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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 February 2013 Grand Jury

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.

No. CR 12-1170 (B) -MWF

S E C O N D
S U P E R S E D I N G
I N D I C T M E N T

14 ADELINE EKWEBELEM,
15 aka "Adeline Maduabuchi,"
16 ROMIE PORTER TUCKER, JR.,
17 aka "Romy,"
18 aka "Roman,"
19 aka "Ron,"
20 MARITZA HERNANDEZ,
21 CINDY SANTANA
22 aka "Cindya Santana,"
23 CHARLES OKOYE, and
24 UCHE CHUKWUDI,
25 Defendants.

[18 U.S.C. § 1349: Conspiracy to
Commit Health Care Fraud; 18
U.S.C. § 1347: Health Care
Fraud; 18 U.S.C. § 2(b): Aiding
and Abetting; 42 U.S.C. § 1320a-
7b(b)(2): Illegal Remunerations
for Health Care Referrals]

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28
The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

I. GENERAL ALLEGATIONS

A. The Defendants

1. Adelco Medical Distributors, Inc. ("Adelco") was a durable medical equipment ("DME") supply company located at 15223 South Crenshaw Boulevard, Suite #B, Gardena, California 90249, within the Central District of California.

2. Defendant ADELINE EWKEBELEM, also known as ("aka") "Adeline Maduabuchi" ("defendant EKWEBELEM"), enrolled Adelco as a Medicare provider in or about June 2002.

3. Between in or about November 2008, and in or about May 2011, defendant ROMIE PORTER TUCKER, JR., aka "Romy," aka "Roman," aka "Ron" ("defendant TUCKER"), worked as a marketer for Adelco.

4. Between in or about March 2011, and in or about November 2011, defendant MARITZA HERNANDEZ ("defendant HERNANDEZ") worked as a marketer for Adelco.

5. Between in or about October 2009, and in or about August 2010, defendant CINDY SANTANA, aka "Cindya Santana" ("defendant SANTANA"), worked as a marketer for Adelco.

6. Between in or about November 2008 and in or about November 2011, defendant CHARLES OKOYE ("defendant OKOYE"), a licensed physician and enrolled Medicare provider, referred more than 200 Medicare beneficiaries to Adelco for DME, primarily power wheelchairs ("PWCs"), from his medical clinic, located at 4405 South Main Street in Los Angeles, California. Defendant OKOYE also billed Medicare for services he allegedly provided to

1 approximately 150 of those beneficiaries.

2 7. Between in or about June 2010 and in or about October
3 2011, defendant UCHE CHUKWUDI ("defendant CHUKWUDI"), a licensed
4 physician and enrolled Medicare provider, referred more than 200
5 Medicare beneficiaries to Adelco for DME, primarily PWCs, from
6 his medical clinic, located at 15425 Crenshaw Boulevard in
7 Gardena, California. Defendant CHUKWUDI also billed Medicare
8 for services he allegedly provided to those beneficiaries.

9 8. Between in or about January 2007, and in or about
10 December 2011, Adelco submitted approximately \$7,350,695 in
11 claims to Medicare, primarily for PWCs, for which Medicare paid
12 Adelco approximately \$3,452,299, representing more than
13 approximately 90% of Adelco's revenue during the period.

14 9. Of the claims Adelco submitted to Medicare,
15 approximately \$1,710,243 were for patients referred by defendant
16 OKOYE, for which Medicare paid Adelco approximately \$824,566.

17 10. Of the claims Adelco submitted to Medicare,
18 approximately \$1,185,464 were for patients referred by defendant
19 CHUKWUDI, for which Medicare paid Adelco approximately \$539,254.

20 **B. The Medicare Program**

21 11. Medicare was a federal health care benefit program,
22 affecting commerce, that provided benefits to individuals who
23 were over the age of 65 or disabled. Medicare was administered
24 by the Centers for Medicare and Medicaid Services ("CMS"), a
25 federal agency under the United States Department of Health and
26 Human Services ("HHS").

27 12. CMS contracted with private insurance companies to
28 certify DME providers for participation in the Medicare program

1 and monitor their compliance with Medicare standards, to process
2 and pay claims, and to perform program safeguard functions, such
3 as identifying and reviewing suspect claims.

