



AO 91 (Rev. 11/11) Criminal Complaint

AUSA: Sara D. Woodward
Special Agent: Michael MacBride

Telephone: (313) 226-9180
Telephone: (734) 941-5784

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

MARK FRANKLIN HOELZTEL

Case: 2:18-mj-30033
Judge: Unassigned,
Filed: 01-17-2018 At 12:03 PM
IN RE SEALED MATTER (BG)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2008 to December 2017 in the county of Washtenaw in the Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 2252A(a)(2)	Receipt of child pornography
18 U.S.C. Section 2252A(a)(5)(B)	Possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: January 17, 2018

City and state: Detroit, Michigan

Complainant's signature

Special Agent Michael MacBride, HSI

Printed name and title

MONA K. MAJZOUB

Judge's signature

Mona K. Majzoub, U.S. Magistrate Judge

Printed name and title

I, Michael MacBride, being duly sworn, do hereby depose and state:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), located at the Detroit Metropolitan Airport office. I have been employed a Special Agent for HSI and its predecessor agency, the United States Customs Service since September 2002. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child sexual exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography in violation of 18 USC § 2251, 2252 and 2252A. I am also a computer forensic agent and have been conducting computer forensic examinations since 2004. I have been involved in dozens of child exploitation investigations over the course of my career.
2. This affidavit is made in support of a criminal complaint and arrest warrant for MARK FRANKLIN HOELTZEL for violations of 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography) and 18 U.S.C. § 2252A(a)(2) (receipt of child pornography).
3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal

knowledge of the events and circumstances described herein; and information gained through my training and experience.

4. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the complaint, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only the facts that I believe are relevant to the determination of probable cause to believe that MARK FRANKLIN HOELTZEL engaged in illegal conduct contrary to 18 U.S.C. §§ 2252A (a)(5)(B), (a)(2).

PROBABLE CAUSE

5. On December 4, 2017, law enforcement in Ann Arbor, Michigan received information that the State of Michigan Licensing and Regulatory Affairs (LARA) was investigating MARK HOELTZEL for having a sexual relationship with a female patient. Law enforcement learned that HOELTZEL was physician specializing in pediatric rheumatology in Ann Arbor, Michigan.

6. According to an administrative complaint filed by LARA, the female patient had received treatment from various physicians for arthritis since approximately 2010. In December 2015, HOELTZEL had her transfer treatment to his care. While under his care, HOELTZEL prescribed the patient various controlled substances on a monthly basis.

7. Law enforcement interviewed the female patient on December 8, 2017.

During this interview, the female patient stated:

- a. That she had been treated for rheumatoid arthritis for years, including when she was a child;
 - b. That when she was 17 years old, she had an appointment with HOELTZEL;
 - c. That when she was 18 years old, HOELZTEL reached out to her via text message and instructed her to make an appointment with him at his clinic;
 - d. That during her first appointment at HOELZTEL's clinic, he grabbed her from behind, pulled her butt into his groin, and rubbed his erect penis on her;
 - e. That for the next three years, HOELZTEL engaged in regular and frequent sexual acts with the patient at his clinic;
 - f. That HOELZTEL also visited the patient at her apartment and had sexual relations with her there;
 - g. That HOELZTEL prescribed medications for the patient;
 - h. That HOELZTEL talked to the patient about his 12-15 year-old female patients, that he described them as "hot," and that he remarked on the young patient's bodies.
8. The investigation also determined that the female patient was vulnerable

because she has a chronic debilitating condition which causes her to have a dependency on narcotic prescription pain medication, in addition to mental health diagnoses. In addition, the investigation determined that HOELTZEL was seeing the patient in his clinic every 3-4 weeks, and not the usual every 3 months which would be normal for her condition and diagnosis. The patient said that on many occasions, HOELTZEL only engaged in sexual relations with her at her visits to the clinic, and did not provide treatment for her disorder. The investigation also determined that HOELTZEL prescribed narcotic pain medication to the female patient. Law enforcement spoke with a LARA investigator about the female patient, and the investigator said that HOELTZEL's prescriptions for the female patient had been reviewed, and that HOELTZEL was prescribing narcotic medications for the female patient that were beyond and outside of recommendations for a patient with the female patient's diagnoses. As a result of the LARA investigation, HOELTZEL was suspended by his employer.

9. On December 11, 2017, a search warrant for HOELTZEL's residence in Ann Arbor was obtained to further the investigation into potential criminal conduct, including: criminal sexual conduct, 1st degree, in violation of Mich. Comp. Laws 750. 520b(1)(c) (sexual penetration occurs under circumstances involving the commission of any other felony, to wit insurance fraud, health care fraud, distribution of controlled substances); criminal sexual conduct, 4th degree, in

violation of Mich. Comp. Laws 750.520e(1)(b) (sexual penetration using coercion, including medical treatment of examination in a manner or for purposes which are medically recognized as unethical or unacceptable); unlawful distribution of controlled substances, insurance fraud, and health care fraud.

10. On December 12, 2017, law enforcement executed the warrant at HOELZTEL's home in Ann Arbor, Michigan. During the search, electronic media items were seized.

11. One of the items seized during the search of HOELZTEL's home was an 8 GB Memorex flash drive. Washtenaw County Sheriff's Office Detective Kevin Parviz conducted the forensic examination this item, and Detective Parviz found child pornography in plain view on the device. Law enforcement obtained a subsequent search warrant to search HOELTZEL's devices for child pornography. After obtaining the subsequent warrant, Detective Parviz continued his examination of the drive. Detective Parviz told your affiant that he discovered approximately 210 images of child pornography on the drive.

12. On January 11, 2018, Detective Parviz provided me with the images he discovered. I viewed approximately 118 images that contained child pornography, (56 unique files, the rest were duplicates). I noted that the creation dates for these files was in 2008, and that the last accessed date for these files was May 17, 2017. The images primarily consisted of minor females with their genitals exposed in a

lascivious manner. According to Detective Parviz, there were also several medical documents on this flash drive with metadata showing “Hoeltzel, Mark” in both the Author and Last Saved By fields.

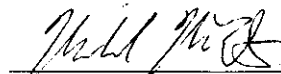
13. A Dell laptop was also seized from HOELTZEL’s residence during the execution of the search warrant. The forensic examination on that computer is being conducted by University of Michigan Police Department (UMPD) Detective Tom Cargill. Although the forensic examination has not been completed, Detective Cargill provided me with a preliminary report containing approximately 94 images of child pornography. Approximately 15 of these images were duplicate thumbnails of the larger images. The images primarily consisted of minor females with their genitals exposed.

14. Many of the images of child pornography possessed by HOELZTEL and reviewed by your affiant depict the lascivious exhibition of the genitals of minor girls. Based on my training and experience and the type and nature of these images, your affiant believes that HOELZTEL downloaded these images using the internet.

CONCLUSION

15. I submit that this affidavit supports probable cause for a complaint for violation of 18 U.S.C. §§ 2252A(a)(5)(B), (a)(2) possession and receipt of child pornography.

Respectfully submitted,



Michael MacBride
Special Agent
HSI

Subscribed and sworn to me
on January 17, 2018.



MONA K. MAJZOUB

MONA K. MAJZOUB
United States Magistrate Judge