



## D. Michael Crites

Of Counsel  
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Michael's practice focuses exclusively on white collar criminal defense and complex business litigation. As the former United States Attorney for the Southern District of Ohio and an Assistant United States Attorney for the Southern District of Ohio, he has years of grand jury and litigation experience in federal court and regularly litigates and negotiates global settlements of criminal, civil and regulatory matters on behalf of corporations and businesses throughout the United States.

### Services

- Antitrust & Trade Regulation
- Litigation
- White Collar Defense
- International Business
- Government Investigations
- Government Relations
- False Claims Act
- Health Care Industry
- Municipal & Government
- Banking & Financial Services
- Insurance Industry
- Transportation Industry
- Education Industry

### Education

- Ohio Northern University, Claude W. Pettit College of Law (J.D., 1978)
- United States Naval Academy (B.S., 1970)

## Bar Admissions

- Ohio

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. Tax Court

## Affiliations/Memberships

- Civil Justice Reform Act Advisory Committee, Southern District of Ohio, past member
  - Appointed by chief judge
- Congressman Pat Tiberi Service Academy Nominations Board, past member
- Congressman Mike Carey, Service Academy Nominations Board, current member
- Fairfield County Veterans Service Commission, current commissioner
- Federal Bar Association
  - Past president, Dayton Chapter
- Fraternal Order of Police Lodge 50 Memorial Fund
  - Lancaster, Ohio, Board of Trustees
- Greater Powell Veterans Memorial Foundation, founder, past chair
- Lancaster - Fairfield Community Action Agency, Board of Directors, current chair
- Ohio Board of Building Appeals, past chair
  - Appointed by Governor Bob Taft
- Ohio Elections Commission, past chair
  - Appointed by Governor John Kasich
- The Ohio State University Michael Moritz College of Law
  - Adjunct Professor
- Ohio Veterans Hall of Fame Executive Committee, current vice chair

- DVS Veterans Advisory Committee, current vice chair
- Olentangy Board of Education, past elected member, past president
- Olentangy Rotary Club, co-founder, Board of Trustees, past member
- City of Powell
  - Past elected city council member
  - Charter Review Commission, past chair
  - Comprehensive Plan Review Committee, past chair
- United States Attorney, Southern District of Ohio
  - Administrations of President Ronald Reagan and President George H.W. Bush
  - U.S. Attorney General Advisory Committee on International Affairs, past chair
  - Head of United States Delegation to the Council of Europe, International Money Laundering
- United States Senator Rob Portman, Service Academy Nominations Board, past chair
- United States Senators Rob Portman and Sherrod Brown Bipartisan Judicial Advisory Board
- United States Senators George Voinovich and Mike DeWine Service Academy Nominations Board, past chair
- United States Senator Rob Portman United States Attorney Screening Committee, past chair
- The United States Naval Academy Information Program, past area coordinator
- United States Navy
  - Captain USN (Retired)
  - Vietnam Veteran
- University of Rio Grande
  - Board of Trustees, past member
  - Executive Committee, past member
- The Wellington School
  - Board of Trustees
  - Board of Trustees, past secretary
  - Executive Committee

## Distinctions

- Peer Review Rated AV Preeminent, *Martindale-Hubbell*
- *Best Lawyers*®

- "Lawyer of the Year" Columbus, Ohio Criminal Defense: White-Collar (2024)
- "Lawyer of the Year" Columbus, Ohio Litigation - Regulatory Enforcement (SEC, Telecom, Energy) (2019)
- Criminal Defense: White-Collar (2024)
- Litigation - Regulatory Enforcement (SEC, Telecom, Energy) (2024)
- *Chambers USA*® Litigation: White Collar Crime and Government Investigations (2023)
- *Ohio Super Lawyers*®, White Collar Criminal Defense
- Top Lawyers, *Columbus CEO Magazine*
- Ohio Veterans Hall of Fame
- Public Policy Leadership Award, Ohio Supreme Court
- Ohio School Board Association Award
- University of Rio Grande, Masters Degree of Public Service (Honorary)

## Experience

### **Counseled Treatment Center through Investigation**

On behalf of a multi-office Ohio addiction treatment center, we handled the fraud and abuse investigation and subsequent negotiations with federal authorities who were reviewing the client's receipt of free drug screening equipment from one of the largest laboratories in the country. We successfully persuaded the United States Department of Justice to decline bringing criminal or civil charges, and the matter was eventually resolved with minor civil penalties paid to the United States Department of Health and Human Services / Office of Inspector General and avoidance of any administrative sanctions, including exclusion from participation in public health programs.

