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13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14
 15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18
 19 RYAN HEE,

20 Defendant.
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 24

Case No.: 2:21-cr-00098-RFB-BNW

PRETRIAL DIVERSION AGREEMENT

1 nurses by agreeing to allocate nurses and fix the wages of those nurses. In furtherance of the
2 conspiracy, Defendant Hee engaged in a conversation and an email communication with a
3 competitor. During this conversation and email communication, which both occurred on
4 October 21, 2016, an agreement was reached to (1) allocate nurses between AOC and the
5 competitor by not recruiting or hiring each other's nurses, and (2) fix the wages of those nurses
6 by refraining from raising wages of those nurses.

7 3. During the relevant period, the business activities of AOC and its co-conspirator
8 that are the subject of the Indictment were within the flow of interstate trade and commerce. The
9 payments made to and from AOC for the services rendered by its nurses traveled in interstate
10 trade and commerce. The payments that CCSD made to AOC for the services rendered by its
11 employee nurses included federal funding from Medicaid.

12 4. The conspiratorial conversation and communication described above occurred in
13 the District of Nevada.

14 Having accepted responsibility for your behavior and by your signature on this
15 Agreement, it appearing after an investigation of the offense and your background, that the
16 interests of the United States and your own interests and the interests of justice will be served by
17 the following procedure, on the authority of the Attorney General of the United States, by Jason
18 M. Frierson, United States Attorney for the District of Nevada, and the United States Department
19 of Justice, Antitrust Division, prosecution in this District for these offenses shall be deferred for
20 a period of 6 months from the date that this agreement is accepted by the Court, provided you
21 abide by the following conditions and requirements of this Agreement as set forth hereafter.

22 Should you violate the conditions of this Agreement, the United States Attorney and the
23 Antitrust Division may revoke or modify any conditions of this Pretrial Diversion Program or
24 change the period of supervision. The United States Attorney and the Antitrust Division may

1 release you from supervision at any time. The United States Attorney and the Antitrust Division
2 may at any time within the period of your supervision initiate prosecution for the offense should
3 you violate the conditions of this Agreement. In such an event, your statement accepting
4 responsibility in this matter may be used against you. In this case, they will furnish you with
5 notice specifying the conditions of the Agreement which you have violated.

6 After successfully completing your Pretrial Diversion Program and fulfilling all the terms
7 and conditions of the Agreement, the charges against you previously set forth will be dismissed.

8 **GENERAL CONDITIONS OF PRETRIAL DIVERSION**

9 1. You shall not violate any law (federal, state, or local). You shall immediately
10 contact your Pretrial Diversion Program supervisor if arrested and/or questioned by any law
11 enforcement officer.

12 2. You shall attend school or work regularly at a lawful occupation or otherwise
13 comply with the terms or the special program described hereinafter. If you lose your job or are
14 unable to attend school, you shall notify your Pretrial Diversion Program supervisor at once.
15 You shall consult them prior to job or school changes.

16 3. You shall continue to reside in the District of Nevada. If you intend to move out
17 of the district, you shall inform your supervisor so an appropriate transfer of program
18 responsibility can be made.

19 4. You shall report to your supervisor as directed and keep them informed of your
20 whereabouts. You shall truthfully answer any inquiries from and follow the instructions of
21 Pretrial Services.

22 5. You shall not possess a firearm, destructive device, or other dangerous weapons
23 while on Diversion.

24 6. You shall refrain from the use or possession of controlled substances.

1 7. You shall refrain from the excessive use of alcohol.

2 8. You shall follow the program and such special conditions as may be described
3 below.

4 **SPECIAL CONDITIONS**

5 9. You shall report to U.S. Pretrial Services for supervision.

6 10. You shall surrender any passport and/or passport card to U.S. Pretrial Services or
7 the supervising officer.

8 11. You shall not obtain a passport or passport card.

9 12. You shall abide by the following restrictions on personal association, place of
10 abode, or travel: Travel is restricted to the Continental United States of America.

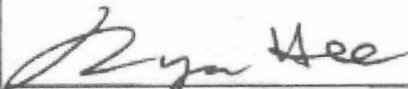
11 13. You shall perform 180 hours of community service in the healthcare or education
12 field. The government does not object to counting the community hours accrued effective
13 September 12, 2022. If the Court deems it appropriate to impose an effective date different than
14 the one in this Agreement, the defendant must still perform the 180 hours of community service
15 in the healthcare or education field within the 6-month term of supervision beginning on the
16 effective date ordered by the Court.

17 **ACKNOWLEDGEMENT**

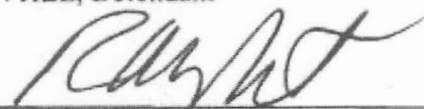
18 I, Ryan Hee, assert and certify that I am aware of the fact that the Sixth Amendment to
19 the Constitution of the United States provides that in all criminal prosecutions the accused shall
20 enjoy the right to a speedy and public trial. I am also aware that Rule 48(b) of the Federal Rules
21 of Criminal Procedure provides that the Court may dismiss an indictment, information, or
22 complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information,
23 or in bringing a defendant to trial. I hereby request that the United States Attorney for the
24 District of Nevada and the U.S. Department of Justice, Antitrust Division defer such prosecution.

1 Pursuant to 18 U.S.C. 3161(h)(2), I agree and consent that any delay from the date of this
2 Agreement to the date of initiation of prosecution or trial, as provided for in the terms expressed
3 herein, shall be deemed to be a necessary delay at my request, and I waive any defense to such
4 prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the
5 Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United
6 States to a speedy trial or to bar the prosecution by reason of the running of the statute of
7 limitations for a period of months equal to the period of this agreement.

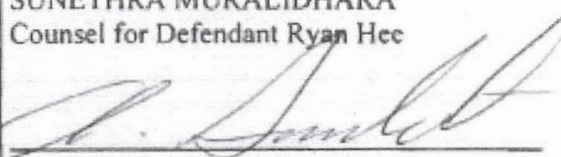
8 I hereby state that I have read the above and it has been explained to me in my native
9 language. I understand the conditions of my Pretrial Diversion Program and agree that I will
10 comply with them.

11 
12 RYAN HEE, Defendant


11/14/22
DATE

13 
14 RICHARD A. WRIGHT
15 SUNETHRA MURALIDHARA
16 Counsel for Defendant Ryan Hee

11/14/22
DATE

17 
18 ALBERT B. SAMBAT
19 CHRISTOPHER J. CARLBERG
20 MIKAL J. CONDON
21 Trial Attorneys
22 U.S. Department of Justice, Antitrust Division

11/14/22
DATE

23 
24 ERIC C. SCHMALE
Assistant United States Attorney

11/15/22
DATE


ANGELA LOVELESS
U.S. Pretrial Services Officer

11/16/22
DATE