

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-</u>
v.	:	DATE FILED: <u>April 30, 2009</u>
MICKAL KAMUVAKA, a/k/a “Dr. K,”	:	VIOLATIONS: 18 U.S.C. § 1343 (wire fraud - 12 counts)
SOLOMON MANAMELA	:	18 U.S.C. § 1347 (health care fraud - 6 counts)
EARLE MCNEILL	:	18 U.S.C. § 371 (conspiracy - 1 count)
MANUELITA BUENAFLO, a/k/a “QP,”	:	18 U.S.C. § 1001 (false statement - 1 count)
JULIUS JUMA MURRAY	:	18 U.S.C. § 1623 (false declaration before grand jury - 1 count)
MARIAM COULIBALY	:	18 U.S.C. § 2 (aiding and abetting)
CHRISTIANA NIMPSON	:	Notice of forfeiture
SOTHEARY CHAN	:	
PATRICIA BURCH	:	

INDICTMENT

COUNTS ONE THROUGH TWELVE

WIRE FRAUD

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

A. The City of Philadelphia’s SCOH Program

1. The City of Philadelphia provided services to needy families through its agency, the Department of Human Services (“DHS” or “the City”). Among the services that the City provided were “Services to Children in their Own Homes” (“SCOH”). “SCOH” services were in-home social services for children the City identified as being at risk of neglect, abuse, and delinquency. SCOH services were intended to maintain children safely in their homes, and to preserve and strengthen families’ capacities to provide appropriate care for their children.
2. The City contracted with private companies to provide SCOH services

(“SCOH providers”) for identified families through one-year contracts. The City required that SCOH providers have a social worker (“SCOH worker”) assess, assure, and document the safety of the children during every face-to-face contact with the children and their families. SCOH workers were also required to monitor the children’s well-being, including medical, dental, and vision care, behavioral health, and school performance and attendance. The focus of the service was determined by the family’s needs as identified in a Family Assessment Form and the objectives set forth in a Family Service Plan.

3. The City established various requirements for SCOH providers, including the expectations for the services to be provided and the necessary documentation. The City’s SCOH program established three different levels of SCOH services, depending on the assessment of the degree of risk for the child or children. Based on the level of services, the City specified a minimum duration of time the SCOH worker was to spend working with or for each family, and a minimum number of face-to-face visits by the SCOH worker to the family.

4. The City required that SCOH providers notify the City by a document called a “formal alert” whenever a specified period passed without a face-to-face visit with the family. The City also required that SCOH providers send the City an “Absent Family Member Notification” if there was no face-to-face contact with the same family member for two consecutive intervals.

5. The City required the SCOH provider to submit to the City a “Quarterly Report” on each family once every three months. In each Quarterly Report, the SCOH provider was to summarize the services delivered for the preceding three months. A SCOH worker and SCOH supervisor were to sign or initial each Quarterly Report.

6. The City required that SCOH providers establish and maintain a file for each family receiving SCOH services, and to maintain in that file documentation of each contact and missed contact with the members of the family. Documentation of the contact or missed contact, sometimes called a “progress note,” was to be entered in the file within five working days of the contact or missed contact. The City also required that SCOH providers maintain medical information, immunization records, and current school report cards.

7. The City required that SCOH workers be properly supervised and trained and that the SCOH providers maintain accurate documentation of this supervision and training. The City also required that a supervisor at each SCOH provider review each family file on a regular basis, and maintain accurate documentation of these case reviews.

8. The United States Department of Health and Human Services (“HHS”) ran and funded a program to provide Temporary Assistance to Needy Families (“the TANF program”) through block grants to States. The TANF program provided assistance to needy families with children so that children could be cared for in their own homes. The Commonwealth of Pennsylvania received millions of dollars in federal funds each year as part of the TANF program. Pennsylvania provided these funds to counties such as Philadelphia. Approximately 95 percent of the funds the City used to pay SCOH providers came from the federal TANF program.

