... to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance."

6. Title 21, United States Code, Section 802(10), provides that the term "dispense" means "to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a

controlled substance and the packaging, labeling or compounding necessary to prepare the substance for delivery.”

7. Title 21, United States Code, Section 821, provides that “[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations ... relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances.”

8. The Attorney General of the United States has exercised his rulemaking authority regarding the dispensing of controlled substances through the promulgation of 21 Code of Federal Regulations § 1306.04, governing the issuance of prescriptions, which provides, among other things, that a prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. Moreover, an order purporting to be a prescription issued not in the usual course of professional treatment is not a prescription within the meaning and intent of section 309 of the Act [21 U.S.C. § 829] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

9. The Pennsylvania Code of Professional and Vocational Standards, Title 49, Chapter 16.92, defines the authority of physicians licensed by the Commonwealth of Pennsylvania to prescribe or dispense controlled substances. Chapter 16.92 provides in pertinent part:

(a) A person licensed to practice medicine and surgery in this Commonwealth or otherwise licensed or regulated by the Board, when prescribing, administering or dispensing controlled substances, shall carry out, or cause to be carried out, the following minimum standards:

(1) Initial medical history and physical examination.... [B]efore commencing treatment that involves prescribing, administering or dispensing a controlled substance, an initial medical history shall be taken and an initial examination shall be conducted unless emergency circumstances justify otherwise. Alternatively, medical history and

physical examination information recorded by another health care provider may be considered if the medical history was taken and the physical examination was conducted within the immediately preceding thirty days. The physical examination shall include an evaluation of the heart, lungs, blood pressure and body functions that relate to the patient's specific complaint.

(2) **Reevaluations.** Among the factors to be considered in determining the number and the frequency of follow-up evaluations that should be recommended to the patient are the condition diagnosed, the controlled substance involved, expected results and possible side effects. For chronic conditions, periodic follow-up evaluations shall be recommended to monitor the effectiveness of the controlled substance in achieving the intended results.

(3) **Patient counseling.** Appropriate counseling shall be given to the patient regarding the condition diagnosed and the controlled substance prescribed, administered or dispensed. Unless the patient is in an inpatient care setting, the patient shall be specifically counseled about dosage levels, instructions for use, frequency and duration of use and possible side effects.

(4) **Medical Records.** [C]ertain information shall be recorded in the patient's medical record on each occasion when a controlled substance is prescribed, administered or dispensed. This information shall include the name of the controlled substance, its strength, the quantity and the date it was prescribed, administered or dispensed to a patient. The medical record shall also include a specification of the symptoms observed and reported, the diagnosis of the condition for which the controlled substance is being given and the directions given to the patient for the use of the controlled substance. If the same controlled substance continues to be prescribed, administered or dispensed, the medical record shall reflect changes in the symptoms observed and reported, in the diagnosis of the condition for which the controlled substance is being given and in the directions given to the patient.

10. Defendant SPIRO Y. KASSIS received a medical degree in 1983 from the University of Baghdad, Iraq. Since 1995, defendant KASSIS was licensed to practice in the Commonwealth of Pennsylvania. Defendant KASSIS held Pennsylvania medical license number MD061655L, and DEA registration number BK5467914. As a licensed physician, defendant KASSIS was authorized to prescribe controlled substances for legitimate medical purposes and in the usual course of professional practice.

11. Defendant SPIRO Y. KASSIS represented himself as a specialist in psychiatry and

addiction medicine. Beginning in at least 2013, defendant KASSIS operated a medical practice located at 40 W. Germantown Pile, East Norriton Township, PA (hereinafter "Office 1"). In or about March 2017, defendant KASSIS opened a second office (hereinafter "Office 2") located at 831 Oak Street, Suite 1, Scranton, PA. Defendant KASSIS operated Office 2 under the name Crossgate Addiction Treatment.

12. Defendant SPIRO Y. KASSIS used his medical offices to operate a prescription "pill mill" whereby he sold medically unnecessary prescriptions for Oxycodone, Methadone, Buprenorphine, and other controlled substances, to so-called patients, who were actually cash-paying customers. In connection with prescribing these dangerous and addictive controlled substances, defendant KASSIS did not perform physical examinations or provide any other medical care or treatment.