### **Settlement of Ambulance Company OIG Voluntary Disclosure matter**

Medicare billing and coding requirements are complex and present compliance risks for all types of providers. Mitigating these compliance risks requires experienced and sophisticated legal counsel. We represented an Ohio Ambulance Company in negotiating a settlement with the Office of the Inspector General and the Ohio Attorney General (collectively "Government") in a matter involving non-emergency transport claims that did not meet Medicare's medical necessity requirements. Our client voluntarily disclosed their billing errors to the Government, and they declined to pursue criminal charges. We then pursued a global resolution of the civil and administrative issues, and eventually settled this matter for an amount that was agreeable to our client.

### **State Grand Jury Investigation**

We represented a physician who had been designated as a "target" of a state grand jury investigation focusing on alleged healthcare fraud and false statements violations. After completion of an internal investigation and meetings with and presentations to the local prosecuting attorney, the investigation against our client was closed with no criminal charges filed and all civil and administrative matters resolved favorably to the client.

## **Successfully defended state official during investigation of possible conflicts of interest**

We represented an elected state official under investigation by the FBI for using his influence to divert money to projects from which he would benefit. We spent three months reviewing documents and interviewing witnesses, and after presenting our findings to the U.S. attorney's office, the case was dropped.

## **Defended an Equipment Supplier Against Anti-trust Allegations**

We represented a national equipment supplier suspected of anti-trust violations. The government's anti-trust division believed the company was colluding with competitors to pre-determine bids for certain opportunities. We conducted a three year investigation, interviewing more than 60 sales personnel across the country and reviewing thousands of emails. Ultimately, our report to the Department of Justice resulted in the end of the investigation.

## **Advised our Client Regarding Possible ITAR Violation**

We identified a potential ITAR violation for a small specialty chemical company based on failure to register as an ITAR manufacturer. We advised our client regarding ITAR registration and voluntary self-disclosure.

## **Dismissal of Federal Criminal Tax Indictment**

We represented the owner of a Columbus-based home health agency who, along with others, was the subject of a federal criminal indictment alleging 43 counts of federal tax violations. The case was scheduled for a two week trial, but was dismissed with prejudice by the Government two weeks prior to trial. The investigation and prosecution were conducted by the United States Attorney's Office and the Internal Revenue Service.

## **Federal Grand Jury Investigation**

We represented an elected public official who had been designated as a "target" of a federal grand jury investigation. After completion of an internal investigation and a series of meetings with and presentations to United States Department of Justice officials, the investigation against our client was closed with no criminal charges filed.

## **Federal Grand Jury Investigation**

We represented a physician who had been designated as a "target" of a federal grand jury investigation focusing on alleged anti-kickback violations. After completion of an internal investigation and meetings with and presentations to United States Department of Justice and United States Department of Health and Human Services officials, the investigation against our client was closed with no criminal charges filed.

## **Federal Grand Jury Investigation**

We represented an IT Consultant who had been designated as a "target" of a federal grand jury investigation focusing on alleged public corruption violations. After completion of our internal investigation and meetings with and presentations to United States Department of Justice, the investigation against our client was closed with no criminal charges filed.

## **Settlement of a Hospital OIG Voluntary Disclosure Matter**

Evolving and complex legislation in the health care arena can provide a myriad of challenges for providers, and overcoming the challenges requires effective and efficient legal counsel. We represented an Ohio hospital that disclosed information about improper financial relationships with referring physicians in response to claims of violating the False Claims Act, the Anti-Kickback Statute and the Stark Statute. Our client had a relationship with two physicians – a joint venture with a pain management physician and also an arrangement where our client

purchased intraocular lenses at an inflated price from an ophthalmologist. Both relationships were alleged to have violated statutory requirements. We represented the client in negotiating a settlement with the Department of Justice, the Office of the Inspector General and the Ohio Attorney General (collectively “Government”). During the negotiations, our client disclosed that some of their arrangements with physicians for violated the federal Anti-Kickback Statute because they did not meet the requirements of the relevant safe harbors. Criminal charges against our client were declined, and we worked to address the civil and administrative issues to provide a global resolution. We entered into negotiations with the Government and ultimately settled for an amount that was agreeable to our client.