B. The Defendants

9. In 2000, defendant MICKAL KAMUVAKA co-founded MultiEthnic Behavioral Health, Inc. (“MEBH”), a nonprofit SCOH provider. From in or about July 2000 to in or about October 2006, defendant KAMUVAKA was the Program Director at MEBH, and

was a supervisor for SCOH workers and interns. Defendant KAMUVAKA was MEBH's *de facto* head.

10. Defendant SOLOMON MANAMELA, another MEBH co-founder, was the Human Resources and Staff Development Director at MEBH, and was a supervisor for SCOH workers from in or about July 2000 to in or about October 2006.

11. Defendant EARLE MCNEILL, another MEBH co-founder, was MEBH's Executive Director from in or about July 2000 to in or about October 2006. Defendant MCNEILL was a supervisor for SCOH workers, but ceded most of the control of MEBH to defendant MICKAL KAMUVAKA.

12. Defendant MANUELITA BUENAFLORES, another MEBH co-founder, was the Quality Assurance Director at MEBH, and a supervisor for SCOH workers, from in or about July 2000 to in or about October 2006.

13. Defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTINA NIMPSON, and SOTHEARY CHAN, and Patricia Burch were SCOH workers at MEBH at various times between in or about November 2001 and October 2006.

C. MEBH's Contract and the City's Payments to MEBH

14. In each year from 2000 to 2006, MEBH obtained one-year contracts from the City to provide SCOH services. The City relied on MEBH to meet the SCOH provider requirements in servicing children who had been identified as at risk.

15. Every month from 2000 to 2006, the City sent MEBH a "pre-bill" listing the families assigned to MEBH for SCOH services, the level of service to be provided to each family, the number of days the family was assigned to MEBH that month, and the total amount

the City would owe MEBH if it rendered services. MEBH was required to review the pre-bill, assure its accuracy, and certify that services were provided. Once MEBH returned that certified pre-bill to the City, the City processed it for payment.

16. From in or about July 2000 to in or about September 2006, the City used a bank account at Wachovia in Philadelphia and MEBH used a bank account at PNC Bank in Philadelphia.

17. Until approximately April 2001, the City made payments to MEBH by check. From in or about May 2001 through in or about December 2006, the City made electronic direct deposit payments to MEBH. These direct deposits were initiated in Philadelphia, Pennsylvania and sent to Wachovia headquarters in Winston-Salem, North Carolina. Wachovia then sent the electronic direct deposit payments to the Electronic Payment Network (“EPN”) in New York, New York. EPN then forwarded the electronic direct deposit payments to MEBH’s bank account at PNC Bank in Philadelphia.

18. Between in or about July 2000 through in or about December 2006, the City paid MEBH approximately \$3.7 million for MEBH’s claimed provision of SCOH services to more than 500 families.

D. The City’s Audits of MEBH and MEBH’s “Plans of Correction”

19. The City conducted periodic audits of SCOH providers to assure that the required services were being provided and properly documented.

20. On three separate occasions between 2002 and 2004, MEBH submitted a “Plan of Correction” to respond to these audits. On or about February 5, 2003, MEBH submitted a Plan of Correction which represented, among other things, that MEBH would use “encounter

forms” which required the SCOH worker to obtain a signature from a family member at each visit, as proof of the visit. MEBH also represented in its Plans of Correction that its supervisors would have weekly supervisory sessions with the SCOH workers, and that family files would be reviewed each week.

E. D.K.’s Death and the City and Federal Investigations

21. On August 4, 2006, D.K., a 14-year-old girl who was supposed to be receiving intensive SCOH services from MEBH, was found deceased in her home. D.K. weighed 42 pounds and had bedsores that were bone deep.

22. Following D.K.’s death, the City, the Philadelphia District Attorney, and the United States government all commenced investigations of MEBH. MEBH’s managers and employees were aware of each of these investigations.

23. As part of its investigation, on August 4, 2006, DHS required MEBH to turn over to DHS the original family file for D.K.’s family, and in or about early September 2006, DHS conducted an audit or inspection of MEBH’s family files.

24. As part of its investigation, on or about October 27, 2006, the United States served an administrative subpoena upon MEBH requiring the production of, among other things, all records of persons to whom services were provided and all documents reflecting reviews and complaints about the services. On or about November 7, 2006, a subpoena issued by a federal grand jury sitting in the Eastern District of Pennsylvania was served on MEBH. This subpoena required MEBH to produce similar records to the grand jury. On or about April 2, 2007, another federal grand jury subpoena was served on MEBH. This subpoena specifically required MEBH to produce its incoming telephone call logs.

THE SCHEME

25. From at least in or about July 2000 to in or about April 2007, defendants

**MICKAL KAMUVAKA,
a/k/a “Dr. K,”
SOLOMON MANAMELA,
EARLE MCNEILL,
MANUELITA BUENAFLOR,
a/k/a “QP,”
JULIUS JUMA MURRAY,
MARIAM COULIBALY,
CHRISTIANA NIMPSON, and
SOTHEARY CHAN,**

together with others known and unknown to the grand jury, devised and intended to devise a scheme to defraud the City of Philadelphia, the federal government, and the families and children at risk, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

MEBH Billed the City for Services Not Rendered

26. Defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, MANUELITA BUENAFLOR, JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN billed the City, and caused the City to be billed, for SCOH services that were not rendered

27. Defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, MANUELITA BUENAFLOR, JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN billed the City, and caused

the City to be billed, for SCOH services without regard to whether such services had in fact been rendered.

28. MEBH SCOH workers, including defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN, frequently did not make required SCOH visits.

MEBH Supervisors Failed to Supervise SCOH Workers

29. MEBH supervisors, including MICKAL KAMUVAKA, SOLOMON MANAMELA, and EARLE MCNEILL did not meet regularly with SCOH workers as required in order to provide adequate and meaningful supervision.

30. MEBH supervisors, including defendants MICKAL KAMUVAKA and SOLOMON MANAMELA, did not conduct regular case reviews in order to provide adequate and meaningful supervision.

MEBH Employees Fabricated and Falsified Records

31. Defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, MANUELITA BUENAFLOR, JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN created false and inaccurate records to make it appear SCOH services had been provided, when, in fact, all such services had not been provided, and the defendants did not know which, if any, services had been provided.

32. Defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, MANUELITA BUENAFLOR, JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN created false and inaccurate records so MEBH would not lose its contract with the City and would continue to receive

payments.

33. MEBH SCOH workers, including defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN, fabricated records purporting to show that all required visits had occurred, when, in fact, they had not.

34. MEBH SCOH workers, including defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN, fabricated records to make it appear as if MEBH was monitoring the well-being of the at-risk children.

35. In addition, MEBH SCOH workers, including defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, and CHRISTIANA NIMPSON, fabricated and backdated reports that had not been sent to the City as required to make it seem as though MEBH was complying with the City's requirements to keep the City up-to-date on the status of the children.

36. MEBH supervisors, including defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, and MANUELITA BUENAFLORES, knew of the record falsification at MEBH and often directed employees to fabricate records of visits that had not occurred. For example, when a family was assigned to a SCOH worker, if no visits had happened for some period of time, the SCOH worker was directed by his or her MEBH supervisor to make up false progress notes to "fill the gap."

37. MEBH SCOH workers, including defendants MARIAM COULIBALY, CHRISTIANA NIMPSON, and SOTHEARY CHAN, had parents or custodians of at-risk children sign multiple undated encounter forms at a time to make it easier for the defendants and others at MEBH to make it falsely appear as if SCOH services were being provided as required.

38. MEBH supervisors, including defendants MICKAL KAMUVAKA,

MANUELITA BUENAFLOR, and SOLOMON MANAMELA, directed employees to create false and inaccurate documentation, including false and back-dated case reviews, formal alerts, and Quarterly Reports.

