

# MYSTIC LAW

*Craig A. Brand, Esq.*

General & Chief Legal Counsel



## *CIRRICULUM VITAE* *CRAIG A. BRAND, ESQ.*

*[Craig@theganja.com](mailto:Craig@theganja.com)*

*Dir. Tel. (305) 878-1477*

**NAME:**

**Craig Alan Brand**

**Email:**

**[Craig@TheBrandLawFirm.com](mailto:Craig@TheBrandLawFirm.com)**

**LICENSE NO.**

Florida Bar License No. 896111

### **EDUCATION:**

High School: Palmetto Sr., Miami ... 1980-1984

University of Miami School of Law, Miami... 1988-1990

Florida Bar: 1991; Federal Bar: 1991

### **WORK EXPERIENCE:**

1990-1991: Office of The State Attorney;

1991-1993: Law Offices of Solmes & Price, P.A., Miami, Florida;

1993-1995: Bedford & Kray, P.A., Miami, Florida;

1995-1998: Rumberger, Kirk & Caldwell, P.A., Miami, Florida;

1998-2003: Brand & Fernandez, P.A., Miami, Florida; also serving as General, Corporate & Chief Health Care Attorney for Larkin Community Hospital, and its affiliates, subsidiaries and representatives;

2003-Present: The Brand Law Firm, P.A. ;

2014-Present: Ganja Law, P.L.L.C. & Mystic Law, P.A.;

2016-2017: Cannabis Counsel for Larkin Health Systems and Larkin University, College of Pharmacy, Miami, Florida.

2016- June 2019: General & Chief Legal Counsel for Whole Hemp Company, LLC d/b/a Folium Biosciences and Folium Equity Holding, LLC;

August 2019 : General Counsel for Mid-West Farms, Inc.;

Partner in Mystic Law, P.A., and Mystic Enterprises;

December 2019 – Present: Emerged in forward looking industries, laws, regulations, international profiles as both an entrepreneur and Special Legal Counsel as to:

1. Crypto-Currency, Smart Coins, Crypto as a security vs. Crypto as a commodity or asset, digital monetary componentry, ancillary componentry such as hard ware acceptance and digital inclusion, smart keys, security forks.
2. Cyber-Security. Integrated Block Chain, decentralized processors, level and fractionalization, digital clock technology, real time scrub, software

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authenticity, verification, identity (track and trace), malware, ransomware, ID theft, cyber-theft.

3. Artificial Intelligence (AI). Advanced learning of interactive software integrated with Robotic Technology.
4. Robotic Technology and Drone.
5. Special Counsel and Equity Holder: HeraSoft/Hercules a sub. Div. of Anthem Holdings. (#1 Smart Computing & Cyber-Security). Currently helping facilitate the transfer from Centralized and Private Protocols to Distributed, Block-Chain, Decentralized and Public Protocols of private and public sectors, including Governments, military, law enforcement, corporate, smart cities and smart projects. Helping lead cyber security into “Encrypted Particalization” in order to combat Ransomware. Forward facing developing for data verification and authentication, meeting Zero-Trust, protocols and secure data integrity.
6. Vice President-Board Member, Los Suenos, Del Mar: Jaco, Costa Rica.

*\* Dates are approximate*

## **PRACTICE MEMBERSHIPS:**

- Florida Bar;
- Southern District of the U.S.
- Middle District of the U.S.
- Northern District of the U.S.
- Third, Fourth & Fifth District Court of Appeals;
- All Florida Courts;
- Pro-Hac Vice: U.S. Eastern District of N.Y;
- Pro-Hac Vice: U.S. Southern District of N.Y;
- Pro-Hac Vice: U.S. District of Manhattan, N.Y;
- Member of the U.S. District Court, Colorado (Bar);
- Member of the Colorado Court (Bar);
- Pro-Hac Vice: U.S. Eastern District of Texas;
- Pro-Hac Vice: U.S. District Courts of Southern Illinois;
- Pro-Hac Vice: U.S. District Court (2<sup>nd</sup>) Chicago;
- Pro-Hav Vice: U.S. District Court Louisiana;
- Pro-Hac Vice: U.S. District Court of Missouri;
- American Arbitration Association;
- Pro-Hac Vice: USDC Minnesota;
- Pro-Hac Vice: U.S. District Court Arizona;
- Member Florida Bar;
- Former Member ATLA,

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- Member Trial Bar;
- Member Federal Bar;
- Former Member Health Care Law Associations and Sections;
- Former Member National Health Care Compliance Association;
- Former Member National Health Care Law Association.
  - National consulting, advocating and speaking engagements in the Healthcare Law, White Collar Fraud, areas of hydroponic growing and Cannabis Sections.
- Member of the Criminal Bar, State of Florida;
- Member of the Florida Bar Trial Lawyers.

## **MEDICARE & MEDICAID HEALTHCARE PROVIDER PRACTICE COVERAGE:**

- All 50 States.
  - Healthcare Law, Fraud & Abuse, Compliance, Medicare and Medicaid, Pharmaceutical.
  - Specialty Knowledge in Pharmaceutical Bio-Engineering; FDA Approval Process, Pharmacology and Compounding;
  - Created & Authored the first of its kind Health Care Insurance Coverage encompassing Part D Providers as to Medical necessity and reasonableness;
  - Built the highest active Pharmaceutical & Part D Provider clientele nationwide;
  - Nationally Voted as Health Care Attorney of the Millennium Year. (Medical Federation).
  - Created & Authored the first of its kind Medicare/Medicaid/Stark Health Care & Pharmaceutical Compliance Programs.
  - Practiced Pharmaceutical Law globally, including the manufacturing, packaging, Joint Commission Accreditation, international transit, adulteration and mislabeling issues, diversion, Federal Drug Administration Rules and Regulations.
- White Collar Civil & Criminal practice coverage.
  - Stark Laws, Kick-Backs, Medical Necessity, Medical Unreasonableness, Money Laundering, RICO, Schemes to Defraud, Illegal Rx Diversion, Adulteration and Mis-Branding, Medicare/Medicaid Billing and Coding.
  - Narcotic Cases, Conspiracy, Complex and multi-forum Civil & Criminal cases.