### **Negotiation of Settlement in Stark Law Matter**

Evolving and complex legislation in the health care arena can provide a myriad of challenges for providers, and overcoming the challenges requires effective and efficient legal counsel. We represented Ohio Hospital in negotiating a settlement with the Centers for Medicare & Medicaid Services (CMS) in a matter involving violations of the federal physician self-referral statute, more commonly referred to as the Stark Law. Our client disclosed that some of their arrangements with physicians for electrocardiogram interpretation, medical director services, vice chief of staff services, and hospital services violated Stark Law because they did not meet the requirements of applicable exceptions. We entered into negotiations with CMS, and ultimately settled for an amount that was agreeable to our client.

### **Negotiation of Global Settlement in Environmental Law Matter**

We represented a coal company under federal investigation by the United States Department of Justice and the EPA for felony violations of the Clean Water Act. After completion of an internal investigation and meetings with and presentations to United States Department of Justice and EPA officials, we negotiated a favorable global resolution of all criminal, civil and administrative issues that included a plea agreement to misdemeanors, a compliance agreement with the United States and no debarment of the company.

### **Negotiation of Global Settlement in Environmental Matter**

We successfully defended a corporate environmental compliance officer in an investigation which resulted in a negotiated plea agreement, probation and favorable resolution of all civil and administrative issues.

### **Negotiation of Global Settlement in Lacey Act Investigation**

We represented a corporate executive under federal investigation by the United States Department of Justice and the United States Fish and Wildlife Service for felony violations of the Lacey Act involving the removal of white tail deer from Ohio to South Carolina. We engaged in a successful defense which resulted in a negotiated misdemeanor plea, probation and favorable resolution of all civil and administrative issues.

### **Negotiation of Settlement in Misbranding Law Matter**

We represented a physician who had been designated as a “target” of a federal grand jury investigation focusing on FDA allegations of misbranding. The client along with other oncologists potentially faced numerous felony charges. We successfully defended the physician, resulting in a plea agreement to a single misdemeanor, favorable resolution of all civil matters including false claims act violations and no debarment of physician.

### **Federal Civil Litigation**

Our firm represented a New York defense contractor in federal civil litigation alleging that our client

had conspired with another company to conduct flawed testing on certain seat belt assemblies for use by the military in Iraq and Afghanistan, resulting in the supplier of the seat belt assemblies to be debarred and lose its contract to provide seat belt assemblies to the military. We filed a motion to dismiss and obtained a judgment of dismissal on behalf of our client.

### **Federal Criminal Indictment**

Consulted with and provided legal advice to a Fortune Global 50 company regarding alleged white collar criminal issues involving the Global 50 company's United States subsidiary.

### **Federal Grand Jury Investigation**

Represented a CPA who had received a "Target Letter" from the United States Department of Justice in connection with a federal grand jury investigation of alleged tax fraud. After completion of our own internal investigation, meetings with Department of Justice and Internal revenue Service, Criminal Investigation Division officials, no charges were brought against our client.

### **Federal Grand Jury Investigation**

Dinsmore represented the Director of Sales of an international orthopedic company that developed, manufactured, marketed and sold orthopedic implant devices in a federal grand jury investigation in New Jersey, looking into alleged violations of the federal anti-kickback statute. We were successful in persuading government prosecutors not to charge our client.

### **Federal Grand Jury Investigation**

Dinsmore represented a former executive of one of the nation's largest healthcare financing companies in a \$2.8 billion corporate fraud case during the federal grand jury investigation and in United States District Court. The client entered into a negotiated plea agreement with the United States Attorney's Office that resulted in the client receiving a two year sentence, the lowest sentence of anyone sentenced for participation in the corporate fraud.

### **Foreign Corrupt Practices Act and Enforcement Defense - Executive Training/Presentations**

We provide executive training and presentations to multiple public and private clients on issues related to the Foreign Corrupt Practices Act and enforcement defense. There is a great cost/benefit to clients as we tailor prior-used proven training materials and methods to specific client needs.

