

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-80028-CR-Middlebrooks/Johnson

18 U.S.C. § 1341
18 U.S.C. § 1028A
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 287
18 U.S.C. § 401(3)
18 U.S.C. § 2

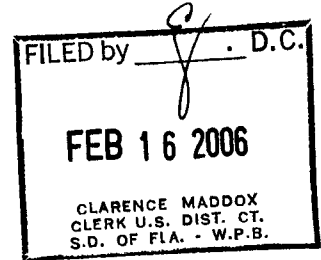
UNITED STATES OF AMERICA,

vs.

GIANNI SUAREZ VAZQUEZ,
a/k/a GIANNI SUAREZ, and

MAURA VASQUEZ,

Defendants.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The Medicare program was a federal health care program providing benefits to persons who were over the age of sixty-five or disabled. The Medicare program was administered by the Centers for Medicare and Medicaid Services (CMS), a federal agency under the United States Department of Health and Human Services.

2. Part B of the Medicare program covered most out-patient services, including the cost of medical equipment and supplies used in the home. Medical equipment suppliers could obtain

Medicare provider numbers, which allowed them to submit claims directly to Medicare seeking reimbursement for the cost of medically necessary equipment and supplies provided to eligible Medicare beneficiaries. In order to receive payment from Medicare, the supplier had to submit a health insurance claim form to Medicare. These claim forms could be submitted in hard copy or electronically.

3. Medicare Part B was administered in Florida by Palmetto Government Benefits Administrators (“PGBA”), which, pursuant to contract with the Department of Health and Human Services, served as a fiscal intermediary to receive, adjudicate and pay Medicare Part B claims submitted to it by Medicare beneficiaries, physicians or suppliers of medical services or durable medical equipment. Medicare Part B reimbursed suppliers directly for the cost of equipment provided to eligible Medicare beneficiaries provided that such equipment was ordered by a licensed physician who certified that the equipment was medically necessary for the beneficiary. Such physician certifications could be in the form of a prescription or a certificate of medical necessity. Medicare regulations required suppliers to maintain these prescriptions and certificates of medical necessity on file at their medical equipment companies.

4. G K Medical Equipment, Inc. (“GK Medical”) and Suplident International Corporation (“Suplident”) were Florida corporations with offices in West Palm Beach, Florida. GK Medical and Suplident were purportedly in the business of providing medical equipment to Medicare beneficiaries. GK Medical became a Medicare provider in August 2003, submitting claims to Medicare, through PGBA, from November 2003 through March 2004. Suplident became a Medicare provider in May 2004, submitting claims to Medicare, through PGBA, from June 2004 through August 2004.

5. Defendant **GIANNI SUAREZ** was the true owner of GK Medical and Suplident and controlled the operation and finances of both companies. To conceal his ownership and control of these companies, defendant **GIANNI SUAREZ** used the names of other individuals, including his mother, on the corporate and Medicare documents related to these companies.

COUNTS 1 - 6
(Mail Fraud: 18 USC §§ 1341 and 2)

1. Paragraphs 1 through 5 of the General Allegations section are realleged and incorporated as though fully set forth herein.

2. From in or about February 2003, the exact date being unknown to the Grand Jury, and continuing through in or about September 2004, in Miami-Dade and Palm Beach counties, in the Southern District of Florida, and elsewhere, the defendant,

GIANNI SUAREZ,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from the Medicare Program, by means of materially false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made, and for the purpose of executing such scheme and artifice to defraud and attempting to do so, did knowingly cause certain mail matter to be delivered by the United States Postal Service, according to the directions thereon.

PURPOSE OF THE SCHEME AND ARTIFICE TO DEFRAUD

3. It was the purpose of the scheme and artifice to defraud for the defendant to unlawfully enrich himself by obtaining millions of dollars from the Medicare Program through the submission of false and fraudulent claims through GK Medical and Suplident.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD

The manner and means by which the defendant sought to accomplish the object of the scheme and artifice to defraud included, among others, the following:

4. Defendant **GIANNI SUAREZ** incorporated or purchased several medical equipment companies located in Palm Beach County, including GK Medical and Suplident.

