

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**16-20456**

Case No. \_\_\_\_\_

18 U.S.C. § 1956(h)  
18 U.S.C. § 1957(a)  
18 U.S.C. § 1956(a)(1)(B)(i)  
18 U.S.C. § 1512(b)(2)(A)  
18 U.S.C. § 2  
18 U.S.C. § 982

**CR-SCOLA**

**IOTAZO-REYES**

**UNITED STATES OF AMERICA**

vs.

**JOSE NUNEZ,**

**Defendant.**



**INDICTMENT**

The Grand Jury charges that:

**COUNT 1**

**Conspiracy to Commit Money Laundering  
(18 U.S.C. § 1956(h))**

From on or about December 4, 2012, and continuing through on or about February 28, 2014, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JOSE NUNEZ,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with others known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1956, that is, to knowingly conduct a financial transaction affecting interstate commerce involving the proceeds of specified unlawful activity, knowing that the property involved in such financial transaction represented the proceeds of some

form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

All in violation of Title 18, United States Code, Section 1956(h).

**COUNTS 2-8**  
**Money Laundering**  
**(18 U.S.C. § 1957(a))**

On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JOSE NUNEZ,**

did knowingly engage and attempt to engage in a monetary transaction affecting interstate and foreign commerce, by, through, and to a financial institution in criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity:

<b>Count</b>	<b>Approximate Date of Monetary Transaction</b>	<b>Description of Monetary Transaction</b>
2	December 4, 2012	Deposit of check number 115, drawn on La Esperanza Pharmacy Discount, Inc. Bank United corporate checking account, into the Bank United checking account (xxxxx1402) of Jose Nunez, in the approximate amount of \$25,000
3	December 6, 2012	Deposit of check number 116, drawn on La Esperanza Pharmacy Discount, Inc. Bank United corporate checking account, into the checking account (xxx3166) of Jose Nunez, in the approximate amount of \$35,000

Count	Approximate Date of Monetary Transaction	Description of Monetary Transaction
4	December 14, 2012	Deposit of check number 311, drawn on La Esperanza Pharmacy Discount, Inc. TD Bank corporate checking account, into the Bank United checking account (xxxxx1402) of Jose Nunez, in the approximate amount of \$15,000
5	December 20, 2012	Deposit of check number 322, drawn on La Esperanza Pharmacy Discount, Inc. TD Bank corporate checking account, into the Bank United checking account (xxxxx4124) of Xpress Billing Services Inc., in the approximate amount of \$30,000
6	December 24, 2012	Deposit of check number 323, drawn on La Esperanza Pharmacy Discount, Inc. TD Bank corporate checking account, into the Bank United checking account (xxxxx4124) of Xpress Billing Services Inc., in the approximate amount of \$30,000
7	April 3, 2013	Deposit of check number 133, drawn on La Esperanza Pharmacy Discount, Inc. Bank United corporate checking account, into the Bank United checking account (xxxxx1402) of Jose Nunez, in the approximate amount of \$25,000
8	April 8, 2013	Deposit of check number 551, drawn on La Esperanza Pharmacy Discount, Inc. TD Bank corporate checking account, into the Bank United checking account (xxxxx1402) of Jose Nunez, in the approximate amount of \$25,000

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1957(a) and 2.

**COUNTS 9-10**  
**Money Laundering**  
**(18 U.S.C. § 1956(a)(1)(B)(i))**

On or about the dates set forth below as to each count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JOSE NUNEZ,**

did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce involving the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity:

<b>Count</b>	<b>Approximate Date of Monetary Transaction</b>	<b>Description of Monetary Transaction</b>
9	February 6, 2014	Deposit of check number 1032, drawn on La Esperanza Pharmacy Discount, Inc. Bank of America corporate checking account, into the Bank United checking account (xxxxx4124) of Xpress Billing Services Inc., in the approximate amount of \$5,000
10	December 15, 2014	Deposit of check number 1361, drawn on La Esperanza Pharmacy Discount, Inc. Bank of America corporate checking account, into the Bank United checking account (xxxxx4124) of Xpress Billing Services Inc., in the approximate amount of \$6,500

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

**COUNT 11**  
**Witness Tampering**  
**18 U.S.C. § 1512(b)(3)**

On or about April 20, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JOSE NUNEZ,**

did knowingly corruptly persuade and attempt to corruptly persuade and engage in misleading conduct toward another person, that is, A.A., by directing A.A. to falsely state that the monies A.A. had provided to the defendant were a loan for the purchase of certain real estate, with the intent to hinder, delay, and prevent the communication to federal agents of the United States Department of Health and Human Services, Office of Inspector General, and the Federal Bureau of Investigation, information relating to the commission of a Federal offense, that is, money laundering, in violation of Title 18, United States Code, Section 1512(b)(3).

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

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **JOSE NUNEZ**, has an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1956(h), 1957(a), or 1956(a)(1)(B)(i), as alleged in Counts 1 through 10 of this Indictment, the defendant shall forfeit to the United States all right, title, and interest in any property, real or personal, involved in such violation or any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

3. The property subject to forfeiture includes, but is not limited to, the following:

(a) the sum of \$196,500 in United States currency, which amount represents property involved in or traceable to the commission of the violations alleged in this Indictment, which the United States will seek as a forfeiture money judgment as part of the defendant's sentence.

4. If 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 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable

property and, in addition, to seek a court order requiring the defendant to return any such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(1) and the procedures set forth at Title 21, United States Code, Section 853, as made applicable through Title 18, United States Code, Section 982(b)(1).

A TRUE ~~BY~~



FOR PERSON

*Wifredo A. Ferrer*

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

*Christopher J. Clark*

CHRISTOPHER J. CLARK  
ASSISTANT UNITED STATES ATTORNEY