13. Defendant SPIRO Y. KASSIS typically charged patients approximately \$200 cash for each appointment to obtain medically unnecessary prescriptions for controlled substances. Defendant KASSIS saw approximately 45 patients per day for whom he prescribed medically unnecessary Oxycodone, Methadone, Buprenorphine, and other controlled substances. At Office 1, patients lined up outside of a back room where defendant KASSIS sat behind a desk. As each filed in, the patient handed \$200 cash directly to defendant KASSIS who counted it before placing the cash in a safe next to his desk. Defendant KASSIS then issued the requested prescriptions electronically to the patient's pharmacy.

14. Defendant SPIRO Y. KASSIS also offered "phone visits" during which he issued prescriptions for Oxycodone, Methadone, and Buprenorphine without seeing the patient and often without talking to the patient. Patients were permitted to call defendant KASSIS's offices to request a

prescription refill for Schedule II and Schedule III controlled substances. An office worker recorded the type of controlled substance the patient requested; the phone number of the patient's pharmacy; and a credit card number to pay defendant KASSIS's \$200 "appointment" fee. After the credit card transaction was authorized, defendant KASSIS electronically issued the controlled substance prescription to the patient's pharmacy. Defendant KASSIS's only pre-condition for issuing these medically unnecessary prescriptions for controlled substances was that the credit card company approved the \$200 transaction.

15. Defendant SPIRO Y. KASSIS sold prescriptions for dangerous combinations of controlled substances. Often, defendant KASSIS issued prescriptions to the same patient for Oxycodone, Methadone; Buprenorphine; and other controlled substances.

16. From at least on or about August 1, 2014 through on or about February 14, 2018, defendant SPIRO Y. KASSIS issued thousands of prescriptions for controlled substances, including prescriptions for approximately 14,500 Oxycodone (30 mg) pills that were dispensed outside the usual course of professional practice and without a legitimate medical purpose.

17. On or about each of the dates listed below, in the Eastern District of Pennsylvania, defendant

SPIRO Y. KASSIS

knowingly and intentionally distributed and dispensed, outside the usual course of professional practice and for no legitimate medical purpose, a mixture and substance containing a detectable

amount of a Schedule II controlled substance (each distribution constituting a separate count of this information):

COUNT	APPROX. DATE OF PRESCRIPTION	DRUG	QUANTITY
1	June 28, 2017	Oxycodone 15mg	60
2	July 12, 2017	Oxycodone 15mg	60
3	July 26, 2017	Oxycodone 15mg	60
4	August 4, 2017	Oxycodone 15mg	60
5	August 18, 2017	Oxycodone 15mg	60
6	August 30, 2017	Oxycodone 15mg	60
7	September 13, 2017	Oxycodone 15mg	60
8	September 27, 2017	Oxycodone 15mg	75
9	October 11, 2017	Oxycodone 15mg	75
10	October 25, 2017	Oxycodone 15mg	75
11	November 8, 2017	Oxycodone 15mg	75

All in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNTS TWELVE THROUGH FOURTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 16 are incorporated here.
2. On or about each of the dates listed below, in the Eastern

District of Pennsylvania, defendant

SPIRO Y. KASSIS

knowingly and intentionally distributed and dispensed, outside the usual course of professional practice and for no legitimate medical purpose, a mixture and substance containing a detectable amount of a Schedule III controlled substance, (each distribution constituting a separate count of this information):

COUNT	APPROX. DATE OF PRESCRIPTION	DRUG	QUANTITY
12	September 8, 2017	Buprenorphine (8 mg)	30
13	September 22, 2017	Buprenorphine (8 mg)	75
14	October 20, 2017	Buprenorphine (8 mg)	75

All in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(E).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1) as set forth in this information, defendant

SPIRO Y. KASSIS

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including but not limited to, a money judgment representing the amount of proceeds obtained as a result of the violations of the Controlled Substances Act.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

