

FILED

FEB 11 2005

U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

BY _____

1 DANIEL G. BOGDEN
United States Attorney
2 ROBERT DON GIFFORD
Assistant United States Attorney
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Reno, Nevada 89501
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3:06-cr-147-BES-VPC

MI-05-0016-RAM

MJ-05-0017-RAM

IN THE MATTER OF THE SEARCH OF:)

Nos.)

8 The residence located at)
9 2660 West Lake Ridge Shores,)
Reno, Nevada,)
10 & business: Century Wellness Center at)
11 521 Hammill Lane, Reno, Nevada)


MOTION AND DECLARATION TO
SEAL SEARCH WARRANTS AND
AFFIDAVIT IN SUPPORT OF
SEARCH WARRANTS
(Under Seal)

12 COMES NOW the UNITED STATES OF AMERICA, by and through the office of the
13 United States Attorney, DANIEL G. BOGDEN, and ROBERT DON GIFFORD, Assistant United
14 States Attorney, and hereby moves this Honorable Court for its Order sealing the above-captioned
15 Affidavit in support of the Search Warrants and this Motion and Order to Seal, based upon the
16 attached Declaration in support thereof, which are all fully incorporated herein by reference.


17 Dated this 11th day of February, 2005.

18 Respectfully submitted,

19 DANIEL G. BOGDEN
United States Attorney

20 
21 ROBERT DON GIFFORD
22 Assistant United States Attorney

23 IT IS SO ORDERED.

24 
25 ROBERT A. McQUAID, Jr.
United States Magistrate Judge

26
FILED ENTERED RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD
FEB 27
CLERK OF DISTRICT COURT
DISTRICT OF NEVADA
DEPUTY

Dated: 2-11-05

DECLARATION

I, ROBERT DON GIFFORD being duly sworn, do hereby say that:

1. I am an Assistant United States Attorney in and for the District of Nevada.
2. On February 11, 2005 an application for Search Warrant for evidence as listed in Attachment "B" of the defendant's affidavit located in the business known as Century Wellness Center at 521 Hammill Lane, Reno, NV, and the residence located at 2660 West Lake Ridge Shores, Reno, NV was presented to United States Magistrate Judge ROBERT A. McQUAID, Jr. for search authorization. On the same date, the Magistrate authorized the search of the above named locations.
3. The information contained in the affidavit in support of the Search Warrant is based upon information as provided in the agent's declaration. To disclose the affidavit at this point may jeopardize the ongoing investigation and avoidance of any pre-trial publicity of the accused. Since the investigation in this matter is ongoing, the disclosure of the affidavit and its contents, the investigative procedures that have been utilized to date may jeopardize and potentially hinder further investigation of subject.
4. If disclosure of the affidavit in support of the Search Warrant becomes public knowledge at this time, such disclosure may compromise this ongoing investigation.

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5. Therefore, your affiant believes that good cause exists to seal the above-mentioned affidavit in support of Search Warrant, Motion to Seal, and Order to Seal until a formal request is made by the defense for unsealing of the affidavit, or discovery requirements dictate the disclosure of such information or upon conclusion of the investigation at which time the Government will move to order the unsealing of the affidavit.


ROBERT DON GIFFORD
Assistant United States Attorney

Subscribed and Sworn to before me,
this 11th day of February, 2005.


ROBERT A. McQUAID, Jr.
United States Magistrate Judge

UNITED STATES DISTRICT COURT **FILED**

DISTRICT OF NEVADA FEB 23 2005

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)
Century Wellness Center
521 Hammill Lane, Reno, NV

U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA
SEARCH WARRANT

CASE NUMBER: MJ-05-0017-RAM

TO: Special Agent (SA) John Zelinsky and any Authorized Officer of the United States

Affidavit(s) having been made before me by SA John Zelinsky who has reason to believe that on the person of or on the premises known as (name, description and/or location)

Century Wellness Center, 521 Hammill Lane, Reno, NV
Office of Dr. James Forsythe, the premises of which is more particularly described in Attachment A which is attached hereto and incorporated here by reference.

in the District of Nevada there is now concealed a certain person or property, namely (describe the person or property)

See Attachment B

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 02-18-2005 Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) ~~(at any time in the day or night as I find reasonable cause has been established)~~ and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to ROBERT A. McQUAID, Jr. as required by law. U.S. Judge or Magistrate Judge

2-11-05 1:20 pm
Date and Time Issued

at Reno, Nevada
City and State

ROBERT A. McQUAID, Jr.
United States Magistrate Judge
Name and Title of Judicial Office


Signature of Judicial Officer

AO 93 (Rev. 8/98) Search Warrant (Reverse)

RETURN		CASE NUMBER:
DATE WARRANT RECEIVED <i>02-11-05</i>	DATE AND TIME WARRANT EXECUTED <i>02-16-05 9:00 A.M.</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>IN MAIN OFFICE of Premises</i>
INVENTORY MADE IN THE PRESENCE OF		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <i>See attached Receipt.</i>		
<i>In addition: one vial of Amygdalin taken from chelation Room Sharps container.</i>		
<i>one IV bag of Taxol solution taken from Chelation lab Biohazard container.</i>		

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.



Subscribed, sworn to, and returned before me this date.



U.S. ~~Judge~~ or Magistrate Judge

2-23-05

Date

ATTACHMENT A

PLACES TO BE SEARCHED

Century Wellness Clinic 521 Hammill Lane, Reno, Nevada.

The property is described as a one story brown building. The architecture is that of an office building. The roof is red brick tiles. The glass front door reads Century Wellness Clinic and reads Cancer Screening and Treatment Center. There is a large 2 foot tall number 521 to the right of the front door. The front door is on the north side of the building facing north. There is a large, 2 foot sign that reads 521 facing west. The building is unattached.

Residence: 2660 West Lake Ridge Shores, Reno, Nevada. There is a East Lake Ridge Shores that should not be mistaken with the West Lake Ridge Shores. The house is in a guarded and gated community.

The house is described as a one-story brick house. It is unattached. There is a flag pole with an American flag in the front yard. There are three inch tall, black numbers 2660 at the base of the driveway. The driveway ascends steeply up 75 feet to a lot with one house. The numbers 2660 are easy to see at the base of the driveway. There are three, three foot high brick pillars at the driveway entry. The front door faces north.

ATTACHMENT B

ITEMS TO BE SEIZED

1. Documents, materials, and patient files that contain records and notes that show unapproved treatments and distribution of unapproved, misbranded and adulterated drugs, including, but not limited to, hGH. These documents would include, but are not limited to, patient records that contain treatment information, procedures and diagnoses, as well as the related billings, as it pertains to fraud connected to unapproved treatments. These documents and files may contain abbreviations and summaries of diagnosis and billings such as Current Procedure Terminology (CPT) codes and doctor's notes such as Subjective, Objective, Assessment and Procedure (SOAP) notes.
2. Financial records required, in part, for development of information needed for statutory asset forfeiture related to the above listed violations, to include billing records, billing procedures, banking and bank account information including checking, savings and credit card account information, and all correspondence, billings, payments and records to any health care payer, such as insurance companies and Medicare.

3. All computer and digital storage devices, to include hard drives, diskettes, tapes, laser disks, Bernouli drives, and similar and related storage devices and paraphernalia.
4. All unapproved, illegally imported, misbranded or adulterated drugs. Documents related to unapproved, illegally imported, misbranded or adulterated drugs. All records related to the importation of unapproved, illegally imported, misbranded or adulterated drugs.
5. All human growth hormone (hGH), as defined by 21 U.S.C. § 333(e)(4), in any form.
6. All documents and indicia related to the crime of smuggling.
7. Any other indicia of criminal activity related to the crime of fraud as violations of 18 U.S.C. §§ 1341, 1343, 1347 discovered during the lawful execution of this search warrant.
8. Evidence of money laundering in violation to 18 U.S.C. §§ 1956 and 1957, as it relates to furthering the crimes of mail fraud, wire fraud and smuggling.
9. All documents and records that appear to be duplicates of the Items seized based on paragraph 1 of this Attachment, to the extent that the duplicates appear altered in some way from the original documents in order to further the crimes of fraud, hGH distribution or smuggling.
10. Employee records that identify persons or co-conspirators involved in the distribution of unapproved, misbranded, or adulterated drugs or smuggling.

Inventory Listing of All Items Seized at Search Warrant Site

Site Name:

JAMES FORSYTHE
2004-SFC-713-0459
Century Wellness Clinic
521 Hammill Lane, Reno, Nevada 89511

Investigation No.:

2004 SFC
Starting Date and Time:
2/16/1905 8:50:00 AM
Ending Date and Time:
2/16/2005 11:12:41 AM

Report Date:

Wednesday, February 16, 2005

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Control #:	1	Evidence Box:	1
Location:	VALERIE KILGORE		
Found:	BEHIND DOOR, ON FLOOR		
Description:	Seized Per Warrant	PORTABLE SAFE W/ CHECK CARBONS, LEGAL DOCS, KEYS	
Control #:	2	Evidence Box:	2
Location:	VALERIE KILGORE		
Found:	SOUTHEAST WALL, CORNER TABLE		
Description:	Seized Per Warrant	PRICE LIST FROM QUEST DIAGNOSTICS	
Control #:	3	Evidence Box:	3
Location:	VALERIE KILGORE		
Found:	SOUTH WALL CHAIR		
Description:	Seized Per Warrant	BILL STATEMENTS	
Control #:	4	Evidence Box:	4
Location:	EXAM ROOM		
Found:	ROOM W EXAM ROOM		
Description:	Seized Per Warrant	DOCUMENTS TITLED "BENEFITS OF HGH/IGF-1"	
Control #:	5	Evidence Box:	5
Location:	VITAMIN ROOM		
Found:	PACKAGING ROOM		
Description:	Seized Per Warrant	MISBRANDED DRUGS	
Control #:	6	Evidence Box:	6
Location:	VITAMIN ROOM		
Found:	PACKAGING ROOM		
Description:	Seized Per Warrant	MISBRANDED DRUGS	
Control #:	7	Evidence Box:	7
Location:	VALERIE KILGORE		
Found:	FLOOR UNDER DESK		
Description:	Seized Per Warrant	BOX CONTAINING FINANCIAL DOCUMENTS	
Control #:	8	Evidence Box:	8
Location:	VALERIE KILGORE		
Found:	IN BOX OF EMPLOYEE FILES UNDER DESK		
Description:	Seized Per Warrant	COMPUTER DISK NO LABEL	
Control #:	9	Evidence Box:	9
Location:	FRONT OFFICE		
Found:	PATIENT FILES WALL SHELVES		
Description:	Seized Per Warrant	PATIENT FILES HGH PATIENTS	

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: JAMES FORSYTHE 2004-SFC-713-0459 Century Wellness Clinic 521 Hammill Lane, Reno, Nevada 89511	Investigation No.: 2004 SFC Starting Date and Time: 2/16/2005 8:50:00 AM Ending Date and Time: 2/16/2005 11:12:41 AM	Report Date: Wednesday, February 16, 2005 Page: 2 of 9
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Control #:	10	Evidence Box:	10
Location:	FRONT OFFICE		
Found:	PATIENT FILES WALL SHELVES		
Description:	Seized Per Warrant CHELATION PATIENT ID RECORDS		
Control #:	11	Evidence Box:	11
Location:	EXAM ROOM		
Found:	EXAM ROOM		
Description:	Seized Per Warrant DOCUMENTS TITLED " BENEFITS OF HGH/IGF-1"		
Control #:	12	Evidence Box:	12
Location:	JUICE ROOM		
Found:	BREAKROOM		
Description:	Seized Per Warrant 3 BAGS W/ YELLOW LIQUID LABELED "CHELATION"		
Control #:	13	Evidence Box:	13
Location:	FRONT OFFICE		
Found:	PATIENT FILE WALL SHELVES		
Description:	Seized Per Warrant PATIENT FILES / CHELATION THERAPY		
Control #:	14	Evidence Box:	14
Location:	FRONT OFFICE		
Found:	PATIENT FILES WALL SHELVES		
Description:	Seized Per Warrant PATIENT FILES / CHEMOTHERAPY		
Control #:	15	Evidence Box:	15
Location:	FILE CABINETS		
Found:	ROOM F		
Description:	Seized Per Warrant BANK OF WEST RECEIPTS, VARIOUS SHEETS OF PAPER		
Control #:	16	Evidence Box:	16
Location:	VALERIE HILGORE		
Found:	BOX OF EMPLOYEE RECORDS		
Description:	Seized Per Warrant HGH SHIPPING LABEL, COST SPREADSHEET, CUSTOMS CLAIM, PRESCRIPTIONS		
Control #:	17	Evidence Box:	17
Location:	CHEMO ROOM/MANON NIEL		
Found:	NURSES DESK		
Description:	Seized Per Warrant CHELATION THERAPY DOCUMENTS		
Control #:	18	Evidence Box:	18
Location:	CHEMO ROOM/MANON NIEL		
Found:	UPPER CABINET RIGHT OF HOOD		
Description:	Seized Per Warrant EDTA VIALS		