4 13. Noridian Administrative Services ("Noridian")
5 processed and paid Medicare DME claims in Southern California.

6 14. Individuals who qualified for Medicare benefits were
7 referred to as Medicare "beneficiaries." Each Medicare
8 beneficiary was given a Health Identification Card containing a
9 unique identification number ("HICN").

10 15. DME companies, physicians, and other health care
11 providers that provided medical services that were reimbursed by
12 Medicare were referred to as Medicare "providers."

13 16. To obtain reimbursement from Medicare, DME companies
14 and physicians first had to apply for and obtain a provider
15 number. By signing the provider application, DME companies and
16 physicians agreed to abide by all Medicare rules and
17 regulations, including the Anti-Kickback Statute (42 U.S.C.
18 § 1320a-7b(b)), which, among other things, prohibits the payment
19 of kickbacks or bribes for the referral of Medicare
20 beneficiaries for any item or service for which payment may be
21 made by Medicare.

22 17. If Medicare approved a provider's application,
23 Medicare assigned the provider a Medicare provider number, which
24 enabled the provider to submit claims to Medicare for services
25 rendered to Medicare beneficiaries.

26 18. Most DME providers, including Adelco, submitted their
27 claims electronically pursuant to an agreement with Medicare
28 that they would submit claims that were accurate, complete, and

1 truthful. Under these agreements, DME providers are required to
2 retain all original source documentation supporting the claims
3 for 6 years and 3 months after the claim is paid.

4 19. Medicare required a claim for Medicare reimbursement
5 of DME to set forth, among other things, the beneficiary's name
6 and HICN, the type of DME provided to the beneficiary, the date
7 the DME was provided, and the name and unique physician
8 identification number of the physician who prescribed or ordered
9 the DME.

10 20. DME providers were only entitled to Medicare
11 reimbursement for DME that was medically necessary to the
12 treatment of a beneficiary's illness or injury, was prescribed
13 by a beneficiary's physician, and was provided in accordance
14 with Medicare regulations and guidelines that governed whether a
15 particular item or service would be reimbursed by Medicare.
16 Medicare required claims to be truthful, complete, and not
17 misleading.

18 21. Medicare had a co-payment requirement for DME.
19 Medicare reimbursed providers 80% of the allowed amount of a DME
20 claim and the beneficiary was ordinarily obligated to pay the
21 remaining 20%.

22 **II. THE OBJECT OF THE CONSPIRACY**

23 22. Beginning in or about January 2007, and continuing to
24 in or about December 2011, in Los Angeles County, within the
25 Central District of California and elsewhere, defendant
26 EKWEBELEM, joined by defendant TUCKER from in or about November
27 2008 to in or about May 2011, defendant HERNANDEZ from in or
28 about March 2011 to in or about November 2011, defendant SANTANA

1 from in or about October 2009 to in or about August 2010,
2 defendant OKOYE from in or about November 2008 to in or about
3 November 2011, and defendant CHUKWUDI from in or about June 2010
4 to in or about October 2011, together with others known and
5 unknown to the Grand Jury, knowingly combined, conspired, and
6 agreed to commit health care fraud, in violation of Title 18,
7 United States Code, Section 1347.

8 **III. THE MANNER AND MEANS OF THE CONSPIRACY**

9 23. The object of the conspiracy was carried out, and to
10 be carried out, in substance, as follows:

11 a. Defendant EKWEBELEM would pay "marketers,"
12 including defendant TUCKER, defendant HERNANDEZ, and defendant
13 SANTANA, to solicit Medicare beneficiaries for Adelco.

14 b. Defendant TUCKER, defendant HERNANDEZ, and
15 defendant SANTANA would solicit beneficiaries, offering them
16 medically-unnecessary PWCs, hospital beds, orthotics, and other
17 DME for free.

18 c. At defendant EKWEBELEM's instruction, defendant
19 TUCKER, defendant HERNANDEZ, and defendant SANTANA would take
20 the beneficiaries to see doctors, including defendant OKOYE and
21 defendant CHUKWUDI, chosen by defendant EKWEBELEM and then take
22 the beneficiaries to Adelco, where the beneficiaries provided
23 their HICNs and other patient information to Adelco.

24 d. For these beneficiaries, defendant OKOYE and
25 defendant CHUKWUDI would create fraudulent patient files that
26 included PWC prescriptions and false statements in face-to-face
27 examination forms ("FTF forms") purporting to support the
28 medical need for the DME, even though defendant OKOYE and

1 defendant CHUKWUDI knew the beneficiaries did not medically need
2 PWCs and even though defendant OKOYE never even examined some of
3 the beneficiaries. Defendant OKOYE would direct the patients to
4 Adelco to fill the prescriptions, knowing that Adelco would bill
5 Medicare for the provision of that DME.

6 e. Defendant OKOYE and defendant CHUKWUDI would also
7 bill and receive payments from Medicare for office visits and
8 diagnostic tests allegedly provided to beneficiaries brought to
9 him by Adelco's marketers.

10 f. Defendant EKWEBELEM would purchase or otherwise
11 obtain fraudulent prescriptions for DME and other medical
12 documentation for the beneficiaries, including false FTF forms
13 from defendant OKOYE, defendant CHUKWUDI, and other doctors.

14 g. Sometimes defendant OKOYE, defendant CHUKWUDI,
15 and other doctors would provide Adelco with pre-signed FTF forms
16 that were blank except for the basic patient information and
17 doctor's signature, in which case either defendant EKWEBELEM or
18 Adelco employees acting at defendant EKWEBELEM's instruction
19 would complete the form with additional information aimed at
20 justifying the medical necessity of the DME.

21 h. As defendant TUCKER, defendant HERNANDEZ, and
22 defendant SANTANA well knew, defendant EKWEBELEM would use the
23 Medicare beneficiary names, HICNs, and other patient information
24 for beneficiaries solicited by defendant TUCKER, defendant
25 HERNANDEZ, defendant SANTANA, and other marketers to submit
26 false and fraudulent claims under Adelco's provider number to
27 Medicare for PWCs, hospital beds, orthotics, and other DME that
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1 were not medically necessary and in some cases not provided to
2 Medicare beneficiaries as represented in the claims.

3 i. Defendant EKWEBELEM would direct that Medicare
4 payments on the claims Adelco submitted be deposited into
5 Adelco's business bank account at Bank of America, account
6 number xxxxx-x5603 (the "Adelco Bank Account"), which she
7 controlled.

8 j. From the approximately \$3,452,299 Medicare paid
9 to Adelco between in or about January 2007, and in or about
10 December 2011, defendant EKWEBELEM would write checks from the
11 Adelco Bank Account and pay cash to marketers and doctors,
12 including defendant TUCKER, defendant HERNANDEZ, defendant
13 SANTANA, defendant OKOYE, and defendant CHUKWUDI, in exchange
14 for their referring Medicare beneficiaries to Adelco. Defendant
15 EKWEBELEM would adjust the payments to defendant TUCKER,
16 defendant HERNANDEZ, defendant SANTANA, and other marketers
17 according to the DME ordered for the beneficiaries and the
18 doctors to whom the beneficiaries were taken. Defendant
19 EKWEBELEM would only pay the marketers if Medicare paid Adelco
20 for the DME for the recruited beneficiaries. Defendant
21 EKWEBELEM would often require the marketers to refund any
22 advance payment defendant EKWEBELEM had made to them if Medicare
23 subsequently denied the claim.

24 k. Defendant EKWEBELEM would also write
25 approximately \$629,009 in checks to herself and withdraw
26 approximately \$853,091 in cash from the Adelco Bank Account.

COUNTS TWO THROUGH EIGHTEEN

[18 U.S.C. §§ 1347, 2(b)]

I. INTRODUCTORY ALLEGATIONS

24. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 19 and 21 of this Second Superseding Indictment as if fully set forth herein.

II. THE SCHEME TO DEFRAUD

25. Beginning in or about January 2007, and continuing until in or about December 2011, in Los Angeles County, within the Central District of California, and elsewhere, defendant EKWEBELEM, joined by defendant TUCKER from in or about November 2008 to in or about May 2011, defendant HERNANDEZ from in or about March 2011 to in or about November 2011, defendant SANTANA from in or about October 2009 to in or about August 2010, defendant OKOYE from in or about November 2008 to in or about November 2011, and defendant CHUKWUDI from in or about June 2010 to in or about October 2011, together with others known and unknown to the Grand Jury, knowingly, willfully, and with intent to defraud, executed a scheme and artifice: (a) to defraud a health care benefit program, namely, Medicare, as to material matters in connection with the delivery of and payment for health care benefits, items, and services; and (b) to obtain money from Medicare by means of material false and fraudulent pretenses and representations and the concealment of material facts in connection with the delivery of and payment for health care benefits, items, and services.

