

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 October 2012 Grand Jury

11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 AKINOLA EMMANUEL AFOLABI,
16 Defendant.

CR No. CR13-0206
I N D I C T M E N T
[18 U.S.C. § 1347; Health Care
Fraud; 18 U.S.C. § 2(b):
Causing an Act to be Done]

17
18 The Grand Jury charges:

19 COUNTS ONE THROUGH FIVE

20 [18 U.S.C. §§ 1347 and 2(b)]

21 A. INTRODUCTORY ALLEGATIONS

22 1. Between in or about March 2004 and in or about December
23 2009, defendant AKINOLA EMMANUEL AFOLABI ("AFOLABI") was the
24 owner and operator of Emmanuel Medical Supply, also known as
25 "Emmanuel Medical Inc." ("Emmanuel"), a supplier of durable
26 medical equipment ("DME"), primarily power wheelchairs ("PWCs"),
27 located in Long Beach, California, within the Central District of
28 California.

201

1 2. On or about October 25, 2004, defendant AFOLABI
2 executed and submitted an application to Medicare to obtain a
3 Medicare provider number for Emmanuel.

4 3. In or about December 2005, defendant AFOLABI opened a
5 corporate bank account for Emmanuel at Bank of America, account
6 number xxxxxx3262 (the "Emmanuel Bank Account"). Defendant
7 AFOLABI maintained primary control of this account.

8 4. On or about July 17, 2006, and again on or about August
9 4, 2006, defendant AFOLABI executed and submitted an electronic
10 funds transfer agreement ("EFT") to Medicare, requesting that all
11 future reimbursements from Medicare be directly deposited into
12 the Emmanuel Bank Account.

13 5. Between on or about June 7, 2006, and on or about
14 September 28, 2009, Emmanuel submitted to Medicare claims
15 totaling approximately \$2,668,384, primarily for PWCs and
16 accessories, and Medicare paid Emmanuel approximately \$1,490,532
17 on those claims.

18 The Medicare Program

19 At all times relevant to this Indictment:

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

26 7. CMS contracted with private insurance companies to (a)
27 certify DME providers for participation in the Medicare program
28 and monitor their compliance with Medicare standards; (b) process

1 and pay claims; and (c) perform program safeguard functions, such
2 as identifying and reviewing suspect claims.

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

7 9. DME companies, physicians, and other health care
8 providers that provided medical services that were reimbursed by
9 Medicare were referred to as Medicare "providers."

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

18 11. If Medicare approved a DME company's application,
19 Medicare would assign the provider a Medicare provider number,
20 enabling the DME company to submit claims to Medicare for
21 services and supplies provided to Medicare beneficiaries.

22 12. From in or about October 2006 through the date of this
23 Indictment, Noridian Administrative Services ("Noridian")
24 processed and paid Medicare DME claims in Southern California.

25 13. To bill Medicare for DME it provided to a beneficiary,
26 a DME provider was required to submit a claim (Form 1500).
27 Medicare required claims to be truthful, complete, and not
28 misleading. In addition, when a claim was submitted, the

1 provider was required to certify that the services or supplies
2 covered by the claim were medically necessary.

3 14. Most DME providers, including Emmanuel, submitted their
4 claims electronically pursuant to an agreement with Medicare that
5 they would submit claims that were accurate, complete, and
6 truthful.

7 15. Medicare required a claim for payment to set forth,
8 among other things, the beneficiary's name and HICN, the type of
9 DME provided to the beneficiary, the date the DME was provided,
10 and the name and unique physician identification number ("UPIN")
11 or national provider identifier ("NPI") of the physician who
12 prescribed or ordered the DME.

13 16. Medicare paid DME providers only for DME that was
14 medically necessary to the treatment of a beneficiary's illness
15 or injury, was prescribed by a beneficiary's physician, and was
16 provided in accordance with Medicare regulations and guidelines
17 that governed whether a particular item or service would be paid
18 by Medicare.