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: JAMES FORSYTHE 2004-SFC-713-0459 Century Wellness Clinic 521 Hammill Lane, Reno, Nevada 89511	Investigation No.: 2004-SFC Starting Date and Time: 2/16/2005 8:50:00 AM Ending Date and Time: 2/16/2005 11:12:41 AM	Report Date: Wednesday, February 16, 2005 Page: 3 of 9
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Control #:	19	Evidence Box:	19
Location:	CHEMO ROOM MANON NIEL		
Found:	UPPER CABINET LEFT OF HOOD		
Description:	Seized Per Warrant	AMIGDALINA	
Control #:	20	Evidence Box:	20
Location:	VALERIE KILGORE		
Found:	UNDER DESK		
Description:	Seized Per Warrant	FAX OF GROTH HORMONE / COST TABLE	
Control #:	21	Evidence Box:	21
Location:	VALERIE KILGORE		
Found:	UNDER PC		
Description:	Seized Per Warrant	NOTE WITH B-17 WITH VARIOUS PHONE NUMBERS.	
Control #:	22	Evidence Box:	22
Location:	VALERIE KILGORE		
Found:	DESK CENTER OF ROOM		
Description:	Seized Per Warrant	CASH RECEIPT JOURNALS	
Control #:	23	Evidence Box:	23
Location:	VALERIE KILGORE		
Found:	FLOOR NORTH WALL, UNDER DESK		
Description:	Seized Per Warrant	HGH PRESCRIPTIONS	
Control #:	24	Evidence Box:	24
Location:	FEROL DONALSON		
Found:	DESKTOP ORGANIZER		
Description:	Seized Per Warrant	CHELATION INFORMATION	
Control #:	25	Evidence Box:	25
Location:	EXAM ROOM		
Found:			
Description:	Seized Per Warrant	DOCUMENTS LABELED "BENEFIT'S OF HGH/IGF-1"	
Control #:	26	Evidence Box:	26
Location:	BACK OFFICE NURSE		
Found:	RECEPTION AREA		
Description:	Seized Per Warrant	DOCUMENTS RELATED TO HGH AND CHELATING THERAPY	
Control #:	27	Evidence Box:	27
Location:	FEROL DONALSON		
Found:	FILE CABINET 3RD DRAWER		
Description:	Seized Per Warrant	CHELATION AND CENTURY WELLNESS BROCHURES	

Inventory Listing of All Items Seized at Search Warrant Site

Site Name:
JAMES FORSYTHE
2004-SFC-713-0459
Century Wellness Clinic
521 Hammill Lane, Reno, Nevada 89511

Investigation No.:
2004 SFC
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Control #:	28	Evidence Box:	28
Location:	MEDICINE ROOM		
Found:	UPPER STORAGE CABINET		
Description:	Seized Per Warrant VIALS OF EDETATE-EDTA		
Control #:	29	Evidence Box:	29
Location:	FRONT OFFICE		
Found:			
Description:	Seized Per Warrant HGH PATIENT FILES/ZAGATSKY FILE		
Control #:	30	Evidence Box:	30
Location:	VALERIE KILGORE		
Found:	NORTH WALL FAR RIGHT TOP DRAWER		
Description:	Seized Per Warrant LABELED AND NON LABELED DISKS		
Control #:	31	Evidence Box:	31
Location:	BILLING AREA		
Found:	DESK DRAWER		
Description:	Seized Per Warrant VARIOUS SHEETS OF PAPER (LEDGER) BANK RECEIPTS		
Control #:	32	Evidence Box:	32
Location:	INFUSION ROOM		
Found:	DESKTOP ORGANIZER		
Description:	Seized Per Warrant CPT CODE SHEET		
Control #:	33	Evidence Box:	33
Location:	INFUSION ROOM		
Found:	DESKTOP		
Description:	Seized Per Warrant CHELATION AND POLY-MVA DOCUMENTS		
Control #:	34	Evidence Box:	34
Location:	INFUSION ROOM		
Found:	FLOOR NEAR DESK		
Description:	Seized Per Warrant POLY-MVA CANCER CURE BOOKS		
Control #:	35	Evidence Box:	35
Location:	INFUSION ROOM		
Found:	BASKET ON CART ADJ. TO CHAIR		
Description:	Seized Per Warrant CHELATION PATIENT INFO AND STUDY AND PROTOCOL INFO		
Control #:	36	Evidence Box:	36
Location:	MEDICINE ROOM		
Found:	TOP OF DESK		
Description:	Seized Per Warrant INFO REGARDING CHELATION THERAPY		

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: JAMES FORSYTHE 2004-SFC-713-0459 Century Wellness Clinic 521 Hammill Lane, Reno, Nevada 89511	Investigation No.: 2004 SFC Starting Date and Time: 2/16/2005 8:50:00 AM Ending Date and Time: 2/16/2005 11:12:41 AM	Report Date: Wednesday, February 16, 2005 Page: 5 of 9
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Control #:	37	Evidence Box:	37
Location:	INFUSION ROOM		
Found:	FILE TROLLEY TO LEFT OF DESK		
Description:	Seized Per Warrant ASSTORTED CHELATION, POLY-MVA, HGH, DOCUMENTS, CBT SHEET, CWC BROCHURES, HGH		
Control #:	38	Evidence Box:	38
Location:	FRONT OFFICE		
Found:	PATIENT FILES		
Description:	Seized Per Warrant PATIENT FILES, CHELATION AND/OR MEDICARE		
Control #:	39	Evidence Box:	39
Location:	FRONT OFFICE		
Found:	PATIENT FILES		
Description:	Seized Per Warrant PATIENT FILES MEDICARE		
Control #:	40	Evidence Box:	40
Location:	VALERIE HILGORE		
Found:	NORTH WALL FAR RIGHT DRAWER SECOND FR TOP		
Description:	Seized Per Warrant CASH LEDGER AND VISA CARD SLIP FOR SALE OF HGH		
Control #:	41	Evidence Box:	41
Location:	VALERIE HILGORE		
Found:	NORTHWALL FILE CABINET, 2ND FR RIGHT		
Description:	Seized Per Warrant BOXES OF BIOTROPIN, HGH; BOXES OF SAIZAN; BOXES OF TESTOSTERONE; MISC DOCUMENTS		
Control #:	42	Evidence Box:	42
Location:	EARLENE MARIE FORSYT		
Found:	FILING CABINET		
Description:	Seized Per Warrant PATIENT COMPLAINT LETTERS		
Control #:	43	Evidence Box:	43
Location:	INFUSION ROOM		
Found:	FILE TROLLEY RIGHT BEHIND DESK		
Description:	Seized Per Warrant CHELATION DOCUMENTS AND FORMULATION "RECIPES"		
Control #:	44	Evidence Box:	44
Location:	INFUSION ROOM		
Found:	FILE TROLLEY LEFT BEHIND DESK		
Description:	Seized Per Warrant ASST. CBT DOCUMENTS, CHELATION, EDTA, AND CANADIAN DRUG SUPPLIER LIST		
Control #:	45	Evidence Box:	45
Location:	FILE CABINETS		
Found:	OVERHEAD FILE STORAGE (CENTER)		
Description:	Seized Per Warrant PATIENT RECORDS		

