

Apr 30, 2007

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
07-20335-CR-COHN/SNOW**

Case No. _____

18 U.S.C. § 1349

18 U.S.C. § 371

UNITED STATES OF AMERICA

vs.

**MARICEL LI
and
MARTA PEREZ,**

Defendants.

_____ /

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Health Medical Services of South Florida (“Health Medical”) was a durable medical equipment company located at 10637 Southwest 88th Street, Suite 7F, Miami, Florida. Health Medical was incorporated on April 18, 2002, and the defendant, **MARTA PEREZ**, was the nominal, or “straw” owner. The defendant, **MARICEL LI**, operated and managed Health Medical, including its financial affairs.

The Medicare Program

2. The Medicare Program (“Medicare”) was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The

benefits available under Medicare were set forth by federal statutes and regulations. The United States Department of Health and Human Services (“HHS”), through its agency, the Centers for Medicare and Medicaid Services (“CMS”), administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare “beneficiaries.”

3. Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

4. Part B of the Medicare Program was a medical insurance program that covered, among other things, certain physician and outpatient services, and other health care benefits, items, and services, including durable medical equipment (“DME”) that were medically necessary and ordered by licensed medical doctors or other qualified health care providers. DME is equipment that is designed for repeated use and for a medical purpose, such as prosthetic limbs, back braces, knee braces, and wheelchairs.

5. For Florida beneficiaries, Medicare Part B’s insurance concerning DME and related health care benefits, items, and services, was administered by Palmetto Government Benefits Administrators (“Palmetto GBA”), pursuant to a contract with HHS. Among Palmetto GBA’s responsibilities, it received, adjudicated, and paid the claims of authorized DME suppliers that were seeking reimbursement for the cost of DME and other health care benefits, items, or services supplied or provided to Medicare beneficiaries.

Medicare Billing Procedures

6. A DME company that sought to participate in Medicare Part B and bill Medicare for the cost of DME and related benefits, items, and services was required to apply for and receive a “supplier number.” The supplier number allowed a DME company to submit bills, known as

“claims,” to Medicare to obtain reimbursement for the cost of DME and related health care benefits, items, and services that a DME company had supplied to beneficiaries.

7. To receive payment from Medicare, a DME company, using its supplier number, would submit a health insurance claim form, known as a CMS-1500. Medicare permitted DME companies to submit CMS-1500 electronically or by way of paper claim forms. However the CMS-1500 was submitted, each claim form required certain important information, including:

- a. the Medicare beneficiary’s name;
- b. the Medicare beneficiary’s identification number;
- c. the name and identification number of the doctor who ordered the item or service that was the subject of the claim;
- d. the health care benefits, items, or services that were supplied or provided to the beneficiary;
- e. the billing codes for these benefits, items, or services;
and
- f. the date upon which the benefits, items, or services were provided.

8. Medicare, through Palmetto GBA, generally would pay a substantial portion of the cost of the DME or related health care benefits, items, and services that were medically necessary and ordered by licensed doctors or other licensed, qualified health care providers.

9. Health Medical earned money by submitting claims for reimbursement to Medicare for the cost of DME and other health care items and services which had purportedly been provided. From in or around May 2002 through in or around April 2003, Health Medical submitted approximately \$1.6 million in claims for reimbursement to Medicare. Medicare paid Health Medical

for some of its claims, and its payments were made by wire transfers which were deposited into the company's bank accounts. In all, Medicare paid approximately \$556,519.85 to Health Medical.

COUNT 1
CONSPIRACY TO COMMIT HEALTH CARE FRAUD
(18 U.S.C. § 1349)

1. Paragraphs 1 through 9 of the General Allegations section of this Information are realleged and incorporated by reference as though fully set forth herein.

2. From in or around May 2002, and continuing through in or around April 2003, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MARICEL LI,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with others, known and unknown to the United States Attorney, to violate Title 18, United States Code, Section 1347, that is, to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendant and her co-conspirators to unlawfully enrich themselves by submitting, and causing the submission of, false and fraudulent claims to Medicare for the cost of DME and related health care items and services.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and her co-conspirators sought to accomplish the purpose and object of the conspiracy included, among others, the following:

4. A co-conspirator purchased Health Medical in or around April 2002. **MARICEL LI** assisted the co-conspirator in obtaining an updated Medicare provider package to reflect the new ownership of Health Medical, which included, but was not limited to, obtaining an updated Medicare supplier number and state occupational licenses.

5. **MARICEL LI** and other co-conspirators controlled the various activities of Health Medical, including its financial activities, through a nominee owner.

