
Office of the District Attorney General – Fraud & Economic Crimes Division

Memorandum

To: Glenn R. Funk, District Attorney General

From: Chadwick W. Jackson, ADA

CC: Kenny Dyer, DA Investigator

Thursday, March 10, 2022

REPORT OF INVESTIGATION

The Fraud and Economic Crimes Division of this office concluded its investigation into the genesis of a dog muzzle that was ordered through Amazon on July 1st, 2021 and sent to Dr. Michelle Fiscus in Nashville, Tennessee on or about the 7th of July 2021. Previously, the Special Investigations Bureau of the Tennessee Department of Homeland Security looked into this matter and determined there was “no threat to Dr. Fiscus associated with receipt of the dog muzzle.” That investigation was opened after a colleague of Dr. Fiscus reported receipt of the muzzle by Dr. Fiscus at her Nashville office. Homeland Security’s review of this matter concluded once cursory information showed a duplicate Amazon account was created on March 6, 2021 and registered under Dr. Fiscus’ name and that an American Express card previously used by Dr. Fiscus (but cancelled over a year earlier on May 27, 2020 due to fraudulent activity) was charged for the purchase.

Prior to closing its investigation, Homeland Security was in possession of documents from Amazon that showed the duplicate account was opened with a telephone number and IP address not related to Dr. Fiscus. (Report Exhibit A) Similarly, the Amazon order was placed through a different IP address that was also not related to Dr. Fiscus. (Report Exhibit B) Additionally, the Amazon information showed the duplicate account was created on March 6, 2021 and Amazon records show it was the only log-in date for that account, however the order was placed through the duplicate Amazon account on July 1, 2021 for the muzzle. Dr. Fiscus’ personal Amazon account did not show any log-in history for that day nor does the duplicate account show any log-in history for July 1, 2021. (Report Exhibit C) Therefore, there exists no proof that Dr. Fiscus logged in to any Amazon account on July 1, 2021. Homeland Security did not interview the owner of the unknown phone number or unknown IP address associated with the creation of the duplicate Amazon account, nor did they attempt to locate and interview the owner of the IP address through which the order was placed with Amazon for the dog muzzle that was shipped to Dr. Fiscus’ work address. The Metro-Nashville Police Fraud Unit assisted the District Attorney’s Office with its own investigation and received additional information relevant to this matter as well as information related to the unfamiliar phone number used in setting up the duplicate account and the unfamiliar IP address through which the muzzle was ordered.

From information obtained by MNPD Fraud detectives and District Attorney Investigators, Dr. Fiscus' personal information was compromised during the time in which the events related to the dog muzzle occurred. In addition to her American Express card being compromised and subsequently canceled in May 2020, it was discovered that a fraudulent unemployment claim was filed with the Tennessee Department of Labor and Workforce Development under Dr. Fiscus' name and social security number on April 9, 2021 through a fraudulent www.jobs4tn.gov account. Furthermore, Amazon confirmed that there was additional fraudulent activity on the accounts associated with Dr. Fiscus in which automatic or recurring monthly billings began one month after the duplicate Amazon account was created. Dr. Fiscus' American Express card that was canceled in May 2020 was charged \$14.22 on April 5, 2021, May 5, 2021, June 5, 2021, and July 5, 2021. (Report Exhibit D) On July 1, 2021, the same canceled American Express card was charged \$15.28 for the dog muzzle. The charges were processed by Amazon, allowed by American Express, and posted on the account statement of Dr. Fiscus' replacement card she was issued after the compromised American Express card was canceled in May 2020. Amazon failed to promptly alert Dr. Fiscus at the time the duplicate account was created and that a cancelled credit card was being charged, and American Express failed to promptly alert Dr. Fiscus that they were allowing charges from a cancelled and previously compromised card to be processed by Amazon. Additionally, Dr. Fiscus discovered that her canceled American Express card had been used for a Netflix subscription that was not hers and was charged for the subscription as recent as August 2021.

