

FILED

MAR 26 2018

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

**DISTRICT COURT
FOURTH JUDICIAL DISTRICT**

27-CR-18-7563

COURT FILE NO.

PROSECUTOR CASE NO. 18A02248

SILS ID. 832266

SILS TRACKING. 2996986

CONTROLLING AGENCY. MNDEA0100

CONTROL NO. 18002001

State of Minnesota,

Plaintiff,

v.

CRIMINAL COMPLAINT

JEFFREY FLYNN GROTHAUS (DOB: 01/19/1969)

6715 East Fish Lake Road

Maple Grove, MN 55369,

Defendant.

Summons Warrant

Order of Detention

Amended

Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that Defendant committed the following offense(s):

Count I

Charge: **Theft-By Swindle**

Minnesota Statute: **609.52.2(a)(4)**, with reference to: 609.52.3(3)(b)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **06/15/2016**

Charge Description: That on or about 6/15/2016, in Hennepin County, Minnesota, Jeffrey Flynn Grothaus obtained property or services from Park Nicollet Pharmacies by swindling him/her using artifice, trick, device or other means, and the property or services was a controlled substance listed in Schedule III, IV, or V.

Count II

Charge: **Theft-By Swindle**

Minnesota Statute: **609.52.2(a)(4)**, with reference to: 609.52.3(3)(b)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **06/22/2016**

Charge Description: That on or about 6/22/2016, in Hennepin County, Minnesota, Jeffrey Flynn Grothaus obtained property or services from Park Nicollet Pharmacies by swindling him/her

using artifice, trick, device or other means, and the property or services was a controlled substance listed in Schedule III, IV, or V.

Count III

Charge: **Theft-By Swindle**

Minnesota Statute: **609.52.2(a)(4)**, with reference to: 609.52.3(3)(b)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **07/06/2016**

Charge Description: That on or about 7/6/2016, in Hennepin County, Minnesota, Jeffrey Flynn Grothaus obtained property or services from Park Nicollet Pharmacies by swindling him/her using artifice, trick, device or other means, and the property or services was a controlled substance listed in Schedule III, IV, or V.

Count IV

Charge: **Theft-By Swindle**

Minnesota Statute: **609.52.2(a)(4)**, with reference to: 609.52.3(3)(b)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **07/13/2016**

Charge Description: That on or about 7/13/2016, in Hennepin County, Minnesota, Jeffrey Flynn Grothaus obtained property or services from Park Nicollet Pharmacies by swindling him/her using artifice, trick, device or other means, and the property or services was a controlled substance listed in Schedule III, IV, or V.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On July 26, 2016, an internal pharmacy investigation was initiated by HealthPartners following the alleged theft of controlled substances from two Park Nicollet pharmacies located at 15111 Twelve Oaks Center Drive, Minnetonka, Hennepin County, Minnesota ("Carlson Pharmacy") and 250 North Central, Wayzata, Hennepin County, Minnesota ("Wayzata Pharmacy"). The investigation identified a theft of approximately 20,000 pills of five different controlled substances between May 1, 2015 and August 2, 2016. The key suspect for the theft was identified as pharmacist JEFFREY FLYNN GROTHAUS, DEFENDANT herein. Defendant worked primarily at the Carlson Pharmacy and every Wednesday at the Wayzata Pharmacy. While working at the Wayzata Pharmacy, Defendant was the only pharmacist on duty.

In July 2016, a pharmacy manager began looking at adjustments that were being made to inventory within the pharmacy management system and noted a series of adjustments for a controlled substance (Zolpidem, a Schedule IV controlled substance) that stood out. Further investigation revealed that only one staff member, Defendant, was consistently employed the entire time all the adjustments occurred. It appeared that adjustments were consistently made at the Wayzata Pharmacy on Wednesdays when Defendant was working there. A bottle of the desired drug would be ordered on a Tuesday to be delivered to the Wayzata Pharmacy on Wednesday. On Wednesday, the drug would be delivered, the drug would be accepted into the inventory and a negative adjustment would then be made to the inventory later in the day.

Video surveillance cameras were installed at both locations in May 2016. When the theft was initially discovered, Park Nicollet was able to obtain video surveillance back to June 2, 2016. The investigation focused on four adjustments made to the inventory following this date. On each occasion it was possible to identify the exact date and time the adjustment was made in the pharmacy's management system. Video surveillance shows that the adjustment was made by Defendant although a pharmacy tech was logged into the system when the adjustment was made. The adjustments were made on workstations this pharmacy tech would usually be logged into when she had walked away from her workstation.

