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SOUTH FLORIDA

## Miami prosecutors lose medical fraud case alleging ring ran 'fake' clinical drug trials

BY JAY WEAVER

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Miami Herald File



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Jurors Thursday delivered a stunning blow to federal prosecutors who had accused executives of a Miami company and a local doctor of running “fake” clinical drug trials.

After nine days of deliberation, jurors acquitted the main defendant, Hialeah physician Martin Valdes, of conspiracy, fraud and money laundering charges and only found him guilty of a minor false statement count.

The 12-person jury also acquitted Fidalgis Font, 55, chief executive officer of Tellus Clinical Research, where the drug trials were conducted, and Julio Lopez, 55, a Tellus study coordinator.



There already had been a string of guilty pleas in the case long before the trial in Miami federal court. Another Tellus study coordinator, Duniel Tejada, 36, pleaded guilty to a conspiracy to commit mail and wire fraud in 2021 and was sentenced to two-and-a-half years in prison. In addition, four other Tellus employees, including physician Eduardo Navarro who worked with Valdes, also pleaded guilty for their roles in the scheme and are serving similar prison sentences.

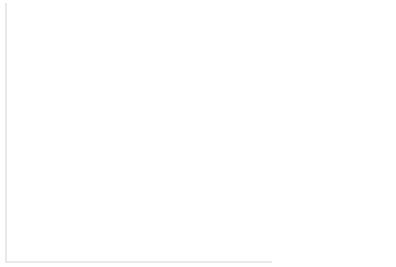
Given that history in the government's medical study case — including testimony by three convicted cooperating witnesses during the four-week trial — the outcome for the three defendants was a surprise.

“It's a big win — remarkable,” said attorney Marc Seitles, who represented Tellus' CEO Font, along with lawyer Dustin Tischler.

Seitles said the reason his client was acquitted is because she was not involved in the actual drug trials conducted at her clinic in Kendall; she was a landlord who provided her clinic and other services for the trials.

He said that after the verdicts were announced in the Miami federal courtroom of U.S. District Judge Robert Scola, some jurors later told him that they took so long to reach their decision because of the amount of evidence presented at trial. They said that after dissecting the evidence, they “realized the government's case wasn't there.”

Valdes, 66, of Coral Gables, was the only defendant found guilty of any crime: lying to an investigator for the U.S. Food and Drug administration about conducting a physical examination of each person who participated in one of Tellus' clinical trials. The jury found he signed off on paperwork saying he saw each patient, when in reality he did not evaluate them.



Valdes, represented by attorney Gustavo Lage, was accused of helping the owner of Tellus fake clinical trials — testing that the FDA relies on in approving drugs for public use, according to an indictment returned by a federal grand jury in March 2021. Drug manufacturers and contract research organizations pay various clinics to run clinical trials for each drug.

Prosecutors said that Tellus Clinical Research at 9425 Sunset Dr. collected hundreds of thousands of dollars in payments for allegedly conducting two trials for an opioid dependency drug, two trials for an investigative drug dealing with irritable bowel syndrome and one trial testing a drug treating diabetic nephropathy, a kidney disease.

The indictment accused the defendants of enrolling people in the clinical trials who did not fit the eligibility criteria for the drugs being tested. The indictment accused Valdes, the principal investigator for the trials, Font, Lopez and Tejada of trying to get bigger payments from drugmakers and the contract research organizations by lying about everything concerning the people used in the testing — including whether people had the medical condition the drug should address, if they'd been examined by the principal investigator and sub-investigator, if they'd been given the study drug, and if they'd been paid by Tellus.

Font and Lopez, the indictment said, were accused of using personal information from friends and family to create fake profiles of clinical trial participants.

But by the end of the trial, Font's attorneys, Seitles and Tischler, and Lopez's lawyer, Jordan Lewin, overcame that allegation. The jury disagreed with the prosecutors on all but one of the counts in the indictment. Valdes, the doctor, now faces up to five years in prison for lying to an FDA investigator.

This story was originally published May 19, 2023, 12:39 PM.

Jay Weaver writes about federal crime at the crossroads of South Florida and Latin America. Since joining the Miami Herald in 1999, he's covered the federal courts nonstop, from Elian's custody battle to A-Rod's steroid abuse. He was part of the Herald team that won the 2001 Pulitzer Prize for breaking news on Elian's seizure by federal agents. He and three Herald colleagues were 2019 Pulitzer Prize finalists for explanatory reporting for a series on gold smuggling between South America and Miami.

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