19 B. THE SCHEME TO DEFRAUD

20 17. Beginning on or about June 3, 2006, and continuing
21 through in or about December 2009, in Los Angeles County, within
22 the Central District of California, and elsewhere, defendant
23 AFOLABI, together with others known and unknown to the Grand
24 Jury, knowingly, willfully, and with intent to defraud, executed,
25 and attempted to execute, a scheme and artifice: (a) to defraud a
26 health care benefit program, namely Medicare, as to material
27 matters in connection with the delivery of and payment for health
28 care benefits, items, and services; and (b) to obtain money from

1 Medicare by means of materially false and fraudulent pretenses
2 and representations and the concealment of material facts in
3 connection with the delivery of and payment for health care
4 benefits, items, and services.

5 C. MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD

6 18. The fraudulent scheme operated, in substance, as
7 follows:

8 a. Defendant AFOLABI obtained Medicare beneficiary
9 information through various means, including "marketers," whom
10 defendant AFOLABI paid to refer Medicare beneficiaries to
11 Emmanuel, for the purpose of using that information to submit,
12 and cause the submission of, false and fraudulent claims to
13 Medicare on behalf of Emmanuel. Many of these beneficiaries
14 lived more than 50 miles from Emmanuel.

15 b. Defendant AFOLABI obtained prescriptions for DME,
16 primarily PWCs, purportedly ordered by doctors who were not the
17 primary care physicians for the beneficiaries and who often were
18 unaware that their provider numbers were being used without their
19 authorization to prescribe DME.

20 c. Defendant AFOLABI delivered, or caused to be
21 delivered, PWCs, to some of the Medicare beneficiaries, knowing
22 that those beneficiaries could walk, and so did not medically
23 need a PWC. For other beneficiaries, defendant AFOLABI and his
24 co-schemers either failed to deliver any DME or delivered less
25 expensive items, such as scooters, instead of PWCs.

26 d. Defendant AFOLABI then created false and
27 fraudulent documentation to support Emmanuel's purported delivery
28 of PWCs to beneficiaries, even though, as defendant AFOLABI well

1 knew, some of the beneficiaries did not receive any DME or
2 received less-expensive DME than what was documented in the
3 patient files. Defendant AFOLABI also created false and
4 fraudulent documentation that made it appear as though he had
5 delivered DME when, in fact, defendant AFOLABI was out of the
6 country.

7 e. Defendant AFOLABI then submitted, and caused the
8 submission of, false and fraudulent claims to Medicare for DME,
9 including PWCs and related accessories, that were purportedly
10 provided by Emmanuel to Medicare beneficiaries, knowing that the
11 beneficiaries did not have a medical need for the PWCs and that
12 some beneficiaries did not receive the DME for which Emmanuel
13 billed Medicare.

14 f. As a result of the submission of false and
15 fraudulent claims, Medicare made payments to the Emmanuel Bank
16 Account, which defendant AFOLABI controlled.

17 g. Defendant AFOLABI then transferred and disbursed
18 monies from the Emmanuel Bank Account to himself and others,
19 including marketers, and withdraw large amounts of money in cash.

20 D. EXECUTIONS OF THE FRAUDULENT SCHEME

21 19. On or about the dates set forth below, within the
22 Central District of California and elsewhere, defendant AFOLABI,
23 together with others known and unknown to the Grand Jury, for the
24 purpose of executing and attempting to execute the fraudulent
25 scheme described above, knowingly and willfully caused to be
26 submitted to Medicare for payment the following false and
27 fraudulent claims purportedly for power wheelchairs and related
28 accessories:

COUNT	BENEFICIARY	CLAIM NUMBER	DATED CLAIM SUBMITTED	AMOUNT CLAIMED
ONE	M.L.	108135825270000	5/12/2008	\$5,865.00
TWO	A.M.	108190834987000	7/01/2008	\$6,169.00
THREE	R.L.	108343848281000	12/03/2008	\$5,605.44
FOUR	H.P.	109022836331000	1/16/2009	\$5,850.44

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COUNT	BENEFICIARY	CLAIM NUMBER	DATED CLAIM SUBMITTED	AMOUNT CLAIMED
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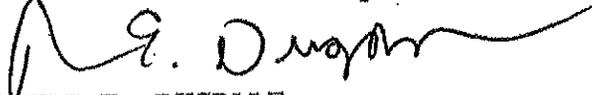
FIVE	J.C.	109133811647000	5/4/2009	\$4,500.00
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A TRUE BILL

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Foreperson

ANDRÉ BIROTTE JR.
 United States Attorney



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

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

CONSUELO WOODHEAD
 Assistant United States Attorney
 Deputy Chief, Major Frauds Section

BEN SINGER
 Deputy Chief, Fraud Section
 United States Department of Justice

O. BENTON CURTIS, III
 Assistant Chief, Fraud Section
 United States Department of Justice

KRISTEN A. WILLIAMS
 Assistant United States Attorney
 Major Frauds Section

FRED MEDICK
 Trial Attorney, Fraud Section
 United States Department of Justice

****AMENDED****

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. CR 13-206 PSG

Defendant Akinola Emmanuel Afolabi

Social Security No.

akas: _____

(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
09	22	2014

COUNSEL **WITH COUNSEL** Lisa Shinar, DFPD

(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:
Health Care Fraud; Causing an Act to be done 18 §1347 2(b) as charged in Count 1 of the Indictment.

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: **30 months**.

It is ORDERED that defendant shall pay to the United States a special assessment of \$100.00 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 \$1,490,532 pursuant to 18 U.S.C. § 3663A.

The amount of the restitution ordered shall be paid as set forth on list prepared by the probation office which the Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victims.

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 percent of defendant's gross monthly income but not less than \$100, 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.

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 to pay interest. Payments may be subjected 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 ability to pay a fine in addition to restitution.

The Court has entered a money judgment of forfeiture against and defendant, which is hereby incorporated by reference into this judgment and is final.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Akinola Emmanuel Afolabi is hereby committed to the custody of the Bureau of Prisons on Count one of the indictment for a term of **30** months.

Upon the Release from imprisonment, the defendant shall be placed on supervised release for a term of (1) one year 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 the judgments's orders pertaining to such payment.
3. Defendant shall cooperate in the collection of a DNA sample from the defendant.
4. The defendant shall not engage, as whole or partial owner, employee or otherwise, in any business involving Medicare reimbursement claims without the express written approval of the Probation Officer prior to engaging in such employment. 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.
5. The defendant shall apply monies received from income tax refunds, lottery winnings, inheritance, judgments, and any anticipated or unexpected financial gains to the outstanding Court-Ordered financial obligation.

It is further **ORDERED** that the defendant shall surrender himself to the institution designated by the Bureau of Prisons on or before 12:00 noon, December 1, 2014. 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: Roybal Federal Building 255 East Temple Street, Los Angeles, California 90012. Bond exonerated upon surrender.

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.

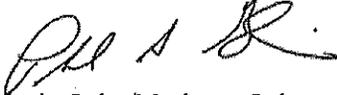
Defendant waives right to appeal. Defendant informed of the rights to appeal.

USA vs. Akinola Emmanuel AfolabiDocket No.: CR 13-206 PSG

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.

10/06/14

Date



 U. S. District Judge/Magistrate 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.

Terry Nafisi, Clerk

10/06/14

Filed Date

 By Angela Bridges /s/

 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.

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:

USA vs. Akinola Emmanuel Afolabi Docket No.: CR 13-206 PSG

Defendant delivered on _____ to _____
Defendant noted on appeal on _____
Defendant released on _____
Mandate issued on _____
Defendant's appeal determined on _____
Defendant delivered on _____ to _____
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) _____ Date _____
Defendant

_____ Date _____
U. S. Probation Officer/Designated Witness

PASPR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:13-cr-00206-PSG-1**

Case title: USA v. Afolabi

Date Filed: 03/28/2013

Date Terminated: 09/26/2014

Assigned to: Judge Philip S. Gutierrez

Defendant (1)

