

**Aug 18, 2021**

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**21-60242-CR-BLOOM/VALLE**  
Case No. \_\_\_\_\_

18 U.S.C. § 1349

18 U.S.C. § 982(a)(7)

**UNITED STATES OF AMERICA**

**vs.**

**AILLYN AULOV,**

**Defendant.**

**INFORMATION**

The Acting United States Attorney charges:

**GENERAL ALLEGATIONS**

At all times material to this Information:

**The Medicare Program**

1. The Medicare Program ("Medicare") was a federal healthcare program that provided free or below-cost health care benefits to individuals who were sixty-five years of age or older, or disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services ("HHS"), through its agency the Centers for Medicare and Medicaid Services ("CMS"), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was subdivided into multiple program "parts." Medicare Part D subsidized the costs of prescription drugs for Medicare beneficiaries in the United States. Medicare Part D was enacted as part of the Medicare Prescription Drug, Improvement, and

Modernization Act of 2003, and went into effect on January 1, 2006.

3. In order to receive Part D benefits, a beneficiary enrolled in a Medicare drug plan. Medicare drug plans were operated by private companies approved by Medicare. Those companies were often referred to as drug plan “sponsors.” A beneficiary in a Medicare drug plan could fill a prescription at a pharmacy and use his or her plan to pay for some or all of the prescription.

4. A pharmacy could participate in Part D by entering a retail network agreement directly with a plan or with one or more Pharmacy Benefit Managers (“PBMs”). A PBM acted on behalf of one or more Medicare drug plans. Through a plan’s PBM, a pharmacy could join the plan’s network. When a Part D beneficiary presented a prescription to a pharmacy, the pharmacy submitted a claim either directly to the plan or to the PBM that represented the beneficiary’s Medicare drug plan. The plan or PBM determined whether the pharmacy was entitled to payment for each claim and periodically paid the pharmacy for outstanding claims. The drug plan’s sponsor reimbursed the PBM for its payments to the pharmacy.

5. A pharmacy could also submit claims to a Medicare drug plan whose network the pharmacy did not belong. Submission of such out-of-network claims was not common and often resulted in smaller payments to the pharmacy by the drug plan sponsor.

6. Medicare, through CMS, compensated the Medicare drug plan sponsors. Medicare paid the sponsors a monthly fee for each Medicare beneficiary of the sponsors’ plans. Such payments were called capitation fees. The capitation fees were adjusted periodically based on various factors, including the beneficiary’s medical condition. In addition, in some cases where a sponsor’s expenses for a beneficiary’s prescription drugs exceeded that beneficiary’s capitation

fee, Medicare reimbursed the sponsor for a portion of those additional expenses.

7. Medicare and Medicare drug plan sponsors were “health care benefit program[s],” as defined by Title 18, United States Code, Section 24(b).

**The Defendant and Related Entities**

8. Bravo Drugs, Inc. (“Bravo”) was a Florida corporation that did business in Broward County, purportedly providing prescription drugs to Medicare beneficiaries. Bravo Drugs’ principal place of business was 3009 Johnson Street, Hollywood, Florida 33021.

9. Bravo Drugs Two, Inc. (“Bravo Two” or, collectively with Bravo, “Bravo Drugs”) was a Florida corporation that did business in Broward County, purportedly providing prescription drugs to Medicare beneficiaries. Bravo Two’s principal place of business was 5920 Johnson Street, Suite 2015, Hollywood, Florida 33021.

10. Defendant **AILLYN AULOV** was a resident of Broward County and an owner of Bravo Drugs.

**CONSPIRACY TO COMMIT HEALTH CARE FRAUD  
(18 U.S.C. § 1349)**

From in or around June 2013, and continuing through in or around August 2019, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**AILLYN AULOV,**

did knowingly and willfully, that is, with the intent to further the object of the conspiracy, combine, conspire, confederate and agree with others known and unknown to the Acting United States Attorney to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare and

Medicare drug plan sponsors, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

**Purpose of the Conspiracy**

11. It was a purpose of the conspiracy for the defendant, **AILLYN AULOV**, and her co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to Medicare and Medicare drug plan sponsors; (b) concealing the submission of false and fraudulent claims to Medicare and Medicare drug plan sponsors, and the receipt and transfer of fraud proceeds; and (c) diverting the fraud proceeds for their personal use and benefit, the use and benefit of others, and to further the fraud.

