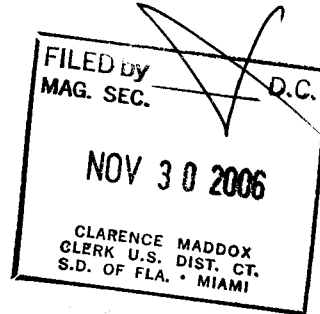


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

06-20740 CR-SEITZ ~~McALILEY~~
Case No.

18 U.S.C. § 1347
18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 1956(h)
18 U.S.C. § 1957
18 U.S.C. § 2
18 U.S.C. § 982



UNITED STATES OF AMERICA

vs.

CESAR ROMERO,

Defendant.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The Medicare Program ("Medicare") is a federal program that provides free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare are prescribed by statute and by federal regulations under the auspices of the United States Department of Health and Human Services, through its agency, the Centers for Medicare and Medicaid Services ("CMS"). Individuals who receive benefits under Medicare are commonly referred to as Medicare "beneficiaries."

2. Medicare is a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

3. Medicare Part B pays for a portion of the cost of certain necessary medical services and medications that are provided and ordered by physicians, clinics, and other qualified health care providers. Medicare Part B is administered in Florida by First Coast Service Options (“FCSO”), a company that contracted with CMS to receive, adjudicate, process, and pay Medicare Part B claims. Medicare Part B payments are made directly to the physician, clinic, or other provider of the medical services, rather than to the beneficiary.

4. Physicians, clinics, and other health care providers that provide services to Medicare beneficiaries are able to apply for and obtain a “provider number.” A health care provider who has been issued a Medicare provider number is able to file claims with Medicare to obtain reimbursement for services provided to beneficiaries. A Medicare claim is required to set forth, among other things, the beneficiary’s name and Medicare identification number, the services that had been performed for the beneficiary, the date the services were provided, the cost of the services, and the name and identification number of the physician or other health care provider who had ordered the services.

5. The Real Group & Associates, Inc. (hereinafter “Real Group”), a Florida corporation, purportedly was a medical clinic located at 2167 West Flagler Street, in Miami, Florida, operating from in or around October 2005 through in or around June 2006.

6. Real Group purported to provide injection treatments, *i.e.*, treatments involving the insertion of a syringe into the patient’s arm, and intravenous infusion treatments, *i.e.*, treatments involving the insertion of a needle into a patient’s vein, in order to administer specialized medications typically prescribed for patients with cancer or HIV/AIDS.

7. Real Group submitted claims to Medicare seeking reimbursement, in the amount of approximately \$16.7 million, for the cost of injection and infusion treatments that were supposedly provided to patients. Real Group submitted these claims under its own Medicare provider number, K9423, and under a provider number assigned to a Florida-licensed physician, xxxx0G.

8. From in or around October 2005, through in or around June 2006, Real Group received approximately \$2.6 million in Medicare reimbursements based upon claims for alleged injection and infusion treatments and services.

COUNTS 1-6
(Health Care Fraud: 18 U.S.C. §§ 1347 and 2)

1. Paragraphs 1 through 8 of the General Allegations section are realleged and incorporated as though fully set forth herein.

2. From in or around October 2005, and continuing through in or around June 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CESAR ROMERO,

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program, as defined in 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, that is: the defendant knowingly submitted, and caused to be submitted, to Medicare, through FCSO, a Medicare contractor, false and fraudulent claims for the cost of injection-therapy and infusion-therapy treatments and services.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for **CESAR ROMERO** and his accomplices to become unlawfully enriched by: (a) submitting or causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent claims to Medicare and the receipt and transfer of fraud proceeds; and (c) diverting fraud proceeds for their personal use and benefit.

THE SCHEME AND ARTIFICE

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

4. **CESAR ROMERO** caused Real Group to submit claims for approximately \$16.7 million to Medicare for injection-therapy and infusion-therapy related treatments and services, such claims falsely and fraudulently representing that these treatments and services were medically necessary and had been provided to Medicare beneficiaries.

5. As a result of the submission of such false and fraudulent claims, **CESAR ROMERO** caused Medicare to make payments to Real Group in the approximate amount of \$2.6 million, and such payments were deposited into Real Group's corporate accounts, including Bank of America account number xxxxxxxx1992, Iron Stone Bank account number xxxxxxxx9466, and TIB Bank account number xxxxxxxx3006.

6. **CESAR ROMERO** then transferred and disbursed, and caused the transfer and disbursement of, monies in Real Group's various corporate accounts to himself and others.

ACTS IN EXECUTION OF THE SCHEME AND ARTIFICE

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, **CESAR ROMERO**, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program, 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:

Count	Beneficiary	Approx. Date of Service	Approx. Date of Submission of Claim	Service Billed; Approx. Amount of Claim
1	R.N.	01-07-06	04-24-06	Etoposide (J9182); \$2100
2	R.N.	01-31-06	04-24-06	Etoposide (J9182); \$2100
3	E.N.	02-09-06	04-19-06	Carboplatin (J9045); \$2250
4	E.N.	02-23-06	04-19-06	Carboplatin (J9045); \$2250
5	P.A.	02-25-06	03-15-06	Palonosteron (J2469); \$375
6	P.A.	02-28-06	03-15-06	Palonosteron (J2469); \$375

In violation of Title 18, United States Code, Sections 1347 and 2.

COUNT 7
(Money Laundering Conspiracy: 18 U.S.C. § 1956(h))

1. From in or around March 2006, and continuing through in or around June 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CESAR ROMERO,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury to commit a violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), that is: to knowingly conduct a financial transaction affecting interstate commerce and involving the proceeds of specified unlawful activity, knowing that the property involved in such financial transaction represented the proceeds of some form of unlawful activity, and knowing that such transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity.