On June 15, 2016, an adjustment of 500 tablets of Zolpidem was made at the Wayzata Pharmacy. A review of all activity within HealthPartners/Park Nicollet showed no corresponding transfer of Zolpidem elsewhere in the system. The Park Nicollet pharmacy management system suggested that the adjustment was made by a pharmacy tech. A review of video surveillance showed Defendant at a workstation usually used by this pharmacy tech typing the number 500 and then clicking a mouse at the time of the adjustment before walking back to his normal workstation. Earlier in the day on June 15, 2016, Defendant can be seen on video surveillance putting an item in his pocket while retrieving medication from a received inventory order. He is then seen walking as if he is guarding this pocket to a back room where he manually turns off an automatic light. The video surveillance camera used has low light capability allowing it to capture video in

dark environments. Defendant then removes an item from his pocket and places it in his locker. Video surveillance from June 14, 2016, shows Defendant appearing to place an order for Zolpidem from the Carlson Pharmacy.

On June 22, 2016, an adjustment of 300 tablets of Tramadol, a Schedule IV controlled substance, was made. Video surveillance shows Defendant on a work station usually used by a pharmacy tech on a screen usually used to adjust inventory at the time of the adjustment. A review of all activity within HealthPartners/Park Nicollet showed no corresponding transfer of Tramadol elsewhere in the system.

On July 6, 2016, an adjustment of 500 tablets of Zolpidem was made. There is no record of a corresponding transfer of Zolpidem elsewhere in the system for the next week. The Park Nicollet pharmacy management system suggested that the adjustment was made by a pharmacy tech. Video surveillance shows Defendant at a work station usually used by this pharmacy tech at the time of the adjustment. The pharmacy tech is not near a workstation. Shortly after, Defendant is seen walking away from the workstation. Earlier in the day, Defendant can be seen on video surveillance with apparent items in his pocket until he goes to the area where employee lockers are kept. Later he can be seen three separate times returning to the room and appearing to check on concealed items. An order for 500 tablets of Zolpidem had been placed on July 5, 2016, from a computer located in Maple Grove, Minnesota. Defendant resides in Maple Grove. On that date, there was a sufficient quantity of Zolpidem on hand and no need for a manual order.

On July 13, 2016, an adjustment of 1,000 tablets of Tramadol was made. The pharmacy management system indicated that the adjustment was made by a pharmacy tech. Defendant can be seen on video surveillance entering the number 1000 at the time the adjustment is made. There is no record of a corresponding transfer of Tramadol elsewhere in the system. An order for 1,000 tablets of Tramadol had been placed on July 12. Video surveillance showed Defendant working at a workstation at the time of the order. The workstation appears to be on an ordering screen. There was sufficient quantity on hand at the time of the order.

On November 4, 2016, Defendant agreed to a Stipulation and Consent Order finding that he had started diverting controlled substances in June or July 2012 from both Park Nicollet locations. In 2012, he started diverting Zolpidem and in approximately October 2014, he started diverting tramadol. In the summer of 2016, Defendant was consuming up to fifteen Zolpidem tablets and twenty-five tramadol tablets per day during his work shifts. Defendant altered the quantities in Park Nicollet's computer system to account for the diversion.

On October 4, 2017, Defendant spoke with investigators with the U.S. Department of Justice Drug Enforcement Administration. During this interview, Defendant acknowledged that he manipulated ordering quantities on a co-worker's computer terminal while she was away from her station, that he falsified distribution records to other pharmacies in order to secret his diversion and that he was responsible for diverting controlled substances from the two pharmacies for self-use.

Defendant is not currently in custody.

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

JOSEPH C CAPPELLO



Subscribed and sworn to before the undersigned this 26 day of MARCEL, 2018.

NAME/TITLE:

SIGNATURE:

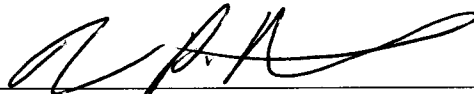
JOSEPH CAPPELLO / DIVERSION INVESTIGATOR



Being authorized to prosecute the offenses charged, I approve this complaint.

Date: March 23, 2018

PROSECUTING ATTORNEY'S SIGNATURE:



Name: John P Betzler
Assistant County Attorney
Hennepin County Government Center
300 S 6th St Ste C2300
Minneapolis, MN 55487
612-348-5504
Attorney Registration # 391085

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the ___ day of _____, 20__ at _____ a.m./p.m. before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only *Execute Nationwide* *Execute in Border States*

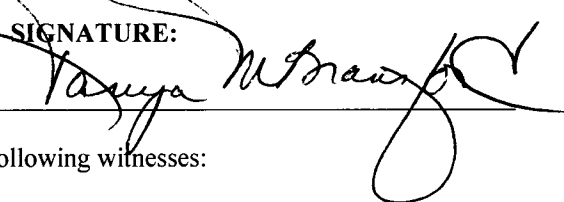
ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$ No bail required
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 26th day of March, 2010

JUDICIAL OFFICER: **Tanya M. Bransford**
NAME: **Judge of District Court**
TITLE: **Fourth Judicial District**

SIGNATURE:


Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF HENNEPIN
STATE OF MINNESOTA

STATE OF MINNESOTA

Plaintiff,

vs.
Jeffrey Flynn Grothaus,

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this COMPLAINT upon Defendant herein named.

Signature of Authorized Service Agent:
