

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR EMBEZZLEMENT OF HEALTH CARE FUNDS

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
KELLY MULLER	*	VIOLATION: 18 U.S.C. § 669
	*	*
	*	*

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. A dentist operated a medical practice in Metairie, Louisiana.
2. The defendant, **KELLY MULLER**, was employed by the dentist as an office manager and bookkeeper.
3. The dentist maintained commercial checking account number ****549 at Metairie Bank, into which medical insurance proceeds and cash payments for medical services rendered were routinely deposited.

4. The dentist maintained business accounts with Capital One VISA credit card account number XXXX-XXXX-XXXX-3118, Capital One Visa credit card account number XXXX-XXXX-XXXX-8776, and Sam's Club credit card account number XXXX-XXXX-XXXX-1807.

B. EMBEZZLEMENT OF HEALTH CARE FUNDS:

From on or about January 1, 2008 until December 31, 2010, in the Eastern District of Louisiana and elsewhere, **KELLY MULLER**, knowingly and willfully embezzled, stole and otherwise without authority converted to the use of a person other than the rightful owner, and intentionally misapplied monies, funds, securities, premiums, credits, property and assets, to-wit, approximately \$189,588.00 in unauthorized pay and credit card purchases which proceeds rightfully belonged to the dentist and the medical practice, a health care benefit program within the meaning of Title 18, United States Code, Section 24(b);

All in violation of Title 18, United States Code, Section 669.

NOTICE OF HEALTH CARE FRAUD FORFEITURE

1. The allegations contained in Count 1 of this Bill of Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States pursuant to the provisions of Title 18, United States Code, Section 982.

2. As a result of the offenses alleged in Count 1, defendant, **KELLY MULLER**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense as a result of the violations of Title 18, United

States Code, Section 669, which is a Federal Health Care offense within the meaning of Title 18, United States Code, Section 24, including but not limited to:


- a. At least \$189,588.00 in United States Currency and all interest and proceeds traceable thereto.
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

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

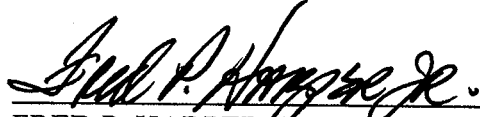
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property;

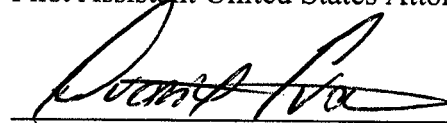
All in violation of Title 18, United States Code, Section 982.



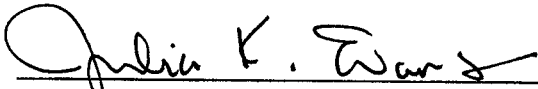
DANA J. BOENTE
UNITED STATES ATTORNEY



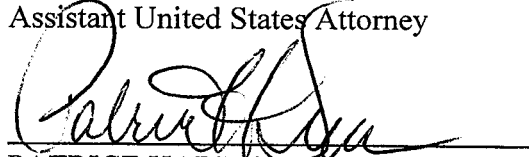
FRED P. HARPER, JR. (6568)
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DUANE EVANS (24086)
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JULIA K. EVANS
Assistant United States Attorney



PATRICE HARRIS SULLIVAN (14987)
Assistant United States Attorney

New Orleans, Louisiana
December 13, 2012