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## **INVESTOR FRAUD, BANK & REAL ESTATE FRAUD, INSURANCE FRAUD:**

- Money Laundering, RICO, Schemes to Defraud, Banking Fraud, Conspiracies to Defraud. Special Appearance on the Kaiser Report. (Internationally syndicated)  
<https://www.youtube.com/watch?v=mhMThTA4bG4>.
- Defense for RICO, money laundering, forfeiture, and cannabis related adverse allegations.
- Investor Fraud, Black-Mail, Extortion, Embezzlement.

## **EMPLOYMENT LAW:** Federal & State Claims.

- DEFENSE against FLSA (Fair Labor Standard Act), FMWA, State Minimum Wage Act) claims; Minimum Wage & Hour; Over-Time;
- Unfair Compensation Claims, Domestic Employment, Companionship Services, [Employment Fraud];
- Economic Reality Test.

**PHARMACUETICAL BUSINESS INTEREST:** Founded, developed and grew Farmacia Express Rx, Ltd. Began from one store in Costa Rica. Developed into 24 store chain making it the third largest pharmaceutical company in Central America. Acted as C.E.O. from 2003 – 2007. Stayed on as acting board member and consultant until 2010.

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**Farmacia Express** *Ltda.*

**¡VISÍTENOS O LLÁMENOS!**

Le llevamos alivio a sus dolencias y a su bolsillo.  
Solo tiene que llamar al teléfono de la farmacia más cercana y en unos minutos tendrá el medicamento o producto que necesita, en la puerta de su casa.

Horario de farmacias: **de 10 a.m. a 10 p.m.**  
Después de las 10 p.m. llame a la  
**Central Express 24 horas al**  
**293-6037 ó 239-3738**

Descuentos especiales para afiliados a:

- EMERGENCIAS MÉDICAS
- INS
- CIUDADANOS DE ORO
- CLIENTES FRECUENTES

Presente este cupón y reciba un **10%** de descuento en efectivo y un **5%** con tarjeta.

Nombre \_\_\_\_\_  
Dirección \_\_\_\_\_  
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E-mail \_\_\_\_\_

Visítenos y encontrará medicamentos, productos de belleza, productos para bebé, baterías, chocolates y mucho más.

**Productos de primera con altos controles de calidad**

24/7  
365  
24 horas • 7 días a la semana • 365 días al año

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SPOTLIGHT ON ALUMBRANDO A

costa rica today 21

## “KEEPING COSTA RICA HEALTHY”

Providing Pharmaceuticals To Those In Need

### FARMACIA EXPRESS RX

is one of the fastest growing businesses in Costa Rica. I was provided a tour of their operations as well as viewed their expansion plans. IMPRESSIVE. FARMACIA EXPRESS RX presently maintains locations all around San Jose and Cartago. By years end they expect to have approximately (15-17) stores, not including their delivery center, call center, or warehouses. If one of their retail stores are not yet in your neighborhood, no problem, simply call their toll free number and the products, free of charge, will be brought directly to you. Tel.: 800-Medicina (800-633-4246).

### Product Integrity

Craig Brand, the company's President, first took me

on a tour of their warehouse and distribution center. Meticulous efforts are taken to first check the integrity of every product that will enter their retail stores. Products are checked for expiration dating, for cleanliness, for authenticity and verification of the contents, for tampering, and for their conditioning and appearance. Mr. Brand explained that checking the integrity of the products is just as important as having products in the stores. "People have to be sure that the products they are buying are true, real and safe. FARMACIA EXPRESS RX accepts this responsibility and provides our customers with only first quality products. Our customers may rest assured that we are safeguarding their interests and that they are getting exactly what they buying".

### Customer Service

I witnessed employees scurrying everywhere in order to please customers. Although a Costa Rican chain, they firmly stand on the American proposition that "the customer is always right". From the warehouse to the individual stores, customers were being attended to in one way or another. It was very impressive how the logistics and lines of communication were flowing between the Call Center, the warehouses, the distribution points and the individual stores. If one retail store didn't have a particularly requested product, I watched in awe

how they worked with the distribution centers in order to ensure product delivery directly to that store or customer. Mr. Brand stated, "it sometimes takes years to develop a customer, but only one bad experience to lose them. We do our absolute best and work as well as we can for our customers. Sometimes the industry throws us difficulties or we run into situations that couldn't be reasonably expected; but we can honestly say we do our best. We too are only human".

### Call Center

Technology galore describes the Call Center. From anywhere simply dial toll free: Tel. 800-Medicina (800-633-4246). It is the job of the Call Center to take the calls, place the order, work with the fulfillment staff and make sure that your delivery timely and properly arrives at your house or business. The call center not only tracks the product being delivered but the delivery itself.

### Delivery

Mr. Brand jokes with me regarding the delivery system. "This is the hardest part of the business. I really wish our customers knew what we have to deal with regarding the free delivery service. Motorcycles get stolen, our delivery people get robbed, people don't show up for work, delivery vehicles break down, try finding an address in Costa Rica in the middle of the night! Heck, try finding an address in the middle of the day! and so on.... It's not easy, but it's a service we promised our customers and we are doing our best to not only keep this service, but to better it all of the time.



