



Alicia Vasquez Arrested and Charged by a Federal Grand Jury for Alleged Conspiracy and Anti-Kickback Violations

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:41 AM January 29, 2012

The Federal Bureau of Investigation (FBI) on January 27, 2012 released the following:

“McAllen-Area Health Care Marketer Arrested for Conspiracy and Anti-Kickback Violations

MCALLEN, TX—The owner of a purported health care resource center has been charged by a federal grand jury with one count of conspiracy to defraud the United States and two counts of soliciting and receiving kickback payments in violation of the federal anti-kickback statute, United States Attorney Kenneth Magidson announced today.

Alicia Vasquez, of San Juan, Texas, the owner of David’s Star Loving Vision Resource Center (DSLTV), was charged in a three-count indictment returned under seal on Nov. 1, 2011. The indictment was unsealed this morning, following the arrest of Vasquez by FBI and Department of Health and Human Services-Office of Inspector General (DHHS-OIG) agents. Vasquez, 51, is scheduled to appear in McAllen federal court later this morning for an initial appearance.

The federal anti-kickback statute prohibits individuals and entities from knowingly and willfully paying or offering to pay, as well as soliciting or receiving, remuneration (money or other

things of value) in return for the referral of patients for medical services or items which are benefits under a federal health care program, such as Medicare or Medicaid. A violation of the anti-kickback statute is a felony offense that is punishable by up to five years in federal prison without parole and a \$25,000 fine.

According to allegations in the indictment, from September 2009 through April 2011, Vasquez solicited numerous Medicare and Medicaid beneficiaries through DSLTV for the purpose of referring them to a variety of health care providers in Hidalgo and Cameron Counties including durable medical equipment (DME) companies, physicians and home healthcare agencies.

Over time, Vasquez allegedly referred the Medicare and Medicaid beneficiaries to these providers in exchange for a total of at least \$70,000 in payments in violation of the anti-kickback statute. In turn, the providers billed hundreds of thousands of dollars to the Medicare and Medicaid programs as a result of the allegedly illegal referrals. The indictment further charges that Vasquez, and the providers to which she referred beneficiaries, undertook a variety of measures to conceal Vasquez’s involvement with respect to the referrals. For example, the indictment alleges one owner of a DME company paid kickbacks to Vasquez through a third-party—referred in the

indictment as “Person A.” The kickbacks were allegedly deposited into Person A’s bank account, from where the money was later diverted to Vasquez.

The ongoing investigation in this case is being conducted by the FBI and DHHS-OIG. Assistant United States Attorney Greg Saikin is prosecuting the case.”

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Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.

Federal Indictment Charges 15 Men from Albuquerque and Edgewood with Alleged Drug Trafficking and Financial Crimes

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 3:44 AM January 29, 2012

The Federal Bureau of Investigation (FBI) on January 27, 2012 released the following:

“ALBUQUERQUE—A 29—count federal indictment charging 15 men from Albuquerque and Edgewood, N.M., with drug trafficking, money laundering, and currency structuring charges was unsealed

late yesterday afternoon, announced U.S. Attorney Kenneth J. Gonzales; Joseph M. Arabit, Special Agent in Charge of the El Paso Field Division of the Drug Enforcement Administration (DEA); Carol K.O. Lee, Special Agent in Charge of the Albuquerque Division of the Federal Bureau of Investigation (FBI); and Dawn Mertz, Special Agent in Charge of the Phoenix Division of the Internal Revenue Service, Criminal Investigation

(IRS).

The indictment is the result of a multi-agency investigation into a major drug trafficking and money laundering organization operating out of the Albuquerque metropolitan area that was designated as part of the Organized Crime Drug Enforcement Task Force (“OCDETF”) program. OCDETF is a



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nationwide Department of Justice program that combines the resources and unique expertise of federal agencies, along with their local counterparts, in a coordinated effort to disrupt and dismantle major drug trafficking organizations.

Yesterday, a team of federal, state, and local law enforcement officers arrested nine of the 15 defendants named in the indictment, and executed 10 search warrants at residences in Albuquerque and a ranch in Edgewood. Those arrested include Steve Chavez, 32, a fireman with the Albuquerque Fire Department. Two other defendants, Jesus Ramos Castillo, 29, and Gabriel Guerra-Gonzalez, 27, both Mexican nationals, are in state custody on pending local charges; they will be transferred to federal custody to face the charges in the indictment. The defendants arrested yesterday are scheduled to make their initial appearances in federal court in Albuquerque this morning.

Four defendants, Homero Varela, 29, Manuel Villa-Mayorquin, 23, and Procoro Noberto-Alvarez, 28, Mexican nationals, and Ramon Gonzalez, Jr., 25, of Edgewood, have yet to be arrested and are considered fugitives.

The indictment alleges that, between May 2011 and January 2012, all 15 defendants participated in a conspiracy to distribute controlled substances, including cocaine, methamphetamine and marijuana. Each defendant also is charged with using communication devices to facilitate drug trafficking crimes (sometimes referred to as "phone counts"), and Homero Varela is charged with distributing methamphetamine on three separate occasions over a three month period. The maximum penalties for a conviction on the conspiracy charge and each of the three methamphetamine distribution charges is a minimum 10 years' to a maximum of life imprisonment and a \$10 million fine, and the maximum penalty for a conviction on each of the phone counts is four years of imprisonment and a \$250,000 fine.

The indictment also charges Homero Varela, Roy Madrid, 21, of Albuquerque, and Manuel Villa-Mayorquin with conspiracy to launder money. Homero Varela is further charged with an additional count of money laundering involving drug proceeds. A conviction on the money laundering conspiracy carries a maximum penalty of 20 years of imprisonment, and a conviction on the substantive money laundering charge carries a maximum penalty of ten years of imprisonment and a \$250,000 fine.

Ramon Gonzalez, Jr., is charged with seven counts of structuring financial transactions to avoid certain reporting

requirements for an aggregate of \$166,300 through 24 transactions between April 2009 and August 2011. Steve Chavez is charged with structuring an aggregate of \$348,500 in 37 transactions between July 1, 2011 and August 25, 2011. The maximum penalty for a conviction on each of these counts is five years of imprisonment and a \$250,000 fine.

The indictment also seeks forfeiture of property constituting, or derived from proceeds obtained directly, or indirectly, from the defendants' illegal drug trafficking and financial crimes, including three Albuquerque residences owned, occupied or in the possession of Homero Varela, Ramon Gonzalez, Sr., and Steve Chavez, respectively, and a ranch in Edgewood owned by Ramon Gonzalez, Sr. It also seeks forfeiture of funds in numerous bank accounts in the names of Homero Varela, Ramon Gonzales, Sr., Ramon Gonzalez, Jr., Andres Gonzalez and Steve Chavez, as well as a money judgment of at least \$15,000,000, the amount of money allegedly derived or involved in the offenses alleged in the indictment.

During yesterday's law enforcement operation, officers seized a half kilogram of cocaine, more than 10 pounds of high grade marijuana, approximately \$25,000 in cash, 20 vehicles, seven handguns, nine rifles, and two shotguns.

In announcing yesterday's arrests, U.S. Attorney Gonzales said, "The charges in this indictment are some of the most significant drug and money laundering charges ever filed in the District of New Mexico. The investigation that led to this indictment exemplifies the law enforcement cooperation that we are fortunate to experience here in New Mexico. Federal, state and local officers worked long and hard and side-by-side in a coordinated effort to arrest numerous individuals charged in the indictment. We owe a debt of gratitude to everyone involved in the investigation. Their efforts have made our streets and communities much safer."

"The Varela organization has been responsible for distributing multi-kilogram quantities of cocaine, marijuana, and methamphetamine in central and north central New Mexico," said DEA Special Agent in Charge Arabit. "DEA and our federal, state, county, and municipal law enforcement partners have worked hand-in-hand to disrupt this organization from its roots, culminating in the indictment of 15 of its members of which 11 are in custody and the seizure of their drugs and assets, including 20 vehicles, 18 weapons, cash, and real property. Through these enforcement

actions, we are making our communities safer."

"These significant investigations and arrests would not have been possible without the joint efforts of the Organized Crime Drug Enforcement Task Force, led by the DEA, the FBI's Safe Streets Task Forces in Albuquerque and Las Cruces, the U.S. Attorney's Office and numerous other local, state and federal law enforcement agencies throughout the region, said FBI Special Agent in Charge Lee. "We all share the same goal: stop criminal enterprises that profit from the illegal trade of dangerous drugs and take away any financial benefit they receive from their crimes. The Albuquerque FBI will continue to collaborate with our law enforcement and community partners to rid our rural and urban areas of drug traffickers and other criminals and help make New Mexico and our nation a safer place to live."

IRS Special Agent in Charge Mertz stated, "This indictment once again reflects the successful merging of law enforcement personnel, who work together through the task force, providing their specific skills, with the common purpose of ferreting out potential nefarious narcotics and related financial crimes. IRS Criminal Investigation will continue to work alongside our law enforcement partners to investigate those individuals who ignore the laws of our country for financial gain."

The case is being prosecuted by Assistant U.S. Attorneys Reeve Swainston and Samuel L. Hurtado, and was investigated by DEA, FBI, and IRS with support from the New Mexico State Police, the Albuquerque Police Department, the El Paso County Sheriff's Office, and the Corrales Police Department. Homeland Security Investigations, the U.S. Marshal's Service, the U.S. Border Patrol, the Bernalillo County Sheriff's Office, the Air Branch of U.S. Customs and Border Protection, the New Mexico Department of Public Safety Motor Transportation Police Division, and the Region II HIDTA Task Force participated in yesterday's law enforcement operation.

Charges in indictments are only accusations. All criminal defendants are presumed innocent unless proven guilty beyond a reasonable doubt."

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