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: JAMES FORSYTHE 2004-SFC-713-0459 Century Wellness Clinic 521 Hammill Lane, Reno, Nevada 89511	Investigation No.: 2004 SFC Starting Date and Time: 2/16/2005 8:50:00 AM Ending Date and Time: 2/16/2005 11:12:41 AM	Report Date: Wednesday, February 16, 2005 Page: 6 of 9
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Control #:	46	Evidence Box:	46
Location:	FILE CABINETS		
Found:	PATIENT FILES		
Description:	Seized Per Warrant	PATIENT FILES, AT STORAGE FACILITY	
Control #:	47	Evidence Box:	47
Location:	FRONT OFFICE		
Found:			
Description:	Seized Per Warrant	PATIENT FILES B17	
Control #:	48	Evidence Box:	48
Location:	JAMES FORSYTHE		
Found:			
Description:	Seized Per Warrant	BOOKS, BROCHURES, MISC PAPERWORK RE: HGH AND CHELATION THERAPY	
Control #:	49	Evidence Box:	49
Location:	VALERIE KILGORE		
Found:	FILE CABINET WITH HGH		
Description:	Seized Per Warrant	B-17 DISPENSATION LEDGER	
Control #:	50	Evidence Box:	50
Location:	EXTRA OFFICE		
Found:	RECEPTION DESK AT WINDOW ON TOP OF DESK		
Description:	Seized Per Warrant	FOLDER MARKED "RESPONDED TO" PATIENT FILES SHOWING EMAILS AND RESPONSES FROM THE CLINIC	
Control #:	51	Evidence Box:	51
Location:	EXTRA OFFICE		
Found:	FILE CABINET 1ST LOWER DRAWER DESK BY WINDOW		
Description:	Seized Per Warrant	ACCOUNTS RECEIVABLE PRINT OUTS AND TAX INFO	
Control #:	52	Evidence Box:	52
Location:	EXTRA OFFICE		
Found:	NORTHWAY FILE CABINET 2ND FROM FILE		
Description:	Seized Per Warrant	RECEIPT FOR BIO TROPIN, PHARMACY,	
Control #:	53	Evidence Box:	53
Location:	EXTRA OFFICE		
Found:	LOWER DRAWER OF FILE CABINET BY WINDOW		
Description:	Seized Per Warrant	FINANCIAL RECORDS 2003	
Control #:	54	Evidence Box:	54
Location:	EXTRA OFFICE		
Found:	ON TOP OF DESK BY WINDOW		
Description:	Seized Per Warrant	BANK OF AMERICA RECORDS FOR ADVANCED ALTERNATIVES	

Inventory Listing of All Items Seized at Search Warrant Site

Site Name:
 JAMES FORSYTHE
 2004-SFC-713-0459
 Century Wellness Clinic
 521 Hammill Lane, Reno, Nevada 89511

Investigation No.:
 2004 SFC
Starting Date and Time:
 2/16/2005 8:50:00 AM
Ending Date and Time:
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Control #:	55	Evidence Box:	55
Location:	VALERIE KILGORE		
Found:	NORTHFILE FILE CABINET, 2ND FR RIGHT BOTTOM D		
Description:	Seized Per Warrant	HGH RECEIPTS, AND RECEIPIENTS LIST	
Control #:	56	Evidence Box:	56
Location:	FILE CABINETS		
Found:			
Description:	Seized Per Warrant	BILLING RECEIPTS	
Control #:	57	Evidence Box:	57
Location:	BILLING AREA		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 40 GB MAXTOR HD (SYS 01)	
Control #:	58	Evidence Box:	58
Location:	BILLING AREA		
Found:	RT OF SYS 01		
Description:	Seized Per Warrant	IMAGE OF 4.2 GB IDM HD (SYS 02)	
Control #:	59	Evidence Box:	59
Location:	BILLING AREA		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 40 GB MAXTOR HD (SYS 03)	
Control #:	60	Evidence Box:	60
Location:	FRONT OFFICE		
Found:	UNDER COUNTER		
Description:	Seized Per Warrant	IMAGE OF 9.6 GB QUANTUM HD (SYS 04)	
Control #:	61	Evidence Box:	61
Location:	VALERIE KILGORE		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 80 GB HD (SYS 05)	
Control #:	62	Evidence Box:	62
Location:	VALERIE KILGORE		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 40 GB MAXTOR HD (SYS 06)	
Control #:	63	Evidence Box:	63
Location:	INFUSION ROOM		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 20 GB QUANTUM HD (SYS 07)	

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: JAMES FORSYTHE 2004-SFC-713-0489 Century Wellness Clinic 621 Hammill Lane, Reno, Nevada 89511	Investigation No.: 2004 SFC Starting Date and Time: 2/16/2005 8:50:00 AM Ending Date and Time: 2/16/2005 11:12:41 AM	Report Date: Wednesday, February 16, 2005 Page: 8 of 9
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Control #:	64	Evidence Box:	64
Location:	RALPH SCHMIDT		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF UNKNOWN 20 GB HD (SYS 08)	
Control #:	65	Evidence Box:	65
Location:	EARLENE MARIE FORSYT		
Found:	UNDER DESK		
Description:	Seized Per Warrant	IMAGE OF 120 GB WESTERN DIGITAL HD (SYS 09)	
Control #:	66	Evidence Box:	66
Location:	VALERIE KILGORE		
Found:	NORTH WALL 2ND CABINET TOP DRAWER		
Description:	Seized Per Warrant	HGH LEDGER OF SALES	
Control #:	67	Evidence Box:	67
Location:	VALERIE KILGORE		
Found:	TOP DRAWER FILE CABINET ON WEST WALL		
Description:	Seized Per Warrant	MISC FINANCIAL RECORDS AND DOCUMENTS	
Control #:	68	Evidence Box:	68
Location:	EXAM ROOM		
Found:	FILE FOLDER ON DESKTOP		
Description:	Seized Per Warrant	ADV. ALTERNATIVE CANCER CENTER FORMS	
Control #:	69	Evidence Box:	69
Location:	EXTRA OFFICE		
Found:	CLOSET		
Description:	Seized Per Warrant	"PASSPORT WOT WELLNESS" CD'S, PAMPHLETS	
Control #:	70	Evidence Box:	70
Location:	FRONT OFFICE ASST		
Found:			
Description:	Seized Per Warrant	MISC. DOCS/DVD/MEDICAID BILLING INFO	
Control #:	71	Evidence Box:	71
Location:	FRONT OFFICE ASST		
Found:	FOUR DRAWER LATERAL FILE FILE OUTSIDE VALERIE		
Description:	Seized Per Warrant	MISC MANILA FILES PROTOCOL FOR ANTI AGING PATIENT	
Control #:	72	Evidence Box:	72
Location:	VALERIE KILGORE		
Found:	NORTH WALL FILE CABINET, 2ND FR RIGHT BOTTOM		
Description:	Seized Per Warrant	HERITAGE BANK DEPOSIT SLIPS	