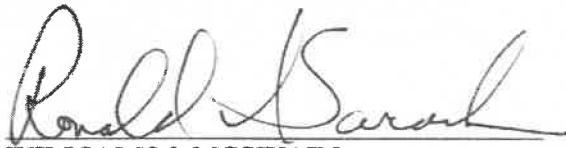
(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided

without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code,

property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.


for WILLIAM M. MCSWAIN
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INFORMATION

19-cr-449

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia

County: Philadelphia

City and State of Defendant: Plymouth Meeting, Pennsylvania

County: Montgomery

Register number: N/A

Place of accident, incident, or transaction:

Eastern District of Pennsylvania

Post Office: Plymouth Meeting

County: Montgomery

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: NO

Case Number: N/A

Judge: N/A

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. ☐ Antitrust
2. ☐ Income Tax and other Tax Prosecutions
3. ☐ Commercial Mail Fraud
4. ☐ Controlled Substances
5. ☐ Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
6. ☐ General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

21 U.S.C. § 841(a), (b)(1)(C) (distribution of Schedule II controlled substances - 11 counts)

21 U.S.C. § 841(a), (b)(1)(E) (distribution of Schedule III controlled substances - 3 counts)

DATE: 8/1/19


MARY BETH LEAHY

Assistant United States Attorney

File No. 2018R00207

U.S. v. SPIRO Y. KASSIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 19- 449

SPIRO Y. KASSIS :

GUILTY PLEA AGREEMENT

Under Rule 11 of the Federal Rules of Criminal Procedure, the government, the defendant, and the defendant's counsel enter into the following guilty plea agreement. Any reference to the United States or the government in this agreement shall mean the Office of the United States Attorney for the Eastern District of Pennsylvania.

1. The defendant agrees to plead guilty to Counts 1 through 14 of an information, waiving prosecution by indictment, charging him with 11 counts of distributing Oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841 (a)(1), (b)(1)(C) (Counts 1 through 11); and three counts of distributing Buprenorphine, a Schedule III controlled substance, in violation of 21 U.S.C. § 841 (a) (1), (b)(1)(E) (Counts 12 through 14), and not to contest forfeiture as set forth in the notice of forfeiture charging criminal forfeiture under 21 U.S.C. § 853, all arising from the defendant selling prescriptions for medically unnecessary controlled substances to so-called patients in exchange for cash.

2. At the time of sentencing, the government will:

a. Make whatever sentencing recommendation as to imprisonment, fines, forfeiture, restitution, and other matters which the government deems appropriate.

A TRUE COPY CERTIFIED FROM THE RECORD
DATED: FEB 24 2020
ATTEST: Steve Tams
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ECF
DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Eastern District of Pennsylvania.

Date Filed: 2/24/2020
K. Jo Darkman, Clerk

Deputy Clerk

b. Comment on the evidence and circumstances of the case; bring to the Court's attention all facts relevant to sentencing including evidence relating to dismissed counts, if any, and to the character and any criminal conduct of the defendant; address the Court regarding the nature and seriousness of the offense; respond factually to questions raised by the Court; correct factual inaccuracies in the presentence report or sentencing record; and rebut any statement of facts made by or on behalf of the defendant at sentencing.

c. Nothing in this agreement shall limit the government in its comments in, and responses to, any post-sentencing matters.

3. The defendant understands, agrees, and has had explained to him by counsel that the Court may impose the following statutory maximum and minimum sentences:

a. For each Count of distribution of a Schedule II controlled substance, the Court may impose a sentence of 20 years' imprisonment; a minimum of three years of supervised release up to lifetime supervised release; a \$1,000,000 fine; and a \$100 special assessment.

b. For each Count of distribution of a Schedule III controlled substance, the Court may impose a sentence of 10 years' imprisonment; a minimum of three years of supervised release up to lifetime supervised release; a \$50,000 fine, and a \$100 special assessment.

The defendant understands, agrees, and has had explained to him by counsel that he faces a total of 250 years' imprisonment; a minimum of three years supervised release up to a lifetime of supervised release; a \$12,500,000 fine, and special assessments of \$1,400. Forfeiture of all proceeds from the offense, facilitating property, and property derived from proceeds of the offense, also may be ordered.