Akinola Emmanuel Afolabi
Reg # 64851-112
TERMINATED: 09/26/2014

represented by **Lisa Shinar LaBarre**
Federal Public Defenders Office
321 East 2nd Street
Los Angeles, CA 90012-4202
213-894-1476
Fax: 213-894-0081
Email: Lisa_Labarre@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

18:1347,2(b) HEALTH CARE
FRAUD; CAUSING AN ACT TO BE
DONE
(1)

18:1347,2(b) HEALTH CARE
FRAUD; CAUSING AN ACT TO BE
DONE
(2-5)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Defendant is committed to the custody of the Bureau of Prisons for 30 months. Supervised Release for (1) one year under the terms and conditions of the U.S. Probation Office and General Order 05-02, and General Order 01-05. Special assessment of \$100. Restitution of \$1,490,532. All fines waived.

Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed .

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Kristen A Williams**
 AUSA - Office of US Attorney
 Criminal Division - US Courthouse
 312 North Spring Street Suite 1200
 Los Angeles, CA 90012
 213-894-0526
 Fax: 213-894-0141
 Email: kristen.williams@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred G Medick
 US Department of Justice
 Criminal Division - Fraud Section
 4811 Airport Plaza Drive 5th floor
 Long Beach, CA 90815
 202-674-5653
 Fax: 562-982-1799
 Email: fred.medick@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/28/2013	<u>1</u>	INDICTMENT filed as to Akinola Emmanuel Afolabi (1) count(s) 1-5. Offense occurred in LA. (ja) (Entered: 04/02/2013)
03/28/2013	<u>2</u>	EX PARTE APPLICATION to Seal Indictment and Related Documents Filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi(ja) (Entered: 04/02/2013)
03/28/2013	<u>3</u>	ORDER by Magistrate Judge Carla Woehrle granting <u>2</u> Ex Parte Application to Seal Indictment and Related Documents as to Akinola Emmanuel Afolabi (1) (ja) (Entered: 04/02/2013)
03/28/2013	<u>4</u>	CASE SUMMARY filed by AUSA Kristen A. Williams as to Defendant Akinola Emmanuel Afolabi; defendant's Year of Birth: 1959 (ja) (Entered: 04/02/2013)
03/28/2013	<u>5</u>	

		MEMORANDUM filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi in regards to the following Magistrate Judges: Jacqueline Chooljian, Patrick J. Walsh, Sheri Pym, Michael Wilner, Jean Rosenbluth (ja) (Entered: 04/02/2013)
03/28/2013	<u>6</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi. This criminal action, being filed on 3/28/13, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters. (ja) (Entered: 04/02/2013)
03/28/2013	<u>7</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (ja) (Entered: 04/02/2013)
05/14/2013	<u>9</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Akinola Emmanuel Afolabi; defendant's Year of Birth: 1959; date of arrest: 5/14/2013 (ja) (Entered: 05/21/2013)
05/14/2013	<u>10</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Stephen J. Hillman as to Defendant Akinola Emmanuel Afolabi. Defendant states true name as charged. Attorney: Lisa A Shinar for Akinola Emmanuel Afolabi, Deputy Federal Public Defender, present. Defendant remanded to the custody of the USM. Detention Hearing set for 5/17/2013 02:00 PM before Magistrate Judge Stephen J. Hillman. Court Smart: CS 5/14/13. (ja) (Entered: 05/21/2013)
05/14/2013	<u>11</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Akinola Emmanuel Afolabi (ja) (Entered: 05/21/2013)
05/14/2013	<u>13</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Stephen J. Hillman as to Defendant Akinola Emmanuel Afolabi (1) Count 1-5. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Lisa A. Shinar, Deputy Federal Public Defender present. Case assigned to Judge Philip S. Gutierrez. Jury Trial set for 7/9/2013 09:00 AM before Judge Philip S. Gutierrez. Status Conference set for 6/24/2013 10:00 AM before Judge Philip S. Gutierrez. Court Smart: CS05/14/2013. (tba) (Entered: 05/21/2013)
05/17/2013	<u>16</u>	MINUTES OF Detention Hearing held before Magistrate Judge Stephen J. Hillman as to Defendant Akinola Emmanuel Afolabi. The Court Orders: Akinola Emmanuel Afolabi (1) \$50,000.00 Unsecured Appearance Bond SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Court Smart: CS 5/17/13. (ja) (Entered: 05/23/2013)
05/17/2013	<u>18</u>	DECLARATION RE: PASSPORT filed by Defendant Akinola Emmanuel Afolabi, declaring that I am unable to locate my passport(s). If I locate any passport issued to me, I will immediately surrender it to the U.S. Pretrial Services Agency. I will not apply for the issuance of a passport during the pendency of this case. RE: Bond and Conditions (CR-1) <u>17</u> . (ja) (Entered: 05/23/2013)
05/17/2013	<u>19</u>	MEMORANDUM FOR RELEASE ORDER AUTHORIZATION filed by PSA Officer as to Defendant Akinola Emmanuel Afolabi. Submitted in compliance

		with conditions as set forth in Bond and Conditions (CR-1) <u>17</u> . (ja) (Entered: 05/23/2013)
05/20/2013	<u>8</u>	CRIMINAL MOTION AND TRIAL ORDER by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi. Pretrial Motions to be filed on: 05/24/13, Motion Oppositions to be filed on: 06/03/13. Motion Replies to be filed on: 06/17/13. Jury Trial set for 7/9/2013 09:00 AM. Status Conference set for 6/24/2013 10:00 AM. (wm) (Entered: 05/20/2013)
05/20/2013	<u>17</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Akinola Emmanuel Afolabi conditions of release: \$50,000 Unsecured Appearance Bond approved by Magistrate Judge Stephen J. Hillman. (ja) (Entered: 05/23/2013)
05/20/2013	<u>20</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Akinola Emmanuel Afolabi. Foreign passport No: A3805130A was received on 5/20/13. Re: Bond and Conditions (CR-1) <u>17</u> . (ja) (Entered: 05/23/2013)
05/20/2013	<u>21</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Akinola Emmanuel Afolabi. USA passport No: 458067196 was received on 5/20/13. Re: Bond and Conditions (CR-1) <u>17</u> . (ja) (Entered: 05/23/2013)
05/21/2013	<u>14</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of AUSA Fred G Medick on behalf of Plaintiff USA. Filed by Plaintiff USA. (Medick, Fred) (Entered: 05/21/2013)
05/21/2013	<u>15</u>	STIPULATION for Disclosure of Confidential Health Information. filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (Attachments: # <u>1</u> Proposed Order)(Williams, Kristen) (Entered: 05/21/2013)
05/23/2013	<u>23</u>	PROTECTIVE ORDER by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi, re Stipulation for Disclosure <u>15</u> . (bm) (Entered: 05/23/2013)
06/05/2013	<u>24</u>	STIPULATION to Continue Trial Date from July 9, 2013 to November 12, 2013 filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (Attachments: # <u>1</u> Proposed Order)(Williams, Kristen) (Entered: 06/05/2013)
06/06/2013	<u>25</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi: THEREFORE, FOR GOOD CAUSE SHOWN: The trial in this matter is continued from July 9, 2013, to November 12, 2013. The status conference hearing is continued to October 28, 2013 at 10:00AM. The briefing schedule for any motions shall be: motions by September 27, 2013; oppositions by October 4, 2013; and replies by October 18, 2013. The time period of July 9, 2013, to November 12, 2013, inclusive, is excluded in computing the time within which the trial must commence. (bm) (Entered: 06/07/2013)
08/13/2013	<u>27</u>	TEXT ONLY ENTRY IN CHAMBERS by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi: At the request of counsel, a Change of Plea Hearing is set for 08/26/2013 at 9:00am. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(wm) TEXT ONLY ENTRY (Entered: 08/13/2013)