1 **III. THE FRAUDULENT SCHEME**

2 26. The fraudulent scheme operated, in substance, as
3 described in paragraph 21 of this Second Superseding Indictment,
4 which is hereby incorporated by reference as if fully set forth
5 herein.

6 **IV. EXECUTION OF THE FRAUDULENT SCHEME**

7 27. On or about the dates set forth below, within the
8 Central District of California, and elsewhere, the following
9 defendants, together with others known and unknown to the Grand
10 Jury, for the purpose of executing the scheme to defraud
11 described above, knowingly and willfully submitted and caused to
12 be submitted to Medicare the following false and fraudulent
13 claims:

Count	Defendant (s)	Approx. Date Claim Submitted	Beneficiary and Service	Amount Claimed	Claim No.
TWO	EKWEBELEM	4/15/2008	B.P. - Motorized wheelchair and accessories	\$5,900.00	08106809988000
THREE	EKWEBELEM	4/25/2008	M.M. - Motorized wheelchair and accessories	\$5,900.00	08116806365000
FOUR	EKWEBELEM, SANTANA, OKOYE	8/9/2010	F.D. - Motorized wheelchair and accessories	\$6,570.09	10221874264000
FIVE	EKWEBELEM, TUCKER	9/7/2010	B.M. - Motorized wheelchair and accessories	\$7,104.13	10250893264000
SIX	EKWEBELEM, TUCKER, CHUKWUDI	9/29/2010	M.A. - Motorized wheelchair and accessories	\$7,061.07	10272854220000

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Count	Defendant (s)	Approx. Date Claim Submitted	Beneficiary and Service	Amount Claimed	Claim No.
SEVEN	EKWEBELEM, TUCKER, CHUKWUDI	11/1/2010	W.G. - Motorized wheelchair and accessories, orthotics	\$7,967.94	10305879819000
EIGHT	EKWEBELEM, OKOYE	2/9/2011	E.U. - Motorized wheelchair (rental) and accessories	\$2,667.58	11040843333000
NINE	EKWEBELEM, OKOYE	4/22/2011	E.U. - Motorized wheelchair (rental) and accessories	\$1,400.00	11112806764000
TEN	EKWEBELEM, HERNANDEZ, CHUKWUDI	7/11/2011	P.O. - Motorized wheelchair (rental) and accessories	\$4,651.08	11192886051000
ELEVEN	EKWEBELEM, SANTANA, OKOYE	10/19/2009	J.C. - Motorized wheelchair and accessories	\$9,650.00	09292861755000
TWELVE	EKWEBELEM, SANTANA, OKOYE	10/19/2009	M.C. - Motorized wheelchair and accessories	\$9,650.00	09292861758000
THIRTEEN	EKWEBELEM, SANTANA, OKOYE	4/28/2010	A.D. - Motorized wheelchair and accessories	\$5,890.00	10118837597000
FOURTEEN	EKWEBELEM, OKOYE	8/18/2010	R.C. - Motorized wheelchair and accessories	\$6,570.09	10230845726000
FIFTEEN	EKWEBELEM, OKOYE	10/21/2010	R.C. - Motorized wheelchair and accessories	\$5,390.00	10294801316000
SIXTEEN	EKWEBELEM, CHUKNUDI	11/8/2010	A.M. - Motorized wheelchair and accessories, orthotic	\$7,167.58	10312877926000

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Count	Defendant (s)	Approx. Date Claim Submitted	Beneficiary and Service	Amount Claimed	Claim No.
SEVENTEEN	EKWEBELEM, CHUKWUDI	11/23/2010	J.M. - Motorized wheelchair and accessories, orthotic	\$7,167.54	10327858400000
EIGHTEEN	EKWEBELEM, HERNANDEZ, CHUKWUDI	7/1/2011	G.F. - Motorized wheelchair (rental) and accessories	\$2,051.08	11182849574000

COUNTS NINETEEN THROUGH TWENTY-ONE

[42 U.S.C. § 1320a-7b(b)(2)]

[Defendant EKWEBELEM]

28. The Grand Jury hereby repeats and realleges paragraphs 1-19 and 21 of this Second Superseding Indictment as if fully set forth herein.

