

State Medical Board of Ohio

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Richard A. Whitehouse, Esq.
Executive Director

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August 8, 2007

Mohammad Anvari-Hamedani, M.D.
324 West Tiffin Street
Fostoria, OH 44830

Dear Doctor Anvari-Hamedani:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on August 8, 2007, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in cursive script, appearing to read "Lance A. Talmage".

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3931 8317 3290
RETURN RECEIPT REQUESTED

Cc: Beth A. Wilson and Brad F. Hubbell, Esqs.
CERTIFIED MAIL NO. 91 7108 2133 3931 8317 3306
RETURN RECEIPT REQUESTED

Mailed 8-22-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on August 8, 2007, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Mohammad Anvari-Hamedani, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

August 8, 2007

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MOHAMMAD ANVARI-
HAMEDANI, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on August 8, 2007.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Mohammad Anvari-Hamedani, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

August 8, 2007
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF MOHAMMAD ANVARI-HAMEDANI, M.D.**

The Matter of Mohammad Anvari-Hamedani, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on April 16, 2007.

INTRODUCTION

I. Basis for Hearing

A. By letter dated December 14, 2006, the State Medical Board of Ohio [Board] notified Mohammad Anvari-Hamedani, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Ohio Board based its proposed action on the allegation that, on or about November 20, 2006, Dr. Anvari-Hamedani pleaded guilty and was found guilty of:

1. Twenty felony counts of Illegal Exports to Iran, in violation of 50 United States Code [U.S.C.] §§ 1702 and 1705.
2. One felony count of Attempt to Illegally Export to Iran, in violation of 50 U.S.C. §§ 1702 and 1705.
3. Eight felony counts of Money Laundering, in violation of 18 U.S.C. § 1956(a)(2).
4. Four felony counts of False Tax Returns, in violation of 26 U.S.C. § 7206(1).
5. Three felony counts of Foreign Bank Account Reports, in violation of 31 U.S.C. §§ 5314 and 5322.

The Board alleged that Dr. Anvari-Hamedani's acts, conduct and/or omissions constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that language is used in Section 4731.22(B)(9), Ohio Revised Code. Accordingly, the Board advised Dr. Anvari-Hamedani of his right to request a hearing in this matter. (State's Exhibit 1A)

B. By letter filed on January 8, 2007, Beth A. Wilson, Esq., requested a hearing on behalf of Dr. Anvari-Hamedani. (State's Exhibit 1B)

II. Appearances at the Hearing

- A. On behalf of the State of Ohio: Marc E. Dann, Attorney General, and Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of Dr. Anvari-Hamedani: Beth A. Wilson and Brad F. Hubbell, Esqs.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State

Mohammad Anvari-Hamedani, M.D., upon cross-examination

- B. Presented by the Respondent

Dr. Anvari-Hamedani, upon direct examination
Janet Gillig
Anne Risner
Dorothy Gangwer
Carol Reffner

II. Exhibits Examined

- A. Presented by the State

State's Exhibits 1A through 1L: Procedural exhibits.

State's Exhibit 2: Indictment in *United States of America v. Mohammad Anvari-Hamedani*, Case No. 3:04CR786, United States District Court, Northern District of Ohio.

State's Exhibit 3: Plea Agreement in *U.S. v. Anvari-Hamedani*, Case No. 3:04CR786.

State's Exhibit 4: Judgment in *U.S. v. Anvari-Hamedani*, Case No. 3:04CR786.

- B. Presented by the Respondent

Respondent's Exhibit A: March 29, 2007, letter from the Honorable James G. Carr, Chief Judge of the United States District Court, Northern District of Ohio.

Respondent's Exhibit B: Respondent's Sentencing Memorandum in *U.S. v. Anvari-Hamedani*, Case No. 3:04CR786.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Mohammad Anvari-Hamedani, M.D., was born in 1934 in Iran. He attended Tehran University for his undergraduate and medical school education. In 1964 or 1965, he came to the United States and completed an internship at Norwalk General Hospital, in Norwalk, Connecticut. He next participated in a pathology residency because, if he had returned to Iran and wanted to become board-certified there, he was required to have completed six months in a pathology residency. Then, in 1966, Dr. Anvari-Hamedani commenced and later completed a three-year obstetrics and gynecology [OB/GYN] residency at St. Elizabeth Hospital in Youngstown, Ohio. He then worked for two years in Warren, Ohio. (Hearing Transcript [Tr.] at 25-30)
2. In 1971, Dr. Anvari-Hamedani moved to Fostoria, Ohio, where he commenced his own private medical practice, providing OB/GYN services. Dr. Anvari-Hamedani noted that he was the first medical specialist in Fostoria. From 1971 to the present, Dr. Anvari-Hamedani has practiced medicine in Fostoria. He provided OB/GYN services for many years but, when his wife became ill in the early 1990s, he limited his practice to gynecology services. Currently, Dr. Anvari-Hamedani sees approximately six to eight gynecology patients a day and works four days a week. (Tr. at 30-34)

Criminal Indictment, Plea, Conviction, and Sentence

3. On November 3, 2004, an indictment was filed in the United States District Court for the Northern District of Ohio charging Dr. Anvari-Hamedani with 38 felony counts.¹ The charges alleged: Illegal Exportation to Iran, Attempt to Illegally Export to Iran, Illegal Exportation to Iran – Hawala,² Illegal Export to Iran – Certificate of Deposit, Money

¹Dr. Anvari-Hamedani was convicted of 36 of the 38 counts in the indictment. The State sought to admit an unredacted, certified copy of the indictment into the record. Respondent's counsel expressly concurred with admission of a complete copy of the indictment, including the two counts that were dismissed by the federal government. Thus, the record includes an unredacted, certified copy of the indictment. (Tr. at 92-94)

²“Hawala” is described in the indictment as

an alternative remittance system which transfers money (usually across borders) without physical or electronic transfer of funds. Money changers (“hawaladars”) receive cash in one country. Correspondent hawaladars in another country dispense an identical amount (minus minimal fees and commissions) to a recipient or, less often, to a bank account.

(St. Ex. 2 at 5) Dr. Anvari-Hamedani explained that Hawala is like Western Union but, with Hawala, the funds are exchanged into the currency at the receiving end. (Tr. at 90)

Laundering, False Tax Returns, and Foreign Bank Account Reports. (State Exhibit [St. Ex.] 2) The case was designated *United States of America v. Mohammad Anvari-Hamedani*, Case No. 3:04CR786.

4. On April 24, 2006, Dr. Anvari-Hamedani agreed to plead guilty to counts one through 19, and counts 22 through 38 of the indictment in *U.S. v. Anvari-Hamedani*. The government agreed to dismiss counts 20 and 21 of the indictment. Among other things, the parties agreed the following computations and stipulations are based upon “readily provable facts”:
 - a. The facts stated in the Indictment are true and accurate.
 - b. Between June 19, and August 21, 2001, Dr. Anvari-Hamedani willfully directed that funds totaling \$500,000 be transferred from his account at Merrill Lynch, Toledo, Ohio, to accounts in Dubai, United Arab Emirates, and Hong Kong, knowing that the funds would be transferred from those accounts to an account at the Bank Melli Iran in Laleh, Iran.
 - c. On September 24, 2001, Dr. Anvari-Hamedani willfully attempted to transfer \$150,000 from his account at Merrill Lynch, Toledo, Ohio, to an account in Dubai, United Arab Emirates, knowing that the funds would be transferred from that account to an account in Iran.
 - d. Beginning in October 2001, Dr. Anvari-Hamedani transferred funds from accounts in banks located in Great Britain to an account at the Standard Chartered Bank, Dubai, United Arab Emirates. From November 4, 2001, and continuing until March 14, 2002, Dr. Anvari-Hamedani knowingly and willfully transferred funds totaling \$570,000 from the Standard Chartered Bank to an account at the Bank Melli Iran in Lelah, Iran.
 - e. Using a remittance system known as Hawala, from October 2001 to February 2002, Dr. Anvari-Hamedani knowingly and willfully did cause \$169,980 to be transferred to Iran.
 - f. From October 2001 to February 2002, Dr. Anvari-Hamedani knowingly and willfully caused to be transferred approximately 1,848,000 Great Britain Pounds (valued at approximately \$2,645,000) from Great Britain to the Bank Melli Iran in Lelah, Iran.
 - g. Dr. Anvari-Hamedani transferred and caused to be transferred the above-identified funds in willful violation of the Executive Orders and regulations prohibiting new investments, including the contribution of funds, in Iran.

