UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(FT. LAUDERDALE)
CASE NO. 0:21-CR-60020-WPD-5

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

M.D. JOSE SANTEIRO,

DEFENDANT.

Miami, Florida

July 7, 2023
Thursday

Scheduled for 1:15 p.m.
1:15 p.m. to 2:15 p.m.

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SENTENCING HEARING

BEFORE THE HONORABLE WILLIAM P. DIMITROULEAS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

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(Call to the order of the Court:)

COURTROOM DEPUTY: All rise.

United States District Court, Southern District of Florida; the Honorable William P. Dimitrouleas presiding.

THE COURT: Please be seated.

COURTROOM DEPUTY: Calling Case Number 21-CR-60020, United States of America versus Jose Santeiro.

Will counsel announce their appearances for the record.

MS. DE BOER: Good afternoon, Your Honor.

Jamie de Boer and Jim Hayes and Andrea Savdie for the United States.

MS. VORA-PUGLISI: Good morning -- or good afternoon, Your Honor. Sabrina Puglisi and Dianne Carames on behalf of Dr. Jose Santeiro.

And I'm sorry to say, Mr. Beaton is just running a couple of minutes behind, but he will be joining us shortly.

THE COURT: Do you want to wait?

MS. VORA-PUGLISI: If you don't mind, because I believe he's the one -- I believe we have to handle the motions first, and he's the one.

THE COURT: I was denying the motion for new trial.

MS. VORA-PUGLISI: Very good, Judge, then we can proceed.

THE COURT: All right. Dr. Santeiro's before the Court. He was found guilty of conspiracy to commit healthcare

fraud and wire fraud and nine counts of -- excuse me, eight counts of healthcare fraud.

I adjudicated him guilty, deferred sentencing and ordered a presentence investigation report that I have received and reviewed.

Have counsel had an opportunity to review the presentence investigation report, Ms. De Boer?

MS. DE BOER: Yes, Your Honor.

THE COURT: Ms. Puglisi?

MS. VORA-PUGLISI: Yes, Your Honor.

THE COURT: Dr. Santeiro, have you read the presentence investigation report and discussed it with your lawyer?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Any objection to the presentence investigation report from the Government?

MS. DE BOER: Your Honor, I think the defense is correct, that there's a typo in paragraph one which states that Dr. Santeiro was the CEO of Compass and as the Court knows he was the medical director with both of those.

So we would agree with that, but otherwise, no.

THE COURT: All right, so I will sustain that objection.

Ms. Puglisi?

MS. VORA-PUGLISI: Judge, I have variance objections.

Should I just start with my objection to paragraph 15?

THE COURT: Okay.

MS. VORA-PUGLISI: All right. As the Court understands Mr. -- or Dr. Santeiro was found guilty by a jury, but it was our position that he was not guilty and obviously we still feel strongly about the facts not having met the burden in this case, although, we, you know, do respect the decision of the jury.

But having said that, we do object to paragraph 15, specifically, denying that Dr. Santeiro conspired to unlawfully enrich himself by (a) submitting and causing the submission of false and fraudulent claims to healthcare benefit programs via interstate wire; (b) concealing the submission of false and fraudulent claims to healthcare benefit programs; (c) concealing the receipt of the fraudulent proceeds; and (d) diverting the fraudulent proceeds for his personal use and benefit and the use and benefit of others in furtherance of the conspiracy.

THE COURT: All right, so I'll overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 18.

This has to do with the over-prescription of medications, and we deny that he prescribed, caused to be prescribed, administered and caused to be administered, prescription medication and over-the-counter meds in quantities and combinations that grossly diverted from legitimate medical practice.

As we know in this case there were two experts, they were differing experts; and even if the jury found Dr. Santeiro guilty, it doesn't mean that every allegation made by the Government suddenly is made true.

In this case, specifically, we know the evidence showed Dr. Lieberman was the chief medical officer in charge at Compass Detox. He was the individual prescribing the comfort drinks. And with respect to the other medications, there was -- our doctor differed in the opinion of the Government's doctor as to any medications being over-prescribed.

THE COURT: I'll overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 19, similarly deny that he over-prescribed buprenorphine, and again, differing medical doctors in this case --

(Mr. Beaton entered courtroom at 1:19 p.m.)

MS. VORA-PUGLISI: -- provided evidence to that.

THE COURT: Mr. Beaton is here; and I'll overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 20 -- one moment, Judge, I just want to read it.

(Brief pause in the proceedings.)

MS. VORA-PUGLISI: Judge, we would argue that Dr. Santeiro did provide medical monitoring of the patients at WAR, that was the facility he was the attending physician; and with respect to Compass Detox, that was the province of

Dr. Lieberman.

THE COURT: I'll overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 21.

This has to do with false therapy notes. There was no evidence presented in the trial that Dr. Santeiro created or caused to be created any false therapy notes.

He wasn't involved in the therapy. He didn't sign off on therapy, and there was no testimony by any witness, including Government witnesses, that said differently.

THE COURT: Ms. De Boer, what's your position on that?

MS. DE BOER: Your Honor, the Government presented several falsified patient charts that were signed by Dr. Santeiro, falsified in response to insurance audits.