29. On or about the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendant EKWEBELEM, together with others known and unknown to the Grand Jury, knowingly and willfully offered and paid remuneration, that is, either cash or checks payable in or about the amounts set forth below, to defendant Tucker, defendant Hernandez, and defendant Santana, to induce defendant Tucker, defendant Hernandez, and defendant Santana to refer individuals to Adelco for DME for which payment could be made in

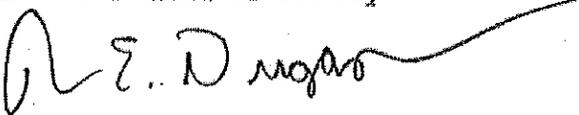
1 whole and in part under a Federal health care program, namely
 2 Medicare.
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4 Count	Approx. Date	Transaction
5 NINETEEN	7/13/2010	Check number 3367, drawn on the 6 Adelco Bank Account, in the amount of 7 \$1,200.00, payable to defendant 8 Santana
TWENTY	10/28/2010	Cash payment of \$400 to defendant 9 Tucker
TWENTY-ONE	7/8/2011	Check number 3935, drawn on the 10 Adelco Bank Account, in the amount of \$550.00, payable to defendant Hernandez

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 14 A TRUE BILL

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 16 151
 Foreperson

17 ANDRÉ BIROTTE JR.
 18 United States Attorney

19 
 20 ROBERT E. DUGDALE
 21 Assistant United States Attorney
 Chief, Criminal Division

22 RICHARD E. ROBINSON
 23 Assistant United States Attorney
 Chief, Major Frauds Section

24 STEPHEN A. CAZARES
 25 Assistant United States Attorney
 Deputy Chief, Major Frauds Section

26 KRISTEN A. WILLIAMS
 27 Assistant United States Attorney
 Major Frauds Section
 28

FILED
CLERK, U.S. DISTRICT COURT
SEP 19 2014
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ADELINE EKWEBELEM,
Defendant.

No. CR 12-01170 (B)-MWF

VERDICT FORM

REDACTED

1 COUNT ONE

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of conspiracy to commit health care fraud as charged in Count One of
10 the Second Superseding Indictment.

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1 COUNT TWO

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

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5 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Two of the Second
10 Superseding Indictment.

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1 COUNT THREE

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

5 NOT GUILTY

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9 of health care fraud as charged in Count Three of the Second
10 Superseding Indictment.

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1 COUNT FOUR

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Four of the Second
10 Superseding Indictment.

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1 **COUNT SIX**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Six of the Second
10 Superseding Indictment.

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1 COUNT SEVEN

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Seven of the Second
10 Superseding Indictment.

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1 **COUNT EIGHT**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Eight of the Second
10 Superseding Indictment.

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1 COUNT NINE

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Nine of the Second
10 Superseding Indictment.

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1 COUNT FOURTEEN

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

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5 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Fourteen of the Second
10 Superseding Indictment.

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1 **COUNT FIFTEEN**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

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5 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Fifteen of the Second
10 Superseding Indictment.

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1 **COUNT SIXTEEN**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

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5 ✓ GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Sixteen of the Second
10 Superseding Indictment.

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1 **COUNT SEVENTEEN**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of health care fraud as charged in Count Seventeen of the Second
10 Superseding Indictment.

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1 **COUNT NINETEEN**

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

6 NOT GUILTY

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9 of illegal remunerations for health care referrals as charged in
10 Count Nineteen of the Second Superseding Indictment.

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1 COUNT TWENTY

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

4 GUILTY

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7 NOT GUILTY

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9 of illegal remunerations for health care referrals as charged in
10 Count Twenty of the Second Superseding Indictment.