- h. Beginning in April 1999 and continuing each year until March 2002, Dr. Anvari-Hamedani filed U.S. Individual Income Tax Returns, Form 1040, for tax years 1998, 1999, 2000, and 2001, in which he knowingly and willfully falsely reported (on Schedule B, Part III, line 7a) that he did not have an interest in or a signature or other authority over a financial interest in a foreign country. During those years, Dr. Anvari-Hamedani had accounts at financial institutions in Great Britain, and failed to report interest income earned from those accounts totaling \$758,866. The total tax loss was approximately \$275,000.
- i. Dr. Anvari-Hamedani knowingly and willfully failed to file a Report of Foreign Bank and Financial Accounts for calendar years 1999 – 2001, when he was required to do so because he had a financial interest in, and signature authority over, financial accounts in Great Britain, which accounts exceeded \$10,000 for each of the calendar years.

(St. Ex. 3)

- 5. On November 20, 2006, Dr. Anvari-Hamedani pleaded guilty to and was convicted of 36 of the 38 counts charged in *U.S. v. Anvari-Hamedani*. He was sentenced to three years of probation as to each count, which would run concurrently. Also, Dr. Anvari-Hamedani was:
 - a. Required to serve 60 days in a community center.
 - b. Required to perform 500 hours of community service.
 - c. Required to provide access to all requested financial information.
 - d. Required to make full and complete disclosures of income, assets, and all other aspects of his financial circumstances.
 - e. Required to provide full and complete cooperation to the Internal Revenue Service in the computation assessment, and collection of any back taxes.
 - f. Required to pay in full any outstanding taxes prior to completion of probation.
 - g. Required to pay a \$500,000 fine and a \$3,600 assessment.
 - h. Required to forfeit \$650,000 to the federal government.
 - i. Prohibited from incurring any new credit or establishing any additional lines of credit without approval.

(St. Ex. 4)

Dr. Anvari-Hamedani's Explanation

6. In the mid 1980s, Dr. Anvari-Hamedani testified that he visited Iran. He became interested in donating to his *alma mater*. A relative in Iran noted that another related Iranian university, Shahd University, was in greater need of funds. Dr. Anvari-Hamedani decided to donate the funds necessary to build a conference center for the medical school at Shahd University. He noted that, originally, the project was expected to cost \$2 million. (Tr. at 57-58; Respondent's Exhibit [Resp. Ex.] B at 2)
7. As to the legality of the money transfers, Dr. Anvari-Hamedani stated that he had read in the newspaper that nobody was permitted to invest large sums of money in Iranian gas and oil, but he was not aware that there were other limits on the dollar amounts or that there were other limits on the purposes for investments in Iran. Dr. Anvari-Hamedani noted that, prior to September 11, 2001, his broker at Merrill Lynch handled his money transfer requests so that the funds were provided to the university in Iran. However, after September 11, 2001, Merrill Lynch was not willing to make the transfers and dropped him as a client. (Tr. at 43-46, 80)
8. Dr. Anvari-Hamedani testified that he had not believed Merrill Lynch's statements that the money transfers had become illegal. Dr. Anvari-Hamedani forwarded more funds himself, via Hawala and from accounts in Great Britain. Dr. Anvari-Hamedani did not recall when he opened the bank accounts in Great Britain, but stated that he opened them "not a long time" before those particular transfers. (Tr. at 50, 60, 63)
9. Dr. Anvari-Hamedani explained that, in April 2002, the Federal Bureau of Investigation and another government agency executed a warrant at his home. In November 2004, he was arrested. (Tr. at 38-39, 42-42)
10. Over the course of several years, Dr. Anvari-Hamedani donated approximately \$4 million for the conference center. Dr. Anvari-Hamedani explained that he had these funds because they were income he had earned from his investments. At the time that Dr. Anvari-Hamedani had last received news of the project's status, which was four year before the hearing, the project cost more than \$9 million, it was still short of funds by \$4 or \$5 million, and the conference center was not completed. (Tr. at 59-61, 86-88)
11. Dr. Anvari-Hamedani acknowledged that he made the alleged money transfers and signed the tax returns, but denied knowing that they were illegal and incorrect at the time. He stated that he felt that he had to plead guilty to the charges because he is Muslim, he was born in Iran, and he would be automatically convicted. (Tr. at 72-73, 78-79)
12. At the time of the hearing, Dr. Anvari-Hamedani testified that he was under probation. He noted that he had completed one-fifth of the community service hours imposed. He planned to begin serving the 60 days in a community control center in Toledo in April 2007. He also stated that he has paid the \$650,000 forfeiture, and "back taxes" and

associated penalties. He still had to pay the \$500,000 fine, which was due in May 2007.
(Tr. at 64-67, 83-84)

Letter from the Federal District Court Judge

13. The Honorable James G. Carr, the Chief Judge of the United States District Court for the Northern District of Ohio, wrote a letter of support for Dr. Anvari-Hamedani. Judge Carr accepted Dr. Anvari-Hamedani's guilty plea and sentenced him in *U.S. v. Anvari-Hamedani*. Judge Carr stated that, despite the seriousness of the crimes that Dr. Anvari-Hamedani admitted to committing, Judge Carr decided not to impose a term of imprisonment, although it was otherwise required under the Federal Sentencing Guidelines. Judge Carr explained his reasons for deviating from the Federal Sentencing Guidelines, noting that he has never received as many letters seeking leniency for a defendant as in Dr. Anvari-Hamedani's case. Judge Carr also concluded that Dr. Anvari-Hamedani presents "no threat to the community, and there is no reason whatsoever to be at all concerned that he will ever again violate the law." Judge Carr noted that Dr. Anvari-Hamedani has paid the "back taxes" and penalties, which were in excess of \$1 million and were double the amount estimated to have been owed at the time of sentencing. (Resp. Ex. A)

14. Judge Carr further explained the impact of his sentence and made a request of the Board:

As a result of the tax liabilities, [forfeiture], and fines, Dr. Anvari³ will be destitute. Indeed, he must sell his very modest home to satisfy, in part, his remaining financial obligations under my sentence. If deprived of the ability to continue working as doctor, he will be utterly impoverished.

Even allowed to continue to work, Dr. Anvari, I should note, will have obligations under my sentencing order to pay a fine that will exceed his ability to pay.

That condition cannot, as it might for many others, be alleviated by other family members. He and his late wife had no children. Thus, Dr. Anvari must rely upon himself alone for support. He can do so only if his license is not suspended.

This is also a condition that I did not anticipate when I sentenced Dr. Anvari. I had anticipated, and intended, that Dr. Anvari be left with resources, albeit modest, sufficient to support himself and retire in due course with a modicum of financial security.

I fashioned Dr. Anvari's sentence to minimize the impact on his patients. * * *

³Dr. Anvari-Hamedani noted, at the commencement of the hearing, that "Hamedani" is the place where he was born in Iran and, for practical purposes, he did not use it for his last name. (Tr. at 5)

I urge as strongly as I possibly can that the Board impose discipline that does not include a suspension of Dr. Anvari's medical license.