08/26/2013	<u>28</u>	MINUTES OF Change of Plea Hearing held before Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi. Defendant moves to change plea to the Indictment. Defendant now enters a new and different plea of Guilty to Count One of the Indictment. The Court questions the defendant regarding plea of Guilty and finds its knowledgeable and voluntary and orders the plea accepted and entered. The Court refers the defendant to the Probation Office for investigation and report and continues the matter to Monday, 11/25/13 at 10:00 a.m. for sentencing. The Court vacates the court and/or jury trial date. The pretrial conference set for 10/28/13 is off calendar as to defendant AKINOLA EMMANUEL AFOLABI. Based on the government's agreement, the nature of the charges, the fact and that the defendant has made all his/her appearances, and the likely sentence range, the Court finds it appropriate to allow the defendant to remain on bond. Further, at the request of defense counsel, the plea agreement is ordered sealed. sworn. Court questions defendant regarding the plea. The Defendant Akinola Emmanuel Afolabi (1) pleads GUILTY to Count 1-5. The plea is accepted. The Court ORDERS the preparation of a Presentence Report. Sentencing set for 11/25/2013 10:00 AM before Judge Philip S. Gutierrez. Court Reporter: Miriam Baird. (bp) (Entered: 08/26/2013)
09/25/2013	<u>29</u>	EX PARTE APPLICATION to Modify Conditions of Release Filed by Defendant Akinola Emmanuel Afolabi (Attachments: # <u>1</u> Proposed Order) (Shinar, Lisa) (Entered: 09/25/2013)
09/26/2013	<u>30</u>	ORDER MODIFYING CONDITIONS OF PRETRIAL RELEASE by Judge Philip S. Gutierrez granting <u>29</u> Ex Parte Application to Modify Conditions of Release as to Defendant Akinola Emmanuel Afolabi (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that the conditions of Akinola Emmanuel Afolabi's pretrial release are modified to eliminate the requirement of home detention. Mr. Afolabi shall have a curfew from 10:00 p.m. to 6:00 a.m. (bm) (Entered: 09/27/2013)
11/18/2013	<u>33</u>	NOTICE of Manual Filing of Ex Parte Application, [Proposed] Order, Stipulation, [Proposed] Order filed by Defendant Akinola Emmanuel Afolabi (Shinar, Lisa) (Entered: 11/18/2013)
11/18/2013	<u>34</u>	SEALED DOCUMENT - EX PARTE APPLICATION TO FILE STIPULATION TO CONTINUE SENTENCING HEARING UNDER SEAL (bm) (Entered: 11/22/2013)
11/18/2013	<u>35</u>	SEALED DOCUMENT - ORDER GRANTING APPLICATION TO SEAL (bm) (Entered: 11/22/2013)
11/18/2013	<u>36</u>	SEALED DOCUMENT - STIPULATION REGARDING CONTINUANCE OF SENTENCING HEARING (bm) (Entered: 11/22/2013)
11/18/2013	<u>37</u>	SEALED DOCUMENT - ORDER CONTINUING SENTENCING HEARING (bm) (Entered: 11/22/2013)
02/03/2014	<u>38</u>	NOTICE of Manual Filing of UNDER SEAL DOCUMENTS filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (Williams, Kristen) (Entered: 02/03/2014)
02/04/2014	<u>39</u>	