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1 COUNT TWENTY-ONE

2 We, the jury in the above-captioned case, unanimously find the
3 defendant Adeline Ekwebelem:

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5 ✓ GUILTY

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7 _____ NOT GUILTY

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9 of illegal remunerations for health care referrals as charged in
10 Count Twenty-One of the Second Superseding Indictment.

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15 Please sign and date this verdict form and return it to the Court.

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18 Dated: 9/19/14

19 **REDACTED AS TO**
FOREPERSON'S NAME

Signature

Presiding Juror

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United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. CR 12-1170(B)-MWF

Defendant Adeline Ekwebelem
Ekwebelem Maduabuchi;
akas: Adeline Nmeke Ekwebelem

Social Security No. [REDACTED]
(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
April	29	2015

COUNSEL Joseph Shemaria, Retained
(Name of Counsel)

PLEA **GUILTY**, and the court being satisfied that there is a factual basis for the plea. **NOLO** **NOT**
CONTENDERE **GUILTY**

FINDING There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
Count 1 of Second Superseding Indictment: Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §1349,
18 U.S.C. 1347; Counts 2-4,6-9,14-18 of Second Superseding Indictment: Health Care Fraud in violation of 18 U.S.C. § 1347;
and Counts 19-21 of Second Superseding Indictment: Illegal Remunerations for Health Care Referrals in violation of
42 U.S.C. § 1320a-7b(b)(2).

JUDGMENT AND PROB/ COMM ORDER The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

It is ordered that the defendant shall pay to the United States a special assessment of \$1,600, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

It is ordered that the defendant shall pay restitution in the total amount of \$3,452,299.83 pursuant to 18 U.S.C. § 3663A.

The amount of restitution ordered shall be paid as follows:

<u>Victim</u>	<u>Amount</u>
Centers for Medicare/Medicaid Services	\$3,452,299.83

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10% of defendant's gross monthly income but not less than \$3,000, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

For the amount of restitution ordered in this judgment, the defendant shall be held jointly and severally liable with co-defendants, Romic Porter Tucker, Jr., Maritza Hernandez, Cindy Santana, Charles Okoye, and Uche Chukwudi (should Mr. Chukwudi be convicted), and to the extent that the co-defendants are determined liable for the same victim losses. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives full restitution.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability

USA vs. Adeline Ekwebelem

Docket No.: CR 12-1170(B)-MWF

to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The defendant shall comply with General Order No. 01-05.

All fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Adeline Ekwebelem, is hereby committed on Counts 1 through 4, 6 through 9, and 14 through 21 of the Second Superseding Indictment to the custody of the Bureau of Prisons for a term of 78 months. This term consists of the following: 78 months on each of Counts 1 through 4, 6 through 9, and 14 through 18, and 60 months on each of Counts 19 through 21, all to be served concurrently.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05.
2. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment.
3. The defendant shall apply all monies received from income tax refunds to the outstanding court-ordered financial obligation. In addition, the defendant shall apply all monies received from lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
4. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state, or federal agency without the prior written approval of the Probation Officer.
5. The defendant shall not engage, as whole or partial owner, employee or otherwise, in any business involving federally funded health insurance or entitlement programs without the prior written approval of the Probation Officer. Further, the defendant shall provide the Probation Officer with access to any and all business records, client lists and other records pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer.
6. The defendant shall cooperate in the collection of a DNA sample from the defendant.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is further ordered that the defendant surrender herself to the institution designated by the Bureau of Prisons on or before 12 noon, on June 30, 2015. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

The Court grants the government's motion to dismiss all remaining counts of the Indictments.

The defendant is advised of her right to appeal. The Court orders the bond be exonerated upon verification of self-surrender.

The Court recommends the defendant be designated to a facility located in the Southern California, namely (1) Victorville or (2) Dublin, to remain close to her family.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

USA vs. Adeline Ekwebelem

Docket No.: CR 12-1170(B)-MWF

May 6, 2015

Date


HONORABLE MICHAEL W. FITZGERALD
U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

May 6, 2015

Filed Date

By /s/ Rita Sanchez

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

USA vs. Adeline Ekwebelem

Docket No.: CR 12-1170(B)-MWF



The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

USA vs. Adeline Ekwebelem Docket No.: CR 12-1170(B)-MWF

at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____
Date Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____
Filed Date Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant Date

U. S. Probation Officer/Designated Witness Date