Inventory Listing of All Items Seized at Search Warrant Site

Site Name:
JAMES FORSYTHE
2004-SFC-713-0459
Century Wellness Clinic
521 Hammill Lane, Reno, Nevada 89511

Investigation No.:
2004-SFC
~~**Starting Date and Time:**~~
2/16/2005 8:50:00 AM
Ending Date and Time:
2/16/2005 11:12:41 AM

Report Date:
Wednesday, February 16, 2005
Page:
9 of 9

Control #:	73	Evidence Box:	73
Location:	VALERIE MILGORE		
Found:	NORTH WALL SM FILE CABINET		
Description:	Seized Per Warrant	FILE	
Control #:	74	Evidence Box:	74
Location:	VALERIE MILGORE		
Found:	NORTH WALL FILE CABINET 2ND FR RIGHT		
Description:	Seized Per Warrant	BANK DEPOSIT SLIPS	

AO 106 (Rev. 7/87) Affidavit for Search Warrant

FILED

United States District Court

DISTRICT OF NEVADA
DISTRICT OF NEVADA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Century Wellness Center
521 Hammill Lane, Reno, NV

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: MJ-05-0017-RAM

I, JOHN L. ZELINKSY being duly sworn depose and say:

I am a(n) SPECIAL AGENT, U.S. FOOD & DRUG ADMINISTRATION and have reason to believe
Official Title

that on the person of or on the property or premises known as (name, description and/or location)

Century Wellness Center
521 Hammill Lane Reno, NV

Attachment A which is attached hereto and incorporated here by reference.

in the _____ District of _____ Nevada

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment B

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
Evidence of a crime, contraband, and/or designed for use, intended for use, used in committing a crime.

concerning a violation of Title 18 & 21 United States code, Section(s) 545, 1341, 1956, and 1957 & 333

The facts to support a finding of Probable Cause are as follows:

See affidavit as incorporated.

Continued on the attached sheet and made a part hereof.

Yes No

Signature of Affiant

Sworn to before me, and subscribed in my presence

02-11-2005

Date

at Reno, Nevada

City and State

ROBERT A. McQUAID, Jr.

Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

John L. Zelinsky, being duly sworn, deposes and states:

1. I am a Special Agent with the Office of Criminal Investigations of the U.S. Food and Drug Administration ("OCI") and have been so employed since January 2003. I am currently assigned to the San Francisco Resident Office where I am responsible for investigating violations of, among others, the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301, et seq. Prior to joining OCI, from 1989 to 2003, I was a Special Agent with the Federal Bureau of Investigation where I investigated foreign counter-intelligence, white collar crime schemes, environmental crimes, violent crime, and organized crime. I investigated fraud schemes involving criminal violations of various federal statutes, including the Mail Fraud statute, 18 U.S.C. 1341, and the Money Laundering statutes, 18 U.S.C. § 1956 and 1957.
2. This affidavit is based upon my personal knowledge, a review of evidence obtained during the course of the investigation, and information provided by other law enforcement officers and civilians throughout the course of the investigation. This affidavit is submitted in support of the issuance of a search warrant for the premises of a medical clinic, Century Wellness Center, located at , 521 Hammill Lane, Reno, NV (the "Premises"), and 2660 West

Lake Ridge Shores, Reno, NV (the "Residence"), as more fully described in Attachment A.

3. As set forth below, there is probable cause to believe that at the Premises and Residence there will be records, documents and computers, as more fully described in Attachment B, which are the fruits and instrumentalities of the following crimes: the introduction or causing the introduction of an unapproved new drug into interstate commerce with intent to defraud or mislead in violation of 21 U.S.C. §§ 355, 331(d) and 333(a)(2); the introduction or causing the introduction of a misbranded drug into interstate commerce with intent to defraud or mislead in violation of 21 U.S.C. § 331a) and 333(a)(2); the unlawful distribution of human growth hormone for unauthorized uses in violation of 21 U.S.C. § 333(e); smuggling, in violation of 18 U.S.C. § 545; money laundering, in violation of 18 U.S.C. § 1956; and conspiracy to commit the crimes listed above, in violation of 18 U.S.C. § 371. In addition, there is probable cause to believe that the Premises and Residence hold evidence of health care fraud in violation of 18 U.S.C. § 1347. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the search of the Premises and Residence, as more fully described in Attachment A, it does not contain each and every fact known to me during the course of the investigation. It contains only

a limited recitation of facts needed to establish probable cause for the search.

RELEVANT LAW

4. Under the Food, Drug and Cosmetic Act (FDCA), drugs were defined as, among other things, articles intended for use in the cure, mitigation, treatment or prevention of disease in man (21 U.S.C. § 321(g)(1)(B)); articles intended to affect the structure or function of the body of man (21 U.S.C. § 321(g)(1)(C)); or articles intended for use as components of other drugs (21 U.S.C. § 321(g)(1)(D)).
5. The term “new drug” was defined by 21 U.S.C. § 321(p) as any drug not generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs for use under the conditions prescribed, recommended or suggested in its labeling.
6. The term “labeling” was defined as all labels and other printed or graphic matter upon any article or any of its containers or wrappers, or accompanying such article. 21 U.S.C. § 321(m).
7. Pursuant to the FDCA, unless there was in effect with the FDA a new drug application (“NDA”), an abbreviated new drug application (“ANDA”) or a notice of claimed exemption for an investigational new drug (“IND”), a drug was an unapproved new drug and could

not lawfully be entered into interstate commerce. 21 U.S.C.

§§ 355(a); 331(d).

8. Because of their toxicity and other potential harmful effects, certain drugs are not considered safe for use except under the supervision of a practitioner licensed by law to administer such drugs. These drugs are known as prescription drugs. 21 U.S.C. § 353(b)(1)(A). Under the FD&C Act, the application approved by the FDA for certain drugs limited those drugs to use under the professional supervision of a practitioner licensed by law to administer the drugs. These drugs are also known as prescription drugs. 21 U.S.C. § 353(b)(1)(B).