4. The defendant further understands that supervised release may be revoked if its terms and conditions are violated. When supervised release is revoked, the original term of

imprisonment may be increased by up to 2 years per count of conviction. Thus, a violation of supervised release increases the possible period of incarceration and makes it possible that the defendant will have to serve the original sentence, plus a substantial additional period, without credit for time already spent on supervised release

5. In order to facilitate the collection of the criminal monetary penalties to be imposed in connection with this prosecution, the defendant agrees fully to disclose all income, assets, liabilities, and financial interests, held directly or indirectly, whether held in his own name or in the name of a relative, spouse, associate, another person, or entity, and whether held in this country or outside this country. Accordingly:

a. The defendant will submit a completed Financial Statement of Debtor to the U.S. Attorney's Office, in a form it provides and as it directs, within 14 days of execution of this plea agreement. The defendant promises that his financial statement and disclosures will be complete, accurate, and truthful.

b. The defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him in order to evaluate the defendant's ability to satisfy any monetary penalty imposed by the Court.

c. Upon request by the United States, the defendant also agrees to submit to a financial deposition or interview prior to sentencing, and provide all documents within the defendant's possession or control as requested by the U.S. Attorney's Office regarding the defendant's financial resources and that of the defendant's household.

d. The defendant agrees not to transfer, assign, dispose, remove, conceal, pledge as collateral, waste, or destroy property with the effect of hindering, delaying, or defrauding the United States or victims. The defendant otherwise shall not devalue any

property worth more than \$1,000 before sentencing, without the prior approval of the United States.

e. The defendant also agrees to execute any documents necessary to release any funds held in any repository, bank, investment, other financial institution, or any other location in order to make partial or total payment toward any monetary penalty that the Court may impose.

If the defendant fails to comply with this paragraph of the plea agreement or if any of the defendant's representations pursuant to the requirements set forth in this paragraph are false or inaccurate, the government may elect to: void this agreement; and/or argue that the defendant is not entitled to a downward adjustment for acceptance of responsibility under Guideline Section 3E1.1. The government may also elect to: void the forfeiture portion of the agreement and try the forfeiture before the Court and seek a larger forfeiture; and/or pursue any and all forfeiture remedies available at law or equity. The defendant agrees to waive any right to a trial by jury on all forfeiture issues, and to waive any claim at trial based on any statute of limitations.

6. The government notes that approximately \$1.4 million will be paid to the government by the defendant in a separate civil settlement under the forfeiture authority of 21 U.S.C. § 881(a)(6), and the civil monetary penalty authority of 21 U.S.C. § 842(a)(1) and (c)(1)(A), as modified by 28 C.F.R. § 85.5, which provides for civil penalties for distribution or dispensing a controlled substance outside the course of professional practice and not for a legitimate medical purpose, no later than the date of the defendant's sentencing, and the government agrees that, if this payment is made, the government will move to dismiss judicial forfeiture as to this defendant. The defendant waives any and all defenses and objections in this matter or in that civil proceeding which might be available under the Double Jeopardy and

Excessive Fines Clauses of the Eighth Amendment.

7. The defendant agrees not to contest the administrative forfeiture to the government of \$316,180 in U.S. currency seized by the Drug Enforcement Administration from the defendant on February 14, 2018.

8. The defendant agrees to pay the special victims/witness assessment in the amount of \$ 1,400 before the time of sentencing and shall provide a receipt from the Clerk to the government before sentencing as proof of this payment.

9. The defendant agrees that forfeiture, restitution, fine, assessment, tax, interest, or other payments in this case do not constitute extraordinary acceptance of responsibility or provide any basis to seek a downward departure or variance from the applicable Sentencing Guideline range.

10. The defendant may not withdraw his plea because the Court declines to follow any recommendation, motion, or stipulation by the parties to this agreement. No one has promised or guaranteed to the defendant what sentence the Court will impose.

