

FILED

2015 JUL 30 AM 11:36

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDDIESON LEGASPI,

Defendant.

CR No.

CR15-0427

I N F O R M A T I O N

[18 U.S.C. § 1349: Conspiracy to
Commit Health Care Fraud]

The United States Attorney charges:

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Information:

Defendant and Company A

1. Defendant EDDIESON LEGASPI ("defendant LEGASPI") was a resident of Lomita, California, within the Central District of California.

2. Beginning in or about April 2009 and continuing through at least in or about December 2012, defendant LEGASPI worked for Company A, a California corporation, which was located at various sites in Los Angeles and Orange Counties, within the Central District of California.

1 3. Rehab Synergy, Inc. ("Rehab Synergy") was a California
2 corporation, owned and operated by defendant LEGASPI, which was
3 located in Los Angeles County, within the Central District of
4 California.

5 Co-Conspirators

6 4. Co-conspirator Marlon Songco was the president of Company
7 A. Co-conspirators Marlon Songco, A, and B owned and controlled
8 Company A.

9 5. A bank account for Company A was maintained at J.P. Morgan
10 Chase Bank, N.A., with company account ending in number 5060
11 ("Company A Bank Account").

12 The Medicare Program

13 6. Medicare was a federal health care benefit program,
14 affecting commerce, which provided benefits to individuals who were
15 over the age of 65 or disabled. Medicare was administered by the
16 Centers for Medicare and Medicaid Services ("CMS"), a federal agency
17 under the United States Department of Health and Human Services
18 ("HHS").

19 7. Individuals who qualified for Medicare benefits were
20 referred to as Medicare "beneficiaries." Each Medicare beneficiary
21 was given a Health Identification Card containing a unique
22 identification number ("HICN").

23 8. Health care providers who provided medical services that
24 were reimbursed by Medicare were referred to as Medicare "providers."

25 9. CMS contracted with private companies to certify providers
26 for participation in the Medicare program and monitor their
27 compliance with Medicare standards, to process and pay claims, and to
28

1 perform program safeguard functions, such as identifying and
2 reviewing suspect claims.

3 10. To obtain reimbursement from Medicare, a provider had to
4 apply for and obtain a provider number. By signing the provider
5 application, the provider agreed to (a) abide by Medicare rules and
6 regulations, and (b) not submit claims to Medicare knowing they were
7 false or fraudulent or with deliberate ignorance or reckless
8 disregard of their truth or falsity.

9 11. If Medicare approved a provider's application, Medicare
10 assigned the provider a Medicare provider number, which enabled the
11 provider to submit claims to Medicare for services rendered to
12 Medicare beneficiaries.

13 12. Medicare reimbursed providers only for services, including
14 physical therapy, that (a) were medically necessary to the treatment
15 of a beneficiary's illness or injury, (b) were prescribed by a
16 beneficiary's physician or a qualified physician's assistant acting
17 under the supervision of a physician, and (c) were provided in
18 accordance with Medicare regulations and guidelines that governed
19 whether a particular service or product would be reimbursed by
20 Medicare.

21 **B. THE OBJECT OF THE CONSPIRACY**

22 13. Beginning in or about April 2009 and continuing until at
23 least in or about December 2012, in Los Angeles County, within the
24 Central District of California, and elsewhere, defendant LEGASPI,
25 together with co-conspirators Marlon Songco, A, and B, and others
26 known and unknown to the United States Attorney, knowingly combined,
27 conspired, and agreed to commit the following offense against the
28

1 United States; health care fraud, in violation of Title 18, United
2 States Code, Section 1347.

3 C. MANNER AND MEANS OF THE CONSPIRACY

4 14. The object of the conspiracy was carried out, and to be
5 carried out, in substance, as follows:

6 a. Co-conspirators Marlon Songco, A, and B would pay
7 Rehab Synergy for defendant LEGASPI's performance of physical therapy
8 services for Medicare beneficiaries at Company A.

9 b. As defendant LEGASPI then well knew, co-conspirators
10 Marlon Songco, A, and B hired defendant LEGASPI as a licensed
11 physical therapist (even though defendant LEGASPI continued to work
12 full-time at other employment) to perform patient evaluations and re-
13 evaluations, rather than follow-up treatment, for Medicare
14 beneficiaries at Company A. Defendant LEGASPI evaluated and re-
15 evaluated some, but not all, of the beneficiaries and created plans
16 of physical therapy treatment, even though, as defendant LEGASPI then
17 well knew and intended, many of the beneficiaries never received any
18 follow-up physical therapy services.

19 c. While at Company A, beneficiaries would often receive
20 only massage and acupuncture (services defendant LEGASPI then well
21 knew were not covered by Medicare) from individuals not licensed to
22 perform physical therapy.

23 d. As defendant LEGASPI then well knew, co-conspirators
24 Marlon Songco, A, and B would use a medical billing service, which
25 defendant later learned was Accubill Medical Billing Services
26 ("Accubill"), to submit claims to Medicare for reimbursement for
27 physical therapy services.

28

1 e. As defendant LEGASPI then well knew, co-conspirators
2 Marlon Songco, A, and B provided information to Accubill, including
3 the names, HICNs, and other patient information of the Medicare
4 beneficiaries, as well as falsified records that made it appear as
5 though the beneficiaries had received physical therapy treatments
6 from defendant LEGASPI, knowing and intending that Accubill would use
7 this falsified information to submit false and fraudulent claims to
8 Medicare for physical therapy.

9 f. Company A received payment from Medicare for those
10 false and fraudulent claims, and the payments were deposited into the
11 Company A Bank Account, to which co-conspirators Marlon Songco, A,
12 and B had joint access and control.

13 g. Approximately every two weeks from May 2009 to
14 December 2012, defendant LEGASPI received between \$1,500 and \$2,200
15 of the Medicare payments deposited into the Company A Bank Account by
16 co-conspirators Marlon Songco, A, and B as payment for the use of
17 defendant LEGASPI's Medicare provider number and for the submission
18 of fraudulent and improper claims to Medicare for physical therapy.

19 h. Between in or about April 2009 and in or about
20 December 2012, Company A submitted approximately \$2,310,400 in false
21 and fraudulent claims to Medicare, for which Medicare paid
22 approximately \$1,266,148, deposited into the Company A Bank Account,
23 for physical therapy services allegedly performed by defendant
24 LEGASPI. Defendant LEGASPI, either directly or through Rehab
25 Synergy, received approximately \$170,500 from Company A for defendant
26 LEGASPI's participation in the conspiracy, including providing the
27 use of his Medicare provider number to co-conspirators Marlon Songco,
28

1 A, and B to be used for the submission of fraudulent and improper
2 claims to Medicare for physical therapy.

3 D. OVERT ACTS

4 15. In furtherance of the conspiracy and to accomplish its
5 object, defendant LEGASPI, together with co-conspirators Marlon
6 Songco, A, and B, and others known and unknown to the United States
7 Attorney, committed and willfully caused others to commit; the
8 following overt acts, among others, in the Central District of
9 California and elsewhere:

10 Overt Act No. 1: On or about May 25, 2009, defendant LEGASPI
11 received and deposited a check payable from co-conspirator Marlon
12 Songco to defendant LEGASPI for \$1,500.00, drawn on the Company A
13 Bank Account, paid for the use of defendant LEGASPI's Medicare
14 provider number.

15 Overt Act No. 2: Between on or about July 2, 2010, and on or
16 about July 6, 2010, defendant LEGASPI and co-conspirators Marlon
17 Songco, A, and B caused to be submitted to Medicare, false and
18 fraudulent claims for physical therapy services allegedly provided to
19 Medicare beneficiaries (comprising more than 20 hours of purported
20 treatment) on June 28, 2010, by defendant LEGASPI, knowing that
21 defendant LEGASPI did not, in fact, perform those physical therapy
22 services.

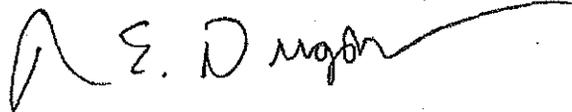
23 Overt Act No. 3: On or about July 1, 2011, defendant LEGASPI
24 and co-conspirators Marlon Songco, A, and B caused to be submitted to
25 Medicare, false and fraudulent claims for physical therapy services
26 allegedly provided to 14 Medicare beneficiaries (comprising more than
27 17 hours of purported treatment) on June 17, 2011, by defendant
28

1 LEGASPI, knowing that defendant LEGASPI did not, in fact, perform
2 those physical therapy services.

3 Overt Act No. 4: Between on or about February 29, 2012, and
4 on or about March 16, 2012, defendant LEGASPI and co-conspirators
5 Marlon Songco, A, and B caused to be submitted to Medicare, false and
6 fraudulent claims for physical therapy services allegedly provided to
7 12 Medicare beneficiaries (comprising more than 14 hours of purported
8 treatment) on February 20, 2012, by defendant LEGASPI, knowing that
9 defendant LEGASPI did not, in fact, perform those physical therapy
10 services.

11 Overt Act No. 5: On or about December 10, 2012, defendant
12 LEGASPI received and deposited a check from co-conspirator A payable
13 to Rehab Synergy for \$2,200.00, drawn on the Company A Bank Account,
14 paid for the use of defendant LEGASPI's Medicare provider number.

15
16 EILEEN M. DECKER
United States Attorney

17
18 

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

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

21 JAMES A. BOWMAN
Assistant United States Attorney
Deputy Chief, Major Frauds Section

22
23 BYRON J. MCLAIN
Assistant United States Attorney
Major Frauds Section

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. CR 15-0427-DOC

Defendant EDDIESON LEGASPI

Social Security No. █ █ █ █

akas: True Name: Legaspi, Eddieson Igtiben

(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
01	09	2017

COUNSEL

Michael H. Artan, 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, 18 U.S.C. § 1349, Conspiracy to Commit Health Care Fraud of the Single-Count Information.