(Resp. Ex. A)

Testimony from Patients and Community Members

15. Four patients of Dr. Anvari-Hamedani testified in support of him. First, Janet Gillig testified. She noted that she has been his patient for nearly 35 years. For a number of years, she has not resided in Fostoria, but she still travels 15 miles to see him. She described the medical care she has received from Dr. Anvari-Hamedani as "excellent". She noted that she has had a number of maladies and had a baby late in life. She testified that Dr. Anvari-Hamedani has "always been a caring doctor" and she "can't imagine going to another doctor." Ms. Gillig also stated that, in the Fostoria community, Dr. Anvari-Hamedani was well accepted and has had many patients. (Tr. at 96-97, 100)
16. Anne Risner testified next. She explained that she has been Dr. Anvari-Hamedani's patient for 33 years and also knew Dr. Anvari-Hamedani because her father was a physician in the community as well. She stated her opinion of Dr. Anvari-Hamedani:

I think he's a very kind and compassionate person. I think he treats each of his patients as a person. I had twins 30 years ago. And when I saw him in K-Mart when they were three weeks old, he asked how they were, and he called them by name, which I thought was kind of impressive; that he wouldn't just remember that I was his patient, but he remembered both babies' names. For some reason that sort of stuck with me, that a doctor would remember something like that, a little detail. He didn't have my chart where he could glance down and see who they were.

I was impressed with not just that, but the fact that he has always been available. Like if you call him, you could call him at his office or you could call him at home or you could -- he was not the type that would say -- just have his patients go to the emergency room after hours. You took as long as you wanted if you were in his office to talk. You never felt like you were rushed through.

(Tr. at 102-103) Additionally, Ms. Risner stated that Dr. Anvari-Hamedani financially assisted his patients when they could not afford to pay for medical services and did so without their feeling as if they were accepting charity. (Tr. at 106; see also, Resp. Ex. B at 9-10, 14-20, 22, 23)

17. Dorothy Gangwer testified third. She has been a patient of Dr. Anvari-Hamedani for 22 years. She described him as "open and honest," thorough, professional, a good listener,

and well respected in the community. She recalled two incidents in which Dr. Anvari-Hamedani put the health of the patient first, above other concerns. Moreover, Ms. Gangwer testified that she does not want to look for another doctor, stating, "I don't know that I would actually go to a doctor, you know, unless I absolutely necessarily had to, or go to the emergency room if I could not go to him." (Tr. at 109-114)

18. Next, Carol Reffner testified. She has been a patient of Dr. Anvari-Hamedani for 34 years. She stated that, in her opinion, he is extraordinarily competent and experienced. She noted that Dr. Anvari-Hamedani has researched drug interactions for her. She stated that she does not wish to find another doctor. Moreover, Ms. Reffner pointed out that:

* * * since he doesn't do obstetrics anymore and hasn't for some time, most of Dr. Anvari's patients are 40 years old and older. And these are specifically the type of people that get comfortable with someone and don't want to leave them.

So whether that's a psychological reason or a financial reason or a practical thing or strictly medical, or all of the above, there are many, many reasons why all of the women that are his patients that I know -- and from a logical standpoint, that's where we want to stay.

(Tr. at 117-119) Additionally, Ms. Reffner stated that Dr. Anvari-Hamedani is very civic minded, having worked, supported and/or provided free medical services to various groups, including the Fostoria Footlighters, St. Wendelin Catholic Church, American Red Cross, the Blood Bank and "Emergency Services". Furthermore, Ms. Reffner testified that she would like the Board to know that Dr. Anvari-Hamedani privately paid for prescriptions for his patients who could not afford to purchase them. More specifically, she explained:

I don't mean free samples that the pharmaceutical manufacturers drop off that a lot of the doctors give out. He has quietly paid script bills for people at pharmacies out of his own pocket. One time I kind of asked him about that. * * * I said, just how much do you subsidize people? He said it averaged him about \$15,000 a year, which maybe compared, to what he made, it wasn't a lot of money, but it is sure a lot more than I have given to the poor.

I think that kind of devotion to a patient and to a community, you can't want a better humanitarian than that. And for this man to not be able to practice medicine, that's all he has left. * * * It is important to the community, it's important to him, and it's important to his patients that he be able to continue with what he knows how to do and what he does very well.

(Tr. at 121-125)

Other Information

19. At present, Dr. Anvari-Hamedani is 73 years old. He suffers from a chronic blood disorder related to the blood platelets. For more than ten years, he has taken medication to control the disorder. (Tr. at 36-37; Resp. Ex. B at 8-9)
20. Dr. Anvari-Hamedani noted that there are two other OB/GYNs working in Fostoria currently. However, one of them is in poor health. (Tr. at 88-89)

FINDINGS OF FACT

1. On November 3, 2004, the grand Jury for the United States District Court for the Northern District of Ohio, Western Division, filed a 38-count indictment against Mohammad Anvari-Hamedani, M.D.
2. On November 20, 2006, in the United States District Court for the Northern District of Ohio, Western Division, pursuant to a Plea Agreement between the United States of America and Dr. Anvari-Hamedani, he pleaded guilty to and was found guilty of:
 - a. Counts 1 to 7 (Illegal Exportation to Iran), in violation of 50 United States Code [U.S.C.] §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, from or about June 19 through on or about August 21, 2001, he knowingly and willfully exported and caused to be exported from the United States to Iran, funds and assets totaling of \$500,000.
 - b. Count 8 (Attempt to Illegally Export to Iran), in violation of 50 U.S.C. §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, on or about September 24, 2001, he knowingly and willfully attempted to export \$150,000 from his account with Merrill Lynch located in Toledo, Ohio, to Dubai, United Arab Emirates, for transfer to Iran.
 - c. Counts 9 to 13 (Illegal Export to Iran), in violation of 50 U.S.C. §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, from on or about November 4, 2001, through on or about March 14, 2002, he knowingly and willfully exported and caused to be exported to Iran, funds and assets totaling \$570,000.
 - d. Counts 14 through 19 (Illegal Exportation to Iran – Hawala), in violation of 50 U.S.C. §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, from on or about October 24, 2001, through on or about February 4, 2002, he knowingly and willfully violated Presidential Orders issued under the International Emergency Economic Powers Act and transferred currency, funds, and assets totaling \$169,980 to Iran by use of a remittance system known as Hawala.

- e. Count 22 (Illegal Export to Iran – Certificate of Deposit), in violation of 50 U.S.C. §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, in or around January 2002, he knowingly and willfully exported and caused to be exported to Iran, funds and assets in the amount of 1,000,000 Great Britain Pounds.
 - f. Count 23 (Illegal Export to Iran – Certificate of Deposit), in violation of 50 U.S.C. §§ 1702 and 1705. Dr. Anvari-Hamedani admitted that, from in or about February 2002 to in or around March 2002, he knowingly and willfully exported and caused to be exported to Iran, funds and assets in the amount of 848,792 Great Britain Pounds.
 - g. Counts 24 through 31 (Money Laundering), in violation of 18 U.S.C. § 1956(a)(2). Dr. Anvari-Hamedani admitted that, from on or about June 19 through September 24, 2001, he knowingly transferred funds and/or attempted to transfer funds in the amount of \$650,000 from an account in Toledo, Ohio, to Dubai, United Arab Emirates, and to Hong Kong, with the intent to promote the carrying on of specified unlawful activity in violation of the International Emergency Economic Powers Act, 50 U.S.C., § 1705.
 - h. Counts 32 through 35 (False Tax Returns), in violation of 26 U.S.C. § 7206(1). Dr. Anvari-Hamedani admitted that, for the calendar years 1998 through 2001, he willfully made and subscribed U.S. Individual Income Tax Returns, falsely stating that he did not have an interest in or authority over a financial account in a foreign country, and failing to report interest income he earned from foreign bank accounts totaling \$758,866.
 - i. Counts 36 through 38 (Foreign Bank Account Reports), in violation of 31 U.S.C. §§ 5314 and 5322. Dr. Anvari-Hamedani admitted that, for the calendar years 1999 through 2001, he had a financial interest in and authority over a financial account in a foreign country that exceeded \$10,000 in aggregate value and he knowingly and willfully failed to file a report of the same as required by 31 U.S.C. § 5314 and by 31 Code of Federal Regulations § 103.24, which was adopted pursuant to 31 U.S.C. § 5314.
3. As a result of his conviction for counts 24 through 31, an order of forfeiture was entered, requiring Dr. Anvari-Hamedani to forfeit \$650,000 to the United States. In addition, Dr. Anvari-Hamedani was sentenced to three years probation, with conditions including: (a) 60 days of community confinement; (b) 500 hours of community service; (c) criminal monetary penalties, including a special assessment of \$3,600, a fine of \$500,000, and a forfeiture to the United States of \$650,000.