		SEALED DOCUMENT - GOVERNMENT'S EX PARTE APPLICATION FOR ORDER SEALING DOCUMENTS; DECLARATION OF AUSA KRISTEN A. WILLIAMS (bm) (Entered: 02/05/2014)
02/04/2014	<u>40</u>	SEALED DOCUMENT - ORDER SEALING DOCUMENTS (bm) (Entered: 02/05/2014)
02/04/2014	<u>41</u>	SEALED DOCUMENT - STIPULATION TO CONTINUE SENTENCING; DECLARATION OF AUSA KRISTEN A. WILLIAMS (bm) (Entered: 02/05/2014)
02/04/2014	<u>42</u>	SEALED DOCUMENT - ORDER (bm) (Entered: 02/05/2014)
05/01/2014	<u>43</u>	NOTICE of Manual Filing of (1) [SEALED DOCUMENTS]; (2) UNOPPOSED EX PARTE APPLICATION FOR ORDER SEALING DOCUMENTS; DECLARATION OF KRISTEN A. WILLIAMS (3) [Proposed] ORDER SEALING DOCUMENTS (4) PROOF OF SERVICE ATTACHED TO ALL filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (Williams, Kristen) (Entered: 05/01/2014)
05/05/2014	<u>44</u>	SEALED DOCUMENT- Under Seal Document (mat) (Entered: 05/07/2014)
05/05/2014	<u>45</u>	SEALED DOCUMENT- Under Seal Document (mat) (Entered: 05/07/2014)
05/05/2014	<u>46</u>	SEALED DOCUMENT- Under Seal Document (mat) (Entered: 05/07/2014)
05/05/2014	<u>47</u>	SEALED DOCUMENT- Under Seal Document (mat) (Entered: 05/07/2014)
09/02/2014	<u>48</u>	NOTICE of Manual Filing of EX PARTE APPLICATION PROPOSED ORDER UNDER SEAL DOCUMENT filed by Plaintiff USA as to Defendant Akinola Emmanuel Afolabi (Williams, Kristen) (Entered: 09/02/2014)
09/03/2014	<u>50</u>	SEALED DOCUMENT - GOVERNMENT'S EX PARTE APPLICATION FOR ORDER SEALING DOCUMENTS; DECLARATION OF AUSA KRISTEN A. WILLIAMS (bm) (Entered: 09/09/2014)
09/03/2014	<u>51</u>	SEALED DOCUMENT - ORDER SEALING DOCUMENTS (bm) (Entered: 09/09/2014)
09/03/2014	<u>52</u>	SEALED DOCUMENT - DOCUMENT (bm) (Entered: 09/09/2014)
09/08/2014	<u>49</u>	NOTICE of Manual Filing of Ex Parte Application to File Under Seal; Proposed Order; Under Seal Document filed by Defendant Akinola Emmanuel Afolabi (LaBarre, Lisa) (Entered: 09/08/2014)
09/09/2014	<u>53</u>	SEALED DOCUMENT - UNDER SEAL DOCUMENT (bm) (Entered: 09/11/2014)
09/09/2014	<u>54</u>	SEALED DOCUMENT - UNDER SEAL DOCUMENT (bm) (Entered: 09/11/2014)
09/09/2014	<u>55</u>	SEALED DOCUMENT - UNDER SEAL DOCUMENT (bm) (Entered: 09/11/2014)
09/12/2014	<u>56</u>	