Craig Brand, the company's President

Product and Pricing: "Product and pricing are the hallmark of any retail business. Without the right product and price points no retail business can make it, pharmacies are no exception". (quote from Mr. Brand). The economics demand that pricing should go up, adjusting for inflation, but competition forces pharmacies to sell cheaper. Additional forces, such as regulations and restrictions also keep overhead rising. Mr. Brand states, "life is difficult and why would anyone expect business to be any different. You must think smarter, be smarter, cut costs and work efficiently and effectively. FARMACIA EXPRESS RX is in the market for the long run and does its best to tackle tomorrow's difficulties today". Finding the right products are a full time job, in and of itself. Sometimes, you just can't get things that you want or need here in Costa Rica. Sometimes certain products are obtainable, but the associated

costs and time makes it unreasonable. A few years ago the average Costa Rican farmacia had, maybe, 2,000 - 3,000 different products to worry about; today, that number has more than doubled. Additionally, people living or visiting Costa Rica are now familiar with products being sold in the USA or Europe. People want those products! We are working hard with manufacturers and suppliers in order to find those products sought by its customers. FARMACIA EXPRESS RX appears to apply the correct mixture of service, product and pricing to its business model. It is no wonder why this pharmacy chain is popping up in your neighborhood and mine.

As I do not want to get my own medicine in this rain, (imagine that, rain in Costa Rica), I think I will simply call Tel. 800-Medicina (800-633-4246) and let the FARMACIA EXPRESS RX delivery system work for me!!



Grand opening of a new FARMACIA EXPRESS RX



615 Wooten Road | Suite 110 | Colorado Springs | CO 80915

[www.FoliumBiosciences.com](http://www.FoliumBiosciences.com)

[CraigB@FoliumBiosciences.com](mailto:CraigB@FoliumBiosciences.com)

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Whole Hemp Company, LLC d/b/a Folium Biosciences is the world's largest vertical Hemp innovator. Craig Brand, Esq., is Chief Legal and General Counsel of Folium Biosciences and the premier global (HEMP/Cannabis attorney). Specializing in narcotics and complex legal causes of action, Craig Brand has spent a career writing, litigating, protecting and changing the HEMP/Cannabis industry and global legislative landscape. With a desk full of legislative writing, cooperation with Nation's individual Departments of Agriculture and cooperating

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Universities, direct undertakings with the FDA, DEA, Narcotic Units, and USDA; and being the attorney who has worked the highest plateaus for inter-state and international shipping and transportation, Mr. Brand keeps a bit busy.

Folium Biosciences has and continues to pioneer the hemp derivative and terpene extraction industry. Now one of the largest hemp farming operations in the United States, Folium Biosciences has established a state of the art genetic & pollen program producing the highest yielding cannabinoid, hemp strains on the planet. Mr. Brand protects this Intellectual Property. Folium Biosciences owns and produces more Intellectual Property in the extraction and genetic fields than most of the industry combined. Whether through patents or trade secrets, Folium remains the world's leader in 0.0% THC, "Broad Spectrum" oils, powders, Nano-sprays, vapes, microemulsion, water and oil soluble bulk and finished good products. Shipping these products throughout the United States, the Americas and countries around the world, Craig Brand has opened the world to hemp and the world to Folium Biosciences. Protecting these Trade Secrets, Intellectual Property Rights and shipping lanes falls under the purview of Folium's General Counsel's office and Craig Brand as its Chief Counsel.

Mr. Brand's legal department specializes in all related aspects of the HEMP industries criminal laws (globally), civil concerns and litigation and administrative, including the FDA, rules and regulations. Folium is also branching into the world's Pharmaceutical, Pharmacological, and Clinical Study Programs as it relates to cannabinoid identification, extraction and benefits. Mr. Brand has already implemented a full blown pharmaceutical and clinical research program in partnership with major hospital(s), University(s), and Certified Study Program(s). This department also includes Folium's international expansion and extraction technology domination. Mr. Brand singly obtained Folium's Free Sale Certificate which was issued and certified by the Colorado Department of Health and Environment.

## **Current CBD and Phytocannabinoid Interests:**

Mr. Brand is a principle owner and Chief Legal Counsel for Mystic Enterprises, Inc., and its subsidiaries: HoneyB Healthy Living, Tri-Labs Ventures, and CannX Genetics. HoneyB Healthy Living is a full service, GMP licensed, ISO 5 & 6 cannabinoid manufacturing facility and retail service provider. HoneyB's products are full and complete regarding CBD, CBN and CBG lines of edibles, tinctures and cosmetics.

Tri-Lab Ventures is a full service, licensed and registered laboratory. Its testing and manufacturing facility ranges from botanicals to CBD products.

**CannX Genetics, Inc.:** Years in the Cannabinoid and Cannabimimetic research & development field, CANNX GENETICS has finalized the Healthy, Safer, Alternative to Hemp finished products and raw ingredients. Explore, Taste, Examine the Differences between our cleaner botanicals vs. the hemp/cannabis weed. A healthier, cleaner & broader spectrum of finished goods containing cannabinoids, cannabimimetics, flavoroids, and/or terpenes, FDA & EU Approved Ingredients, No Solvents, Absolutely No THC as THC is not a molecule within these genetics' DNA, No pesticides, no metals, & as Legal around the planet as Sunflower oil.

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Until recently, Cannabis and Hemp were the only plant natural products known to directly interact with cannabinoid receptors. However, CANNX GENETICS **TM**, not believing that Mother Nature granted cannabis and hemp exclusivity, scoured the globe in search of other plant and botanical varieties that would release Mother Nature's medicine and interaction benefits. Over the last few years, several non-cannabinoid plant natural products have been identified to act as cannabinoid receptor ligands. This prompts us to define 'phytocannabinoids' as any plant-derived natural product capable of either directly interacting with cannabinoid receptors or sharing chemical similarity and/or pharmacological effects as cannabis cannabinoids and composition.

CANNX GENETICS **TM** shall continue to produce the finest compounded variety of cannabimimetic genetics found. From the jungles, to the prairies, and stretching to the highest pinnacles, CANNX GENETICS **TM** and its lines of ingestibles, cosmetics and rub-on products shall continue to explore and blend the highest quality and refined plant oils Mother Nature intended for our benefit.