CONCLUSION OF LAW

The guilty plea and/or the judicial findings of guilt of Dr. Anvari-Hamedani, as set forth in Findings of Fact 1 through 3 constitutes a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that language is used in Section 4731.22(B)(9), Ohio Revised Code.

* * * * *

It is undisputed that Dr. Anvari-Hamedani was convicted for multiple, serious felonies not committed in the course of his medical practice. The question is whether a severe sanction is warranted or whether mitigating circumstances justify a less severe sanction by the Board. The State argues, “in a nutshell,” that Dr. Anvari-Hamedani should no longer be licensed in Ohio because he took calculated, illegal steps to transfer millions of dollars to Iran, the resulting felonies cast great doubt on his credibility and ability to maintain licensure, and his failure to accept responsibility “shows that he cannot be licensed to practice.” Dr. Anvari-Hamedani argues to the contrary -- he contends that he admitted the violations of the law and accepted responsibility for those violations. He lists a number of mitigating factors to support his recommendation that “lighter” discipline (less than a suspension) be imposed in this matter, including the fact that his purposes were charitable. If the Board is compelled to suspend Dr. Anvari-Hamedani’s certificate, he requests that the suspension be stayed.

The Hearing Examiner does not accept Dr. Anvari-Hamedani’s claim that his underlying philanthropic desires mitigate the Board’s sanction. Dr. Anvari-Hamedani’s false tax returns and failure to report his foreign bank accounts for years are not philanthropic actions. Moreover, aggravating circumstances exist: (1) a selfish motive existed at least with respect to the tax returns and foreign bank account reports; (2) a pattern of misconduct occurred; (3) multiple violations of federal law occurred over the course of several years; (4) the misconduct adversely impacted the government; and (5) his misconduct was willful.

However, mitigating circumstances also exist: (1) absence of a prior Board disciplinary record; (2) the incidents are unlikely to recur; (3) Dr. Anvari-Hamedani disclosed the criminal charges to the Board; (4) rehabilitation or remedial measures have begun, via the criminal sentence; (5) Dr. Anvari-Hamedani has shown remorse; and (6) the misconduct occurred more than five years ago. Additionally, the Hearing Examiner notes that Dr. Anvari-Hamedani has served the Fostoria community well for many years, his patients want him to continue practicing, the federal judge who handled the underlying criminal matter strongly advocates that Dr. Anvari-Hamedani continue practicing medicine, and a harsh Board sanction would likely end Dr. Anvari-Hamedani’s medical career and destroy him financially. Moreover, the record indicates that, to a certain extent during the involved time period, the money transactions occurred through financial brokers and the tax filings were prepared by accountants.

Upon consideration of the arguments and the evidence, the Hearing Examiner cannot recommend that no suspension or a stayed suspension be imposed by the Board, as Dr. Anvari-Hamedani has advocated. The Hearing Examiner is moved by the federal judge's strong statements and believes that the Board's sanction should not, in this case, quash the delicate balance intended by the criminal sentence, which is already underway. However, she respects the State's position in this matter too. Accordingly, the Hearing Examiner's recommendation, as set forth below, falls in between the parties' recommendations.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Mohammad Anvari-Hamedani, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Anvari-Hamedani's certificate shall be SUSPENDED for an indefinite period of time, but not less than two months.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Anvari-Hamedani's certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Anvari-Hamedani shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Certification of Compliance with the Terms of Criminal Probation:** At the time he submits his application for reinstatement or restoration, Dr. Anvari-Hamedani shall submit to the Board certification from the United States District Court for the Northern District of Ohio, Western Division, dated no earlier than thirty days prior to Dr. Anvari-Hamedani's application for reinstatement or restoration, indicating that Dr. Anvari-Hamedani has maintained full compliance with terms of probation in criminal case number 3:04CR786.
- C. **PROBATION:** Upon reinstatement or restoration, Dr. Anvari-Hamedani's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law and Terms of Criminal Probation:** Dr. Anvari-Hamedani shall obey all federal, state and local laws, and all rules governing the practice of medicine and surgery in Ohio, and all terms of probation imposed by the United States District Court for the Northern District of Ohio, Western Division, in criminal case number 3:04CR786.

2. **Declarations of Compliance:** Dr. Anvari-Hamedani shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Anvari-Hamedani's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Anvari-Hamedani shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Anvari-Hamedani's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Absence from Ohio:** Dr. Anvari-Hamedani shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 5. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Anvari-Hamedani is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Anvari-Hamedani's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Anvari-Hamedani shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Anvari-Hamedani shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Anvari-Hamedani receives from the Board written notification of his successful completion of probation.

- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:**
Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Anvari-Hamedani shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Anvari-Hamedani shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Anvari-Hamedani shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Anvari-Hamedani receives from the Board written notification of his successful completion of probation.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF AUGUST 8, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Mohammad Anvari-Hamedani, M.D.; Kristine M. Blazey, M.T.; Clyde Dennis Brown, M.D.; Benjamin L. Gill, D.O.; and Dale Anthony Humphrey, Jr., M.T. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

Dr. Steinbergh - aye
Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

Dr. Talmage left the meeting at this time.

MOHAMMAD ANVARI-HAMEDANI, M.D.

Dr. Kumar directed the Board's attention to the matter of Mohammad Anvari-Hamedani, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF MOHAMMAD ANVARI-HAMEDANI, M.D. DR. STEINBERGH SECONDED THE MOTION.

Dr. Kumar at this time asked for a motion to go into executive session.

DR. BUCHAN MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONSIDER THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A LICENSEE. DR. STEINBERGH SECONDED THE MOTION.

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

Pursuant to Sections 121.22(G)(1), Revised Code, the Board went into executive session.

The public session of the Board meeting reconvened at 2:07 p.m.

Dr. Madia stated that it seems to him that this is not an issue of the quality of Dr. Anvari-Hamedani's practice, but Dr. Anvari-Hamedani's decision to do some unethical, and probably illegal, things in the face of the United States law. He illegally transferred large sums of money after September 11, 2001 (9/11) to different countries in an illegal way. Dr. Madia noted that Dr. Anvari-Hamedani was prosecuted in the court and found guilty. He stated that the question here is, if someone goes that far to act against the law and the people of the United States, should the Board trust that person to take care of the citizens of the State of Ohio.

Dr. Buchan stated that he looked at this 38-count indictment and he reviewed the facts. He stated that he doesn't think that there is any disputing the facts of the case. Dr. Buchan stated that his personal view is that the aggravating circumstances far outweigh any mitigating circumstances that the Hearing Examiner describes. Paramount to the practice of medicine is the relationship between patient and doctor, and that relationship is based on a degree of trust. Dr. Buchan stated that he has absolutely lost all trust that Dr. Anvari-Hamedani would make the right decision in the practice of medicine. Dr. Buchan stated that he cannot buy it. Dr. Buchan stated that, based upon the lack of trust that he has in Dr. Anvari-Hamedani's decision-making process, and based upon the fact that the Findings are clear that he broke the laws of this country, he would suggest that the Board permanently revoke Dr. Anvari-Hamedani's license.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF MOHAMMAD ANVARI-HAMEDANI, M.D., BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that she agrees with Dr. Buchan. She noted that Dr. Anvari-Hamedani was convicted of 36 out of 38 felony counts. Dr. Steinbergh stated that that's an enormous felony conviction. She doesn't find any mitigating circumstances. Dr. Steinbergh agreed with the amendment of permanent revocation.

Dr. Kumar noted that the Report and Recommendation calls for a stayed permanent revocation.

Dr. Buchan stated that his motion is to amend that to permanent revocation.