11. Pursuant to Guideline Section 1B1.2, the parties stipulate that the defendant committed the following offenses in addition to the offenses of conviction, and the defendant understands and agrees that, for the purpose of determining the defendant's Sentencing Guidelines range, Section 1B1.2(c) provides that these additional offenses shall be treated as if the defendant had been convicted of additional counts charging these offenses: From on or about August 1, 2014 through on or about February 14, 2017, the defendant distributed a total of approximately 14,500 Oxycodone 30 mg pills outside the course of professional practice and without a legitimate medical purpose to certain former patients by providing medically unnecessary prescriptions for Oxycodone 30 mg in exchange for cash.

12. Pursuant to USSG § 6B1.4, the parties enter into the following stipulations under the Sentencing Guidelines Manual. It is understood and agreed that: (1) the parties are free to argue (except as stated below) the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures; (2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed:

a. The parties agree and stipulate that the total amount of Oxycodone and Buprenorphine distributed by the defendant in Counts 1 through 14 was the equivalent of approximately 72.48 kilograms of marijuana.

b. The parties agree and stipulate that the plea agreement contemplates that the total Schedule II and Schedule III controlled substances distributed by the defendant, as stipulated in Paragraph 11 and Paragraph 12 (a), was the equivalent of approximately 2,914 kilograms of marijuana, producing an offense level of 30 pursuant to USSG § 2D1.1 (c) (5).

c. The parties agree and stipulate that, as of the date of this agreement, the defendant has demonstrated acceptance of responsibility for his offense, making the defendant eligible for a 2-level downward adjustment under USSG § 3E1.1(a).

d. The parties agree and stipulate that, as of the date of this agreement, the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying the government of his intent to plead guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, resulting in a 1-level downward adjustment under USSG § 3E1.1(b).

13. If the defendant commits any federal, state, or local crime between the date of this agreement and his sentencing, or otherwise violates any other provision of this agreement, the government may declare a breach of the agreement, and may at its option: (a) prosecute the defendant for any federal crime including, but not limited to, perjury, obstruction of justice, and the substantive offenses arising from this investigation, based on and using any information provided by the defendant during the investigation and prosecution of the criminal case; (b) upon government motion, reinstate and try the defendant on any counts which were to be, or which had been, dismissed on the basis of this agreement; (c) be relieved of any obligations under this agreement regarding recommendations as to sentence; and (d) be relieved of any stipulations under the Sentencing Guidelines. Moreover, the defendant's previously entered guilty plea will stand and cannot be withdrawn by him. The decision shall be in the sole discretion of the government both whether to declare a breach, and regarding the remedy or remedies to seek. The defendant understands and agrees that the fact that the government has not asserted a breach of this agreement or enforced a remedy under this agreement will not bar the government from raising that breach or enforcing a remedy at a later time.

14. The defendant agrees to permanently surrender his medical license in the Commonwealth of Pennsylvania, and agrees not to seek licensure in any other State. The defendant also agrees to voluntarily, and permanently, surrender his controlled substance registration with the Drug Enforcement Administration.

15. In exchange for the promises made by the government in entering this plea agreement, the defendant voluntarily and expressly waives all rights to appeal or collaterally attack the defendant's conviction, sentence, or any other matter relating to this prosecution, whether such a right to appeal or collateral attack arises under 18 U.S.C. § 3742, 28 U.S.C.

§ 1291, 28 U.S.C. § 2255, or any other provision of law. As part of this knowing and voluntary waiver of the right to appeal or collaterally attack the conviction and sentence, the defendant expressly waives the right to raise on appeal or on collateral review any argument that (1) the statutes to which the defendant is pleading guilty are unconstitutional and (2) the admitted conduct does not fall within the scope of the statutes.

a. Notwithstanding the waiver provision above, if the government appeals from the sentence, then the defendant may file a direct appeal of his sentence.

b. If the government does not appeal, then notwithstanding the waiver provision set forth in this paragraph, the defendant may file a direct appeal or petition for collateral relief but may raise only a claim, if otherwise permitted by law in such a proceeding:

- i. that the defendant's sentence on any count of conviction exceeds the statutory maximum for that count as set forth in paragraph three (3) above;
- ii. challenging a decision by the sentencing judge to impose an "upward departure" pursuant to the Sentencing Guidelines;
- iii. challenging a decision by the sentencing judge to impose an "upward variance" above the final Sentencing Guideline range determined by the Court; and
- iv. that an attorney who represented the defendant during the course of this criminal case provided constitutionally ineffective assistance of counsel.