## **HEMP & MARIJUANA/HYDROPONIC GROWING:**

Partner: GANJA LAW, P.L.L.C. (Consulting and specialized law firm practicing in the MMJ, MJ industry). [www.GanjaLaw.com](http://www.GanjaLaw.com), [@ganjalaw\\_com](mailto:@ganjalaw_com). Clients around the globe.

- Knowledgeable and experienced regarding the laws, legalization, implementation and utilization of HEMP, EXTRACTION, MANIPULATION OF CONTROLLED SUBSTANCES, MMJ (Medical Marijuana) and MJ (Recreational Marijuana) nationwide. NATIONWIDE consulting.
- In excess of 150 clients in the MJ, MMJ and HEMP/CBD industry. Clients range from growers, caregivers, license seekers/holders, landlords, cultivators and cultivation centers, CBD development, nutritional supplements, CBD nutraceuticals, virtual MJ/CBD stores, extractors and processing, labeling, dispensary and cultivation center compliance and legal requirements, investors and partnerships into the MJ/MMJ industry, tax consequences and ramifications as well as banking matters applicable to the cannabis industry.
- Specialized knowledge and skills concerning the ancillary businesses within the MMJ & Rec industry.
- Speaking Engagements concerning the A – Z of the HEMP & MMJ industry and physician compliance.
- Defense of healthcare providers participating within the MMJ prescription process and Department of Health, Board of Medicine compliance issues.
- Civil and Criminal Defense: Licensing, Practice, Transportation, Use, Growing, DNA Bands, Registration, Dispensary Operation, MIP Kitchens

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and licenses, Edibles and Extracts, Safety, Firearms, Banking, Money Laundering, Types of Grow Houses and Operations, Dirt Grows v. Technological Grows, Tort Reform.



## **FOUNDER OF GREEN PLANET, INC. (Philanthropic)**

**GREEN PLANET** is a “green”, science and technology company focused on the production of locally grown, first quality, consumable food. **GREEN PLANET** *revolutionizes the growth and development of our food crops in order to maximize efficiency through technology and perfection through science.*

**GREEN PLANET** has demonstrated that the future of both agriculture and ranching will require greater efficiency, symbiotic relations, and the maximum exclusion of Mother Nature’s extremes. The future of agriculture is in science, new technology, alternative energy, new lighting and cooling systems and smart phone applications not rows and hectors of dirt fields. Tomorrow’s farmer wears name brand sneakers to work not knee high rubber boots. We can now grow our food faster, safer, and healthier, with a fraction of the water use and waste and in a controlled, steady environment. Today’s farmers have embraced science and environmental responsibility. Today’s farmers are more aligned as being engineers than field croppers.

- Specialty Training, Education and Experience in Agricultural Science;
- Growing in Specialized Conditions;
- Maximizing Growing Efficiencies & Effectiveness;
- Technology Grow Uses and Tower Grow Operations;
- Seasonal Grows;
- Modern Use of Specialized Lighting, Nutrient Mixtures, Formulations, and Channeling; Aquaponics, Cooling Systems, Photosynthesis;
- DNA Markers;
- Pollination;
- Strain Reproduction, Cloning, Mother Plant Cropping;
- Bio-Engineering and heightening of Female Cropping.

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**HIS EXCELLENCY PICEWELL A. FORBES, MP**

Bahamas High Commissioner to the Caribbean Community (CARICOM)

Ministry of Foreign Affairs & Immigration

P. O. Box N-3746

Tel: (242) 356-5956-7 / Fax: 328-8212

Nassau, N.P., The Bahamas

February 11, 2016

**Green Planet, Inc.**  
**Attn: Craig Brand**  
**618 E. South Street**  
**Suite 500**  
**Orlando, Florida 32801**

**Re: Green Planet's hydroponic Bahamian venture and  
Approval by the Bahamian Government**

Dear Mr. Brand,

On behalf of the Commonwealth of the Bahamas and this Ministry please allow me to extend warm congratulations to you and Green Planet as your hydroponic produce growth in facilities and business(s) has been officially approved.

We are excited to work with Green Planet in this venture and help facilitate a new industry, food safety, and first quality produce to the Commonwealth. As to my Ministry we are also excited about the job growth opportunities and with expansions onto Andros.

Please contact me at any time in order to help facilitate this transition and bringing your business to the Commonwealth. I shall be helping coordinate a meeting with The Right Honourable Prime Minister in the near future.

Sincerely,

**His Excellency Picewell A. Forbes, M.P.**  
**High Commissioner**  
**of The Commonwealth of the Bahamas**  
**To the Caribbean Community**  
**Ministry of Foreign Affairs & Immigration**

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## MYSTIC LAW, P.A./MYSTIC FARMS, INC./REDCROW MANAGEMENT (A NATIVE AMERICAN ENTITY):



Philanthropically working with the Native Americans for two decades, Craig Brand, has become an experienced and highly skilled attorney in Native American laws, Department of Interior regulations, Bureau of Indian Affairs jurisdictional entitlements and degrees, State(s) and Federal Constitutional relevant laws and Congressional decrees. These interests came early in Mr. Brand's criminal practice career while defending some ... with the utilization of Sovereign Immunity defenses.

Working and sitting on the Board of Management of Red Crow, Mr. Brand sitting with names such as Rick Hill, Alex Whiteplum, Richard Tallbear Westernman, has actively taken part in Native American concerns, such as environmental, the opioid and alcohol crisis effecting reservations, buffalo interest(s), and most recently of and concerning HEMP and Cannabis licensing, tribal ordinances, tribal compacts, and the enactment of on-reservation Federal HEMP programs.

Presently, Mr. Brand, through his Mystic Programs and in conjunction with Red Crow, is implementing the first of its kind economic funding, HEMP licensing, propagation and cultivation programs. These programs are geared to bring the HEMP and cannabis plants and industry back to the Tribes, where such plants were first used. Mystic has secured funding, operational specialists, and the ability to turn the cultivation into a financial windfall through a separately created HEMP Extraction Program. Monetizing the program tribes' crops with portions of such funds being utilized for "Green Planet purposes", "Environmental Clean Up", and the fight against opioid and alcohol use and abuse.