Those were, for example, Exhibit 1134, 1379, 1325-C and 167. In addition, I believe it's the last two substantive counts that the defendant was convicted of, are for false therapy billings.

THE COURT: Okay, I will overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 22.

This has to do with the urine samples, Judge. And while Dr. Santeiro's name was used to order these labs, we were able to show that the IP address for those came from 0.0.0.0, which the Government did not establish came from Dr. Santeiro, but rather we understand to be auto-generated, and so we would say that Dr. Santeiro did not order urine drug samples which

were medically unnecessary.

THE COURT: I'll overrule that objection.

MS. VORA-PUGLISI: Objection to paragraph 23.

Judge, this has to do with Jeffrey Draesel, the chiropractor. Now, while the Government, I believe, presented evidence of this in the Markoviches' trial, it was -- not one piece of evidence was submitted in this case about chiropractic services.

I believe this was probably added just because these paragraphs are usually used for all codefendants and was generated for the Markoviches, but there was nothing established at trial that Dr. Santeiro was associated with the chiropractic --

THE COURT: Ms. De Boer?

MS. VORA-PUGLISI: -- referrals.

MS. DE BOER: That's fair, Your Honor, we did not present that evidence in this trial.

THE COURT: So I'll sustain the objection to 23.

MS. VORA-PUGLISI: Objection to paragraph 24.

Judge, we would argue that Dr. Santeiro at no time submitted any fraudulent claims to insurance plans, no evidence that he reviewed the bills prior to their submission or knew how much or for what the services were billed.

THE COURT: Okay, I'll overrule the objection.

MS. VORA-PUGLISI: The next paragraph is 41, which I

think kind of coincides right with the loss -- it has to do with the loss amount, Judge. And with respect to loss amount, I was going to let Mr. Beaton make that argument for the guideline calculation.

THE COURT: Let me hear from the Government --

MS. VORA-PUGLISI: Okay.

THE COURT: -- as to what they think the loss amount should be consistent with my prior rulings in the codefendant cases.

MS. DE BOER: Yes, Your Honor.

So I think the starting point for calculating loss in this case would be the loss applied to Jonathan Markovich, because that was the loss that could be billed to insurance companies, whether it's from Compass, WAR, or the laboratories, on the basis of the fact that there was a medical director, there was a doctor overseeing this.

And with respect to the labs, there was a doctor ordering these prescriptions or these urinalyses.

So the Government just sort of calculated -- working backwards from that, the Court calculated a loss band for Jonathan Markovich as 3.5 million to 9.5 million. I believe the precise loss number that the Court would have calculated -- although, I don't think the Court said this on the record -- was 8.3 million.

And the way that I get to that is because the

Government had recommended a reduced loss amount for Jonathan Markovich of 83 million, roughly, and then 10 percent of that would be 8.3 million. There was no other number that was discussed in this case, that 10 percent of which gets to that loss band, and so I believe that's the precise loss number.

So I believe that's the starting point for Dr. Santeiro's loss, because there is no false bill from Compass, there is no false bill from WAR, and there is no false laboratory billings without a Dr. Santeiro putting his signature and license up.

That was the Government's theory of the case.

The jury agreed with that theory and the jury found Dr. Santeiro guilty of every substantive count that Jonathan Markovich was also found guilty of, in terms of the healthcare fraud.

I would also say, Your Honor, that the Court went to the loss band right below that for both Daniel Markovich and Dr. Lieberman. The reason for that is because they were only at Compass, not at WAR, the labs, so that's another reason why Dr. Santeiro has to be equivalent to Jonathan Markovich as a starting point, because he was involved and was central to all three. I believe that's the starting point for calculating loss in this case.

Now, Dr. Santeiro -- and this is briefed in the Government's sentencing memorandum, so I won't go into it at

length, and the Court has heard this in the presentation of the case -- that Dr. Santeiro was not just doing this at Compass and WAR, he was also doing it at least two other places, Florida Life and Future Now Detox.

And the Government has presented examples throughout the trial and in its sentencing memorandum of fraudulent treatment provided at those two facilities and signed off on and authorized by Dr. Santeiro.

So the Government would submit that the loss -- that we would add that loss amount, which gets to a total of a plus 22, and it's about 57.88 million when you add the Florida Life and Future Now loss to that amount.

THE COURT: I'm not comfortable adding the losses from the other two facilities. So, at this point, the starting point, the loss would be between three-and-a-half and nine-and-half million; is that correct?

MS. DE BOER: That's correct, Your Honor.

THE COURT: So let me hear from Mr. Beaton.

MR. BEATON: May I address the Court from here, Your Honor?

THE COURT: Okay.

MR. BEATON: So, the starting point is now between 3.5 and 9.5 million. And as we said in our briefing yesterday, the Court discounted for significantly more culpable codefendants the loss amount by 90 percent.

And that was in an effort to get to what the Court felt was a specific -- a sentence based on -- a loss amount based on specific reliable evidence. It doesn't have to be perfect. It doesn't have to be every single bill. It doesn't have to be that particularized, but it has to be based on a specific and reliable set of facts.