16. The defendant acknowledges that pursuing an appeal or any collateral attack waived in the preceding paragraph may constitute a breach of this plea agreement. The government recognizes that the mere filing of a notice of appeal is not a breach of the plea agreement. The government may declare a breach only after the defendant or his counsel thereafter states, either orally or in writing, a determination to proceed with an appeal or

collateral attack raising an issue the government deems barred by the waiver. The parties acknowledge that the pursuit of an appeal constitutes a breach only if a court determines that the appeal does not present an issue that a judge may reasonably conclude is permitted by an exception to the waiver stated in the preceding paragraph or constitutes a "miscarriage of justice" as that term is defined in applicable law.

17. The defendant waives any claim under the Hyde Amendment, 18 U.S.C. § 3006A (Statutory Note), for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.

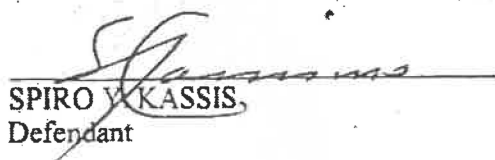
18. The defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

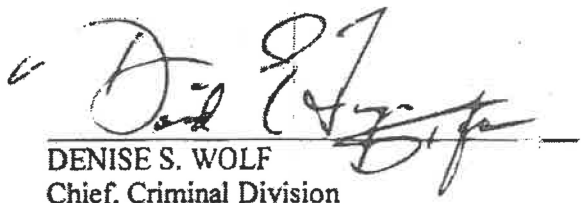
19. The defendant is satisfied with the legal representation provided by the defendant's lawyer; the defendant and this lawyer have fully discussed this plea agreement; and the defendant is agreeing to plead guilty because the defendant admits that he is guilty.

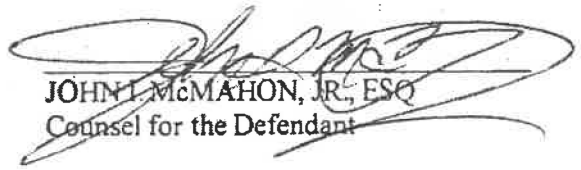
20. It is agreed that the parties' guilty plea agreement contains no additional promises, agreements, or understandings other than those set forth in this written guilty plea

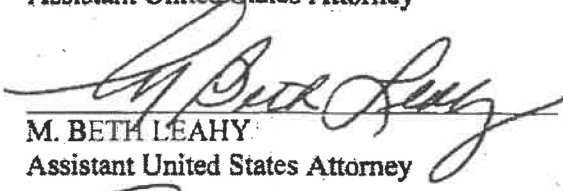
agreement, and that no additional promises, agreements, or understandings will be entered into unless in writing and signed by all parties.

WILLIAM M. McSWAIN
United States Attorney



SPIRO V. KASSIS,
Defendant


DENISE S. WOLF
Chief, Criminal Division
Assistant United States Attorney


JOHN L. McMAHON, JR., ESQ.
Counsel for the Defendant


M. BETH LEAHY
Assistant United States Attorney

Date:


7/31/19


JAMES PRICE
Special Assistant United States Attorney

Attachment

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 19-

449

SPIRO Y. KASSIS :

ACKNOWLEDGMENT OF RIGHTS

I hereby acknowledge that I have certain rights that I will be giving up by pleading guilty.