39. The record fabrication at MEBH occurred at a particularly high volume in advance of announced City audits of MEBH, with MEBH employees and supervisors, including defendants MICKAL KAMUVAKA and SOLOMON MANAMELA, staying late into the night to create false records to put into the files before the City inspected those files.

MEBH Personnel Falsified and Fabricated Records After D.K.'s Death

40. When D.K. died on August 4, 2006, defendants MICKAL KAMUVAKA and JULIUS JUMA MURRAY, and other MEBH employees, created and directed the creation of false progress notes and other records, and otherwise attempted to hide the fact that the required services had not been provided to D.K.'s family.

41. Following D.K.'s death, MEBH supervisors, including defendants MICKAL KAMUVAKA and MANUELITA BUENAFLOR, directed the removal of certain records from the MEBH family files.

42. On or about October 31, 2006, MEBH supervisors, including defendant MANUELITA BUENAFLOR, had at least one computer hard drive at MEBH's office erased and/or replaced in an effort to prevent investigators from discovering MEBH's fraud.

43. In late November 2006, when it produced documents in response to the two federal subpoenas, MEBH did not produce internal MEBH documents which showed that required records were missing from its files, memoranda which discussed "ghost visits," and records of incoming telephone calls.

44. On or about April 3, 2007, after MEBH had received one federal administrative subpoena and two federal grand jury subpoenas demanding production of records of complaints about MEBH and records of phone calls to MEBH, defendant MICKAL KAMUVAKA discarded, into the trash dumpster behind MEBH's offices, two trash bags of records containing, among other things, MEBH's incoming telephone call log for August 4, 2006.

45. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**MICKAL KAMUVAKA,
a/k/a "Dr. K,"
SOLOMON MANAMELA,
EARLE MCNEILL,
MANUELITA BUENAFLO,
a/k/a "QP,"
JULIUS JUMA MURRAY,
MARIAM COULIBALY,
CHRISTIANA NIMPSON, and
SOTHEARY CHAN,**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION OF WIRE
1	November 15, 2005	Electronic direct deposit payment of \$53,568.48 from City to MEBH for December 2005, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York

2	December 19, 2005	Electronic direct deposit payment of \$54,494.48 from City to MEBH for December 2005, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
3	January 20, 2006	Electronic direct deposit payment of \$89,202.86 from City to MEBH for December 2005, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina, to New York, New York
4	February 17, 2006	Electronic direct deposit payment of \$66,451.80 from City to MEBH for January 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
5	March 16, 2006	Electronic direct deposit payment of \$51,182.14 from City to MEBH for February 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
6	April 20, 2006	Electronic direct deposit payment of \$54,508.12 from City to MEBH for March 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
7	May 16, 2006	Electronic direct deposit payment of \$62,467.42 from City to MEBH for April 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
8	June 15, 2006	Electronic direct deposit payment of \$56,208.56 from City to MEBH for May 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
9	July 19, 2006	Electronic direct deposit payment of \$60,152.22 from City to MEBH for June 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
10	September 5, 2006	Electronic direct deposit payment of \$49,844.26 from City to MEBH for July 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York

11	September 19, 2006	Electronic direct deposit payment of \$75,016.02 from City to MEBH for August 2006 transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York
12	October 23, 2006	Electronic direct deposit payment of \$75,016.02 from City to MEBH for August 2006, transmitted from Philadelphia, Pennsylvania to Winston-Salem, North Carolina to New York, New York

All in violation of Title 18, United States Code, Sections 1343, 1349, and 2.

COUNTS THIRTEEN THROUGH EIGHTEEN

HEALTH CARE FRAUD

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 24 and 26 through 44 of Counts One through Twelve of this indictment are incorporated here.