### **Investigation for Medicaid Fraud**

Dinsmore represented the former owner of an ambulette company under investigation by the Ohio Attorney General's Office for Medicaid Fraud. The State alleged that the company had billed for patient services that were never rendered. Using information obtained through our own internal investigation,

we negotiated a plea agreement which was very favorable to the client, including probation, a stipulated restitution amount and the client keeping his employment with the federal government.

### **Investigation of Medicaid Fraud**

Represented an Emergency Room Practice Group in a criminal investigation conducted by the Ohio Attorney General's Office in connection with alleged Medicaid fraud. After completion of our own internal investigation and meetings with the Attorney General's Office, no charges were brought against the client.

### **Investigation of Medicaid Fraud**

Dinsmore represented a healthcare transportation company and its owner during a State of Ohio criminal investigation for Medicaid Fraud. The State of Ohio alleged that the owner and company had billed Medicaid for patient services that were rendered outside of the program guidelines. Using information obtained through our own internal investigation, we negotiated a plea agreement favorable to our client with the Attorney General's Office and reduced the amount of restitution owed by the company's owner. Our office also took steps to transfer the ownership of the business in a timely manner to ensure that the business continued its operational existence without interruption.

### **Product Liability Litigation**

Represented a concrete mixer manufacturer in product liability litigation in federal court. Plaintiff alleged that his injuries resulted from defective manufacturing and defective design of the concrete mixer unit designed, manufactured and installed by our client. After discovery, the case against our client was dismissed.

### **State Grand Jury Investigation**

We represented a public employee who was the "target" of a state grand jury investigation focusing on alleged public corruption and theft in office, stemming from the administration of a county program. After completion of our internal investigation and meetings with and presentations to the local prosecuting attorney, the investigation against our client was closed with no criminal charges filed.

### **Trade Dress Infringement and Trade Dress Dilution Litigation**

Firm represented as local counsel a large international company against claims alleging Trade Dress Infringement, Trade Dress Dilution, deceptive trade practices, unfair competition and unjust enrichment relating to certain product package designs. After extensive discovery and several mediations, the case was settled on terms very favorable to the defense.

### **Wrongful Death Action**

Defended a corporation which operated and managed a marina in a wrongful death action brought by the estate of an employee who drowned while removing a boat from the water of the marina. We obtained summary judgment and dismissal on behalf of our client following discovery. The decision was affirmed in the Court of Appeals.



## Publications

April 27, 2020

**Ohio House Members Release Guidelines for Re-Opening Ohio Businesses**

April 27, 2020

**Governmental Oversight and CARES Act Funds: Recent Treasury Department Guidance**

April 14, 2020

**Businesses, Fraud, and the CARES Act: Insights on Government Enforcement Defense and Prevention**

April 8, 2020

**New DOJ Guidance Addresses Drug prescriptions, Price-Gouging, and Antitrust Concerns in the Wake of COVID-19**

January 28, 2020

**Tax Day**

July 10, 2019; Fall 2019

**Two Bites at the Same Apple—Supreme Court Rules Defendants Can Be Prosecuted by Federal and State Governments for the Same Crime**

Ohio Lawyer

June 13, 2019

**Courting Justice . . . Kennedy: A Failed Attempt at Solving Partisan Gerrymandering**

Stetson Journal of Advocacy and the Law

May 10, 2019

**New DOJ Corporate Compliance Guidance Gives Corporations Insight into Evaluating Their Programs**

Dinsmore on FCA

May 23, 2018

**Muddied Waters: When Does a Stream of Benefits Become a River of Bribes?**

Ohio Lawyer

March 15, 2018

**Health Care Fraud Remains High Priority for Federal Government as Monetary Penalties Increase**

March 9, 2018

**DOJ Announces Possible Expansion of Corporate Self-Disclosure Policy**

March 5, 2018

**Department of Justice Announces Task Force to Combat Prescription Opioid Crisis**

2018

**Tawdry Tales of Ferraris, Rolexes and Ball Gowns: How McDonnell v. U.S. Redefined Official Acts in Public Corruption Prosecution**

January 10, 2018

**DOJ Announces a New FCPA Corporate Enforcement Policy**