June 15, 2006
U.S. Department of Justice
Central District of Pennsylvania
United States Attorney
615 Chestnut Street
Suite 1250
Philadelphia, Pennsylvania 19106-4476
(215) 861-8200

North Carolina Man Charged with Illegally Accessing American College of Physicians Database

PHILADELPHIA -- United States Attorney Pat Meehan today announced the return of an indictment (1) charging William Bailey, Jr. of Charlotte, NC, with 11 counts of computer intrusion. Bailey is charged with getting unauthorized access to the membership database of the American College of Physicians in Philadelphia and downloading information regarding more than 80,000 members. Bailey runs a business in North Carolina that markets databases to people interested in marketing to physicians, dentists, lawyers and other professionals. The indictment charges that between January and May 2005, Bailey gained unauthorized access to the computer at American College of Physicians and downloaded the membership database.The ACP website contained the following restriction on its use. A viewer had to read this warning before getting access to the membership database:

"Member Connection" or any of its data or listings may not be downloaded, republished, resold or duplicated, in whole or in part, for commercial or any other purposes, or for purposes of compiling mailing lists or any other lists of physicians. The use of "Member Connection" to establish independent data files or compendiums of statistical information is prohibited.. . . Should the foregoing terms and conditions be acceptable to you, please indicate your agreement and acceptance by clicking below on the button labeled, "I accept."

"As the indictment alleges, the defendant was not an ACP member, knew he couldn't gain access to the database and download the information that he wanted, so he ignored the stop signs and the law," said Meehan.Meehan also noted that the American College of Physicians called the FBI immediatelyand cooperated during the investigation.

If convicted, Bailey faces a maximum possible sentence of 55 years imprisonment, $2,750,000 in fines and a special assessment of $1100.The case was investigated by the computer crimes squad of the Federal Bureau of Investigation. It has been assigned to Assistant United States Attorney Michael L. Levy.

(1) An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

INFORMATION REGARDING THE DEFENDANT

- NAME: WILLIAM A. BAILEY, JR.
- ADDRESS: Charlotte, NC
- AGE OR DATE OF BIRTH: Age: 46