2. From at least in about July 2000 to in about April 2007, defendants

**MICKAL KAMUVAKA,
a/k/a “Dr. K,”
SOLOMON MANAMELA,
EARLE MCNEILL,
MANUELITA BUENAFLO,
a/k/a “QP,”
JULIUS JUMA MURRAY,
MARIAM COULIBALY,
CHRISTIANA NIMPSON, and
SOTHEARY CHAN**

knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the City’s SCOH program, a health care benefit program, and to obtain money and property owned by and under the custody and control of that health care benefit program by means of false and fraudulent pretenses, representations, and promises, in connection with the delivery of and payment for health care benefits, items and services, and aided and abetted the execution of the scheme, by submitting and causing to be submitted a fraudulent claim for services purportedly provided to each of the families listed below, in the approximate amounts listed below, each claim constituting a separate count of this indictment:

COUNT	APPROXIMATE DATE OF CLAIM	DHS CASE NO.	APPROXIMATE AMOUNT BILLED	REASON FALSE
13	March 3, 2006	288353	\$776.16	services not provided
14	March 31, 2006	288353	\$859.32	services not provided
15	April 27, 2006	288353	\$1,940.40	services not provided
16	June 30, 2006	286859/224062	\$831.60	services not provided
17	July 31, 2006	175803	\$876.37	services not provided
18	August 2, 2006	286859/224062	\$876.37	services not provided

All in violation of Title 18, United States Code, Sections 1347 and 2.

COUNT NINETEEN

**CONSPIRACY TO OBSTRUCT A MATTER WITHIN THE JURISDICTION OF A
FEDERAL AGENCY**

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 24 and 26 through 44 of Counts One through Twelve of this indictment are incorporated here.

2. From at least about July 2000 to about April 2007, defendants

**MICKAL KAMUVAKA,
a/k/a “Dr. K,”
SOLOMON MANAMELA,
EARLE MCNEILL,
MANUELITA BUENAFLO,
a/k/a “QP,”
JULIUS JUMA MURRAY,
MARIAM COULIBALY,
CHRISTIANA NIMPSON, and
SOTHEARY CHAN**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly alter, destroy, conceal, cover up, falsify and make a false entry in a record, document and tangible object, that is, MEBH’s family files, including the progress notes, collateral contacts, Quarterly Reports, formal alerts and case reviews in those files, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction HHS, a department of the executive branch of the United States government, in violation of Title 18, United States Code, Section 1519.

MANNER AND MEANS

It was part of the conspiracy that:

3. Before a DHS audit occurred, the defendants fabricated progress notes, including notes that claimed an attempt had been made to visit a family, to “fill gaps” found in the files.

4. The defendants caused parents and guardians of the children in the SCOH families to sign undated encounter forms to falsely document visits that had not occurred.

5. In advance of DHS audits, the defendants fabricated and backdated reports and alerts that had not been sent to the City as required, and placed those reports and alerts in the family files so that when the auditors reviewed the files, it would in appear as though MEBH were complying with the requirement to keep the City up-to-date on the status of the children.

6. In advance of DHS audits, the defendants shredded and destroyed, and caused to be shredded and destroyed, documents from the family files that were not consistent with the fabricated records for the family files.

7. The defendants’ fabrication and backdating of records was designed to fool the auditors into believing that MEBH was providing services as required under the contract and for which MEBH had billed the City in order to keep the contract between MEBH and the City intact, and to keep City and federal money flowing to MEBH.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, MANUELITA BUENAFLOR, JULIUS JUMA MURRAY, MARIAM COULIBALY, and CHRISTIANA NIMPSON committed the following overt acts, among others, in the Eastern District of Pennsylvania:

1. From in or about 2000 through in or about 2006, defendant MANUELITA BUENAFLOR periodically reviewed the family files to check for missing documentation, and created summaries of what was missing from each file. Defendant MANUELITA BUENAFLOR provided such summaries to defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, JULIUS JUMA MURRAY, MARIAM COULIBALY, and CHRISTIANA NIMPSON so that they would be aware of what documentation would need to be supplied. Defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, JULIUS JUMA MURRAY, MARIAM COULIBALY, and CHRISTIANA NIMPSON used these documents, among other things, in fabricating records before audits.