Dr. Steinbergh stated that she read the letter from the judge who convicted this physician, and who apparently was sensitive to this physician's age and also concerned about him financially. She stated that having read that, it really does not change her opinion of the fact that he was convicted on 36 counts, including illegal exports to Iran, attempt to illegally export to Iran, money laundering, false tax returns, and three felony counts of Foreign Bank Account Reports, in violation of federal law. Dr. Steinbergh stated that she's basing her vote for permanent revocation on that.

Dr. Varyani stated that he did read the judge's letter, and he found it puzzling. The judge convicted this physician on 36 of 38 counts, and then he writes a letter like that. Dr. Varyani commented that he doesn't

understand that.

Dr. Robbins also spoke in support of the amendment. He stated that the more he read the letter from the judge, the more concerned he became. Dr. Robbins stated that he can hardly imagine a judge receiving a guilty plea to 36 of 38 felonies, sentencing the individual, and then not thinking that there will be action and review by the Medical Board. Dr. Robbins stated that that is so out of bounds to him, he doesn't understand it. He doesn't understand why the letter was written. If the judge felt that way, he shouldn't have convicted this individual. Dr. Robbins stated that the facts are what they are. Dr. Anvari-Hamedani pleaded guilty to 36 of 38 felony counts. Dr. Robbins stated that, when he came in here, he thought that the Report and Recommendation was way too lenient, and he is in agreement with permanent revocation.

A vote was taken on Dr. Buchan's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF MOHAMMAD ANVARI-HAMEDANI, M.D. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

December 14, 2006

Mohammad Anvari-Hamedani, M.D.
1316 W. Ridge Drive
Fostoria, Ohio 44830

Dear Doctor Anvari-Hamedani:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about November 3, 2004, the Grand Jury for the United States District Court for the Northern District of Ohio, Western Division, filed a 38 count indictment against you. On or about November 20, 2006, in the United States District Court for the Northern District of Ohio, Western Division, pursuant to a Plea Agreement between the United States of America and Mohammad Anvari-Hamedani, you pled guilty to and were convicted of the following offenses:
 - (a) Counts 1 through 7, Illegal Export to Iran, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty pleas, you admitted that from on or about June 19, 2001, through on or about August 21, 2001, you knowingly and willfully exported and caused to be exported from the United States to Iran, funds and assets totaling \$500,000.00.
 - (b) Count 8, Attempt to Illegally Export to Iran, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty plea, you admitted that on or about September 24, 2001, you knowingly and willfully attempted to export \$150,000.00 from your account with Merrill Lynch located in Toledo, Ohio, to Dubai, United Arab Emirates, for transfer to Iran.
 - (c) Counts 9 through 13, Illegal Export to Iran, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty pleas, you admitted that from on or about November 4, 2001, through on or about March 14, 2002, you knowingly and willfully exported and

Mailed 12-14-06

caused to be exported to Iran, funds and assets totaling \$570,000.00.

- (d) Counts 14 through 19, Illegal Export to Iran – Hawala, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty pleas, you admitted that from on or about October 24, 2001, through on or about February 4, 2002, you knowingly and willfully did violate and/or attempt to violate Presidential orders issued under the International Emergency Economic Powers Act, and did transfer currency, funds, and assets totaling \$169,980.00 to Iran by the use of a remittance system known as Hawala.
- (e) Count 22, Illegal Export to Iran – Certificate of Deposit, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty plea, you admitted that, in or around January 2002, you knowingly and willfully exported and caused to be exported to Iran, funds and assets in the amount of 1,000,000 Great Britain Pounds.
- (f) Count 23, Illegal Export to Iran – Certificate of Deposit, in violation of 50 U.S.C. §§ 1702 and 1705. By your guilty plea, you admitted that from in or around February 2002 to in or around March 2002, you knowingly and willfully exported and caused to be exported to Iran, funds and assets in the amount of 848,792 Great Britain Pounds.
- (g) Counts 24 through 31, Money Laundering, in violation of 18 U.S.C. § 1956(a)(2). By your guilty pleas, you admitted that from on or about June 19, 2001, through on or about September 24, 2001, you did knowingly transfer funds and/or attempt to transfer funds in the amount of \$650,000.00 from an account in Toledo, Ohio, to Dubai, United Arab Emirates, and to Hong Kong, with the intent to promote the carrying on of specified unlawful activity in violation of 50 U.S.C. § 1705.

As a result of your conviction under Counts 24 through 31, an order of forfeiture was entered, requiring you to forfeit to the United States all right, title, and interest in any and all property constituting, or derived from, proceeds you obtained directly or indirectly, as the result of the aforementioned offense, including approximately \$650,000.00 in United States currency and all interest and property traceable thereto.

- (h) Counts 32 through 35, False Tax Returns, in violation of 26 U.S.C. § 7206(1). By your guilty pleas, you admitted that for the calendar years 1998, 1999, 2000, and 2001, you did willfully

make and subscribe U.S. Individual Tax Returns, falsely stating that you did not have an interest in or authority over a financial account in a foreign country, and failing to report interest income you earned from foreign bank accounts totaling \$758,866.00.

- (i) Counts 36 through 38, Foreign Bank Account Reports, in violation of 31 U.S.C. §§ 5314 and 5322. By your guilty pleas, you admitted that for the calendar years 1999, 2000, and 2001, although you had a financial interest in and other authority over a financial account in a foreign country that exceeded ten thousand dollars in aggregate value, you knowingly and willfully failed to file a report of the same as required by 31 U.S.C. § 5314, and by 31 C.F.R. § 103.24, adopted pursuant to 31 U.S.C. § 5314.

You were sentenced to three years of probation with the following conditions: 60 days of community confinement; 500 hours of community service; criminal monetary penalties, including a special assessment in the amount of \$3,600.00 and a fine of \$500,000.00; and forfeiture to the United States in the amount of \$650,000.00 in U.S. currency. Copies of the Indictment, Plea Agreement, and Judgment in a Criminal Case are attached hereto and incorporated herein.

Your pleas of guilty or the judicial findings of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an

applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/laz/fb
Enclosures

CERTIFIED MAIL # 7004 2510 0006 9802 9100
RETURN RECEIPT REQUESTED

cc: Brad F. Hubbell
Cooper & Walinski, LPA
900 Adams Street
Toldeo, Ohio 43604

CERTIFIED MAIL # 7004 2510 0006 9802 9131
RETURN RECEIPT REQUESTED

FILED

04 NOV -3 PM 3:13

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By Sam Brown
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JUDGE JAMES G. CARR

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MOHAMMAD ANVARI-HAMEDANI,)
)
Defendant.)
)
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)
)
)
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I N D I C T M E N T

3 No. **04CR786**

Title 18, United States Code, Sections 982(a)(1), 1956(a)(2)(A); Title 21, United States Code, Section 853; Title 26, United States Code, Section 7206(1); Title 31, United States Code, Sections 5314, 5322; Title 50, United States Code, Sections 1702, 1705

Counts 1 - 7 (Illegal exportation to Iran)

The Grand Jury charges:

1. The International Emergency Economic Powers Act (IEEPA), Title 50, United States Code, Sections 1701 et seq., grants the President of the United States the authority to impose and enforce economic sanctions against nations that the President deems a threat to national security interests.
2. By Executive Orders 12957, 12959, and 13059, and pursuant to his authority under IEEPA, President William J.

Clinton prohibited new investments in Iran, including a commitment or contribution of funds or other assets to Iran, by a United States person.

3. During all relevant times, defendant MOHAMMAD ANVARI-HAMEDANI was a United States person within the meaning of the Executive Orders prohibiting exportation of funds and other assets to Iran.