**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 \$100, 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 \$1,266,148 pursuant to 18 U.S.C. § 3663A.

Defendant shall pay restitution in the total amount of \$1,266,148 to victims as set forth in a separate victim list prepared by the probation office which this 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.

A partial payment of \$15,000 shall be paid by February 10, 2017. 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 \$1,500, 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 subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The defendant shall be held jointly and severally liable with any convicted co-participants for the amount of restitution ordered in this judgment. The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victims receive full restitution.

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

Pursuant to USSG §5E1.2(a), all fines are waived as the Court finds that the defendant has established that he is unable to pay and is not likely to become able to pay any fine.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Eddie Legaspi, is hereby committed on the Single-Count Information to the custody of the Bureau of Prisons for a term of 15 months.

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 by, affiliated with, own, control, volunteer for, or otherwise participate, directly or indirectly, in any business involving federally funded or state funded health insurance or entitlement programs 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 submit person and property to search and seizure at any time of the day or night by any law enforcement officer with or without a warrant and with or without reasonable or probable cause.
6. The defendant shall report to the United States Probation Office within 72 hours of his release from custody.
7. The defendant shall report in person directly to the Court within 21 days of release from custody, at a date and time to be set by the United States Probation Office, and thereafter report in person to the Court as directed during his first year of supervised release.
8. The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapon, as defined by federal, state, or local law.
9. The defendant shall cooperate in the collection of a DNA sample from the defendant.

USA vs. EDDIESON LEGASPI

Docket No.: CR 15-0427-DOC

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 to the institution designated by the Bureau of Prisons on or before February 27, 2017 at 12:00 noon. 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 United States Court House, 411 West Fourth Street, Santa Ana, California 92701-4516.

Defendant advised of right to appeal.

The Court recommends a facility in Southern California due to close family ties.

Defendant's bond is exonerated upon surrender.

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.

January 9, 2017

Date

David O. Carter

DAVID O. CARTER, 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

January 9, 2017

Filed Date

By Deborah Goltz

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. EDDIESON LEGASPIDocket No.: CR 15-0427-DOC

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 (pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid):
 - Non-federal victims (individual and corporate),
 - Providers of compensation to non-federal 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.

USA vs. EDDIESON LEGASPI

Docket No.: CR 15-0427-DOC

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 _____

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

W/SO,CLOSED,PASPRT,RELATED-G

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-00427-DOC-1**

Case title: USA v. Legaspi
Other court case number: 2:15-cr-49 DOC

Date Filed: 07/30/2015
Date Terminated: 01/09/2017

Assigned to: Judge David O. Carter

Defendant (1)

Eddieson Legaspi
TERMINATED: 01/09/2017

represented by **Michael H Artan**
Michael H Artan Law Offices
One Wilshire Boulevard Suite 2200
Los Angeles, CA 90017
213-688-0370
Fax: 213-627-9201
Email: michaelartan@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1349 CONSPIRACY TO COMMIT
HEALTH CARE FRAUD
(1)

Disposition

Committed on the Single-Count Information to the custody of the Bureau of Prisons for a term of 15 months. Pay \$100 special assessment. Pay total restitution of \$1,266,148. Interest on restitution ordered waived. The defendant shall be held jointly and severally liable with any convicted co-participants for the amount of restitution ordered in this judgment. All fines are waived. Placed on supervised release for a term of 3 years under terms and conditions of US Probation Office and General Orders 05-02 and 01-05.

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Byron J McLain**
 AUSA - Office of the US Attorney
 Major Frauds Section
 312 North Spring Street 11th Floor
 Los Angeles, CA 90012
 213-894-0637
 Fax: 213-894-6269
 Email: byron.mclain@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/30/2015	<u>1</u>	INFORMATION filed as to Eddieson Legaspi (1) count(s) 1. Offense occurred in LA, OC. (ja) (Entered: 08/04/2015)
07/30/2015	<u>5</u>	CASE SUMMARY filed by AUSA Byron J McLain as to Defendant Eddieson Legaspi; defendant's Year of Birth: 1976 (ja) (Entered: 08/04/2015)
07/30/2015	<u>6</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Eddieson Legaspi in regards to the following Magistrate Judges: Jacqueline Chooljian, Patrick J. Walsh, Sheri Pym, Michael Wilner, Alka Sagar, Jean Rosenbluth, Douglas McCormick, Rozella Oliver (ja) (Entered: 08/04/2015)
07/30/2015	<u>7</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Eddieson Legaspi. This criminal action, being filed on 7/30/15, was pending in the U. S. Attorneys Office before the date on which Judge Andre Birotte Jr began receiving criminal matters, it was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters (ja) (Entered: 08/04/2015)
07/30/2015	<u>8</u>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant Eddieson Legaspi Related Case(s): CR 15-49-DDP (ja) (Entered: 08/04/2015)
07/31/2015	<u>9</u>	SEALED DOCUMENT - PLEA AGREEMENT as to Defendant Eddieson Legaspi (ja) (Entered: 08/04/2015)
07/31/2015	<u>10</u>	