2. In or about May 2003, defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, and MANUELITA BUENAFLOR supervised and directed the creation of false progress notes, and falsified and backdated reports, alerts, and other documentation in anticipation of the audit scheduled for May 20, 2003.

3. In or about April and May 2004, defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, and MANUELITA BUENAFLOR supervised and directed the creation of false progress notes, and falsified and backdated reports, alerts, and other documentation in anticipation of the audit scheduled for May 11, 2004.

4. On or about August 4, 2006, defendants MICKAL KAMUVAKA and JULIUS JUMA MURRAY fabricated progress notes to show visits and attempted visits to D.K.'s family that had not occurred.

5. On or about August 4, 2006, defendants MICKAL KAMUVAKA and JULIUS JUMA MURRAY also created, and caused the creation of, backdated Quarterly Reports

and other documentation for D.K.'s family which had not been done as required and as MEBH had certified in its billings to the City.

6. In and about August 2006, defendants MICKAL KAMUVAKA, SOLOMON MANAMELA, EARLE MCNEILL, and MANUELITA BUENAFLOR supervised and directed the creation of false progress notes and the falsification and backdating of reports and alerts in anticipation of an inspection by DHS in September of 2006.

7. In and about August 2006, defendants JULIUS JUMA MURRAY, MARIAM COULIBALY, and CHRISTIANA NIMPSON created false progress notes and falsified and backdated reports and alerts in anticipation of a DHS inspection in September 2006.

8. Following D.K.'s death, MEBH supervisors, including defendant MANUELITA BUENAFLOR, had at least one computer hard drive at MEBH's office erased and/or replaced to prevent City and federal investigators from discovering MEBH's fraud.

9. On or about April 3, 2007, after MEBH had received one federal administrative subpoena and two federal grand jury subpoenas requiring the production of documents, including records of complaints about MEBH and records of phone calls to MEBH, defendant MICKAL KAMUVAKA discarded, into the trash dumpster behind MEBH's offices, two trash bags containing, among other things, the original page or pages of MEBH's incoming call log for August 4, 2006.

All in violation of Title 18, United States Code, Section 371.

COUNT TWENTY

FALSE STATEMENT TO FEDERAL AGENTS

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 24 and 26 through 44 of Counts One through Twelve of this indictment are incorporated here.

2. Since in or about October 2006, Agents of the HHS Office of Inspector General (“HHS-OIG”) and the Federal Bureau of Investigation (“FBI”) have investigated whether employees of MEBH, including defendant MARIAM COULIBALY, had committed any federal crimes in connection with MEBH’s billing for SCOH services. A material question in this inquiry was whether MARIAM COULIBALY had fabricated records to show SCOH visits to families that had not occurred.

3. With respect to this material matter, during a November 28, 2007 interview with agents of HHS-OIG and the FBI, defendant MARIAM COULIBALY made oral statements, and gave a written statement, saying that she had not fabricated records at MEBH, and specifically that she had not created progress notes at MEBH which showed visits that had not occurred. These statements were false, as defendant COULIBALY then knew. In truth, from in or about September 2002 through in or about October 2006, defendant COULIBALY fabricated numerous records at MEBH, including making progress notes for visits that had not occurred, as explained in detail in the incorporated paragraphs of Counts One through Twelve of this indictment.

4. On or about November 28, 2007, in the Eastern District of Pennsylvania,
defendant

MARIAM COULIBALY,

in a matter within the jurisdiction of HHS, a department of the executive branch of the United States government, and the FBI, an agency of the United States Department of Justice, a department of the executive branch of the United States government, knowingly and willfully made a false material statement, namely, that while at MEBH she had never made progress notes which documented visits that had, in fact, not occurred.

In violation of Title 18, United States Code, Section 1001.

COUNT TWENTY-ONE

FALSE DECLARATION TO GRAND JURY

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Paragraphs 1 through 24 and 26 through 44 of Counts One through Twelve of this indictment are incorporated here.

