

March 28, 2011

In regards to: USA v. Rostie et al.

An Open Letter to the Federal Court

The U.S. Prosecutor, the D.E.A, the MO. Board of Pharmacy, the members of my profession, and the people that my actions have affected:

To Whom It May Concern:

I am writing this letter in case I am unable to effectively convey this to the court during my sentencing hearing. First let me state that I take responsibility for my actions and any actions by my employees at the Medicine Shoppe formerly in Belton, MO. like I have continuously done during this whole process. I realize that the cost to the courts to investigate and prosecute this case have been extremely high most likely exceeding \$100,000. I am just glad that the doctors involved in this case and other defendants that were tried were convicted for their part in the case. I rest easier at night knowing that they have been put out of business. I had no idea I was getting into a drug acquisition process involving multiple physicians and pharmacies when I first got into sending prescriptions to Houston. If I had any inkling that this involved drug diversion, I would have never sent the first prescription to Houston but then as they say hindsight is 20/20. I will accept any sentence that the court hands down to me, however I am asking that you see fit to give me probation and no jail time. I feel that I have paid a very high price for my actions. Considering the declining state of my health I don't think I would ever live through a jail sentence of even 2 years. I have lost the Medicine Shoppe and my pharmacist license. My career was my whole life until I met my husband. After we purchased the Medicine Shoppe it in essence became our baby. I wanted the Medicine Shoppe to be a pharmacy the community could be proud of and customer service was extremely important to us. I wanted the Medicine Shoppe to be a place that the community could be proud of and spent \$100,000 remodeling it in 2005.

The monies from the sale of the prescriptions were not used to afford myself and my husband an extravagant lifestyle. We did take money as a draw from the Medicine Shoppe to pay a down payment on our house but had a big mortgage on it (we were paid as a draw normally). With the economic downturn the house became worth much less than our mortgage and we are in process of losing the house to foreclosure. We have traded in our vehicles for less expensive (and older) cars. My husband lost his job in November, 2008 and has not been able to find employment. He even went to Canada to see his father (he is Canadian) and tried to find work there. Although he worked at the Medicine Shoppe from 2003 until early 2008, my husband, Randy, has taken any reference to the Medicine Shoppe off his resume thinking that it could be negatively affecting his chances for jobs. (He also ran an Espresso Bar then Coffee Shop in the Medicine Shoppe or beside it after the remodel so that is on his resume during that time period). The firm that my attorney used to be associated with took a retainer of \$15,000 for a Pharmacist Licensing Hearing and one of \$50,000 for my criminal case as well as \$5,000 retainer (and \$1639 filing fees) for bankruptcies of the Medicine Shoppe and our personal bankruptcy. The Medicine Shoppe bankruptcy was withdrawn before it got completely set up by the courts and the bankruptcy attorney never filed a personal bankruptcy telling me it was better to wait. (I was told that the retainers were non-refundable but have since learned that in the State of Missouri that is not the case. I am pursuing legal action against these unethical lawyers.) As a result I still have creditors from both the Medicine Shoppe (personal guarantees) and personal debts coming to me with demands for payment and even court cases filed against me. I did what many small business owners do when they need money for their business short term and maxed out personal credit trying to keep the Medicine Shoppe afloat. My marriage went thru a very unstable period as a result of the court case and my declining health (as well as money problems). We are working at it and I have hopes that the marriage will survive.

My health has not been good for a number of years and started really going downhill in December of 2003 when I had pneumonia. I never fully recovered my health since then. When I had the pneumonia I worked at

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the pharmacy numerous times when I could barely hold my head up but could not find a relief pharmacist and the Medicine Shoppe had to open as usual. During the time that I was filling prescriptions and sending them to Houston there were also many, many such occasions. Fortunately I had a system of checks and balances in place so that it was virtually assured that prescriptions were filled accurately even before being checked by the pharmacist. I was forced to use tunnel vision to ensure that prescriptions were filled accurately and looked at prescriptions one at a time. By the time that I realized that the prescriptions from Houston were most likely not being used by the person they were prescribed to, I felt I was in too deep. I'm 60 years old and have led a somewhat sheltered life. I have not personally ever been on the wrong side of the law until this instance. I did not understand how the police, DEA, and court system worked. I had seen TV shows of the bad guys getting handled roughly by the law enforcement agencies and how the bad guys took revenge against informers. When I realized that I was in over my head with what appeared to be a well established drug diversion operation, I did not know what to do or where to go for help. I feared the repercussions that the people in Houston would take against me if I went to the authorities. I just plain didn't know what would happen but feared the worst. When asked by the authorities if I had been threatened by anyone, I answered 'no' because I had not received any overt threats - I just knew that there would be problems and probably violence.

Even though I am a pharmacist I can not believe that I was so naive in the ways of the drug world. In Belton, MO. we do not have nearly the drug problem that they have in the big cities and I didn't realize what I was getting into. The practice of getting drugs illegally over the internet is the one that we were mainly made aware of and knew as pharmacists not to get involved with. Also we had to watch that people weren't filling their controlled substance prescriptions any more often than allowed by the prescription dosing. None of the Houston patients were receiving more than their prescribed dosage quicker than was written by the doctor; so I was deluding myself that the prescriptions were okay then.

I am currently on narcotic pain patches for my chronic pain in my legs from the blood clots in them and for both my lower and cervical spine. I was not taking any prescription medicines that strong when I was working at the Medicine Shoppe. I also have had panic attacks and am on medication for them and on a prescription anti-depressant. I have noticed that increasingly I find it hard to find the right words for things. I am definitely sorry for my part in the Houston drug diversion operation. I don't know how else to express it. I do know that had I realized that the Houston prescriptions were part of a drug diversion ring, I would never have filled the first prescription. I shudder to think of the effects that the drugs caused the people and the city of Houston. To simply say that I'm sorry doesn't seem like enough. 'Mea maxima culpa!'

Sincerely,

Mary Lynn Rostic