		SEALED DOCUMENT - EX PARTE APPLICATION FOR ORDER TO SEAL DOCUMENT (ja) (Entered: 08/04/2015)
07/31/2015	<u>11</u>	SEALED DOCUMENT - ORDER RE SEALING OF DOCUMENT (ja) (Entered: 08/04/2015)
08/19/2015	<u>14</u>	MINUTES OF INFORMATION HEARING held before Magistrate Judge Gail J. Standish as to Defendant Eddieson Legaspi. Defendant states true name as charged. Attorney: Michael H Artan, Retained, present. Court orders bail set as: Eddieson Legaspi (1) \$25,000 Appearance Bond, SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Defendant Ordered to report to USM for processing. Court Reporter: Maria R Bustillos. (ja) (Entered: 08/20/2015)
08/19/2015	<u>15</u>	WAIVER OF INDICTMENT by Defendant Eddieson Legaspi before Magistrate Judge Gail J. Standish (ja) (Entered: 08/20/2015)
08/19/2015	<u>16</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Eddieson Legaspi (ja) (Entered: 08/20/2015)
08/19/2015	<u>17</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Gail J. Standish as to Defendant Eddieson Legaspi (1) Count 1. Defendant arraigned, states true name: As charged. Attorney: Michael H. Artan, Retained present. Case assigned to Judge Percy Anderson. Plea and Trial Setting Hearing set for 8/24/2015 11:00 AM before Judge Percy Anderson. Court Reporter: Maria Bustillos. (tba) (Entered: 08/20/2015)
08/19/2015	<u>18</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Eddieson Legaspi conditions of release: \$25,000 Appearance Bond approved by Magistrate Judge Gail J. Standish. (ja) (Entered: 08/24/2015)
08/19/2015	<u>19</u>	DECLARATION RE: PASSPORT filed by Defendant Eddieson Legaspi, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I have surrendered any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. RE: Bond and Conditions (CR-1) <u>18</u> . (ja) (Entered: 08/24/2015)
08/19/2015	<u>20</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Eddieson Legaspi. USA passport was received on 8/19/15. Re: Bond and Conditions (CR-1) <u>18</u> . (ja) (Entered: 08/24/2015)
08/19/2015	<u>21</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Eddieson Legaspi. Foreign passport was received on 8/19/15. Re: Bond and Conditions (CR-1) <u>18</u> . (ja) (Entered: 08/24/2015)
08/19/2015	<u>23</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$25,000 by surety: Rona Legaspi for Bond and Conditions (CR-1) <u>18</u> . Filed by Defendant Eddieson Legaspi (ja) (Entered: 08/26/2015)
08/19/2015	<u>24</u>	UNREDACTED Affidavit of Surety filed by Plaintiff USA as to Defendant Eddieson Legaspi re: Affidavit of Surety (No Justification)(CR-4) <u>23</u> (ja) (Entered: 08/26/2015)