Both Mystic and Red Crow spend countless attention to benefiting Native America and bringing opportunities and energy resources throughout the reservations.

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## PROFESSIONAL HONORS & ACHIEVEMENTS:

Honors: Elected "Healthcare Attorney of the Year" for the Millennium Year 2000 by the nationally acclaimed Medical Federation. Presented Healthcare Litigator Award by Jewel Holt, President of the International Division of Medical Federation. Honorary presented by Senator Rudy Garcia to Craig A Brand, Esq., as best Healthcare Attorney.

Craig A. Brand, Esq., led the "The Government's New Directives for Targeting Fraud and Abuse" program during a seminar for healthcare providers. Brand was also the keynote speaker at the 10th Annual Greater New York Physicians Expo. **Featured:** Numerous Publications, including but not limited to: The Miami Herald, The Miami Herald Business Monday, Tampa Tribune, Florida Medical Business, M.D. News, Healthcare Wealthcare Magazine, Medico Mundo, Association News Letters; Various news and television reels, segments and highlights, including but not limited to: "We The People"; *NBC 6*; numerous radio and talk shows. Mr. Brand was also the Legal Eagle journalist/ columnist for Florida Medical Business Journal and Orlando's Women's Newspaper. Special consultant on the Keiser Report re: White Collar Crimes. Winner of the National "Lawyer's of Distinction" Award.

*Colorado Honoraries: Presently before Governor Jared Polis, waiting to be executed is an Official Proclamation Awarding Craig A. Brand, Esq., for not only the hemp industries finest attorney, but for all of the recognition deserving by and from the hemp industry due to Craig's achievements, accomplishments and opening of roads.*

**Foreign Medical Doctors VS Florida Dept. of Health:** International Medical Graduates (IMG's) sought similar and equal testing for the 2000 Florida Medical Licensing Examination (FMLE). Failure to pass the exam meant the denial of a Florida Medical License. But the Law Offices of Brand and Fernandez, P.A. stepped up to bat in the case of Lopez versus Governor Jeb Bush, the state of Florida's Department of Health and Department of Medicine. Under scrutiny was the unconstitutional design and development of the FMLE. Craig A. Brand, Esq., evaluated the FMLE and found that it violates "Standards for Educational and Psychological Testing" ("National Standards"). All four test phases were deficient:

- the delineation of purpose(s) of the test.
- the development and evaluation of test specifications.
- the development, field testing, evaluation and selection of the items, scoring guides, & procedures.
- the assembly and evaluation of the test for operational use.

Unconstitutional standards were also in effect with the Minimum Passing Threshold of approximately 55% needed to pass the United States Medical Licensure Examination (USMLE) versus the 70% minimum necessary to pass the FMLE. IMG's, U.S. citizens and/or U.S. residents who attended medical school abroad and applied for licensure as a physician, thus had an unfair chance to pass. Law changed for State of Florida and then administered in same manner with same testing standards throughout the United States.

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# MYSTIC LAW

*Craig A. Brand, Esq.*

General & Chief Legal Counsel



**Originator:** *National Health Care Providers Legal Defense and Income Flow Protection Insurance Policy* issued through and by Voyager Indemnity Insurance Company, a Member of American Bankers Insurance Company. *National Health Care Providers Legal Defense and Income Flow Protection insurance Policy* issued through and by Fulcrum Insurance Company. *National Health Care Providers Legal Defense and Income Flow Protection Insurance Policy* issued through and by American Custom Insurance Company. Mr. Brand was the originator of both the idea to create such a National policy of healthcare provider protection insurance, but also wrote the actual policies that went into effect nation wide. This type of healthcare provider protection was an international first.

2003 National Leadership Award presented by The National Republican Congressional Committee.

Cover of Barrister Magazine.

**Articles:** *"How to Protect Yourself Against a Medicare Audit"; "The Art of Compliance"; "Is a Compliance Program Right For You"; "The Infamous Audit Letters & Letters of investigation."Co-Authored: "Physician Practice Compliance Programs"; "Home Health Compliance Programs"; "Hospital Compliance Programs "; "DME Compliance Programs "; "PHP Compliance Programs"; "Pharmacy Compliance Programs"; "Medical Clinic Compliance Programs"; "Laboratory compliance Programs"; "Physician Practice Compliance Programs"; "Home Health Compliance Programs"; "Hospital Compliance Programs "; "DME Compliance Programs "; "PHP Compliance Programs"; "Pharmacy Compliance Programs"; "Medical Clinic Compliance Programs"; "Laboratory compliance Programs "; "CEO Survival Kit"; "A Desperate Job Market Ushers In A Rise of Hostile Work Place Violations"; "Economy Down- Extortion Up"; "False Accusations: Safeguard Yourself"; "Healthcare Reform: Expect An Increase in Physician Audits"; "Medicare Payment Reform and The Revision of HIPPA".*

**Published Book:** *"I Don't Care What Mom Says, 'Life Sucks'".*

**Book In Progress:** *"Friends, Liars & Thieves".*

Recognized as Top & Distinctive Attorney, Best Practices, Top U.S. Trial Lawyers, Who's Who in Law, in the United States.

Martin Dale Hubble Award for 25 years of Trial and Experience.

