ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

99 N.E. 4th Street
Miami, Florida 33132
(305) 961-9100 - Telephone

April 13, 2020

Re: COVID-19 Fraud

To Whom It May Concern:

As the United States Attorney for the Southern District of Florida, I am the chief federal law enforcement officer in an area encompassing Miami-Dade, Broward, Palm Beach, Monroe and other counties in Southeastern Florida. My office's primary responsibility is to enforce the laws of the United States on behalf of the citizens we serve. In light of the COVID-19 pandemic, our office is prioritizing the deterrence, investigation, and prosecution of wrongdoing related to the COVID-19 pandemic – including those engaged in hoarding and/or price-gouging with regard to critical medical supplies. These practices are not only morally repugnant in light of the pandemic we are facing, but also, if left unchecked, can inhibit hospitals, physicians and other health care professionals, governmental agencies, and the public from fully implementing measures designed to save lives and mitigate the spread of the novel coronavirus.

By Executive Order dated March 23, 2020, President Trump delegated to the Secretary of Health and Human Services (HHS) the authority to designate materials critical to our the fight against COVID-19 as "scarce" pursuant to the Defense Production Act of 1950. On March 25, 2020, the HHS Secretary designated 15 categories of health and medical supplies as "scarce," **thus triggering both criminal prohibitions and civil enforcement remedies that my office will aggressively enforce**. These categories currently include:

- N-95 Filtering Facepiece Respirators;
- Other Filtering Facepiece Respirators (e.g., those designated as N99, N100, R95, R99, R100, or P95, P99, P100);
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges;
- Powered Air Purifying Respirator (PAPR);
- Portable Ventilators;
- Chloroquine phosphate or hydroxychloroquine HCl;
- Sterilization services for certain medical devices and certain sterilizers;
- Disinfecting devices and other sanitizing and disinfecting products suitable for use in a clinical setting;
- Medical gowns or apparel, e.g., surgical gowns or isolation gowns;

- Personal protective equipment (PPE) coveralls, e.g., Tyvek Suits;
- PPE face masks;
- PPE surgical masks;
- PPE face shields;
- PPE gloves or surgical gloves;
- Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators, ventilator tubing connectors, and ventilator accessories.

In this time of critical shortage, we are asking for your assistance in identifying individuals and companies that may have acquired vital medical supplies in excess of what they would reasonably use, or for the purpose of charging exorbitant prices. My office is committed to investigating and prosecuting any such incidents as well as any other fraudulent conduct designed to benefit from this pandemic (*e.g.*, false or fraudulent treatments, tests, and/or vaccinations for COVID-19). In furtherance of this goal, I have created a federal COVID-19 Task Force, led by Assistant United States Attorney (AUSA) Jon Juenger, to investigate and prosecute these crimes. If you have any information related to this topic, I ask that you please contact myself or AUSA Juenger at 305-961-9450 or 786-972-1412.

With help from institutions like yours, the Department of Justice is using every available measure ensure that these scarce materials are available to treat those affected by the coronavirus. I am very thankful for the vital work that you do on a daily basis and for your institution's commitment to the people of Florida. I look forward to collaborating with you to protect the citizens of our community and enforce the laws of the United States during this time of national emergency.

Respectfully,

Ariana Fajardo Orshan
Ariana Fajardo Orshan
United States Attorney
Southern District of Florida