4. On or about the dates listed below, within the Northern District of Ohio, Western Division, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported from the United States to Iran, funds and assets as described below, each of which originated with funds in defendant's account at Merrill Lynch, Toledo, Ohio, were wired to accounts in countries indicated below, and subsequently transferred to an account at the Bank Melli Iran, in Laleh, Iran, without having first obtained the required authorization from the Secretary of the Treasury:

Count	Date	Exported Item	Intermediary Country
1	June 19, 2001	\$15,000	Dubai, U.A.E.
2	June 19, 2001	\$15,000	Hong Kong
3	June 19, 2001	\$70,000	Dubai, U.A.E.
4	July 2, 2001	\$50,000	Dubai, U.A.E.
5	July 9, 2001	\$50,000	Dubai, U.A.E.
6	July 25, 2001	\$150,000	Dubai, U.A.E.

7	August 21, 2001	\$150,000	Dubai, U.A.E.
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All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Parts 560.206 and 560.207.

Count 8 (Attempt to illegally export to Iran)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.

2. On or about September 24, 2001, in the Northern District of Ohio, Western Division, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully attempted to export approximately \$150,000, such funds to have originated in defendant's account at Merrill Lynch, Toledo, Ohio, which funds were to be wired to Dubai, United Arab Emirates, and subsequently transferred to Iran, without having first obtained the required authorization from the Secretary of the Treasury.

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Part 560.

Counts 9 - 13 (Illegal export to Iran)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.

2. On or about the dates listed below, within the Northern District of Ohio, Western Division, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported to Iran, funds and assets as described below, which funds had been in an account at Standard Chartered Bank, Dubai, U.A.E., and subsequently transferred to an account at the Bank Melli Iran, in Laleh, Iran, without having first obtained the required authorization from the Secretary of the Treasury:

Count	Date	Exported Item
9	November 4, 2001	\$150,000
10	November 10, 2001	\$150,000
11	December 25, 2001	\$150,000
12	March 11, 2002	\$100,000
13	March 14, 2002	\$20,000

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Parts 560.206 and 560.207.

Counts 14 - 19 (Illegal exportation to Iran - Hawala)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.
2. Executive Order No. 12959 prohibits, in part:
 - (g) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions [of any new investment by a United States person in Iran].

3. Executive Order No. 13059 prohibits, in part:

(d) any transaction or dealing by a United States person, wherever located, including purchasing, selling, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to:

* * *

(ii) goods, technology, or services for exportation, reexportation, sale, or supply, directly or indirectly, to Iran. . . .

(e) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States

4. "Hawala" is an alternative remittance system which transfers money (usually across borders) without physical or electronic transfer of funds. Money changers ("hawaladars") receive cash in one country. Correspondent hawaladars in another country dispense an identical amount (minus minimal fees and commissions) to a recipient or, less often, to a bank account.

5. On or about the dates listed below, within the Northern District of Ohio, Western Division, and elsewhere, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully did violate and attempt to violate Presidential orders issued under the International Emergency Economic Powers Act, did transfer currency, funds and assets to Iran, some by use of Hawala, in the approximate amounts described below, without having first

obtained the required authorization from the Secretary of the Treasury:

Count	Date	Exported Item
14	October 24, 2001	\$50,000
15	January 24, 2002	\$20,000
16	January 25, 2002	\$ 9,980
17	January 30, 2002	\$10,000
18	February 2, 2002	\$30,000
19	February 4, 2002	\$50,000

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Part 560.

Count 20 (Illegal export to Iran)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.
2. On or about May 23, 2001 and July 19, 2001, within the Northern District of Ohio, Western Division, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported to Iran, goods, technology and services, without having first obtained the required authorization from the Secretary of the Treasury, to wit, defendant caused the shipment of water purifying equipment from the United States to Iran, by wire transferring approximately \$19,000 to Clearwater Enviro Technologies.

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Parts 560.206 and 560.207.

Count 21 (Illegal export to Iran)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.

2. On or about July 24, 2001, within the Northern District of Ohio, Western Division, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported to Iran, goods, technology and services, without having first obtained the required authorization from the Secretary of the Treasury, to wit, defendant caused the shipment of diesel engine parts from South Korea to Iran, by wiring approximately \$21,400 to Doowon Company, Seoul, South Korea.

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Parts 560.206 and 560.207.

Count 22 (Illegal export to Iran - certificate of deposit)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.

2. In or about January 2002, within the Northern District of Ohio, Western Division, and elsewhere, the defendant MOHAMMAD

ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported to Iran, funds and assets in the approximate amount of 1,000,000 Great Britain Pounds, to the Bank Melli Iran, in Tehran, Iran, without having first obtained the required authorization from the Secretary of the Treasury.

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Part 560.

Count 23 (Illegal export to Iran - certificate of deposits)

The Grand Jury further charges:

1. Paragraphs 1 through 3 of Counts 1-7 are incorporated herein.

2. From in or about February 2002, to in or about March 2002, within the Northern District of Ohio, Western Division, and elsewhere, the defendant MOHAMMAD ANVARI-HAMEDANI, knowingly and willfully exported and caused to be exported to Iran, funds and assets in the approximate amount of 848,792 Great Britain Pounds, to the Bank Melli Iran, in Tehran, Iran, without having first obtained the required authorization from the Secretary of the Treasury.

All in violation of Title 50, United States Code, Sections 1702 and 1705, Executive Order Nos. 12957, 12959, and 13059, and Title 31, Code of Federal Regulations, Part 560.

Counts 24 - 31 (Money laundering)

The Grand Jury further charges:

On or about the dates listed below, in the Northern District of Ohio, Western Division, defendant MOHAMMAD ANVARI-HAMEDANI did knowingly transfer funds and attempt to transfer funds, in the approximate amounts listed below, from a place in the United States, that is, an account at Merrill Lynch, Toledo, Ohio, to places outside the United States, such destinations listed below, with the intent to promote the carrying on of specified unlawful activity, that is, violations of the International Emergency Economic Powers Act, 50 U.S.C. § 1705:

Count	Date	Amount	Destination
24	June 19, 2001	\$15,000	Dubai, U.A.E.
25	June 19, 2001	\$15,000	Hong Kong
26	June 19, 2001	\$70,000	Dubai, U.A.E.
27	July 2, 2001	\$50,000	Dubai, U.A.E.
28	July 9, 2001	\$50,000	Dubai, U.A.E.
29	July 25, 2001	\$150,000	Dubai, U.A.E.
30	August 21, 2001	\$150,000	Dubai, U.A.E.
31	September 24, 2001	\$150,000	Dubai, U.A.E.

All in violation of Title 18, United States Code, Section 1956(a)(2)(A).

FORFEITURE ALLEGATION

The Grand Jury realleges and incorporates by reference herein the allegations of Counts 24 to 31 of this Indictment for

the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1), and Title 21, United States Code, Section 853.

As a result of his violation of Title 18, United States Code, Section 1956, upon conviction of any or all of the allegations in Counts 24 to 31, defendant MOHAMMAD ANVARI-HAMEDANI shall forfeit to the United States all right, title, and interest in any and all property constituting, or derived from, proceeds he obtained directly or indirectly, as the result of the aforestated offense, including but not limited to the following:

1. Currency

(a) Approximately \$650,000.00 in United States currency and all interest and property traceable thereto, in that such sum in aggregate is proceeds obtained from the aforestated offense.

2. Substitute Assets

If, by any act or omission of the defendant, the property described in paragraph 1, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, then, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), the defendant shall forfeit

substitute property, up to the value of the amount described in paragraph 1.

All in accordance with Title 18, United States Code, Section 1956; Title 18, United States Code, Section 982(a)(1); Title 21, United States Code, Section 853; and, Rule 32.2(a), Federal Rules of Criminal Procedure.