5. Defendant **GIANNI SUAREZ** obtained Medicare provider numbers for the medical equipment companies in order to submit claims to Medicare.

6. To conceal his ownership and control of the medical equipment companies, defendant **GIANNI SUAREZ** used nominee owners, including his mother, on the companies' Articles of Incorporation and Medicare Provider Agreements.

7. Defendant **GIANNI SUAREZ**, either directly or through others, obtained patient and physician information which was used to prepare false and fraudulent Medicare claims. The claims sought reimbursement for equipment which was never ordered or prescribed by a physician and never provided to the beneficiaries as claimed.

8. Defendant **GIANNI SUAREZ** caused the submission of these false and fraudulent Medicare claims on behalf of GK Medical and Suplident.

9. To support the fraudulent claims, defendant **GIANNI SUAREZ** caused false prescriptions and/or certificates of medical necessity to be prepared, on which the ordering physicians' signatures were forged.

10. Defendant **GIANNI SUAREZ** contracted with billing companies located in Miami, Florida, to transmit over \$9 million of fraudulent Medicare claims to PGBA for processing. Although some of these claims were denied, defendant **GIANNI SUAREZ** received over \$2 million

from Medicare for false and fraudulent claims submitted by his medical equipment companies.

11. To conceal his receipt and control of the Medicare checks issued to the medical equipment companies, defendant **GIANNI SUAREZ**, either personally or through a nominee owner, cashed most of the Medicare checks at check cashing stores in Hialeah and Miami, Florida.

USE OF THE MAILS

12. On or about the dates specified as to each count below, in the Southern District of Florida, and elsewhere, for the purpose of executing the above scheme and artifice to defraud and to obtain money and property from Medicare by means of materially false and fraudulent pretenses, representations and promises, the defendant,

GIANNI SUAREZ,

did knowingly cause to be delivered by the United States Postal Service, according to the address thereon, certain mail matter, that is, Medicare checks as specified below, from Columbia, South Carolina:

Count	Date	Medicare Check No.	Amount	Delivered To
1	12/1/03	55670112	\$44,702.94	605 Belvedere Rd., Suite #12, West Palm Beach, Florida
2	01/12/04	55774943	\$21,840.77	605 Belvedere Rd., Suite #12, West Palm Beach, Florida
3	03/09/04	55915630	\$32,023.82	605 Belvedere Rd., Suite #12, West Palm Beach, Florida
4	05/10/04	56080824	\$38,587.97	605 Belvedere Rd., Suite #12, West Palm Beach, Florida
5	07/20/04	56291173	\$51,332.61	2328 S. Congress Ave., Suite 1B, West Palm Beach, Florida

6	08/24/04	56401409	\$78,629.06	2328 S. Congress Ave., Suite 1B, West Palm Beach, Florida
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All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 7
(Aggravated Identity Theft: 18 U.S.C. §§ 1028A and 2)

1. On or about May 25, 2004, in Miami-Dade and Palm Beach counties, in the Southern District of Florida, and elsewhere, the defendant,

GIANNI SUAREZ,

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, social security number and date of birth belonging to Aldo Alberto Gonzalez, during and in relation to a violation of Title 18, United States Code, Section 1341, that is, mail fraud, in connection with the preparation of a false Medicare Provider/Supplier Enrollment Application for Suplident.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNTS 8 - 12
(Money Laundering: 18 U.S.C. § 1956(a)(1)(A)(i) and (2))

1. On or about the dates set forth below, in Miami-Dade and Palm Beach counties, in the Southern District of Florida, and elsewhere, the defendant,

GIANNI SUAREZ,

knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, did knowingly conduct and attempt to conduct financial transactions affecting interstate commerce, that is, the payment of checks, as specified below, drawn on the GK Medical account at SunTrust Bank, involving the proceeds of specified unlawful activity, that is, mail fraud,

in violation of 18 U.S.C. §§ 1341 and 2, with the intent to promote the carrying on of said specified unlawful activity:

Count	Date	Amount	Description of Financial Transaction
8	01/22/04	\$7,255.44	Payment of check no. 1121 signed by defendant GIANNI SUAREZ for Medicare billing services.
9	03/02/04	\$1,288.58	Payment of check no. 1170 signed by defendant GIANNI SUAREZ for Medicare billing services.
10	03/22/04	\$2,238.39	Payment of check no 1185 signed by defendant GIANNI SUAREZ for Medicare billing services.
11	04/05/04	\$22,183.64	Payment of check no. 1059 signed by defendant GIANNI SUAREZ for Medicare billing services.
12	04/15/04	\$63,412.27	Payment of check no. 1051 signed by defendant GIANNI SUAREZ for Medicare billing services.

All in violation of Title 18, United States Codes, Sections 1956(a)(1)(A)(i) and 2.

COUNTS 13 -14
(Money Laundering: 18 U.S.C. § 1956(a)(1)(B)(i) and 2)

1. On or about the dates set forth below, in Miami-Dade and Palm Beach counties, in the Southern District of Florida, and elsewhere, the defendant,

GIANNI SUAREZ,

knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, did knowingly conduct and attempt to conduct financial transactions affecting interstate commerce, that is, the cashing of Medicare checks as specified below using a photo-switched driver's license, involving the proceeds of specified unlawful activity, that is, mail fraud, in violation of 18 U.S.C. §§ 1341 and 2, knowing that the financial transactions were designed, in

whole or in part, to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity:

Count	Date of Transaction	Description of Financial Transaction
13	08/02/04	Cashing of Medicare Checks 56291173 and 56291174, made payable to Suplident International Corp., totaling \$88,960.57, at Cashflow Financing, Inc., using a photo-switched Florida driver's license.
14	09/02/04	Cashing of Medicare Checks 56401407, 56401408, 56401409, 56401410, and 56401411, made payable to Suplident International Corp. totaling \$276,665.23, using a photo-switched Florida driver's license.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNTS 15 - 18
(False Claims: 18 U.S.C. § 287)

1. Paragraphs 1 through 5 of the General Allegations section are realleged and incorporated as though fully set forth herein.

2. On or about the dates listed below, in Miami-Dade and Palm Beach counties, in the Southern District of Florida, and elsewhere, the defendant,

GIANNI SUAREZ,

did knowingly make and present and cause to be made and presented to the Department of Health and Human Services, a department and agency of the United States, through the agency's fiscal intermediary, PGBA, false claims upon the United States for medical equipment and supplies as further described below, knowing such claims to be false and fraudulent as to a material fact in that the equipment and supplies were not ordered and authorized by a physician, were not medically

necessary and were not provided to the beneficiaries as claimed:

CNT	CLAIM DATE	ITEMS BILLED	CLAIM AMT.	COMPANY	CLAIM NO.
15	02/13/04	Wound care supplies: A6243; A6403; A4452	\$1,512	GK Medical	04044814547000
16	02/13/04	Wound care supplies: A6243; A6403; A4452	\$1,512	GK Medical	04044814378000
17	07/29/04	Prosthetic Device: L6570	\$2,900	Suplident	04211814301000
18	07/29/04	Prosthesis: L5595	\$3,420	Suplident	04211813704000

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT 19
(Contempt: 18 U.S.C. § 401(3))

1. GK Medical Equipment, Inc. (GK Medical) was a Florida corporation located in West Palm Beach, Florida. GK was purportedly in the business of providing medical equipment to Medicare beneficiaries.

2. Defendant **MAURA VAZQUEZ** was the sole corporate officer and registered agent of GK Medical.

3. On or about July 13, 2004, a federal grand jury sitting in the United States District Court for the Southern District of Florida issued a grand jury subpoena to the Custodian of Records of GK Medical. The subpoena called for the production of records relating to the operation of GK Medical and, in particular, its submission of Medicare claims. The subpoena required the custodian of records to produce such records to the grand jury on August 17, 2004.