**Manner and Means of the Conspiracy**

The manner and means by which the defendant and her co-conspirators sought to accomplish the object and purpose of the conspiracy included, among other things, the following:

12. **AILLYN AULOV** and her co-conspirators signed retail network agreements with Medicare drug plan sponsors on behalf of Bravo Drugs. By entering into these agreements, **AULOV** agreed that Bravo Drugs would, among other things, comply with federal laws regarding the dispensing of prescription drugs.

13. **AILLYN AULOV** and her co-conspirators developed a "buy to return" scheme in which they (i) purchased prescription medication from wholesale pharmaceutical distributors, (ii) submitted claims to Medicare and Medicare drug plan sponsors falsely representing that these prescription medications had been provided to Medicare beneficiaries, and (iii) returned the

prescription medication to the wholesale pharmaceutical distributors.

14. **AILLYN AULOV** and her co-conspirators caused the submission of approximately \$1,163,178 in claims for prescription drugs that were medically unnecessary, were not provided to beneficiaries, and that were returned to wholesale distributors.

15. **AILLYN AULOV** and her co-conspirators used the proceeds from the false and fraudulent claims for their own use and the use of others, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

**FORFEITURE**  
**(18 U.S.C. § 982(a)(7))**

1. The allegations of this Information are hereby re-alleged and by this reference incorporated herein for purposes of alleging forfeiture to the United States of certain property in which the defendant, **AILLYN AULOV**, has an interest.

2. Upon conviction of the violation of Title 18, United States Code, Section 1349, as alleged in this Information, the defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense, pursuant to Title 18, United States Code, Section 982(a)(7). The property subject to forfeiture includes: a forfeiture money judgment in the amount of \$743,909, which sum represents the value of the property subject to forfeiture.

3. If any of the property 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 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.

the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), which substitute property includes but is not limited to, the following:

- i. real property located at 1901 North Surf Road, #17 Hollywood, Florida 33019 (the "North Surf Road Property"); and
- ii. real property located at 1110 Lidflower Street Hollywood, Florida 330139 (the "Lidflower Property") (collectively, the "Subject Property").

All pursuant to Title 18, United States Code, Section 982(a)(7), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code Section 982(b)(1).



JUAN ANTONIO GONZALEZ  
ACTING UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

JOSEPH BEEMSTERBOER, ACTING CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

ALLAN MEDINA  
DEPUTY CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

By:

  
\_\_\_\_\_

EMILY GURSKIS  
TRIAL ATTORNEY  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

AILLYN AULOV,

**CERTIFICATE OF TRIAL ATTORNEY\*****Superseding Case Information:**

Defendant. \_\_\_\_\_/

**Court Division: (Select One)**
☐ Miami
 ☐ Key West
 ☒ FTL
   
☐ WPB
 ☐ FTP
New defendant(s) ☐ Yes ☐ No

Number of new defendants \_\_\_\_\_

Total number of counts \_\_\_\_\_

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)	
I 0 to 5 days	<input checked="" type="checkbox"/>	Petty	<input type="checkbox"/>
II 6 to 10 days	<input type="checkbox"/>	Minor	<input type="checkbox"/>
III 11 to 20 days	<input type="checkbox"/>	Misdemeanor	<input type="checkbox"/>
IV 21 to 60 days	<input type="checkbox"/>	Felony	<input checked="" type="checkbox"/>
V 61 days and over	<input type="checkbox"/>		

6. Has this case previously been filed in this District Court? (Yes or No) No

If yes: Judge \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. \_\_\_\_\_

Related miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) No
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick Maynard)? (Yes or No) No
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No

  
 \_\_\_\_\_  
 EMILY GURSKIS

DOJ Trial Attorney

Court ID No. A5502499



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: AILLYN AULOV

Case No: \_\_\_\_\_

Count #: 1

Title 18, United States Code, Section 1349

Conspiracy to Commit Health Care Fraud

\*Max Penalty: Ten (10) years' imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

AO 455 (Rev. 01/09) Waiver of an Indictment

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UNITED STATES DISTRICT COURT

for the  
Southern District of Florida

United States of America

v.

Aillyn Aulov,

*Defendant*

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)

Case No.

**WAIVER OF AN INDICTMENT**

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Defendant's signature*

\_\_\_\_\_  
*Signature of defendant's attorney*

\_\_\_\_\_  
JONATHAN MELTZ, ESQ.  
*Printed name of defendant's attorney*

\_\_\_\_\_  
*Judge's signature*

\_\_\_\_\_  
*Judge's printed name and title*