MNPD Fraud detectives and District Attorney Investigators were able to locate and identify the Text-Now phone number connected to the creation of the duplicate Amazon account which was linked to a couple in rural Pennsylvania (Report Exhibit E) and the IP address for the Amazon order was linked to different individuals in San Antonio, Texas. (Report Exhibit F) Investigators from the District Attorney's Office interviewed the owners of the IP address in San Antonio and the persons of interest voluntarily offered their electronic devices for DA investigators to inspect. The IP address for the Amazon muzzle order matched a laptop computer at the residence, however investigators were unable to find evidence that the actual order was placed through that computer or through the residents' Amazon account. Additionally, DA Investigators interviewed the person of interest in rural Pennsylvania who similarly were unaware their information had been used in this situation. The phone number used on the duplicate Amazon account was no longer active and the couple used a phone issued by the government. As recently as late 2021, the individuals in Pennsylvania fell victim to a telephone scam where they were led to believe they owed money to a law enforcement agency and paid the scammers a portion of the money they requested over the phone. The couple later found out when they contacted law enforcement about the balance owed that they had been scammed. Of further note, the San Antonio residents did not have a Netflix account or a Netflix app on any of their electronic devices and the Pennsylvania residents did not have a Netflix account in their name. Investigators were unable to find any connection between the individuals in San Antonio, Texas whose IP address was associated with the dog muzzle order, the individuals in Pennsylvania whose previous phone number was listed on the duplicate Amazon account, and anyone living or working in the State of Tennessee.

At this time, I cannot exclude the possibility that the IP address for the muzzle purchase was 'spoofed', which could explain why there was no log-in history on the duplicate account July 1, 2021 – the day the muzzle order was placed. Currently, the Fraud and Economic Crimes Division does not have the necessary resources available to investigate the cyber-crime aspect of this situation. It is plausible the San Antonio IP address was 'spoofed' or a proxy-server was used to create a false trail of the IP address through which the muzzle order was placed on Amazon. One-way spoofing, while requiring specific skills and tools, is common and easily accomplished by those with the requisite knowledge. Further investigation into this matter would require tracking of a potential 'spoofed' IP address or a proxy server back to its source through various channels that are outside of this State and thus our jurisdiction. Given the multi-jurisdictional aspects already uncovered during this investigation, this matter is best suited for further investigation and consideration for prosecution by federal authorities given the facts already established implicating interstate commerce.

Therefore, it is evident that Dr. Michelle Fiscus' personal identifying information was compromised, exposed, and used by unknown actors between March 2021 and July 2021 and possibly as early as May 2020 until as recent as August 2021. DA Investigators found no evidence connecting Dr. Fiscus to the muzzle order. The level of sophistication involved in this multistate spoofing is inconsistent with the fact that her personal credit card was used – indicating, rather, a lack of sophistication bordering on clumsy, since the cursory inquiry by Homeland Security easily uncovered that detail while much more nefarious evidence lurked deeper under the surface. While the delivery of the muzzle corresponds with the time period in which Dr. Fiscus was under immense scrutiny and the target of significant criticism for attempting to advance a long-standing legal doctrine that would allow certain minor-children to obtain a COVID-19 vaccine without parental approval; it is uncertain if the purchase and delivery of the muzzle to Dr. Fiscus was politically motivated, however the events appear too coincidental to be random, but no specific actor can be identified at this time.



Chadwick W. Jackson
Assistant District Attorney General
Fraud & Economic Crimes

EXHIBIT A

Account Information

Name Michelle Fiscus
Customer since 2021/03/06
Email (none on account)
Phone +1631573

Payment Information

Issuer	Card Number	Tail	Name	Billing Address	Created on
AmericanExpress	<input type="text"/>	2008	2008 Michelle Fiscus	710 JAMES ROBERTSON PKWY FL 3RD, NASHVILLE, TN, US 37243-1219	2021/03/06

Address History

Michelle Fiscus
710 JAMES ROBERTSON PKWY FL 3RD
NASHVILLE, TN 37243-1219
US
Phone number +1631573
Created on 2021/03/06

Date	Ip	Ubid	Mobile	Country	State	Domain	Carrier
2021/03/06 08:15:04 'UTC'	172[REDACTED]	134-2295803-7561100	+1631573[REDACTED]	us	wa	tmobile	

EXHIBIT B

CRIM1141114 2021 DS

ORDER HISTORY

3-17896-TTL-21

Site	Order Date	Order Time	IP Address	Customer Name	Order Status or Condition	Order Number	Quantity
Amazon.com	7/01/2021	01:19:54 'UTC'	130	Michelle Fiscus	COMPLETE	114-3291823-5978619	1