2. In addition to her work at MEBH, defendant PATRICIA BURCH was a full-time employee of West Philadelphia High School since approximately 1985.

3. While working at MEBH, defendant BURCH worked into the evening hours with MEBH supervisors and employees, including defendants MICKAL KAMUVAKA and SOLOMON MANAMELA, to prepare for upcoming audits of MEBH by the City.

4. MEBH supervisors, including MICKAL KAMUVAKA and SOLOMON MANAMELA, instructed MEBH employees, including defendant BURCH, to fabricate and backdate records to “fill the gaps” in MEBH’s files before the audits.

5. During these audit preparation sessions, defendant BURCH fabricated and backdated records, including progress notes, to make it appear as though she and other SCOH workers actually visited families on the dates and times listed in the records.

6. It was a matter material to the grand jury to determine who participated in fabricating and backdating records during MEBH’s preparation for audits by the City.

7. On or about January 31, 2008, in Philadelphia, within the Eastern District of Pennsylvania, defendant

PATRICIA BURCH,

while under oath in a proceeding before the federal grand jury of the United States District Court for the Eastern District of Pennsylvania, knowingly made false declarations in response to questions asked of her with respect to the material matter as described in this Count as follows:

Q. All right. And when people would stay late to complete the files, some of them were working on files that were not their own?

A. Yes.

Q. Did anybody ever ask you to do that?

A. Yes.

Q. Who was it that asked you to do that?

A. Solomon and Mickal.

Q. Solomon Manamela and Mickal Kamuvaka?

A. Yes.

Q. What was it they asked you to do on those files, ma'am?

A. They would ask you to help make progress notes, complete the progress notes and put them in there, put them in the file so the file would be complete for audit.

Q. Did they mean they wanted you to go out and visit the family to do these progress notes?

A. No.

Q. What was it they were asking you to do?

A. Just write progress notes.

Q. Under your name or under somebody else's name?

A. Under somebody else's name.

Q. Did you do that when they asked you to do it?

A. No.

* * *

Q. How about, did you know a SCOH worker named [B.C.]?

A. [B], yes, we called her [B].

Q. Okay. Was she a good SCOH worker or somebody who had problems with their paperwork a lot?

A. No, [B] had problems with her paperwork also.

Q. And how did you become aware of that?

A. I had a couple of cases that started out as [B]'s and I would get the cases and there would be paperwork missing. And they wanted you to update -- if you had had a case after someone else, when it came time for audit they would say, oh well it's your case now so you have to do the work. But I was never filling out missing papers for someone else.

Q. When you say you have to do the work, you mean they wanted you to create paperwork that the previous SCOH worker should have made?

A. Yes.

Q. Who was it that would tell you to do that?

A. Mickal and Solomon.

* * *

Q. And so basically every time there was an audit that came around, they would ask you to do this, to make up false paperwork?

A. Yes.

Q. And you refused to do it every time?

A. Yes.

8. Defendant PATRICIA BURCH knew that her underlined testimony, as set forth in Paragraph 7 of this count, was false, in that defendant BURCH knew at the time she made these statements that she had fabricated and backdated records at the direction of Mickal Kamuvaka and Solomon Manamela during MEBH's preparations for upcoming audits by the City.

In violation of Title 18, United States Code, Section 1623.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371, 1343, 1347, 1001, 1623, and 1519, set forth in this indictment, defendants

**MICKAL KAMUVAKA,
a/k/a “Dr. K,”
SOLOMON MANAMELA,
EARLE MCNEILL,
MANUELITA BUENAFLO,
a/k/a “QP,”
JULIUS JUMA MURRAY,
MARIAM COULIBALY,
CHRISTIANA NIMPSON, and
SOTHEARY CHAN**

shall forfeit to the United States of America, any property, real or personal, that constitutes or is derived from proceeds obtained directly or indirectly as a result of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

LAURIE MAGID
United States Attorney