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 8-10
(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 County, in the Southern District of Florida, and elsewhere, the defendant,

CESAR ROMERO,

did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in such financial transaction represented the proceeds of some form of unlawful activity, and knowing that such transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity.

Count	Approximate Date of Transaction	Description of Financial Transaction
8	04-15-06	The withdrawal of funds using check number 1006, drawn on Real Group's Bank of America account xxxxxxxx1992, made payable to J.S., and in the amount of \$8,755.72.
9	04-24-06	The withdrawal of funds using check number 1007, drawn on Real Group's Bank of American account xxxxxxxx1992, made payable to J.S., and in the amount of \$8,755.72.
10	05-10-06	The withdrawal of funds using check number 1009 drawn on Real Group's Bank of America account xxxxxxxx1992, made payable to J.S., and in the amount of \$8,755.

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

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

COUNT 11
(Money Laundering Conspiracy: 18 U.S.C. § 1956(h))

1. From in or around March 2006, and continuing through in or around June 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CESAR ROMERO,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury to commit a violation of Title 18, United States Code, Section 1957, that is: to knowingly engage in a monetary transaction affecting interstate commerce, such transaction involving criminally derived property of a value greater than \$10,000 and such property having been derived from specified unlawful activity.

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

All in violation of Title 18, United States Code, Section 1956(h)

COUNTS 12-15
(Money Laundering: 18 U.S.C. §§ 1957 and 2)

1. From in or around March 2006 through in or around June 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CESAR ROMERO,

did knowingly engage and attempt to engage in a monetary transaction affecting interstate commerce, such transaction involving criminally derived property of a value greater than \$10,000 and such property having been derived from specified unlawful activity:

Count	Approximate Date of Transaction	Description of Monetary Transaction
12	04-13-06	The withdrawal of funds from Real Group's Bank of America account number xxxxxxxx1992 using cashier's check number 4936701, made payable to De Lacrus Santana Corp., in the approximate amount of \$63,757.27.

13	04-17-06	The withdrawal of funds from Real Group's Bank of America account number xxxxxxxx1992 using cashier's check number 4936863, made payable to Expert Ideas, in the approximate amount of \$51,135.25.
14	05-10-06	The withdrawal of funds from Real Group's Bank of America account number xxxxxxxx1992 using cashier's check number 4936746, made payable to East Coast Costums, in the approximate amount of \$63,771.
15	05-10-06	The withdrawal of funds from Real Group's Bank of America account number xxxxxxxx1992 using cashier's check number 4936744, made payable to Extopo Med Trading, in the approximate amount of \$47,952.

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in Counts 1-15 of this Indictment are realleged and incorporated by reference 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, **CESAR ROMERO**, has an interest pursuant to the provisions of Title 18, United States Code, Sections 982(a)(1) and 982(a)(7).

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

personal which was involved in the offense or any property traceable to such property. Such forfeiture shall include, but not be limited to:

- (a) A money judgment in the amount of \$2,595,417.24, which represents the gross proceeds of the fraud; and
- (b) All funds on deposit and interest accrued thereto at Iron Stone Bank, account number xxxxxxxxx9466, in the name of The Real Group & Associates, Inc.

3. If the property described above as being subject to forfeiture, as a result of any act or omission of **CESAR ROMERO**,

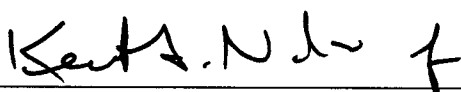
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided 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 **CESAR ROMERO** up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Sections 982(a)(1) and (a)(7) and the procedures set forth at 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



JEFFREY E. MARCUS
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

06-20740 CR-SEITZ / McALILEY
CASE NO.

UNITED STATES OF AMERICA

vs.

CESAR ROMERO,

Defendant.

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
FTL WPB FTP

New Defendant(s) Yes
Number of New Defendants
Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the information, the number of defendants, the number of probable witnesses and the legal complexities of the 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 4 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 X Petty
II 6 to 10 days Minor
III 11 to 20 days Misdem.
IV 21 to 60 days Felony X
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 No X
- 8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No X
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 No X
- 10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes No X

NOV 30 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

JEFFREY E. MARCUS
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0310890

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name CESAR ROMERO

Case No. 06-20740 CR SEITZ / McALILEY.

Counts 1-6

Health Care Fraud

18 U.S.C. §§ 1347 and 2

*** Max. Penalty:** 10 years' imprisonment as to each count

Count 7

Conspiracy to Commit Money Laundering

18 U.S.C. § 1956(h)

*** Max. Penalty:** 20 years' imprisonment

FILED by _____ D.C.
MAG. SEC.
NOV 30 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. • MIAMI

Counts 8-10

Money Laundering

18 U.S.C. § 1956(a)(1)(B)(i)

*** Max. Penalty:** 20 years' imprisonment as to each count

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

Count 11 **06 - 20740** CR - SEITZ / McALILEY

Conspiracy to Commit Money Laundering

18 U.S.C. § Section 1956(h)

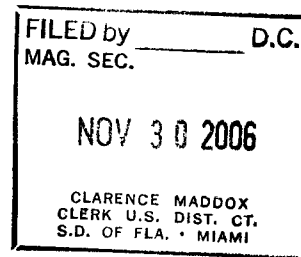
* Max. Penalty: 10 years' imprisonment

Counts 12-15

Money Laundering

18 U.S.C. § 1957

* Max. Penalty: 10 years' imprisonment as to each count



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