EXHIBIT C

2021/02/23 03:08:09 'UTC'
2021/03/07 04:49:38 'UTC'
2021/03/07 05:08:15 'UTC'
2021/03/08 22:47:23 'UTC'

us	tn	att
us	tn	att
us	tn	att
us	tn	att

2021/06/27 19:13:39 'UTC'
2021/06/27 19:13:39 'UTC'
2021/07/02 22:10:43 'UTC'
2021/07/10 17:17:40 'UTC'
2021/07/17 13:48:58 'UTC'
2021/07/17 13:48:59 'UTC'

us va
us tn
us in
us tn
us tn
us va

aws
att
verizon
att
verizon
aws

EXHIBIT D

Hello, My name is Ann, I'm a member of the Account Service Team. Jeff Bezos has received your email and I'm responding on his behalf. We believe that an unauthorized party has registered an account with your AmEx ending in 2008. To protect your information, we have closed this account and canceled any open orders. If the card was used without your authorization, we suggest that you contact immediately the financial institution that issued the card and cancel the card immediately. Note that we recently processed the following charges on your card: - \$14.22 on July 5, 2021 - \$15.28 on July 1, 2021 - \$14.22 on June 5, 2021 - \$14.22 on May 5, 2021 - \$14.22 on April 5, 2021. We recommend that you review all recent activity on this card and report any unauthorized charges, including those mentioned above, with your financial institution. The financial institution will send you forms to formally dispute the unauthorized charges, the applicable merchants will be notified and charged back, and your account credited. You may should consider reporting this matter to the applicable law enforcement agency. If we have any additional information, we will provide it to any law enforcement agency investigating this issue. We cannot provide you with any details about this unauthorized activity. If this account was closed in error, please reply to this message. We do not know how this person got your card information because that happened away from our websites. Some techniques include using malicious software to capture a user's keystrokes and sending fraudulent emails that request account information (known as "phishing"). To learn more about safe online shopping, visit the "Security & Privacy" section of our Help pages. Sincerely, Ann B Account Specialist
Amazon.com <https://www.amazon.com>

EXHIBIT E

Username	Phone Number	Name	Email	DOB	Registration Date	Registration IP	Phone Ownership From	Phone Ownership To	Plan
znrmj1tuh1k2	+1 631-573-[REDACTED]		znrmj1tuh1k2@msn.com		2020-06-19 21:59:00 UTC	173[REDACTED]	2021-03-06 05:00:00 UTC	2021-07-02 03:59:59 UTC	Free

- * Ownership dates are restricted to the beginning and end of the requested date range.
- * Phone number is still assigned to the final username.

EXHIBIT F



14900 Bogle Drive, Ste. 101, Chantilly, VA 20151

Ph: (877) 510-4357

Fax: (703) 953-3643

Subscriber Information

11745 Grande Communications Networks, LLC

Target Details

IP Address 130 on 07/01/2021 01:19:54 (UTC)

EXHIBIT G

Mature Minor Doctrine

The “mature minor” doctrine in Tennessee permits healthcare providers to treat certain minors without parental consent, according to the “Rule of Sevens.” (See *Cardwell v. Bechtol*, 724 S.W.2d. 739 (Tenn. 1987)).

- Under the age of 7 there is no capacity, and the physician must have parental consent to treat (unless a statutory exception applies).
- Between the ages of 7 and 14, there is a rebuttable presumption that there is no capacity, and a physician generally should get parental consent before treating (unless a statutory exception applies).
- Between the ages of 14 and 18, there is a rebuttable presumption of capacity, and the physician may treat without parental consent unless the physician believes that the minor is not sufficiently mature to make his or her own health care decisions.

Certain statutes also explicitly permit the treatment of minors for specific conditions without parental consent, including treatment of juvenile drug abusers (T.C.A § 63-6-220), emergency situations (T.C.A § 63-6-222), treatment for STDs (T.C.A § 68-10-104(c), providing contraception (T.C.A § 68-34-107), and providing prenatal care (T.C.A § 63-6-223). In the case of abortion, however, the legislature has made clear that no minor may obtain an abortion without either parental consent or a court order in exceptional circumstances.

Tennessee county health departments follow Tennessee law and provide medical treatment and vaccinations to patients as young as 14 without parental consent if the individual provider determines that the patient meets the definition of a “mature minor” in accordance with Tennessee law.