COUNTS 32 - 35 (False Tax Returns)

The Grand Jury further charges:

On or about the dates stated below, in the Northern District of Ohio, Western Division, the defendant, MOHAMMAD ANVARI-HAMEDANI, a resident of Fostoria, Ohio, who was married, did willfully make and subscribe U.S. Individual Income Tax Returns, Form 1040, for the calendar years stated below, on his and his wife's joint behalf, each of which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, and each of which the defendant did not believe to be true and correct as to every material matter, in that, as the defendant well knew and believed at the time he made and subscribed the return, each return falsely reported (on Schedule B, Part III, line 7a) that he did not have an interest in or a signature or other authority over a financial account in a foreign country, and each return failed to report interest income he earned from foreign bank accounts for

that year, which said income he was required to report on the return, as set forth in Counts 32 through 35, below:

Count	Calendar Year	Date	Omitted interest income
32	1998	04/02/1999	\$212,231
33	1999	03/15/2000	\$183,821
34	2000	04/09/2001	\$186,190
35	2001	03/21/2002	\$176,624

All in violation of Title 26, United States Code, Section 7206(1).

COUNTS 36-38 (Foreign Bank Account Reports)

The Grand Jury further charges:

On or about the dates listed below, in the Northern District of Ohio, Western Division, defendant MOHAMMAD ANVARI-HAMEDANI, who, at some time during the calendar year listed below, had a financial interest in, and signature and other authority over, a financial account in a foreign country, which account during the calendar year listed below exceeded ten thousand dollars in aggregate value, knowingly and willfully in the Northern District of Ohio, Western Division and elsewhere, failed to file a report, Form TD F90-22.1, of the same on or before the dates listed below, as required by Title 31, United States Code, Section 5314, and by Title 31, Code of Federal Regulations, Section 103.24, regulations adopted pursuant to Title 31, United States Code, Section 5314:

Count	Calendar Year	Date Report Due
36	1999	June 30, 2000
37	2000	June 30, 2001
38	2001	June 30, 2002

All in violation of Title 31, United States Code, Sections 5314 and 5322, and Title 31, Code of Federal Regulations, Section 103.24.

SENTENCING ALLEGATIONS

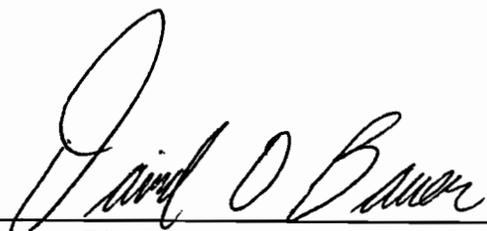
1. With respect to Counts 32 through 35 in the Indictment the total tax loss is approximately \$275,000.00.

2. With respect to Counts 24 through 31 in the Indictment the total value of the funds is approximately \$650,000.00.

3. With respect to Counts 36 through 38 in the Indictment the total value of the funds is in excess of \$2,500,000.00.

A TRUE BILL

FOR PERSON



 DAVID O. BAUER
 ASSISTANT UNITED STATES ATTORNEY

FILED
06 APR 24 PM 4:52
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: **Geri M. Smith, Clerk**
U.S. District Court
Northern District of Ohio

By *J. M. Brown*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 3:04CR786
Plaintiff,)	
)	Judge James G. Carr
vs.)	
)	
MOHAMMED ANVARI-HAMEDANI,)	
)	
Defendant.)	<u>PLEA AGREEMENT</u>

Pursuant to Rule 11(c), Federal Rules of Criminal Procedure, the United States of America, by and through its attorney Thomas A. Karol, Assistant United States Attorney for the Northern District of Ohio, Western Division, and the Defendant, Mohammed Anvari-Hamedani, after consulting with his attorney, John Czarnecki, agree as follows.

Plea and Maximum Sentence

1. Defendant agrees to plead guilty to Counts 1 through 19, and 22 through 38 of the Indictment in this case, because in fact he is guilty as charged in the Indictment. The defendant understands that the maximum statutory penalty upon conviction for:

- Counts 1 through 19, 22 and 23, illegal exportation to Iran, in violation of 50 U.S.C. §§ 1702, 1705, is ten (10) years imprisonment, up to three (3) years of supervised release following any term of imprisonment, and up to a \$250,000.00 fine, for each count;

ORIGINAL

2

- Counts 24 through 31, money laundering, in violation of 18 U.S.C. § 1956(a)(2), is twenty (20) years imprisonment, up to three (3) years of supervised release following any term of imprisonment, and up to a \$500,000.00 fine, for each count;
- Counts 32 through 35, filing false tax returns, in violation of 26 U.S.C. § 7206(1), is three (3) years imprisonment, up to one (1) year of supervised release following any term of imprisonment, and up to a \$250,000.00 fine, for each count;
- Counts 36 through 38, failure to file foreign bank account reports, in violation of 31 U.S.C. §§ 5314, 5322, is five (5) years imprisonment, up to three (3) years of supervised release following any term of imprisonment, and up to a \$250,000.00 fine, for each count.

Defendant understands that if a term of supervised release is imposed and he violates a condition of supervised release, he may be required to serve a term of imprisonment for the entire term of supervised release, without any credit for the supervised release time already served prior to the violation. Furthermore, there is a mandatory special assessment of \$100 per count imposed upon conviction. The government agrees to dismiss Counts 20 and 21, at the time of sentencing.

Advice of Rights

2. The defendant, having been advised of his constitutional rights, including his right to a trial by jury, his right to confront and cross-examine witnesses against him, his right to testify if he so chooses and to call witnesses on his behalf, his right to be represented by an attorney at every stage of the proceedings against him, and his privilege against self-incrimination, knowingly and voluntarily waives these rights and privileges and agrees to enter a plea of guilty

as set forth in paragraph 1 of this plea agreement. Defendant further acknowledges that a plea of guilty is not being entered as a result of force or threats.

Non-binding on Court

3. Defendant understands that the Court is not a party to and is not bound by this agreement nor any recommendations made by the parties. Thus, the Court is free to impose upon defendant any sentence up to and including the maximum sentence provided by law. Further, if the Court imposes a sentence with which defendant is dissatisfied, the defendant will not be permitted to withdraw any guilty plea for that reason alone, nor will the defendant be permitted to withdraw any plea should the Court decline to follow any recommendations by any of the parties to this agreement.

Sentencing Guidelines

4. Defendant understands that federal sentencing law requires the Court to impose a sentence which is reasonable and that the Court must consider the advisory U.S. Sentencing Guidelines in effect at the time of sentencing in determining a reasonable sentence.

Sentencing Stipulations and Agreements

5. The parties agree that the computations and stipulations set forth below are based upon readily provable facts.

a. The facts stated in the Indictment are true and accurate and incorporated herein;

b. Between June 19, 2001, and August 21, 2001, defendant wilfully directed that funds totaling \$500,000 be transferred from his account at Merrill Lynch, Toledo, Ohio, to accounts in Dubai, United Arab Emirates, and Hong Kong, knowing that the funds

would be transferred from those accounts to an account at the Bank Melli Iran in Laleh, Iran.

c. On September 24, 2001, defendant wilfully attempted to transfer \$150,000 from his account at Merrill Lynch, Toledo, Ohio, to an account in Dubai, United Arab Emirates, knowing that the funds would be transferred from that account to an account in Iran.

d. Beginning in October 2001, defendant transferred funds from accounts in banks located in Great Britain to an account at the Standard Chartered Bank, Dubai, United Arab Emirates. From November 4, 2001, and continuing until March 14, 2002, defendant knowingly and wilfully transferred funds totaling \$570,000 from the Standard Chartered Bank to an account at the Bank Melli Iran in Laleh, Iran.

e. Using a remittance system known as Hawala, from October 2001 to February 2002, defendant knowingly and wilfully did cause \$169,980 to be transferred to Iran.

f. From October 2001 to February 2002, defendant knowingly and wilfully caused to be transferred approximately 1,848,000 Great Britain Pounds (valued at approximately \$2,645,000) from Great Britain to the Bank Melli Iran in Laleh, Iran.

g. The defendant transferred and cause to be transferred funds as set forth in subparagraphs 5b through 5f, in willful violation of the Executive Orders and regulations prohibiting new investments, including the contribution of funds, in Iran.

h. Beginning in April 1999, and continuing each year until March 2002, defendant filed United States Individual Income Tax Returns, Forms 1040, for tax years 1998, 1999, 2000, and 2001, in which he knowingly and wilfully falsely reported (on

Schedule B, Part III, line 7a) that he did not have an interest in or a signature or other authority over a financial interest in a foreign country. During those years, defendant had accounts at financial institutions in Great Britain, and failed to report interest income earned from those accounts totaling \$758,866. The total tax loss was approximately \$275,000.

i. Defendant knowingly and wilfully failed to file a Report of Foreign Bank and Financial Accounts for calendar years 1999, 2000 and 2001, when he was required to do so because he had a financial interest in, and signature authority over, financial accounts in Great Britain, which accounts exceeded \$10,000 for each of the calendar years.