08/20/2015	<u>12</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 14-03 Related Case filed. Related Case No: CV15-49 DDP. Case, as to Defendant Eddieson Legaspi, transferred from Judge Percy Anderson to Judge Dean D. Pregerson for all further proceedings. The case number will now reflect the initials of the transferee Judge CR15-427 DDP. Signed by Judge Dean D. Pregerson. (mg) (Entered: 08/20/2015)
08/20/2015	<u>13</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dean D. Pregerson: as to Defendant Eddieson Legaspi. COUNSEL ARE NOTIFIED the HEARING RE: ACCEPTANCE OF A GUILTY PLEA shall be held on the original date of August 24, 2015 at the new time of 2:30 p.m. (shb) (Entered: 08/20/2015)
08/24/2015	<u>22</u>	MINUTES OF PLEA hearing held before Judge Dean D. Pregerson as to Defendant Eddieson Legaspi. Defendant enters plea of Guilty to counts 1. The Court refers the defendant to the Probation Office for the preparation of a presentence report and continues the matter to April 11, 2016 at 1:30 p.m., for sentencing. The Court vacates the court and/or jury trial date. Court Reporter: Maria Bustillos. (lc) (Entered: 08/25/2015)
01/27/2016	<u>25</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dean D. Pregerson: At the request of counsel, the SENTENCING is hereby continued from April 11, 2016 to August 8, 2016 at 1:30 PM. (vv) (Entered: 01/27/2016)
06/16/2016	<u>26</u>	MINUTES IN CHAMBERS ORDER by Judge Dean D. Pregerson as to Defendant Eddieson Legaspi. At the request of the government, SENTENCING IS CONTINUED to 9/26/2016 01:30 PM before Judge Dean D. Pregerson. (lc) (Entered: 06/17/2016)
06/21/2016	<u>27</u>	ORDER OF THE CHIEF JUDGE (#16-062) approved by Chief Judge George H. King. IT IS ORDERED, with the concurrence of the Case Management and Assignment Committee, that this case be reassigned from the calendar of Judge Dean D. Pregerson to the calendar of Judge David O. Carter. The case number will now reflect the initials of the transferee Judge 2:15-cr-00427 DOC. (rn) (Entered: 06/21/2016)
07/28/2016	<u>28</u>	STIPULATION to Continue Sentencing Hearing from September 26, 2016 to December 19, 2016 filed by Plaintiff USA as to Defendant Eddieson Legaspi (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 07/28/2016)
08/02/2016	<u>29</u>	ORDER by Judge David O. Carter as to Defendant Eddieson Legaspi: Continuing Sentencing Hearing <u>28</u> . Sentencing Hearing continued to 12/19/2016 01:30 PM before Judge David O. Carter. (mt) (Entered: 08/02/2016)
11/02/2016	<u>30</u>	STIPULATION to Continue Sentencing from December 19, 2016 to January 9, 2017 filed by Plaintiff USA as to Defendant Eddieson Legaspi (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 11/02/2016)
11/03/2016	<u>31</u>	ORDER by Judge David O. Carter as to Defendant Eddieson Legaspi: Continuing Sentencing Hearing <u>30</u> . Sentencing continued to 1/9/2017 01:30 PM before Judge David O. Carter. (mt) (Entered: 11/03/2016)
12/14/2016	<u>34</u>	NOTICE of Manual Filing of Under Seal Documents filed by Plaintiff USA as to Defendant Eddieson Legaspi (McLain, Byron) (Entered: 12/14/2016)

12/21/2016	<u>35</u>	SEALED DOCUMENT RE GOVERNMENT'S EX PARTE APPLICATION FOR ORDER SEALING DOCUMENTS; DECLARATION OF BYRON J MCLAIN (mt) (Entered: 12/21/2016)
12/21/2016	<u>36</u>	SEALED DOCUMENT RE ORDER (mt) (Entered: 12/21/2016)
12/21/2016	<u>37</u>	SEALED DOCUMENT RE GOVERNMENT'S RESPONSE TO PRESENTENCE REPORT AND SENTENCING POSITION REGARDING DEFENDANT EDDIESON LEGASPI (mt) (Entered: 12/21/2016)
12/27/2016	<u>38</u>	NOTICE of Manual Filing of Ex parte application, proposed order, criminal filing filed by Defendant Eddieson Legaspi (Artan, Michael) (Entered: 12/27/2016)
12/29/2016	<u>42</u>	SENTENCING MEMORANDUM filed by Defendant Eddieson Legaspi (Attachments: # <u>1</u> Exhibit Letters of Recommendation)(Artan, Michael) (Entered: 12/29/2016)
01/03/2017	<u>43</u>	SENTENCING LETTER filed by Defendant Eddieson Legaspi (Attachments: # <u>1</u> Letter to Court)(Artan, Michael) (Entered: 01/03/2017)
01/09/2017	<u>44</u>	MINUTES OF SENTENCING Hearing held before Judge David O. Carter as to Defendant Eddieson Legaspi. Defendant Eddieson Legaspi (1), Count(s) 1, Committed on the Single-Count Information to the custody of the Bureau of Prisons for a term of 15 months. Pay \$100 special assessment. Pay total restitution of \$1,266,148. Interest on restitution ordered waived. The defendant shall be held jointly and severally liable with any convicted co-participants for the amount of restitution ordered in this judgment. All fines are waived. Placed on supervised release for a term of 3 years under terms and conditions of US Probation Office and General Orders 05-02 and 01-05. Defendant to surrender on or before 2/27/2017 at 12:00 noon. Bond exonerated upon surrender. Defendant advised of right to appeal. The Court recommends a facility in Southern California due to close family ties. Court Reporter: Debbie Gale. (mt) (Entered: 01/10/2017)
01/09/2017	<u>45</u>	JUDGMENT AND COMMITMENT by Judge David O. Carter as to Defendant Eddieson Legaspi (1), Count(s) 1, Committed on the Single-Count Information to the custody of the Bureau of Prisons for a term of 15 months. Pay \$100 special assessment. Pay total restitution of \$1,266,148. Interest on restitution ordered waived. The defendant shall be held jointly and severally liable with any convicted co-participants for the amount of restitution ordered in this judgment. All fines are waived. Placed on supervised release for a term of 3 years under terms and conditions of US Probation Office and General Orders 05-02 and 01-05. (mt) (Entered: 01/10/2017)
02/06/2017	<u>47</u>	EX PARTE APPLICATION to Modify Conditions of Release Filed by Defendant Eddieson Legaspi. (Attachments: # <u>1</u> Exhibit Death Certificate, # <u>2</u> Proposed Order) (Artan, Michael) (Entered: 02/06/2017)
02/09/2017	<u>48</u>	ORDER by Judge David O. Carter, DENYING <u>47</u> EX PARTE APPLICATION to Modify Conditions of Release as to Eddieson Legaspi (1) (es) (Entered: 02/09/2017)