4. On or about July 15, 2004, a Special Agent with the Federal Bureau of Investigation served this federal grand jury subpoena on defendant **MAURA VAZQUEZ**, the sole corporate officer and registered agent of GK Medical.

5. On August 4, 2004, defendant **MAURA VAZQUEZ** left the United States for San Jose, Costa Rica, on American Airlines flight 2171.

6. On August 17, 2004, defendant **MAURA VAZQUEZ** failed to personally appear or to appoint an agent to appear and produce records to the grand jury as required by the subpoena.

7. On or about August 17, 2004, in Palm Beach County, in the Southern District of Florida, the defendant,

MAURA VAZQUEZ,

knowingly and willfully, and in disobedience and resistance to a lawful order and command of the United States District Court for the Southern District of Florida, given at West Palm Beach, Florida, did fail to appear or appoint an agent to appear and produce records to the federal grand jury as directed by grand jury subpoena, in violation of Title 18, United States Code, Section 401(3).

FORFEITURE
(18 U.S.C. § 982)

1. The Allegations contained in Counts 1 through 6 and 8 through 18 of this Indictment are realleged and incorporated as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant **GIANNI SUAREZ** has an interest pursuant to the provisions of Title 18, United States Code, Section 982(a)(1), 982 (a)(2) and 982(a)(7) .

2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of defendant **GIANNI SUAREZ** for the offense charged in Counts 8 through 14, the defendant shall forfeit to the

United States all property, real and personal, involved in such offenses, and any property traceable to such property.

3. Pursuant to Title 18, United States Code, Section 982(a)(2), upon conviction of defendant **GIANNI SUAREZ** for any of the offenses charged in Counts 1 through 6, the defendant shall forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

4. Pursuant to Title 18, United States Code, Section 982(a)(7), upon conviction of defendant **GIANNI SUAREZ** for any of the offenses charged in Counts 15 through 18, the defendant shall forfeit to the United States all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

5. If any of the above-described property, as a result of any act or omission of defendant **GIANNI SUAREZ**:

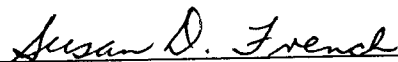
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as made applicable through Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of defendant **GIANNI SUAREZ** up to the value of the above forfeitable property.


All pursuant to Title 18, United States Code, Sections 982(a)(1), 982(a)(2) and 982(a)(7) and

the procedures set forth in Title 21, United States Code, Section 853, as made applicable through Title 18, United States Code, Section 982(b)(1).


A TRUE BILL



FOREPERSON



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



ADRIENNE RABINOWITZ
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PENALTY SHEET

Defendant's Name: GIANNI SUAREZ Case No. 06-80028-Cr-Middlebrooks/Johnson

Counts #1 - 6: 18 USC § 1341

*Max. Penalty: 20 years imprisonment; 3 years supervised release; \$250,000 fine or twice the gross gain or loss resulting from the offense and restitution.

Count #7: 18 USC § 1028A(1)

*Max. Penalty: 2 years imprisonment; 3 years supervised release; \$250,000 fine or twice the gross gain or loss resulting from the offense and restitution.

Counts # 8 - 12: 18 USC § 1956(a)(1)(A)(i)

*Max. Penalty: 20 years imprisonment; 3 years supervised release; \$500,000 fine or twice the value of the property involved in the transaction, whichever is greater.

Counts # 13 - 14: 18 USC § 1956(a)(1)(B)(i)

Max. Penalty: 20 years imprisonment; 3 years supervised release; \$500,000 fine or twice the value of the property involved in the transaction, whichever is greater.

Counts # 15 - 18: 18 USC § 287

*Max. Penalty: 5 years imprisonment; 3 years supervised release; \$250,000 fine or twice the gross gain or loss resulting from the offense and restitution.

Count # :

*Max. Penalty: _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PENALTY SHEET

Defendant's Name: MAURA VAZQUEZ Case No. 06-80028-CR-Middlebrooks/Johnson

Count #19: 18 USC § 401(3)

*Max. Penalty: Within court's discretion

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

Count #:

Max. Penalty:

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**