9. A drug was misbranded if, among other things:
- a. its labeling was false or misleading in any particular (21 U.S.C. § 352(a));
 - b. the drug was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor (21 U.S.C. § 352(b));
 - c. the labeling on the drug did not bear adequate directions for use (21 U.S.C. § 352 (f)(1));
 - d. the labeling on the drug did not bear such adequate warnings against use in those pathological conditions, and by children where its use may be dangerous to health, and against unsafe dosage and methods and duration of

administration and application, in such manner and form, as were necessary for the protection of users (21 U.S.C. § 352(f)(2));

- e. the drug was dangerous to health when used in the dosage and manner and with the frequency and duration prescribed, recommended, and suggested in the labeling thereof (21 U.S.C. § 352(j)); or
- f. the drug was a prescription drug dispensed without a prescription (21 U.S.C. § 353(b)(1)).

10. "Adequate directions for use" means directions under which the layman can use a drug safely and for the purposes for which it is intended. 21 C.F.R. § 201.5.

11. The introduction, delivery for introduction, or causing the introduction or delivery for introduction into interstate commerce of any misbranded drug was prohibited. 21 U.S.C. § 331(a). Likewise, the doing or causing of any act, if done while a drug was held for sale (whether or not the first sale), after shipment in interstate commerce, which caused the drug to be misbranded was prohibited. 21 U.S.C. § 331(k).

12. The term "human growth hormone" meant somatrem, somatropin, or an analogue of either somatrem or somatropin. 21 U.S.C. § 333(e)(4). Somatropin was a synthetic or naturally occurring growth hormone from the human pituitary gland. Somatrem was an

analog of somatropin containing an additional (methionyl) amino-acid residue. Natural human growth hormone is secreted by the anterior pituitary gland. In some children, between 6,000 and 15,000 in the United States, the pituitary gland does not produce enough hGH, resulting in stunted growth. Since 1958, this condition was treated by supplementing a patient's natural hGH with hGH derived from the pituitary glands of human cadavers. However, in 1985, use of pituitary-derived hGH was effectively eliminated by the discovery that three hGH patients who had been treated with hGH had developed Creutzfeldt-Jakob Disease, an extremely rare but fatal condition, apparently due to exposure to a pathogen transmitted by the pituitary-derived hGH.

1. Later that same year, the FDA granted the first approval for a human growth product derived from a recombinant DNA process utilizing E. coli bacteria, rather than the product isolated from human pituitary gland. The recombinant-hGH ("r-hGH") produced was identical, or essentially identical, and functionally equivalent to the natural hormone. At present, only the following recombinant hGH products have been approved by the FDA for treating the listed medical conditions:

- a. Genotropin (Pfizer)--approved for Pediatric GHD (growth hormone deficiency) /short stature syndrome, Prader-Willi

Syndrome and SGA (Small for gestational age without catch up growth by age 2 years), Adult GHD.

- b. Humatrope (Lilly) -- approved for Pediatric GHD-short stature syndrome, Turner Syndrome, Idiopathic Short Stature, Adult GHD.
- c. Norditropin for injection (Novo Nordisk)-- approved for Pediatric GHD-short stature syndrome.
- d. Norditropin (liquid) (Novo Nordisk) -- approved for Pediatric GHD-short stature syndrome and Adult GHD.
- e. Nutropin for injection (Genentech)-- approved for Pediatric GHD-short stature syndrome, Turner Syndrome, Pediatric Renal Insufficiency, Adult GHD.
- f. Nutropin AQ (liquid) Injection, pen, and pen cartridge (Genentech)-- approved for Pediatric GHD-short stature syndrome, Turner Syndrome, Pediatric Renal Insufficiency, Adult GHD.
- g. Nutropin Depot (Genentech)--approved for Pediatric GHD-short stature syndrome.
- h. Protropin somatrem (Genentech)--approved for Pediatric GHD-short stature syndrome.
- i. Saizen for injection (Serono)-- approved for Pediatric GHD-short stature syndrome, Adult GHD.

- j. Serostim for injection (Serono) --approved for AIDS Wasting and Cachexia.
- k. Zorbitive for injection (Serono)-- approved for Short bowel syndrome.
- l. Tev-Tropin for injection (Savient)-- approved for Pediatric GHD-short stature syndrome.

14. All human growth hormones are prescription drugs because of their toxicity or other potentiality for harmful effect; or the method of their uses, or the collateral measures necessary to their uses, were not safe for use except under the supervision of a practitioner licensed by law to administer such drug. Those human growth hormones that were approved for use by the FDA pursuant to 21 U.S.C. § 355 were limited to use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. §§ 353(b)(1)(a) and (b).

15. The knowing distribution of, or possession with intent to distribute, human growth hormone for any use in humans other than the treatment of a disease or other recognized medical condition, where such use had been authorized by the Secretary of Health and Human Services, and pursuant to a valid prescription, was prohibited. 21 USC § 333(e).

RELEVANT FACTS

15. On or about April 2, 2004, I received a vial of human growth hormone (hGH) from Immigration and Customs Enforcement (ICE) Special Agent Melissa McDonald. The vial was labeled in both Hebrew and English. SA McDonald told me that a confidential source, who is highly reliable, had advised her that he (the source) had purchased the vial from James Forsythe, MD, an oncologist who owns and operates the Premises, doing business as the Century Wellness Center. The source stated that Forsythe told him that it would help him build muscles and would act as an anti-aging medicine. The source said that Forsythe told the source that he uses the Israeli hGH since it is cheaper.
17. On or about September 14, 2004, your affiant (in an undercover capacity) entered the Premises for a pre-arranged appointment with Forsythe. I told Forsythe that I had a large and invasive tumor removed from my lung a few years ago, and since that time I have had some reduced energy, migraines and some mild depression. I told him that I found it difficult to get back into top shape and I generally don't feel like a 25 year old. (I told him I am 45 years old.) I also told him that I had seen an advertisement for hGH displayed at the Premises, suggesting the use of hGH as an anti-aging drug, and asked him if it could help me. I told him I had a friend at my gym who received hGH from Forsythe, and the friend

recommended Forsythe. Forsythe handed me an advertisement for his treatment regimen that specifically lists hGH as part of a treatment to reverse the effects of aging. Forsythe claimed that hGH would restore sleep quality, improve weight control, enhance libido, improve immune function and listed other youth-related benefits. Forsythe told me that I must inject myself with hGH for it to be effective. Forsythe told me that he imported the drug from Israel since it is more cost effective and of good quality. I purchased one vial of hGH (which represented an approximately one month supply) from Century. Paying cash, I paid Century \$422 total for this visit, of which \$238 was for the hGH. The vial of hGH, which was identical to the vial provided to me by SA McDonald, was labeled in both Hebrew and English. The label read "Bio-tropin" which is hGH.

13. On September 27, 2004, a chemist at the FDA Forensic Chemistry Center told me that they analyzed the hGH I purchased from Century on September 14, 2004. The laboratory analysis indicated that the substance in the vial actually contained hGH.