So if we used that 10 percent starting point for people in two trials who came and admitted that they were actively misleading Dr. Santeiro, that they were behind Dr. Santeiro's back, for example, having kickback arrangements -- as Garnto and Markovich did -- getting patients high, pain patients; and then you had Dr. Lieberman who testified that he had been a respected, credentialed anesthesiologist in the community for, I think, over 30 years, and that some of Miami's best physicians relied on him because of his reputation and that he never gave them any reason not to.

Dr. Lieberman also testified about a conversation he had with Dr. Santeiro where it was clear to everybody that Dr. Santeiro trusted Dr. Lieberman and said as much, he said, "I trust your judgment."

And with all of these individualized factors that drove up the billing as to particular patients, subsets of patients, and to particular insurance companies, Dr. Santeiro falls below that. And the case that I cited to the Court yesterday, the Stein case, talks about two theories or two bases for loss

amounts, and they're based in causation, factual causation and legal causation.

And that Court discussed what was called an "intervening event" and, ultimately, it all came down to foreseeability. And we understand Pinkerton liability. We understand that foreseeability is imposed on coconspirators for acts that are reasonably foreseeable.

If what the jury verdict means -- and I'm not saying it means one thing or the other -- to the extent that you take into account the jury verdict, if what the conviction means is that the jury found Dr. Santeiro guilty of falling asleep at the wheel, then -- and not being there and being absent and not paying close enough attention, then these deliberate acts that were meant to shield unforeseeable details from him should be excluded from the loss amount.

THE COURT: I don't think that's what the jury found.

If I thought the jury found that I would have granted relief post-judgment.

MR. BEATON: So to the extent that there's a grave degree of culpability in the Court's eyes, certainly some of that should be eliminated from the loss amount that Dr. Santeiro's going to be held responsible for --

THE COURT: I don't understand that argument.

I can understand that the argument you're making might be pertinent to a variance or how I exercise discretion, but in

just calculating loss, I don't understand how those arguments are relevant to adding up the numbers -- the bean counting -- for the amount of loss.

MR. BEATON: Because it -- to lump it in I think would assume that the conduct that was reasonably foreseeable included significantly more in the way of lies, obfuscation, patient-brokering, none of which Dr. Santeiro was charged with, none of which was proven that he was aware of -- or, more importantly, could have been aware of because there were active steps taken to cut him out.

So, again, the Court discounted as to the other defendants by 90 percent, presumably because there were legitimate services and because patient care didn't fall to the fraud based on patient's care, which is the Government's theory, didn't fall to the 100 percent mark, so we're at 10 percent.

Now, take Dr. Santeiro's culpability, and because of that 10 percent, because of the things that were going on outside of his purview, what can he be held responsible for?

Dr. Lieberman is the perfect example. This Court cut Dr. Lieberman out of the loss amount forward.

Well, Dr. Lieberman was the a attending Compass, so if we're going to get particularized in that regard, as a starting point, I would say that Compass should be cut out for --

THE COURT: I think both are responsible at Compass,

and I'm comfortable interpreting the loss from Compass to both doctors.

MR. BEATON: That's our argument.

THE COURT: All right. So I'll go ahead and score, I guess, an 18-level enhancement; is that correct?

MS. DE BOER: That's correct, Your Honor.

THE COURT: The next objection, Ms. Puglisi?

MS. VORA-PUGLISI: Yes, Your Honor.

The next objection is with respect to 52, which has to do with special skill, and we would just argue that his special skill didn't significantly facilitate or conceal but are mostly focused on, really, the minimal role argument, which is, I think that now, Judge, if Dr. Santeiro is being held responsible for that 8.3 million dollar mark, it's the same as Jonathan Markovich.

I think there's no one who would argue that he is at the same level of culpability as Jonathan Markovich, but yet this is where courts are able --

THE COURT: Didn't I give Jonathan Markovich an enhanced level for his role?

MS. DE BOER: Yes, a plus four, Your Honor.

MS. VORA-PUGLISI: So I think, Judge, though, even still, this is where I think where we need to draw such a larger -- because there is such a large difference between their roles, so it needs to be even less culpable than that 8.3

number. And the way to do that is by giving him either two to four levels less.

And specifically, I cited in the commentary, it talks about, under 1B1.3 for loss that -- even if the loss under 2B1.1, that greatly exceeds the defendant's personal gain from a fraud offense, or who had limited knowledge of the scope of the scheme may receive an adjustment under this guideline.

And in this case, we know that Dr. Santeiro made approximate I think it was $267,000 out of this almost four-year period of time, and so he's being held culpable for 8.3 million when, in reality, he made a much lesser number. And I mean you can go to the "or," it's not "and."

It says, "or" whose participation in the scheme was limited. For example, serving as a nominee owner. I think this is a situation where he was a medical director but he was somewhat an absent medical director, he wasn't there, and we know that he wasn't part of these fraudulent conversations that the other individuals took part in.

THE COURT: Ms. De Boer, what's the Government's position on minor role?

MS. DE BOER: The Government opposes a reduction for minor role and agrees with probation that there should be an enhancement for use of special skill. That's consistent with the enhancement applied to Dr. Lieberman in his plea agreement, at his sentencing.