**Member of the Advisory Board of Directors for the National Hemp Association**



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*[SEE BELOW FOR EXAMPLES OF ARTICLES, AWARDS AND CLIENTS]  
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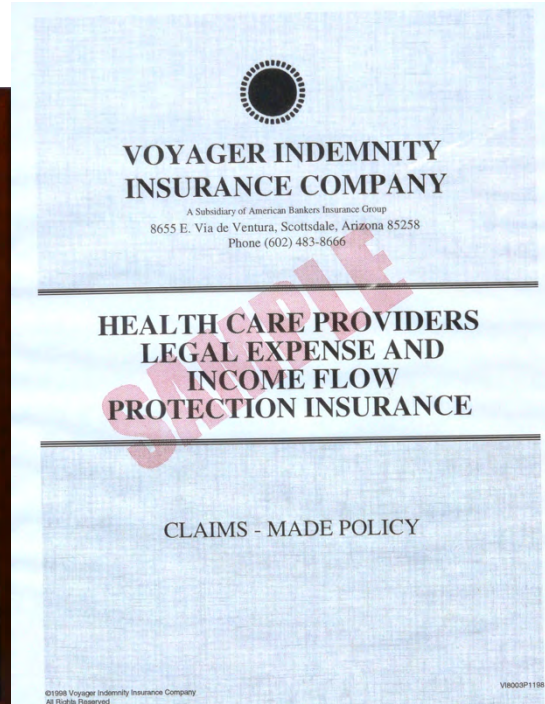
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*FIRST OF ITS KIND, NATIONAL INSURANCE POLICY. COVERING ALL HEALTHCARE PROVIDERS AGAINST ALLEGATIONS OF MEDICARE/MEDICAID HEALTHCARE FRAUD OR OVERPAYMENTS. COVERAGE INCLUDED LOSS OF INCOME.*

*Invented, written and created by: Craig A. Brand, Esq.*

*Policy coverage and underwritten by: Folorun/Voyager Insurance and American R.I.*

*Mr. Brand maintained National legal coverage.*

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**HEALTH BUSINESS** MONDAY, FEBRUARY 7, 2000 www.herald.com 136

## Insurance policy aims to protect health-care providers

There's insurance against cancer and kidnapping, so why not coverage to protect health-care providers against wrongful government audits?

That's the idea behind a new insurance policy dreamed up by Miami health-care lawyer Craig Brand.

"We look at this as being the best thing since sliced bread," Brand said about the insurance policy, which is backed by Fidelity Insurance Company of New York and went on sale this month.

"Medicare can conduct an audit and make an affirmative statement that the doctor owes an extreme amount of money for very little justification at all," said Brand, who has clients nationwide and an office in Scottsdale, Ariz. — hence the Western motif in his Design District office. "It's backwards for physicians. They are guilty until proven innocent."

The policy is aimed at physicians, but can cover any medical provider. The insurance pays any fine the government says the provider owes — up to \$5 million — and also covers legal fees involved in proving the provider played by the rules — up to \$1 million.

The premium cost varies, but doctors can count on shelling out between \$4,000 and \$6,000 a year.

Brand, who said health-care work comprises about 15 percent of his law practice, also says his firm is prepared to take on those wrongful fraud cases. Those insured can also choose other lawyers to represent them, as long as Brand approves. "We'd get their qualifications, how many Medicare and Medicaid hearings they've had, what their success rate has been. I know everybody around the country who's into it," he said about how he'd determine whether an outside lawyer was acceptable.

The policy excludes criminal activity, fraud, intentional misconduct, killings for services not performed or computer malfunctions.

**MICHELLE CHANDLER**

**CARL JUVET-HERNANDEZ**

**'BEST THING SINCE SLICED BREAD'** Miami health-care lawyer Craig Brand, whose attire and office furnish the West, boasts of his new insurance policy.

**TALK ABOUT WALKING** After that new famous Super Bowl ad that used electronic enhancements to show paralyzed actor Christopher Reeve walking, telephone calls and e-mails have been flowing into the Miami Project to Cure Paralysis.

The organization has been contacted by about five dozen people, many of whom thought Reeve had actually been cured.

"They're asking, 'Is he walking? Where was he treated?'" said William Stokkan, executive director of the Miami Project, the largest spinal cord injury research center in the world.

While some advocates for the paralyzed and researchers looking for cures have criticized the ad for the Netwon Investments, saying it gave some people with serious injuries false hopes, Stokkan isn't among them. After all, he said, wider awareness could translate into more donations that could lead to a cure.

"I don't think there was anything objectionable. Sometimes you have got to shout a little louder to get heard," Stokkan said. "The proof is in the pudding. Everyone is talking about this ad."

"When it comes to spinal cord and paralysis injuries, awareness has been fairly low. After the awareness comes the money. Christopher Reeve and his people are out there, day after day, trying to raise funds," added Stokkan.

Reeve, who gained cinematic fame as Superman, was paralyzed five years ago in a horseback riding fall. He has also been a catalyst for research. Reeve has his own foundation and is chairman of the American Paralysis Association, which has doubled its revenue during his tenure.

**ALLERGIC TO THE WEB?** Online health-care companies are dumping juicy bait, with deep discounts on their prices accented with no-cost shipping and free gifts with each purchase. But consumers aren't biting — uh, buying, according to a recent study by online research company Jupiter Communications.

All the promotions are leading to big losses for online drug sellers and future sales are far from assured, Jupiter analysts told attendees at their Online Health Forum in Orlando recently.

Trip sales partially result from exclusive deals between big health insurers and providers.

cription drug benefit managers. Drug benefit firms usually require health plan members to use only certain online pharmacies if they want to be reimbursed, said Jupiter analyst Caroline Langer.

Slow product delivery — usually several days for shipping — was another deterrent. And, younger adults, people using the Net tend to be younger and therefore have fewer health ailments than the traditional pharmaceutical-buying population. To reel in those younger buyers, online drug stores are offering up vitamins, cosmetics and other sundries for sale.

Still, nearly half of the 1,007 online consumers the research firm surveyed last year said it was easier to shop in a traditional drugstore, where they can get personal attention along with low prices, and have an easier time should they need to return defective goods.

That's why in three years health purchases will still trail the \$27 billion expected to be spent on travel or the \$12 billion predicted to be spent on personal computers by Internet shoppers, Jupiter predicts.