1. I understand that I do not have to plead guilty.

2. I may plead not guilty and insist upon a trial.

3. At that trial, I understand

a. that I would have the right to be tried by a jury that would be selected from the Eastern District of Pennsylvania and that along with my attorney, I would have the right to participate in the selection of that jury;

b. that the jury could only convict me if all 12 jurors agreed that they were convinced of my guilt beyond a reasonable doubt;

c. that the government would have the burden of proving my guilt beyond a reasonable doubt and that I would not have to prove anything;

d. that I would be presumed innocent unless and until such time as the jury was convinced beyond a reasonable doubt that the government had proven that I was guilty;

e. that I would have the right to be represented by a lawyer at this trial and at any appeal following the trial, and that if I could not afford to hire a lawyer, the court would appoint one for me free of charge;

f. that through my lawyer I would have the right to confront and cross-examine the witnesses against me;

g. that I could testify in my own defense if I wanted to and I could subpoena witnesses to testify in my defense if I wanted to; and

h. that I would not have to testify or otherwise present any defense if I did not want to and that if I did not present any evidence, the jury could not hold that against me.

4. I understand that if I plead guilty, there will be no trial and I would be giving up all of the rights listed above.

5. I understand that if I decide to enter a plea of guilty, the judge will ask me questions under oath and that if I lie in answering those questions, I could be prosecuted for the crime of perjury, that is, for lying under oath.

6. I understand that if I plead guilty, I have given up my right to appeal, except as set forth in the appellate waiver provisions of my plea agreement.

7. Understanding that I have all these rights and that by pleading guilty I am giving them up, I still wish to plead guilty.

8. I acknowledge that no one has promised me what sentence the Court will impose. I am aware and have discussed with my attorney that, at sentencing, the Court will calculate the Sentencing Guidelines range (including whether any departures apply), and then, in determining my sentence, will consider the Guideline range and all relevant policy statements in the Sentencing Guidelines, along with other sentencing factors set forth in 18 U.S.C. § 3553(a), including


(1) the nature and circumstances of the offense and my personal history and characteristics;

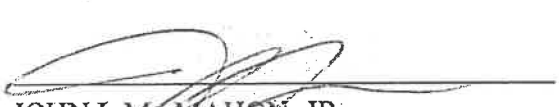
(2) the need for the sentence imposed-- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(5) the need to provide restitution to any victims of the offense.



SPIRO Y. KASSIS
Defendant

JOHN I. Mc MAHON, JR.
Counsel for the Defendant

Dated: 7/31/19

Waiver of Indictment

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

A TRUE COPY OF THE RECORD
DATED: FEB 24 2020
ATTEST: Steve Thomas
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : CRIMINAL NO. 19- 449
SPIRO Y. KASSIS :

SPIRO Y. KASSIS, the above named defendant, who is accused of

21 U.S.C. § 841(a), (b)(1)(C) (distribution of Schedule II controlled substances - 11 counts);
21 U.S.C. § 841(a), (b)(1)(E) (distribution of Schedule III controlled substances - 3 counts)

being advised of the nature of the charge and his rights, hereby waives in open court prosecution
by indictment and consents that the proceeding may be by information instead of by indictment.

Spiro Y. Kassis
SPIRO Y. KASSIS, Defendant

John I. McMahon
Witness, John I. McMahon, ALUSA

John I. McMahon
John I. McMahon, Counsel for Defendant

9/12/19
Date

ECF
DOCUMENT

I hereby attest and certify that this is a printed copy of a
document which was electronically filed with the United States
District Court for the Eastern District of Pennsylvania.

Date Filed: 2/24/2020
Date Barkman, Clerk

By: [Signature] Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

K. Feldman
Court Reporter

M. Coyle
Deputy Clerk

UNITED STATES OF AMERICA

vs.

SPIRO Y. KASSIS

: Mary Beth Leahy, AUSA

: Cr NO. 19-449

: John I. McMahon, Jr., Esq.

FILED
FEB 20 2020

KATE BARKMAN, Clerk
MINUTE SHEET
Courtroom 10-B

BEFORE JUDGE Gene E.K. Pratter DATE February 18, 2020 TIME 2:15 P.M.

Sentencing

PROCEEDING

Defendant sworn.

Counsel address the Court.

The Court imposed the following sentence.

Defendant is committed to the custody of the Bureau of Prisons for a term of 48 months on each of counts 1 through 14, all such terms to be served concurrently.