6. The government agrees, that as of the date of this agreement, it is not aware of any circumstances that would prevent defendant from obtaining the maximum level of reduction available for acceptance of responsibility under the Sentencing Guidelines as provided in U.S.S.G. §3E1.1. Defendant understands that whether he is found to accept responsibility is dependant, in part, on his conduct and statements to both the Court and the United States Probation Officer.

7. The defendant understands that neither the United States Probation Office nor the Court is bound by the stipulations herein and that the Court will, with the aid of the presentence report, determine the facts and calculations relevant to sentencing. The defendant further understands that both parties are free to supplement these stipulated facts by supplying relevant information to the United States Probation Office, and the government specifically reserves the right to correct any and all factual misstatements relating to the calculation of the defendant's sentence. The defendant understands that the Court cannot rely exclusively upon the parties'

stipulation in ascertaining the factors relevant to the determination of the defendant's sentence. Rather, in determining the factual basis for the sentence, the Court will consider the stipulation, together with the results of the presentence investigation, and any other relevant information. The defendant further understands that if the Court ascertains factors different from those contained in the stipulation, he cannot, for that reason alone, withdraw his guilty plea.

Forfeiture

8. The defendant understands that as a result of his conviction under Counts 24 through 31, an order of forfeiture will be entered in the amount of \$650,000. Defendant agrees not to contest the forfeiture being paid from funds presently being used to secure his appearance bond.

Right of Allocation

9. Both the government and the defendant reserve the right of allocation at the time of sentencing.

Voluntariness of Agreement

10. The defendant acknowledges that he has read this Plea Agreement, that he has had an opportunity to discuss it with his attorney, that he fully understands the agreement, that he is satisfied with the representation of his attorney, and that he is voluntarily signing the agreement. Furthermore, the attorney for the defendant acknowledges that he has discussed the agreement with the defendant, that he has fully explained the agreement to the defendant, and that he concurs in the defendant's decision to sign the agreement.

Right to Appeal

11. Defendant acknowledges having been advised by counsel of defendant's rights, in limited circumstances, to appeal the conviction or sentence in this case, including the appeal

right conferred by 18 U.S.C. § 3742, and to challenge the conviction or sentence collaterally through a post-conviction proceeding, including a proceeding under 28 U.S.C. § 2255.

Defendant expressly waives those rights except as reserved below. Defendant reserves the right to appeal: (a) any punishment in excess of the statutory maximum; (b) any sentence to the extent it exceeds the maximum of the sentencing range determined under the advisory Sentencing Guidelines in accordance with the sentencing stipulations and computations in this agreement, using the Criminal History Category found applicable by the Court. Nothing in this paragraph shall act as a bar to the defendant perfecting any legal remedies defendant may otherwise have on appeal or collateral attack respecting claims of ineffective assistance of counsel or prosecutorial misconduct.

No Additional Agreements

12. Both the United States of America and defendant, agree that no additional promises, agreements, or conditions have been entered into other than those set forth in this agreement and none will be entered into unless in writing and signed by the parties.



Thomas A. Karol
Assistant United States Attorney

24 APRIL 2006
Date


John Czarnecki
Attorney for Defendant
Mohammed Anvari-Hamedani
Defendant

OHIO STATE MEDICAL BOARD
NOV 30 2006

United States District Court Northern District of Ohio

UNITED STATES OF AMERICA
v.
Mohammad Anvari-Hamedani

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:04cr786

USM Number: 43321-060

Brad Hubbell
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to counts: 1-19, 22-38 of the Indictment.

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
See next page			

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 20 & 21 of the Indictment are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall 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 the United States Attorney of material changes in the defendant's economic circumstances.

November 20, 2006
Date of Imposition of Judgment

s/ James G. Carr
Signature of Judicial Officer

JAMES G. CARR, United States Chief District Judge
Name & Title of Judicial Officer

November 22, 2006
Date

I hereby certify that this instrument, document no. 54, filed on 11/22/06, is a true and correct copy of the electronically filed original.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: Geri M. Smith
Deputy Clerk

CASE NUMBER: 3:04cr786

DEFENDANT: Mohammad Anvari-Hamedani

COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
50 U.S.C. 1720, 1705	International Emergency Economic Powers Act	3/02	1-19,22,23
18 U.S.C. 1956(a)(2)	Money Laundering	9/24/01	24-31
26 U.S.C. 7206(1)	False Tax Returns	3/21/2002	32-35
31 U.S.C. 5314, 5322	Foreign Bank Account Reports	6/30/2002	36-38

CASE NUMBER: 3:04cr786
DEFENDANT: Mohammad Anvari-Hamedani

PROBATION

The defendant is hereby sentence to probation for a term of 3 years as to each count, to run concurrently.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation 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 the defendant poses a low risk of future substance abuse.
- The defendant shall not possess a firearm, ammunition, destructive device or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

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

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 3:04cr786
DEFENDANT: Mohammad Anvari-Hamedani

SPECIAL CONDITIONS OF PROBATION

The defendant shall serve 60 days in a community treatment center. The defendant shall be permitted to serve the 60 days consecutive, or serve the 60 days on consecutive weekends.

The defendant shall perform 500 hours of community service at the direction of the probation officer.

The defendant shall be prohibited from incurring any new credit or establishing any additional lines of credit without approval of the probation officer.

The defendant shall provide the probation officer access to all requested financial information.

The defendant shall make full and complete disclosure of his income, his assets, and all other aspects of his financial circumstances to the United States government, including the probation officer and the Internal Revenue Service, and to any such agency with such a request, provided that said request is proper and is within the scope of the agency's authorization.

The defendant shall provide full and complete cooperation to the Internal Revenue Service in the computation assessment and collection of any back taxes that are due and owing. Any outstanding taxes shall also be paid in full prior to the completion of probation.

CASE NUMBER: 3:04cr786
 DEFENDANT: Mohammad Anvari-Hamedani

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$3,600.00	\$500,000.00	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 amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order of percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), 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>
<u>TOTALS:</u>	\$ ____	\$ ____	

- Restitution amount ordered pursuant to plea agreement \$ ____
- The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - The interest requirement is waived for the fine.
 - The interest requirement for the fine restitution is modified as follows:

* 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.

CASE NUMBER: 3:04cr786
 DEFENDANT: Mohammad Anvari-Hamedani

SCHEDULE OF PAYMENTS

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

- A The defendant shall pay a fine in the amount of \$500,000.00. The fine shall be paid immediately. If the defendant should be unable to pay the amount in full immediately, he shall make appropriate arrangements to have that paid in full within not later than six months of the date of the sentencing. Notwithstanding the establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant discovered before or after the date of this judgment.
- B Payment to begin immediately (may be combined with C D, or F below); or
- C Payment in equal installments of \$ over a period of , to commence days after the date of this judgment; or
- D Payment in equal installments of \$ over a period of , to commence 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:
- A special assessment of \$3,600.00 is due in full immediately as to counts 1-19, 22-38.
 PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT
- After the defendant is release from imprisonment, and within 30 days of the commencement of the term of supervised release, the probation officer shall recommend a revised payment schedule to the Court to satisfy any unpaid balance of the restitution. The Court will enter an order establishing a schedule of payments.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal 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 (Defendant name, Case Number, Total Amount, Joint and Several Amount and corresponding payee):
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- With respect to Counts 24 - 31, the defendant shall forfeit \$650,000.00 in U.S. currency to the United States, pursuant to 21 USC 853.

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