Even with those sobering trends, the number of people using the Internet when they want to stock up their medicine cabinets is expected to surge during the next four years. By 2004, online health spending is expected to reach \$10.8 billion, Jupiter found. Not bad, since the emerging industry reported less than \$30 million in sales last year.

Even with the expected rise, spending on health products on the Internet is still expected to remain poor, relatively speaking. In two years, after the online buying trend truly takes hold, \$4.4 billion is expected to be spent online for prescription drugs. But, to put things in perspective, consumers now spend about \$75 billion on prescription medicines.

As it appears the traditional brick-and-mortar drug chains' investment in the mid-2000s to build freestanding drugstores on nearly every street corner has paid off. Competitive best positioned to thrive will have online services as well as traditional shopping sites, Jupiter predicts.

E-mail: mchandler@herald.com

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O.J. Simpson talks about life in South Florida as attorneys Joseph Fernandez and Craig Brand listen.

## O.J. in S. Florida to rebuild career

BY JP BENDER

O.J. Simpson is looking for business opportunities in South Florida, but says being a porn actor with his girlfriend isn't one of them.

Last week, the *Globe*, a supermarket tabloid, ran a story that said Simpson and girlfriend Christine Proby appeared in an "explicit sex action" porn film. The *Globe* claimed the film was directed by local porn film maker Peter Dory and was shot in Room 310 of the ultra-posh Maitre Hotel in Coconut Grove.

The 54-year-old football Hall of Famer and Proby sat down with *The Business Journal* and talked about his possible business interests in South Florida.

## Business as usual

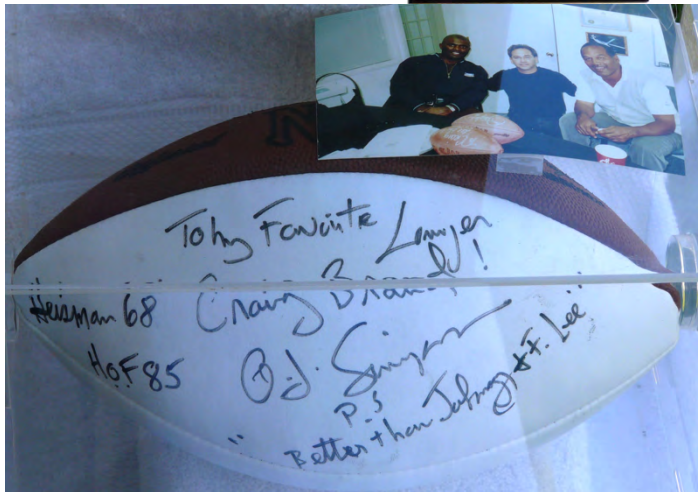
I'm waiting for O.J. Simpson, but Peter Beard is on my mind. An exhibit of Beard's photographs, "50 Years of Portraiture," decorates the walls of the 4th Gallery in the Miami Design District. The photos, images of naked women, torn bodies and bloody limbs, are in black and white, accented with snake skins and blood stains.

As I wait to interview O.J. in the neighboring law office of Brand & Fernandez, I try to study a hastily prepared collection of the latest O.J. news stories, but Beard's images of predators and death hang before my eyes.

Stained images of violence are

See FUSE, Page 44

MICHAEL MILLER



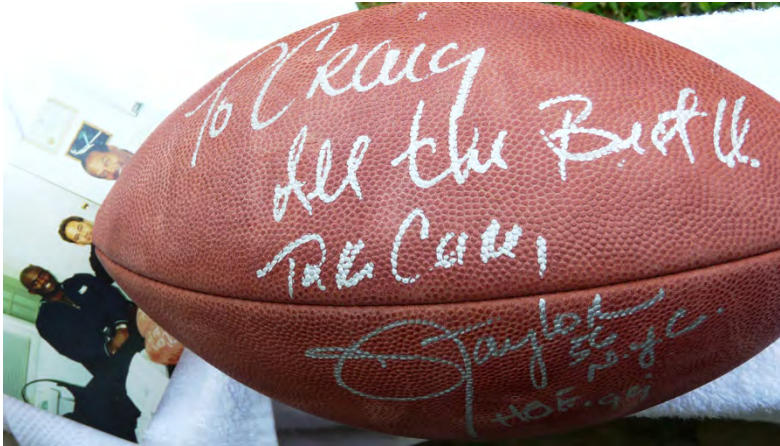
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Yes, this is “the” Lawrence Taylor”  
and yes, he has been to my house.



Craig Brand and Scottie Pippen. Notice who he is calling the best attorney.

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### Finally, a Break in the Penalties in Favor of the Healthcare Profession: A Weakening of the False Claims Penalties

It is said that the greatest and quickest way of making millions of dollars in the healthcare system was simply to become a whistleblower. The Federal False Claims Act (which takes the effect of a special kind of lawsuit) against a provider, alleging that a false claim was submitted to pay the claim, was presented to the government for payment or approval of the claim. The government, through records, statements, applications, or representations. The government would then sue to pay the claim; the action must clearly demonstrate that a false claim was submitted. Important to note is that the government does not have to be prejudiced upon a false claim, but any violation of the law is sufficient for filing the government's pocketbook.

A whistleblower, by filing this *qui tam* action, becomes known as a relator. The relator can be almost anyone, including but not limited to a provider, a person, a competitor, or even a member of a special interest group.

*Qui tam* lawsuits have created a new industry of attorneys. Total recoveries by the Department of Justice have amounted to over \$2.2 billion in claims paid to *qui tam* relators. Additionally, the Department of Health and Human Services has paid over \$2.2 billion in \$338 million paid to the *qui tam*

*Brand & Fernandez*  
relations. (See the Department  
Justice's Web site at:  
[www.asdjp.gov/dag/  
public.htm](http://www.asdjp.gov/dag/public.htm).)  
Mackby v. U.S., 243 F.3d 11  
(9th Cir. 2001)  
Under the False Claims Act

provider can be held liable for harsh penalties, including but not limited to a fine of \$5,000 to \$15,000 per claim, plus treble damages. An example of how these damages can add up: in the case of *Mackby v. U.S.*, 243 F.3d

1159 (9th Cir. 2005). Defendant was the owner of a therapy center. Medicare charged with 111% of the Medicare program's actual amount of loss. Government was \$58,000. The trial court issued a fine per claim, plus damages. The Court is remitting against Medicare of \$700,000.