And here, that's exactly what this type of enhancement was made for. Here we have a doctor who used his medical license to lend legitimacy to this scheme. That's the only way these bills can be passed off as legitimate, that's the only way a company like Compass can even become licensed in the State of Florida.

And let's leave, you know, Compass aside, just WAR, in the lab billing, you have to have a doctor signing off on the laboratory requisitions, and here Dr. Santeiro signed the standing order that put all of that 19 million dollars of billing just for laboratory testing into motion.

There's no Dr. Lieberman participating in that.

And so I agree that there's a distinction between what Dr. Lieberman did and what Dr. Santeiro did, but in many ways -- and in some ways Dr. Santeiro's conduct was more expansive than Dr. Lieberman.

And Ms. Puglisi is correct, Dr. Santeiro did not know about the kickbacks, neither did Dr. Lieberman.

Dr. Santeiro did not make as much money as Jonathan Markovich, neither did Dr. Lieberman, who, in fact, if you factor out his investment, actually made less money than Dr. Santeiro from this.

And Dr. Santeiro in many ways had more knowledge than even Dr. Lieberman or other people in the scheme because he saw the same patients at Florida Life and at Future Now.

So, for example, he would know that patients tested clean upon discharge from Florida Life, only to be readmitted to detox at Compass when they didn't actually require that, and we presented several examples of that, both in our sentencing memorandum and at trial.

THE COURT: Let me ask you, is it inconsistent to award a minor role and also enhance the special skills?

MS. DE BOER: I would argue that it is in this case, Your Honor. This is not a minor role.

He's the medical director.

THE COURT: Well, I'm just asking, is it a rule of the guidelines that once you impose a special skill that you can't do a minor role?

MS. DE BOER: I think those -- yeah, I've never seen that come up, Your Honor. I think that those are separate enhancements or, you know, in the case of minor role reduction. So I think, hypothetically, there could be a situation where --

THE COURT: Well, it's kind of like the situation where someone can get acceptance of responsibility and also get an enhancement for obstruction of justice. You know, sometimes there are things that are contradictory, but they can be allowed under the guidelines, and absent some authority saying that I can't award a minor role if I'm going to find a special skill, then that's what I'm inclined to do is sustain the objection, award a two-level reduction for minor role, overrule

the objection to special skill.

MR. HAYES: Understanding that, I think the Court's inclined to do that, so I'm not going to belabor the point, Your Honor. I would say, Look, there's nothing in the guidelines that expressly says you cannot do that.

And there are other instances in the guidelines where it says, for example, you can apply a special skill, along with some other enhancements. So there are -- it is -- you have the power to do that is what I'm saying. The guidelines don't prohibit you from it.

What we would say is, in this case, the principle of it, if you don't have a medical director, none of this scheme can go forward at all, and that includes everything that Jonathan Markovich did, who no one is going to argue is the most culpable. In that sense --

THE COURT: It's kind of like the mule cases where someone is bringing in drugs from another country, and under de Boer, I'm supposed to look at the mule get a minor role and the argument often made, without the mule bringing the drugs in the crime wouldn't happen, and I still give them the minor role.

MR. HAYES: I agree, Your Honor, I say that's appreciatively different. I would say the analogy would actually be without someone creating the cocaine in the first place, there can't be a mule, because it's not simply Dr. Santeiro's just a mule, he has to be a medical director

that authorizes everything; not a single insurance claim would have been paid once because no licensing would have happened with the state without a medical director.

So he's the sina qua non of this entire conspiracy. That's the way it is. He knew that in Future Now and Florida Life, to a lesser extent to one of them, so I don't think the analogy holds because, principally, without him, the crime couldn't exist in the first place. Therefore, the Court has the power to do it, if Congress awards the number of role in his conduct lesser, especially in terms of the kickbacks.

We're not saying he isn't Jonathan Markovich, but we think the plus four builds into that. Jonathan Markovich is plus four now. Dr. Santeiro is at zero. We're not asking for an enhanced thing because of his role because he was the medical director -- even though I think principally that we could have -- what we're saying is the four-point difference between Dr. Markovich and Dr. Santeiro, that accounts for the difference the Court is looking at; and to take him two points down for a minor role, we think, given his necessity of this type of scheme, which is special to this type of scheme and this licensing regimen, it just can't happen.

That's all I'll say about that, Your Honor, for the Government.

THE COURT: All right, I think you make a good argument. I think that's a close issue. I will exercise

discretion and award a two-level reduction for minor role, while at the same time overrule the objection to special skill.

And Ms. Puglisi, your next argument.

MS. VORA-PUGLISI: Judge, paragraph 53.

This again has to do with Dr. Draesel, the chiropractor. Dr. Santeiro didn't make any referrals, there was no evidence presented at trial to that.

THE COURT: Ms. De Boer?

MS. DE BOER: Yes, the United States did not present evidence at this trial as to the chiropractic claim.

THE COURT: So I'll sustain the objection to 53.

MS. VORA-PUGLISI: Judge, Your Honor already ruled with respect to paragraph 68 on loss amount.