04/05/2018	<u>49</u>	REQUEST FOR CALENDAR DATE filed as to Defendant Eddieson Legaspi. Progress Review Hearing set for 4/24/2018 07:30 AM before Judge David O. Carter. (mt) (Entered: 04/05/2018)
04/24/2018	50	PROGRESS REVIEW HEARING held by Judge David O. Carter as to Defendant Eddieson Legaspi. PROGRESS REVIEW HEARING set for 6/26/2018 @ 7:30 AM before Judge David O. Carter. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dgo) TEXT ONLY ENTRY (Entered: 04/24/2018)

PACER Service Center			
Transaction Receipt			
06/26/2018 16:26:37			
PACER Login:	Odlegal94612:2536794:0	Client Code:	AFU
Description:	Docket Report	Search Criteria:	2:15-cr-00427- DOC End date: 6/26/2018
Billable Pages:	5	Cost:	0.50

BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EDDIESON IGTIBEN LEGASPI, P.T.
25018 Eshelman Avenue, Unit 15
Lomita, California 90717

Physical Therapist License No. PT 32719,

Respondent.

Case No. 1D-2015-76603

OAH No. 2016111027

DECISION AND ORDER

The attached Stipulated Revocation of License and Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 24, 2017.

It is so ORDERED March 23, 2017.



FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 BENETH A. BROWNE
Deputy Attorney General
4 State Bar No. 202679
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-7816
Facsimile: (213) 897-9395
7 Attorneys for Complainant

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **EDDIESON IGTIBEN LEGASPI, P.T.**
13 **25018 Eshelman Avenue, Unit 15**
Lomita, California 90717

14 **Physical Therapist License No. PT 32719,**

15 **Respondent.**

Case No. 1D-2015-76603

OAH No. 2016111027

STIPULATED REVOCATION OF
LICENSE AND ORDER

17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Jason Kaiser (Complainant) is the Executive Officer of the Physical Therapy Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Kamala D. Harris, Attorney General of the State of California, by Beneth A. Browne,
23 Deputy Attorney General.

24 2. Eddieson Igtiben Legaspi, P.T. (Respondent) is represented in this proceeding by
25 attorney Kevin D. Cauley, Esq., whose address is 624 South Grand Avenue, 22nd Floor, Los
26 Angeles, CA 90017.

27 3. On or about March 22, 2006, the Board issued Physical Therapist License No. PT
28 32719 to Eddieson Igtiben Legaspi, P.T. (Respondent). The Physical Therapist License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 1D-2015-
2 76603 and will expire on July 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D-2015-76603 was filed before the Board and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on September 15, 2016. Respondent timely filed his Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 1D-2015-76603 is attached as Exhibit A
8 and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1D-2015-76603. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Revocation of License
13 and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 1D-2015-76603, and agrees that cause exists for revocation of his Physical Therapist License
25 No. PT 32719.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order revoking his Physical Therapist License without further process.

28 ///

1 I have read and fully discussed with Respondent Eddieson Igtiben Legaspi, P.T. the terms
2 and conditions and other matters contained in this Stipulated Revocation of License and Order. I
3 approve its form and content.

4 DATED: 2-23-17

Kevin D. Cauley
KEVIN D. CAULEY, ESQ.
Attorney for Respondent

6
7 ENDORSEMENT

8 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
9 for consideration by the Physical Therapy Board of California of the Department of Consumer
10 Affairs.

11 Dated: 2/28/2017

Respectfully submitted,

12 XAVIER BECERRA
13 Attorney General of California
14 E. A. JONES III
15 Supervising Deputy Attorney General

Beneth A. Browne

16 BENETH A. BROWNE
17 Deputy Attorney General
18 *Attorneys for Complainant*

19 LA2016501974
20 62287667

Exhibit A

Accusation No. 1D-2015-76603

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 BENETH A. BROWNE
Deputy Attorney General
4 State Bar No. 202679
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2543
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA September 15, 2016
BY C. Guzman ANALYST

8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2015-76603

12 **EDDIESON IGTIBEN LEGASPI, P.T.**
25018 Eshelman Avenue, Unit 15
13 Lomita, California 90717

A C C U S A T I O N

14 **Physical Therapist License No. PT 32719**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Jason Kaiser (Complainant) brings this Accusation solely in his official capacity as
20 the Executive Officer of the Physical Therapy Board of California, Department of Consumer
21 Affairs.

22 2. On or about March 22, 2006, the Physical Therapy Board of California issued
23 Physical Therapist License Number PT 32719 to Eddieson Igtiben Legaspi, P.T. (Respondent).
24 The Physical Therapist License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on July 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Physical Therapy Board of California (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2609 of the Code states:

3 "The board shall issue, suspend, and revoke licenses and approvals to practice physical
4 therapy as provided in this chapter."