		SENTENCING LETTER filed by Defendant Akinola Emmanuel Afolabi (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proof of Service)(LaBarre, Lisa) (Entered: 09/12/2014)
09/22/2014	<u>57</u>	MINUTES OF SENTENCING Hearing held before Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi. Defendant Akinola Emmanuel Afolabi (1), Count(s) 1, Defendant is committed to the custody of the Bureau of Prisons for 30 months. Supervised Release for (1) one year under the terms and conditions of the U.S. Probation Office and General Order 05-02, and General Order 01-05. Special assessment of \$100. Restitution of \$1,490,532. All fines waived. Count(s) 2-5, Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed. Bond exonerated upon surrender. Defendant advised of right of appeal. Defendant to surrender not later than 12/1/2014. Court Reporter: Marea Woolrich. (bm) (Entered: 09/29/2014)
09/26/2014	<u>58</u>	JUDGMENT AND COMMITMENT by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi (1), Count(s) 1, Defendant is committed to the custody of the Bureau of Prisons for 30 months. Supervised Release for (1) one year under the terms and conditions of the U.S. Probation Office and General Order 05-02, and General Order 01-05. Special assessment of \$100. Restitution of \$1,490,532. All fines waived. It is further ORDERED that the defendant shall surrender himself to the institution designated by the Bureau of Prisons on or before 12:00 noon, December 1, 2014. Count(s) 2-5, Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed. Defendant waives right to appeal. Defendant informed of the rights to appeal. (bm) (Entered: 09/29/2014)
10/06/2014	<u>60</u>	AMENDED JUDGMENT by Judge Philip S. Gutierrez as to Defendant Akinola Emmanuel Afolabi (1), Count(s) 1, Defendant is committed to the custody of the Bureau of Prisons for 30 months. Supervised Release for (1) one year under the terms and conditions of the U.S. Probation Office and General Order 05-02, and General Order 01-05. Special assessment of \$100. Restitution of \$1,490,532. All fines waived. Count(s) 2-5, Government's motion, all remaining count (s)/underlying indictment/information, ordered dismissed. It is further ORDERED that the defendant shall surrender himself to the institution designated by the Bureau of Prisons on or before 12:00 noon, December 1, 2014. Defendant waives right to appeal. Defendant informed of the rights to appeal. (bm) (Entered: 10/06/2014)
11/14/2014	<u>61</u>	EX PARTE APPLICATION for Order for TO ALLOW DIRECT SURRENDER TO LOMPOC SCP AND REMOVAL OF ELECTRONIC MONITORING BRACELET Filed by Defendant Akinola Emmanuel Afolabi. (Attachments: # <u>1</u> Proposed Order) (LaBarre, Lisa) (Entered: 11/14/2014)
11/17/2014	<u>62</u>	ORDER by Judge Philip S. Gutierrez granting <u>61</u> Ex Parte Application as to Akinola Emmanuel Afolabi (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that defendant Akinola Emmanuel Afolabi is allowed to surrender directly to Lompoc SCP to serve his sentence of imprisonment. Mr. Afolabi must surrender by 12 noon on December 1, 2014. Mr. Afolabi must report to Pretrial Services, during business hours, during the week prior to the

		surrender date for the removal of his electronic monitoring bracelet. (bm) (Entered: 11/18/2014)
12/03/2014	<u>63</u>	VERIFICATION OF SURRENDER as to Akinola Emmanuel Afolabi: surrender date 12/1/14. (bm) (Entered: 12/03/2014)

PACER Service Center			
Transaction Receipt			
04/03/2018 16:52:25			
PACER Login:	Odlegal94612:2536794:0	Client Code:	AFU
Description:	Docket Report	Search Criteria:	2:13-cr-00206- PSG End date: 4/3/2018
Billable Pages:	6	Cost:	0.60



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

MAR 05 2015

Akinola Emmanuel Afolabi, #64851-112
United States Penitentiary Lompoc
3901 Klein Boulevard
Lompoc, CA 93436

**Re: Owner, Emmanuel Medical Supply, Inc.
Provider Nos.: DME03354F, 1396928818, and 1114025426.**

Dear Mr. Afolabi:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by the Director, Health Care Program Exclusions, Office of Counsel to the Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective February 19, 2015. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, on behalf of the Director of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective February 19, 2015. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be subject to suspension from

Akinola Emmanuel Afolabi

Page 2

MAR 05 2015

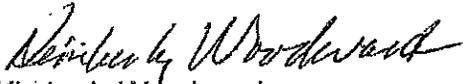
receiving payment, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

If your exclusion from participation in Medicare/Medicaid is reinstated by the Department of Health and Human Services in the future, and if no other circumstance(s) exist at that time that would preclude your being considered for reinstatement in the Medi-Cal program, you may then submit a written petition for reinstatement to participate in the Medi-Cal program. Reinstatement into the Medi-Cal program is not automatic. Only if your petition for reinstatement is granted will you be eligible to submit an application for enrollment in Medi-Cal.

If you have any questions about this action, or will be submitting a written petition for reinstatement (in accordance with the restrictions above), please submit your concerns or petition, in writing, to the Office of Legal Services, Mandatory Suspension Desk, at the address above.

Sincerely,

Eric Lazarus
Senior Attorney


Kimberly Woodward
Legal Analyst

cc: See next page.

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