Paragraph 69, we would ask the Court to not -- that Dr. Santeiro did not know or should not have known that the victim of the offense was a vulnerable victim.

THE COURT: I'll overrule that objection.

MS. VORA-PUGLISI: And objection to paragraph 70, Your Honor already ruled on that.

And with respect to clarification to financial conditions, probation did, in fact, address that in the addendum. So that would conclude the defense's objections.

THE COURT: So, do we wind up with an offense level 27, criminal history category 1?

MS. DE BOER: Yes, Your Honor.

MS. VORA-PUGLISI: Yes, Your Honor.

THE COURT: The range is 70 to 87 months?

MS. DE BOER: That's correct, Your Honor.

MS. VORA-PUGLISI: Yes, Your Honor.

THE COURT: What's the Government's position on forfeiture?

MS. DE BOER: Your Honor, the Government would base forfeiture based on the defendant's salary from Compass and WAR, which was $267,000 -- $267,041, so -- and I think the Court took 10 percent for Jonathan and Daniel Markovich, so then we would do the same here, just to be consistent.

So that would be 2,670.41.

THE COURT: Wouldn't it be 26,000?

MS. DE BOER: 26,000, I'm sorry. $26,704.10.

THE COURT: Any further argument on the forfeiture, Ms. Puglisi?

MR. BEATON: Your Honor, as to forfeiture, the defense's position is twofold.

I think, as the Court recalls, with regards to the forfeiture allegations -- and I don't have the indictment at my fingertips -- that amount was specifically not alleged.

And number two, Dr. Santeiro's entitled under the rules to a jury determination of forfeiture.

THE COURT: Didn't he waive the forfeiture at the trial?

MS. DE BOER: Yes, Your Honor. We waived a jury trial because our position is that a jury is not required to impose a forfeiture money judgment.

We're not seeking to seize property.

THE COURT: Maybe demonstratively you could do the forfeiture; is that what you were saying?

MS. DE BOER: Well, I think the Court would enter a forfeiture money judgment.

MR. HAYES: That's correct, Your Honor.

THE COURT: Why would I do that if I didn't get the verdict from the jury?

MR. HAYES: If it's a substitute money judgment, Your Honor, which is what this is because we're not seeking a specific asset because, as Mr. Beaton pointed out, it wasn't alleged, so if there is no specific asset alleged in the indictment there is no right to a jury trial, so the Court can do that after a separate forfeiture hearing. You don't need the jury verdict. In fact, they're not entitled to it, meaning the jury.

THE COURT: I guess -- my recollection is I asked everybody if we were going to have a separate forfeiture and mini trial with the jury, and the response I got was that it wasn't needed, but I don't know that it was clear to me that it wasn't needed so that you could come back in front of me at sentencing and ask for it, so I'm going to deny the request for

forfeiture.

What's the Government's position on restitution?

MS. DE BOER: The Government's position is that restitution should be the same as for Jonathan Markovich, so that would put us at 2,122,500.

THE COURT: And what's the defense position on the amount of restitution?

MR. BEATON: Judge, the law is clear that under the Victim's Rights Act that restitution is calculated in parallel with loss, so to the extent the Court has made loss determinations, that's how that calculation would work.

THE COURT: All right. So that's it on the restitution that I'll order. I know in the other cases there were private requests for restitution. Is that being requested today?

MS. DE BOER: I don't believe so, Your Honor.

THE COURT: And is there any legal cause to show why sentence should not be imposed?

MS. VORA-PUGLISI: No, Your Honor.

THE COURT: Anything you want to say, Dr. Santeiro, before I impose sentence?

MS. VORA-PUGLISI: Yes, Judge. We have his daughter who would like to speak on behalf of the family, that's Dr. Janine Santeiro.

THE COURT: Okay.

DR. JANINE SANTEIRO: Hello, Your Honor.

My name is Janine Santeiro. I am Jose Santeiro's daughter, a practicing dentist in Port Charlotte, Florida, and I'm now mother to a beautiful six-month old baby girl named Sianna.

Your Honor, I appreciate your opportunity today to speak on behalf of my family and offer some insight into who my father is. I will try briefly to summarize how exceptional he is. I wish with all my heart that you could understand the man that Jose Santeiro is.

He's a strong, hard-working, loving, generous and selfless man. He has been a devoted father, a dutiful son, a loving husband, and a dedicated professional who has spent his life helpings others. He taught me by example how to live a noble and moral life.

As a father, he instilled in us a strong sense of family values. Our childhood revolved around spending time with family, including grandparents, aunts, uncles, and cousins, many who you see here today.

Although we did not live an extravagant lifestyle, my memories are filled with moments of joy, laughter, and happiness. Simple pleasures were at the beach watching him at spear fishing competitions and family dinners, those were our pastimes.

Our unity continues even today. I am blessed to be able to have him as a father and now as an amazing grandfather.

To the two baby girls, my niece and my daughter, they were born 23 hours apart and I am now able to witness how much love he has for them already in just a short time.

Nothing would mean more in the world to me having my father present in my baby's life and my niece's life, but personally he supported and encouraged me throughout my own journey to become a medical professional.