19. On October 27, 2004, I again entered Century Wellness Center. I again saw Forsythe. During this appointment, Forsythe confirmed that he saw a pathology report in my medical history that showed that I had a tumor removed that was possibly a sarcoma. Forsythe again sold me hGH in a vial labeled in Hebrew script and in English

for anti-aging purposes. This vial was labeled "Bio-tropin," which is hGH. Using a credit card, I paid \$238 at the Premises for the hGH on this date.

20. On November 15, 2004, the Forensic Chemistry Center confirmed that the drug purchased on October 27, 2004, contained hGH.

21. In both of my hGH purchases described above, the hGH vial label read "Bio-Tropin", I spoke with Dr. Rob Perlstein, Medical Officer working in the Division of Metabolic and Endocrine Drug Products (DMEDP)/Office of New Drugs (OND) at the Center for Drug Evaluation and Research (CDER)/Food and Drug Administration (FDA). Dr. Perlstein is also an Associate Professor of Medicine at the Uniformed Services University of the Health Sciences (USUHS) in Bethesda, MD and an endocrinology consultant for Walter Reed Army Medical Center, Washington, DC. Among his duties at the FDA is the review of applications filed by drug manufacturers for approval to market drugs containing human growth hormone. Dr. Perlstein confirmed that there is no hGH product called Bio-Tropin or manufactured by Bio-Tropin approved for sale or use in the United States.

22. Therefore, the introduction or causing the introduction of Bio-Tropin into interstate commerce is a violation of 21 U.S.C. § 331(d).

23. Additionally, the prescription drug Bio-Tropin hGH is misbranded because the labeling does not contain adequate directions for use by a layperson, and introducing or causing the introduction of a misbranded drug into interstate commerce is a violation of 21 U.S.C. § 331(a).

24. Likewise, because the FDA has not approved Bio-Tropin hGH for any use, Forsyth's knowing distribution of this drug for a use in humans other than the treatment of a disease or other recognized medical condition authorized by the Secretary of Health and Human Services, and violates 21 U.S.C. § 333(e).

25. On August 30, 2004, ICE SA Bill Bergin performed a search of the abandoned garbage outside the Residence. SA Bergin found one empty vial of Bio-Tropin, labeled in Hebrew script and English, identical to the Bio-Tropin Forsythe sold to me. Based on my experience and training, combined with discussions with investigators experienced in misbranded drug smuggling operations, I have learned that it is common for individuals who smuggle misbranded drugs from foreign countries to have the drugs delivered to their home instead of their place of business. Although the reasons may vary, one reason smugglers prefer delivery to a home address is that it is known to illegal drug importers that drugs illegally imported for apparent "personal use"

are given less scrutiny than if the drugs appear to be for distribution.

26. On January 24, 2005, SA Bergin again collected and reviewed the abandoned garbage at the Residence. Again, the garbage contained one empty vial of Biotropin, which had Hebrew and English writing and appeared to originate from Israel. In addition, an envelope was found in the garbage at the Residence addressed to CENTURY WELLNESS at 521 Hammill Lane, Reno, NV with a return address of Bank of the West, Concord, CA.

27. During my undercover contacts at the Premises, I used an undercover health insurance card issued by Blue Cross.

28. When I met Forsythe for an appointment on October 27, 2004, Forsythe suggested that I take a blood test called IGF-1, which would be administered at the Premises. I told Forsythe I did not want to take the test because Blue Cross would not pay for it. Forsythe advised that if he diagnosed me with hypopituitarism, Blue Cross would pay. I agreed to have the IGF-1 test drawn.

29. On December 28, 2004, the Blue Cross fraud unit advised me that Forsythe billed Blue Cross for my visit to Century on October 27, 2004, at which time he purportedly diagnosed me with subarachnoid hemorrhage (a serious stroke), malignant essential hypertension (a serious acute condition), and hypopituitarism.

30. On January 12, 2005, I spoke to Dr. Perlstein regarding these diagnoses. Dr. Perlstein is an expert in endocrinology. Dr. Perlstein stated that given my history and symptoms presented to Forsythe, it was unreasonable, in Dr. Perlstein's opinion, without considerably more information, to diagnose hypopituitarism. Dr. Perlstein advised that given a description of my history, a diagnosis of subarachnoid hemorrhage was at least exaggerated, and in his opinion unreasonable. Dr. Perlstein stated that malignant hypertension has a definition that was not met with my symptoms, therefore, a diagnosis of malignant hypertension is unreasonable.

31. On January 12, 2005, I spoke to Dr. Ana Maria Osorio, Regional Medical Officer, Pacific Region, Public Health Service, who stated that in her expert opinion the diagnoses billed to Blue Cross were unreasonable.

32. Dr. Perlstein stated that an IGF-1 test would not reasonably contribute to an assessment of my health condition. Dr. Perlstein advised that he knows through his experience that persons who illegally sell hGH frequently use IGF-1 to justify sales of hGH. Dr. Perlstein further stated that a diagnosis of hypopituitarism would provide the basis for Blue Cross to pay for the test; however, since such is diagnosis unreasonable in my case, it appears to be fabricated for the purpose of obtaining reimbursement from Blue Cross.

33. On January 13, 2005, I reviewed the history of complaints filed by patients of Dr. Forsythe to the Nevada Board of Medical Examiners (BME). The report was provided by BME Investigator Pamela Castagnola. The report detailed some complaints of excessive billing for such items as laboratory tests and office visits. In year 1995, the BME found that Forsythe performed excessive billing and took formal enforcement action against Forsythe for excessive billing. Investigator Castagnola explained that the report shows more than 20 investigations for bad conduct, including excessive billing, against Forsythe, fairly evenly spaced over the past 15 years. Investigator Castagnola stated that since the 1995 discipline, Forsythe has continued to be under investigation for bad medical practices and excessive billing. In 1996, there were six investigations for excessive billing and bad medical practices. From 1997-2004, at least twelve investigations were opened against Forsythe. None of the investigations resulted in discipline and most are currently closed. Castagnola explained that the investigation may show wrongdoing, however, Nevada is a State that licenses homeopathic doctors. Forsythe is licensed as a homeopath. According to Castagnola, when the BME develops evidence of wrongdoing, Forsythe claims he acted as a homeopath and is therefore exempt from the BME authority, thereby frustrating the ability of the BME to discipline Forsythe. Investigator Castagnola

explained that given the nature and context of the complaints of improper billings and poor patient care, combined with her opinions developed during the investigations, Forsythe represents one of the five most serious physician offenders known in the State of Nevada.

34. During my undercover contacts, I observed the office operations. I twice observed Earlene Forsythe acting in a role of office manager, i.e., I overheard her directing workers to do normal activities as would be expected in a medical office.