Mackby appealed this decision to the U.S. Court of Appeals for the Ninth Circuit. The appeals court affirmed the judgment as to the underlying false-claims violations; however, it remanded the case back to the trial court to decide as to whether or not the statutory penalties and treble damages were unconstitutional as being *excessive* under the Eighth Amendment. The Eighth Amend-

ment states, "Executive will shall not be executed, nor execution shall be made, until the President shall have been notified."

The appeals court, in making its decision, reviewed 18 cases in which the Supreme Court had ruled which the U.S. Supreme Court held that life penalties imposed on public officials were unconstitutional. The Supreme Court stated, "a civil penalty may be as effective as a criminal penalty in deterring the government's damages and compensates as to continue punishment of the offender." *United States v. Bakajanski*, 524 U.S. 121 (1998), the Supreme Court declared that the government is not discriminating when a penalty assessed is excessive. In *United States v. Bakajanski*, the Department of Justice's two-prong test that consisted of the following: First, "the government must show that the penalty becomes a fine if it is excessive." Second, "Punishment is where it 'cannot be fairly said to bear a remedial purpose, but rather can only be explained as almost serving nothing but the government's interest in retribution.'" Second, the fine is "excessive," and therefore unconstitutional, if it is disproportionate to the gravity of the offense that it is designed

Wherefore, the appeals court in *Mackby*, *supra*, held that not only does the question of whether the \$5,000-per-claim penalties were unconstitutional, but it also remanded the question of whether the imposition of treble damages under the False Claims Act also was unconstitutional. This new approach makes the *Mackby* decision perhaps the most favorable decision for the healthcare industry on the issue of whether the false claims penalties are excessively unconstitutional.

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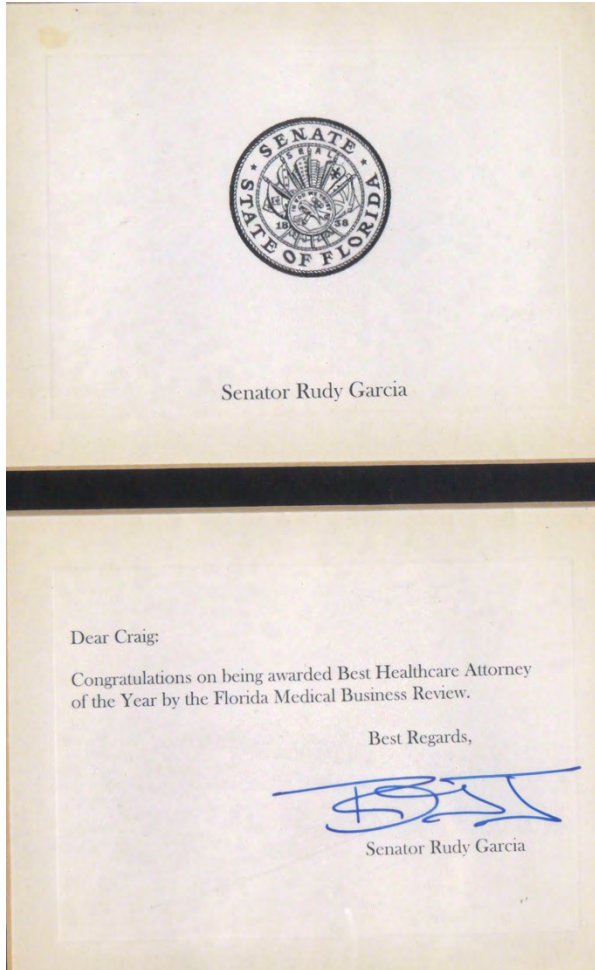


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Senator Rudy Garcia

Dear Craig:

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Best Regards,

Senator Rudy Garcia



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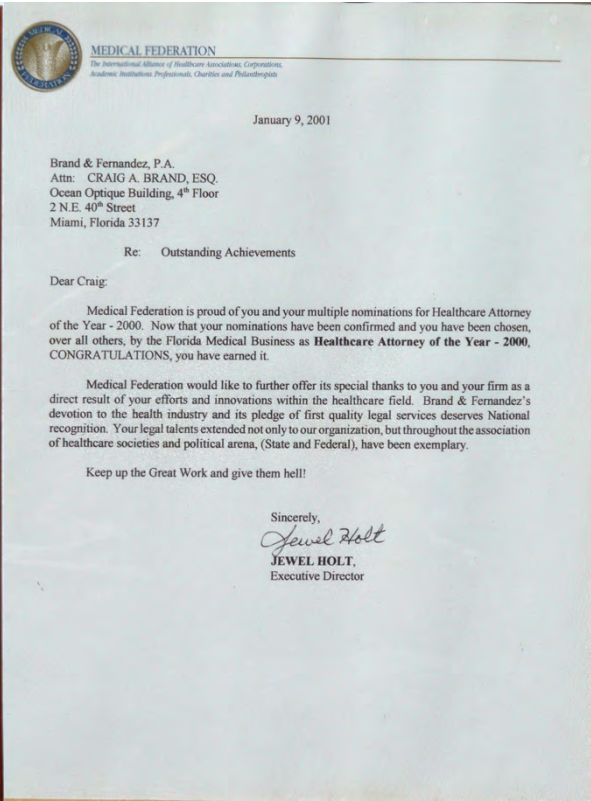
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**September, 2019, 2020: Mr. Brand was awarded the BEST CANNABIS AND HEMP ATTORNEY award, sponsored by Lawyers of Distinction, 2019 POWER LAWYERS.**

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