When I first entered dental school at Tuft's University in Massachusetts my father was also working for the Department of Corrections, and without asking he welcomed me back home with open arms. And, in fact, I was not able to make my payments for my monthly student loans. My father willingly and financially helped me so I would not go into default.

He has continued to choose family first, even living five doors from his parents during their final years so that he could care for them, as they could no longer care for themselves. He could have put them in a nursing home and passed off the responsibility onto others.

Instead, my hard-working father chose the most caring and empathetic option, living a couple houses down from them so they can enjoy the end of their lives with the utmost dignity and comfort. He and my mother would visit them multiple times per day, bringing them food, keeping them company, assisting them in their daily needs.

Similarly, he took in my maternal grandmother now,

five years ago due to her rapidly progressing Alzheimer's disease, to ensure that he and my mother could care for her personally. Her dementia is so severe now that she cannot recognize us as family. Caring for her has been a very difficult task, however, he has chosen to give her the best care at home -- not the easiest care, to put her in a facility.

But this generosity does not extend to family only. When I was 11 years old my father gave me a great example. He took in a 10-year-old girl named Brittany. Her mother was a friend of the family and she did not have the means to provide a home for her.

My parents, once they were informed of this, immediately took care of Brittany, brought her into our house, placed her in my room and told me, "treat her like your sister." My parents realized that Brittany had a love for the ocean, and so they nurtured her interests as best as they could. It had a lasting impression on her, and now she is a marine operations technician for the National Oceanic and Atmospheric Administration.

When my parents hadn't heard from her mother private school and even inquired into legally adopting her. These were not people that would pass by helping a young child or anyone. My father protected Brittany from her circumstances, but fortunately my parents were able to support Brittany's mother and able to get her back on her feet. We lovingly refer to her

as our cousin, despite not having any blood relation to her.

Our parents taught us supreme values and lessons by showcasing their own relationship. We've always been exposed to my parents affections towards each other, even after 39 years of marriage, you can see the spark is still there.

But there's so much more to their relationship. They're best friends, they're perfect partners for each other, they support each other no matter what.

While this legal process brings so much strife to our families, I have seen them overcome this over the adversity by standing strong together. That's a rarity nowadays, two people who love each other so deeply, who are so loyal and so devoted to each other, they're true soulmates and inseparable.

As an adult, I greatly appreciate this bond. I've emulated it in my own relationship with my husband and so has my brother and his wife. I am fortunate to share a love for medicine with my father.

It's one of the elements that bonds us very closely.

I hold my father in high esteem as a medical professional over the years. I've had firsthand seen, as he's treated patients with genuine care and respect. He has not only been a good doctor, but also a benevolent doctor.

I've watched as my father treated friends and family for free any hour of the day as they beck and called. I've seen him do likewise for patients who could not afford help or

patients that were too uncomfortable or embarrassed to go see a psychiatrist.

This is not common practice, as you know, doctors do not do this regularly. In my own career, I tried to emulate my father in providing pro bono dental care to veterans, the underprivileged and the homeless. I attribute this wholly to him. I thank my father for installing these important values of service towards others, and that he has given my career more purpose.

My father genuinely cares for people and about people.

He gives of himself without question, without asking anything in return. He even applies his sense of empathy to general business. My father rents out several residences. These properties are to immigrant families. Some units he has never raised the price of rent and only recently did he have to raise on a couple of them to the tone of $200.

He refuses to raise rent to market value, which is far more than $2,000 per month, but because he worries about how it will impact his renters who live paycheck to paycheck, he will not.

Your Honor, my father is one of the humblest persons you could ever meet. He and my mother do not own fancy clothes, fancy cars, or jewelry. My father does not chose friends based on material wealth or what kind of favors they may offer him. No, in fact, he loves fishing and most of the

people he spends time with are the salt of the earth, blue-collar workers and fishermen.

Many of them immigrants, he does not ask or care what they do for a living. He enjoys their company. He knows they're good people and they share pastimes. He judges people by who they are and their character solely.

My father has been a shining example of a man grounded in faith and backed by his religious beliefs. My parents have been regulars at church throughout our lives. They participate in Bible studies and have provided my brother and I with a solid foundation, always choosing right over wrong, no questions asked.

Now, as a parent myself, I can only strive to uphold a fraction of what he is, and I would like to do so for my baby girl as well. I understand that the jury found my father guilty. I do not contest this. But nothing about this process will ever change my opinion of him and how great of a man he is. I look up to him. I respect him. I will consider myself successful if I could live a life as he has, because I've seen firsthand how he has helped so many people and changed their lives for the better.

I pray that Your Honor can understand more than the numbers on the sentencing guidelines. I hope that Your Honor can see my father for who he is, even under these difficult circumstances. While my father has been found guilty of a

crime he's no criminal and society is a much better place with him.

Your Honor, I'd like to thank you again today for allowing me the opportunity to tell you just how special my dad is. Thank you, and thank you, Court.

THE COURT: I appreciate you being here today.

DR. JANINE SANTEIRO: Thank you, sir.

MS. VORA-PUGLISI: Judge, as you saw from my pleadings, I'm asking for home confinement, and I know that's a big ask. In fact, in over 20 years I've never asked for home confinement after losing in a jury trial.