35. During my October 27, 2004 purchase of hGH, an employee dressed in a lab coat, name unknown, asked me if I wanted my hGH to be mixed by her or if I would mix it myself. The employee said that there was no difference in price. The employee told me that the hGH is stored in the lab on the Premises, and that I can have it mixed by her in a couple minutes. I asked her to mix it. A few minutes later she handed me the previously described bottle labeled Bio-Tropin containing a slightly cloudy liquid.

36. On November 19, 2004, I received a bill from my Visa credit card for \$258.00 for the hGH and medical services provided by Forsythe on October 27, 2004. The charge was from Cancer Screening and Treatment at Reno, NV. The bill was delivered via the U.S. Postal Service.

37. On February 1, 2005, I reviewed billing records with Carl Reinhardt, Investigator, Blue Cross Fraud Unit. Reinhardt advised that Forsythe mailed, using the U.S. Postal Service, a bill that was received by Blue Cross on November 6, 2004, at Los Angeles, CA. On November 17, 2004, Blue Cross mailed Forsythe a check for the amount of \$71.04
38. On January 13, 2005, I reviewed the records of the Washoe County Tax Assessor, the Washoe County Treasurer, and the Nevada Secretary of State regarding the ownership of The Premises and The Residence.
39. The Premises is wholly owned by Forsythe Investments, Ltd. According to the Nevada Secretary of State records, Forsythe Investments, Ltd., is a Limited Liability Corporation whose official managers and officers are James and Earlene Forsythe, with no other officers listed.
40. The Residence at 2660 W. Lake Ridge Shores is wholly owned by James W. and Earlene M. Forsythe. The last transaction date listed for The Residence was on October 18, 2002, when the Forsythes purchased the property from Mark and Fianna Combs for \$1,100,000.
41. On 02/01/2005, SA McDonald told me that she confirmed that Earlene Forsythe is listed as the responsible party for Sierra Pacific Power Company at 2660 W. Lake Ridge Shores, Reno, NV.

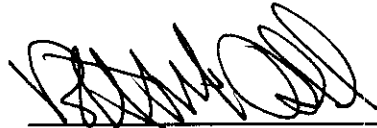
42. On December 22, 2004, I check the records of the Nevada Department of Motor Vehicles. Both Earlene and James Forsythe list 2660 W. Lake Ridge Shores, Reno, NV, as their residence.
43. Based on my experience and training, I am aware that businesses and medical offices, including ones engaging in illegal activities, use computers to keep relevant records of illegal acts. During my two appointments at Century, discussed above, I observed office workers using computers while dealing directly with me. I observed that while I was purchasing Bio-tropin, the office worker I was dealing with made an entry on the computer, apparently recording the sale of Bio-tropin to me.
44. Based on my experience and training, I am aware that businesses engaged in fraud often keep duplicate records. Such records are altered in some way to conceal the fraud. As an illustration, I have investigated businesses that kept one set of records showing high expenses in order to minimize income tax, while another set of records shows lower expenses in order to minimize sales taxes based on showing a lower business volume. Based on conversations with experienced investigators, I have been told that persons who engage in fraudulent medical billing may keep duplicate records to justify the billing while keeping another set of records that show the true services performed.

45. Based on the above facts, I believe there is probable cause that evidence of violations of 18 U.S.C. § 1347 and 21 U.S.C. §§ 331(a,d) and 333(e), are located at the Premises. In addition, evidence of violations of 21 U.S.C. § 333(e), 21 U.S.C. § 331(a) and 18 U.S.C. § 1347 are located at the Residence.



John L. Zelinsky
Special Agent
Office of Criminal Investigations
U.S. Food & Drug Administration

Subscribed and sworn to before me this 11th day of February 2005.



ROBERT A. McQUAID, JR.
United States Magistrate Judge

ATTACHMENT A

PLACES TO BE SEARCHED

Century Wellness Clinic 521 Hammill Lane, Reno, Nevada.

The property is described as a one story brown building. The architecture is that of an office building. The roof is red brick tiles. The glass front door reads Century Wellness Clinic and reads Cancer Screening and Treatment Center. There is a large 2 foot tall number 521 to the right of the front door. The front door is on the north side of the building facing north. There is a large, 2 foot sign that reads 521 facing west. The building is unattached.

Residence: 2660 West Lake Ridge Shores, Reno, Nevada. There is a East Lake Ridge Shores that should not be mistaken with the West Lake Ridge Shores. The house is in a guarded and gated community.

The house is described as a one-story brick house. It is unattached. There is a flag pole with an American flag in the front yard. There are three inch tall, black numbers 2660 at the base of the driveway. The driveway ascends steeply up 75 feet to a lot with one house. The numbers 2660 are easy to see at the base of the driveway. There are three, three foot high brick pillars at the driveway entry. The front door faces north.

ATTACHMENT B

ITEMS TO BE SEIZED

1. Documents, materials, and patient files that contain records and notes that show unapproved treatments and distribution of unapproved, misbranded and adulterated drugs, including, but not limited to, hGH. These documents would include, but are not limited to, patient records that contain treatment information, procedures and diagnoses, as well as the related billings, as it pertains to fraud connected to unapproved treatments. These documents and files may contain abbreviations and summaries of diagnosis and billings such as Current Procedure Terminology (CPT) codes and doctor's notes such as Subjective, Objective, Assessment and Procedure (SOAP) notes.
2. Financial records required, in part, for development of information needed for statutory asset forfeiture related to the above listed violations, to include billing records, billing procedures, banking and bank account information including checking, savings and credit card account information, and all correspondence, billings, payments and records to any health care payer, such as insurance companies and Medicare.

3. All computer and digital storage devices, to include hard drives, diskettes, tapes, laser disks, Bernoulli drives, and similar and related storage devices and paraphernalia.
4. All unapproved, illegally imported, misbranded or adulterated drugs. Documents related to unapproved, illegally imported, misbranded or adulterated drugs. All records related to the importation of unapproved, illegally imported, misbranded or adulterated drugs.
5. All human growth hormone (hGH), as defined by 21 U.S.C. § 333(e)(4), in any form.
6. All documents and indicia related to the crime of smuggling.
7. Any other indicia of criminal activity related to the crime of fraud as violations of 18 U.S.C. §§ 1341, 1343, 1347 discovered during the lawful execution of this search warrant.
8. Evidence of money laundering in violation to 18 U.S.C. §§ 1956 and 1957, as it relates to furthering the crimes of mail fraud, wire fraud and smuggling.
9. All documents and records that appear to be duplicates of the Items seized based on paragraph 1 of this Attachment, to the extent that the duplicates appear altered in some way from the original documents in order to further the crimes of fraud, hGH distribution or smuggling.
10. Employee records that identify persons or co-conspirators involved in the distribution of unapproved, misbranded, or adulterated drugs or smuggling.