Upon release from imprisonment the defendant shall be placed on supervised release for a term of 2 years on each of counts 1 through 14, such terms to run concurrently.

Defendant is to pay a special assessment in the amount of \$1,400.00

Defendant is to pay a fine in the amount of \$25,000.00

Defendant noticed of right to appeal.

Defendant shall self-surrender to the U.S. Marshal no later than 2:00 on April 14, 2020.

Court adjourned at 4:30 P.M. To reconvene

IN CRIMINAL PROCEEDINGS, EXCLUDABLE DELAY CODES MUST BE INSERTED BELOW IF APPLICABLE, WITH THE EXPLICIT REASON FOR SUCH DELAY STATED HEREON.

SPEEDY TRIAL ACT DELAY CODE() [] The Court deems this case "UNTRIABLE"

TOTAL TIME IN COURT : 2 hours 15 minutes
rev. 5/2003

ECF

DOCUMENT

DATED: FEB 24 2020

ATTEST: Steve Tomas
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Eastern District of Pennsylvania.

Date Filed: 2/24/2020

Kate Barkman, Clerk

By: [Signature] Deputy Clerk

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA

v.

SPIRO Y. KASSIS

FILED

FEB 20 2020

KATE BARKMAN, Clerk

JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE2:19CR000449-001

USM Number: 77437-066

John I. McMahon, Jr., Esquire
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 through 14 if the Information

☐ 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	Offense Ended	Count
21:841(a)(1) and (b)(1)(C)	Distribution of scheduled II controlled substances	02/14/2017	1 through 11
21:841(a)(1) and (b)(1)(E)	Distribution of scheduled III controlled substances	02/14/2017	12 through 14

The defendant is sentenced as provided in pages 2 through 7 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) _____

☐ Count(s) _____ ☐ is ☐ 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.

February 18, 2020

Date of Imposition of Judgment

Signature of Judge

GENE E.K. PRATTER, USDJ

Name and Title of Judge

ECF DOCUMENT
I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Eastern District of Pennsylvania.

Date Filed:
Kate Barkman, Clerk

By: _____

Deputy Clerk

A TRUE COPY CERTIFIED FROM THE RECORD

DATED: FEB 24 2020

ATTEST: Steve Thomas
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

115

DEFENDANT: SPIRO Y. KASSIS
CASE NUMBER: DPAE2:19CR000449-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

48 months on each of counts 1 through 14, all such terms to be served concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:
Defendant be designated to FCI Fairton or some other institution in close proximity to Philadelphia, Pennsylvania.

☐ 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 ☐ a.m. ☒ p.m. on April 14, 2020

☐ 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 p.m. 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: SPIRO Y. KASSIS
CASE NUMBER: DPAE2:19CR000449-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

2 years on each of counts 1 through 14, such terms to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7. ☐ You must participate in an approved program for domestic violence. (check if applicable)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: SPIRO Y. KASSIS
CASE NUMBER: DPAE2:19CR000449-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: SPIRO Y. KASSIS
CASE NUMBER: DPAA2:19CR000449-001

ADDITIONAL SUPERVISED RELEASE TERMS

The Defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The Defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The Defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the Defendant is in compliance with any payment schedule for any fine or restitution obligation. The Defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

While the Defendant is on supervised release, he shall serve 200 hours of community service. The community service shall be performed at a nonprofit organization to be determined by the Defendant in consultation with the Probation Officer.

DEFENDANT: SPIRO Y. KASSIS
CASE NUMBER: DPAE2:19CR000449-001

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 1,400.00	\$ 0.00	\$ 25,000.00	\$ N/A	\$ N/A

☐ 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.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

☐ 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 ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* 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.

DEFENDANT: SPIRO Y. KASSIS
CASE NUMBER: DPAE2:19CR000449-001

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 \$ 26,400.00 due immediately, balance due
- ☒ not later than April 20, 2020, or
☐ 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:
In the event the fine is not paid prior to April 20, 2020 is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program and provide a minimum payment of \$25 per quarter towards the fine. In the event the entire fine is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of not less than \$300 to commence 60 days after release from confinement.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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 Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.