And while I don't agree with the decision of the jury, I do respect it, because I respect the system of justice that we have in this country, it is our foundation.

But Your Honor has the ability -- you have the power to be able to fashion a sentence that is just and fair; and after considering the guidelines, it is just one thing that you have to consider, and there are other factors, as the Court knows, but two of those factors I think are important in this case, and it is what deems a substantial variance sufficient.

The first is the history and characteristics, and you saw from all the letters that were filed, you can see the type of person that Dr. Santeiro is. He is a giving person. He's a simple person. He would rather be hunting and fishing and, in fact, I will just point out, Your Honor, he is an avid hunter,

he's loved to travel, and this conviction will preclude him from doing that in the future, something that he greatly loves to do.

He wrote a letter to the Court -- and again, I will tell you, I have never actually presented a letter that my client had written after a sentencing. I didn't ask him to write that letter, in fact, he gave it to me -- and it's a long letter, I read the whole thing and I thought, wow, you know, just to be able to see the kind of life he's led, I felt really showed the type of person he was, but he still doesn't like to talk about himself and the things that he does.

It was not until I was able to receive those letters that I saw who he really is, which is not the greedy individual that the Government has painted. I think they said in their memo, this greed and indifference to human suffering drives these schemes.

Jose is not a greedy individual. As you see, he made over $300,000 in the Department of Corrections, a job that -- you know, Your Honor was in the state court system, you understand having been a public defender and practicing in the state court system, the defendants that go to prison are not the same type of defendants you get in the federal system, and oftentimes they're mentally ill, sometimes severely mentally ill, and to have a job where you are treating these individuals, you know, it's a tough job and it takes a toll on

you, but he could have made more money in private practice, but he choose to work in a public sector for many years.

And then after that when he came -- he could have earned more money being a medical director, but he didn't ask for more. He didn't once ask for a raise. He was happy with making less than $300,000 in about four years, and even with the other facilities he was a medical director.

We heard about how he's donated money anonymously to people, how he's taken people in his home, how he's taken care of his parents and his mother-in-law, and especially how he helps the people who rent his properties by not increasing the rent when he could. Those are not actions or characteristics of a greedy individual.

Secondly, Judge, the facts and circumstances of the case, I will not belabor them because Your Honor sat through a trial and heard them all, but I find it shocking to me that we heard not one witness testify that they were part of conversations where he knew what was going on at this place, that he was part of this fraud scheme, that he understood it.

They didn't even have evidence that he actually gave his credentials over, so, you know, I would ask the Court to take all of these things into consideration and fashion a sentence that is just and fair; and again, I know I'm asking for a lot, but I do believe when you look at the sentences given to the other individuals based on their circumstance, a

sentence of home confinement is just and fair.

THE COURT: Anything you want to say, Dr. Santeiro?

THE DEFENDANT: Hi, Your Honor. You know, I'm 62 years old, been married for 40 years, never been in trouble in my life, and I'm no danger to society. I'm no risk to anybody.

I worked since I was 14 years old, and I mean the people I work for got rich while I was getting paid less than the counselors and the nurses and, nonetheless, I was found guilty. I have no money to continue fighting this, so I ask for mercy on the sentencing phase. Thank you.

THE COURT: What's the Government's position?

Ms. De Boer: Thank you, Your Honor.

The Government is not going to belabor all of the facts that the Court has heard for many weeks in the course of two different trials and over the course of significant briefing on multiple subsequent motions in this case.

So the Court is faced with the challenging decision of balancing the severity of the crime that the defendant did, in fact, commit with what the defendant didn't do and what the evidence showed the defendant was not involved in; and the Government readily admits that this defendant was not involved in every aspect of this scheme, and that he is not as culpable as some others in this scheme.

That said, he is one of these people who make this scheme possible, and without folks like the defendant, without

doctors with these type of specialties willing to put their licenses on these business, willing to sign off on fraudulent treatment that is billed for millions and millions of dollars, these schemes don't happen.

And it's not just about the money that was stolen. It's about the lives that are ruined when treatment is fraudulent or not even rendered, as in the case of some of the treatments that the Government presented in this case.

I'm not going to go in-depth in the facts because the Court knows the facts as well as anybody in this room. The guideline calculation fairly counts for both the severity of the crime and for what the defendant did not do. The substantial reduction in loss, the reduction for minor role, and he is the only defendant to receive this -- even Elon Brashey (phonetic), the patient recruiter, who was also a patient, who was a victim of Dr. Santeiro, didn't get the reduction in his case, and I realize that was in front of a different court, but that wasn't in Mario Kustura's agreement either.

So that reduction -- 90 percent reduction and loss fairly accounts for this defendant's role in this scheme, therefore, the Government would recommend a sentence at the low end of the guidelines, which is 70 months in this case. That's a further reduction, 17 months off the top end of the guidelines, which accounts for any other factors that might

weigh in favor of a lower sentence in this case.

The Government reminds the Court, as the Court knows, that it was not just Compass and WAR, it was also Florida Life and Future Now. Without a doctor willing to sell his license across this district, these types of schemes, the Florida shuffle simply does not exist, and the Court ought to fashion a sentence that not only deals with the facts and circumstances of this case but also deters other professionals, other doctors from engaging in further schemes that deplete healthcare resources and ruin the lives of patients seeking addiction treatment. Thank you, Your Honor.