5 5. Section 2660 of the Code states:

6 "Unprofessional conduct constitutes grounds for citation, discipline, denial of a license, or
7 issuance of a probationary license. The board may, after the conduct of appropriate proceedings
8 under the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) of Part 1
9 of Division 3 of Title 2 of the Government Code), issue a citation, impose discipline, deny a
10 license, suspend for not more than 12 months, or revoke, or impose probationary conditions upon
11 any license issued under this chapter for unprofessional conduct that includes, in addition to other
12 provisions of this chapter, but is not limited to, the following:

13 " * * * *

14 "(e) Conviction of a crime that substantially relates to the qualifications, functions, or duties
15 of a physical therapist or physical therapist assistant. The record of conviction or a certified copy
16 thereof shall be conclusive evidence of that conviction.

17 " * * * *

18 "(j) The commission of any fraudulent, dishonest, or corrupt act that is substantially related
19 to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.¹

20 " * * * *

21 "(s) Misrepresenting documentation of patient care or deliberate falsifying of patient
22 records.

23 " * * * *"

24 6. Prior to January 1, 2014, section 2660 provided in relevant part as follows:

25 "The board may, after the conduct of appropriate proceedings under the Administrative
26 Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary

27 _____
28 ¹ This statute became effective January 1, 2014. Respondent was charged in July 2015.

1 conditions upon any license, certificate, or approval issued under this chapter for unprofessional
2 conduct that includes; but is not limited to, one or any combination of the following causes:

3 "...

4 "(h) Conviction of a violation of any of the provisions of this chapter or of the Medical
5 Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting
6 the violating of, or conspiring to violate any provision or term of this chapter or of the Medical
7 Practice Act.

8 "...

9 "(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related
10 to the qualifications, functions, or duties of a physical therapist or physical therapist assistant."

11 "..."

12 7. Section 2234 of the Code states in relevant part as follows:

13 "The board shall take action against any licensee who is charged with unprofessional conduct. In
14 addition to other provisions of this article, unprofessional conduct includes, but is not limited to,
15 the following:

16 "...

17 "(e) The commission of any act involving dishonesty or corruption that is
18 substantially related to the qualifications, functions, or duties of a physician and surgeon.

19 "..."

20 8. Section 2661 of the Code states:

21 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
22 charge of a felony or of any offense which substantially relates to the qualifications, functions, or
23 duties of a physical therapist is deemed to be a conviction within the meaning of this article. The
24 board may order the license suspended or revoked, or may decline to issue a license, when the
25 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
26 an order granting probation is made suspending the imposition of sentence, irrespective of a
27 subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or
28 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or

1 dismissing the accusation, information, or indictment."

2 9. California Code of Regulations, title 16, section 1399.20, states:

3 "For the purposes of denial, suspension or revocation of a license, pursuant to Division 1.5
4 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially
5 related to the qualifications, functions or duties of a person holding a license under the Physical
6 Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a
7 person to perform the functions authorized by the license or approval in a manner consistent with
8 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
9 following:

10 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.

12 "(b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with
13 the practice of physical therapy.

14 "(c) Violating or attempting to violate any provision or term of the Medical Practice Act."

15 10. Section 22 of the Code states:

16 "(a) Board, as used in any provisions of this Code, refers to the board in which the
17 administration of the provision is vested, and unless otherwise expressly provided, shall include
18 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and
19 'agency.'

20 "(b) Whenever the regulatory program of a board that is subject to review by the Joint
21 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2
22 (commencing with Section 473), is taken over by the department, that program shall be
23 designated as a 'bureau.'"

24 11. Section 490 of the Code states:

25 "(a) In addition to any other action that a board is permitted to take against a licensee, a
26 board may suspend or revoke a license on the ground that the licensee has been convicted of a
27 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
28 or profession for which the license was issued.

1 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
2 discipline a licensee for conviction of a crime that is independent of the authority granted under
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the licensee's license was issued.

5 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
6 conviction following a plea of nolo contendere. Any action that a board is permitted to take
7 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
9 made suspending the imposition of sentence, irrespective of a subsequent order under the
10 provisions of Section 1203.4 of the Penal Code.

11 "(d) The Legislature hereby finds and declares that the application of this section has been
12 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th
13 554, and that the holding in that case has placed a significant number of statutes and regulations
14 in question, resulting in potential harm to the consumers of California from licensees who have
15 been convicted of crimes. Therefore, the Legislature finds and declares that this section
16 establishes an independent basis for a board to impose discipline upon a licensee, and that the
17 amendments to this section made by Senate Bill 797 of the 2007-08 Regular Session do not
18 constitute a change to, but rather are declaratory of, existing law."