6. Co-conspirators fabricated prescriptions stating that Medicare beneficiaries were in medical need of specific DME, when, in fact, the beneficiaries did not need such DME.

7. Co-conspirators submitted, and caused to be submitted, numerous false and fraudulent claims to Medicare on behalf of Health Medical seeking reimbursement for the cost of DME that was not provided, was not provided as claimed, or was not medically necessary.

8. As a result of these claims, Medicare paid in excess of \$500,000 into the bank accounts of Health Medical.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2
**CONSPIRACY TO STRUCTURE TRANSACTIONS
TO EVADE REPORTING REQUIREMENTS
(18 U.S.C. § 371)**

1. A “currency transaction report” (“CTR”) is a report that is filled out on a United States Department of Treasury (“Treasury”), Fincen Form 104. A bank or other financial institution is required by federal law to file a CTR with Treasury for each financial transaction that involves United States currency of more than \$10,000. Such transactions include deposits, withdrawals, exchanges of currency, or other payments or transfers by, through, or to the bank or other financial institution.

2. From in or around May 2002, and continuing through in or around April 2003, in Miami-Dade County, in the Southern District of Florida, the defendants,

**MARICEL LI
and
MARTA PEREZ,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and with others known to the United States Attorney, to commit an offense against the United States, that is, knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and the regulations prescribed thereunder, to structure, assist in structuring, transactions with one or more domestic financial institutions, in violation of Title 31, United States Code, Section 5324(a)(3).

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for **MARICEL LI, MARTA PEREZ** and their co-conspirators, to evade federal currency transaction reporting requirements by causing structured withdrawals of Health Medical money through the cashing of checks of less than \$10,000.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose and object of the conspiracy included, among others, the following:

4. **MARTA PEREZ** opened account number xxxxxxxxx3040, First Union National Bank, and account number xxxxx2521, First Bank of Miami, to be opened for Health Medical. Both banks were domestic financial institutions.

5. Co-conspirators caused Health Medical money to be deposited into these accounts.

6. In order to withdraw money from the Health Medical bank accounts **MARICEL LI** and other co-conspirators directed **MARTA PEREZ** to prepare and sign checks. **LI** endeavored to keep check amounts under \$10,000 so that the banks would not file CTRs with Treasury.

7. To help disguise the withdrawal of large amounts of money in cash, co-conspirators recruited individuals, including **MARTA PEREZ**, to whom checks would be made payable in amounts under \$10,000.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its purpose and object, at least one of the conspirators committed, or caused to be committed, at least one overt act, among others, in the Southern District of Florida:

1. On or about September 25, 2002, **MARICEL LI** directed a co-conspirator to cash a \$5,000 check drawn on First Union National Bank account number xxxxxxxxx3040.

2. On or about September 25, 2002, **MARICEL LI** directed **MARTA PEREZ** to cash a \$5,576.10 check made payable to **MARTA PEREZ** and drawn on First Union National Bank account number xxxxxxxxx3040.

3. On or about September 26, 2002, **MARTA PEREZ** cashed a \$5,576.10 check made payable to herself and drawn on First Union National Bank account number xxxxxxxxx3040.

4. On or about November 19, 2002, **MARTA PEREZ** cashed a \$9,200.54 check made payable to herself and drawn on First Bank of Miami account number xxxxxx2521.

All in violation of Title 18, United States Code, Section 371.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


LOIS FOSTER-STEERS
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

MARICEL LI
and
MARTA PEREZ,

Defendants.

Superseding Case Information:

Court Division: (Select One)

X Miami _____ Key West
_____ FTL _____ WPB _____ FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

- 1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- 2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____ Case No. _____

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- 7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? _____ Yes X No
- 8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? _____ Yes X No
If yes, was it pending in the Central Region? _____ Yes _____ No
- 9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No
- 10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes X No

Lois Foster Steers

LOIS FOSTER-STEERS
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0480509

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Maricel Li

Case No: _____

Count #: 1
Conspiracy to Commit Health Care Fraud

18 U.S.C. § 1349

*** Max. Penalty:** 10 years' imprisonment

Count #: 2
Conspiracy to Structure Transactions to Evade Reporting Requirements

18 U.S.C. § 371

***Max. Penalty:** 5 years' imprisonment.

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.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Marta Perez

Case No: _____

Count #: 2
Conspiracy to Structure Transactions to Evade Reporting Requirements

18 U.S.C. § 371

* Max. Penalty: 5 years' imprisonment

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.**