THE COURT: Anything further before I impose sentence?

MR. BEATON: Just very briefly, Your Honor.

So one of the factors that the Court has to consider is it knows the history and characteristics of the defendant, and Judge Rakoff from the Southern District of New York very eloquently said that if a man is ever to receive credit for the good that he's done in his life against immediate misconduct, it is no more appropriate a time than at his sentencing when his life hangs in the balance.

And in this case, as the Government has said, he set some things into motion that he has to now live with as a convicted felon, who was convicted by the jury. But the other things he set in motion are behind us. They're a dentist and a mother and a little girl that he took in and all the other

things he did.

So I ask that in weighing the conviction and the misconduct here that the Court consider the other things that this man set into motion.

THE COURT: All right. Having considering the sentencing guidelines, having considered the facts in 18 United States Code, Section 3553(a), it's up to the Court to determine what a reasonable and sufficient sentence is.

And I find that Dr. Santeiro has a low chance of recidivism, I think that's a mitigating circumstance.

He's been charitable in his life, I think that's a mitigating circumstance.

The Court takes into account the sentences that were imposed on the other defendants in the case. It considers similarly situated other cases so that the Court will try to insure that it imposes a sentence that is not disparate with other sentences.

The Court gives great weight to family and community support that Dr. Santeiro has.

But the Court also agrees with the Government that but for a doctor utilizing his license these types of facilities wouldn't be possible. And I've been sentencing doctors for a long time, whether it was the pill mills that the doctors were allowing their license to be used to, basically, push drugs on drug addicts coming from Kentucky and all over the country, or

other fraudulent facilities, it seems that doctors sometimes are susceptible to the temptation of allowing other individuals to utilize their name and their license to commit pecuniary gain, and I think that's what Dr. Santeiro did in this case, and the Court needs to impose a sentence that promotes respect for the law, acts as a deterrent, and home confinement, it doesn't satisfy those goals.

So when I weigh the aggravating and mitigating circumstances, it's up to the Court to determine what a fair and just sentence is.

It will be the judgment of Court and sentence of law that Dr. Santeiro be sentenced to 54 months in prison, on all nine counts to run concurrent.

Upon his release from prison, I place him on three years of supervised release, on all nine counts to run concurrent.

While on supervised release he shall not commit any crimes; he shall be prohibited from possessing a firearm, or other dangerous device; he shall not possess any controlled substances; he shall comply with the standard conditions of supervised release, including the special condition that he pay $2,122,500 joint and several liability restitution.

I find that he is able a pay a fine. I impose a $25,000 fine and a $900 special assessment and know that -- and order that any unpaid restitution, fine, or special assessment

be paid during the period of the supervised release.

If he works in a Unicore job while in prison, 50 percent of his wages earned must go towards his financial obligations. If he doesn't work in a Unicore job, then he must pay $25 per quarter towards his financial obligations.

Upon his release from prison, I order that he pay 10 percent of his monthly gross earnings towards his financial obligations, unless and until the Court may alter that payment schedule.

While on supervised release I order that he provide complete access to his financial information to his probation officer. I order that he do not apply or solicit or to incur any further debt without first obtaining written permission from his probation officer.

I order that he not own, operate, or act as a consultant or be employed in any manner in any healthcare industry without prior approval from the Court.

I order that upon request that he relinquish any medical license that he has.

I order that he obtain prior written approval from the Court before entering into any self-employment.

Dr. Santeiro, it's my duty to inform you that you have 14 days within which to appeal the judgment and the sentence of this Court. Should you desire to appeal and be without funds with which to prosecute an appeal an attorney will be appointed

to represent you in connection with that appeal.

Should you fail to appeal within that 14-day period, it will constitute a waiver of your right to appeal.

Also, it's my duty to elicit from counsel for all parties fully articulated objections to the Court's findings of fact and conclusions of law that's announced at the sentencing hearing, and further elicit any objections any party parties may have to the manner in which the sentence was imposed in this case.

Are there any objections from the Government?

MS. DE BOER: No, Your Honor.

THE COURT: Ms. Puglisi?

MS. VORA-PUGLISI: Judge, we would just object to the Court's denial of our objections and as to any motions that were previously filed.

THE COURT: All right. My rulings will be the same.

The Marshal will execute the sentence of the Court. You'll need to go with the Marshal now.

Good luck to you, Dr. Santeiro.

MS. VORA-PUGLISI: Judge, can we do a recommendation that he serve his sentence at Pensacola Camp?

THE COURT: I will recommend the Pensacola Camp, realizing that recommendation is persuasive, not controlling, on the Bureau of Prisons, but I make it for whatever it's worth.

Good luck to you, Dr. Santeiro, and I appreciate everybody being here today, and we'll be in recess.

MR. HAYES: Thank you, Your Honor.

COURTROOM DEPUTY: All rise.

(Proceedings concluded at 2:15 p.m.)

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

October 13th, 2023

S/Glenda M. Powers

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