19 12. Section 493 of the Code states:

20 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
21 the department pursuant to law to deny an application for a license or to suspend or revoke a
22 license or otherwise take disciplinary action against a person who holds a license, upon the
23 ground that the applicant or the licensee has been convicted of a crime substantially related to the
24 qualifications, functions, and duties of the licensee in question, the record of conviction of the
25 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
26 and the board may inquire into the circumstances surrounding the commission of the crime in
27 order to fix the degree of discipline or to determine if the conviction is substantially related to the
28 qualifications, functions, and duties of the licensee in question.

1 **"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and**
2 **'registration.'"**

3 **13. Section 810 of the Code states in part as follows:**

4 **"(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including**
5 **suspension or revocation of a license or certificate, for a health care professional to do any of the**
6 **following in connection with his or her professional activities:**

7 **"(1) Knowingly present or cause to be presented any false or fraudulent claim for the**
8 **payment of a loss under a contract of insurance.**

9 **"(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the**
10 **same, or to allow it to be presented or used in support of any false or fraudulent claim."**

11 **14. Section 2661.5 of the Code states:**

12 **"(a) In any order issued in resolution of a disciplinary proceeding before the board, the**
13 **board may request the administrative law judge to direct any licensee found guilty of**
14 **unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of**
15 **the investigation and prosecution of the case.**

16 **"(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in**
17 **any event be increased by the board. When the board does not adopt a proposed decision and**
18 **remands the case to an administrative law judge, the administrative law judge shall not increase**
19 **the amount of the assessed costs specified in the proposed decision.**

20 **"(c) When the payment directed in an order for payment of costs is not made by the**
21 **licensee, the board may enforce the order of payment by bringing an action in any appropriate**
22 **court. This right of enforcement shall be in addition to any other rights the board may have as to**
23 **any licensee directed to pay costs.**

24 **"(d) In any judicial action for the recovery of costs, proof of the board's decision shall be**
25 **conclusive proof of the validity of the order of payment and the terms for payment.**

26 **"(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the**
27 **license or approval of any person who has failed to pay all of the costs ordered under this section.**

28 **"(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or**

1 reinstate for a maximum of one year the license or approval of any person who demonstrates
2 financial hardship and who enters into a formal agreement with the board to reimburse the board
3 within that one year period for those unpaid costs.

4 "(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund
5 as a reimbursement in either the fiscal year in which the costs are actually recovered or the
6 previous fiscal year, as the board may direct."

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of a Crime)

9 15. Respondent is subject to disciplinary action under sections 2660, subdivision (e), and
10 section 490 of the Code, and California Code of Regulations, title 16, section 1399.20 in that he
11 was convicted of a crime substantially related to the qualifications, functions, and duties of a
12 physical therapist. The circumstances are as follows:

13 16. On or about July 30, 2015, in the matter entitled *United States of America v. Eddieson*
14 *Legaspi*, United States District Court for the Central District of California Case No. CR15-0427,
15 Respondent was charged with violation of 18. U.S.C. Section 1349 - Conspiracy to Commit
16 Health Care Fraud.

17 17. Beginning in or about April 2009, and continuing through at least in or about
18 December 2012, the Respondent was hired by other co-conspirators as a licensed physical
19 therapist to perform patient evaluations and re-evaluations and to create physical therapy plans for
20 patients. The patients never actually received the treatment laid out in the false treatment plans
21 created by Respondent and billed to Medi-Care through a medical billing service.

22 18. Between April 2009 and December 2012, approximately \$2,310,400.00 in false and
23 fraudulent claims were submitted to Medi-Care, for which Medi-Care paid approximately
24 \$1,266,148.00.

25 19. On or about August 19, 2015, Respondent waived indictment and was arraigned on a
26 single charge of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. Section
27 1349. On August 24, 2015, Respondent entered a guilty plea and was convicted of Conspiracy to
28 Commit Health Care Fraud as alleged.

1 SECOND CAUSE FOR DISCIPLINE

2 (Fraud)

3 20. Respondent is subject to disciplinary action pursuant to sections 810, subdivision
4 (a)(1) and (2), 2660, subdivisions (h) and (k), and 2234, subdivision (e), of the Code and
5 California Code of Regulations, Title 16, section 1399.20, subdivisions (a), (b) and (c), in that he
6 engaged in fraud. The circumstances are as follows:

7 21. The facts and circumstances set forth in paragraphs 16 through 19 above are
8 incorporated here as if fully set forth.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Physical Therapy Board of California issue a decision:

12 1. Revoking or suspending Physical Therapist License Number PT 32719, issued to
13 Eddieson Igtiben Legaspi, P.T.;

14 2. Ordering Eddieson Igtiben Legaspi, P.T. to pay the Physical Therapy Board of
15 California the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code section 2661.5; and

17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: September 15, 2016


21 JASON KAISER
22 Executive Officer
23 Physical Therapy Board of California
24 Department of Consumer Affairs
25 State of California
26 Complainant

27
28
LA2016501974
62040797.doc