

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 13-  
 :  
 v. :  
 :  
 : 18 U.S.C. §1952(a)(3) and 2  
 DENNIS APONTE :

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. The defendant, DENNIS APONTE, was a medical doctor licensed to practice medicine in the State of New Jersey.

b. Biodiagnostic Laboratory Services, LLC ("BLS") was a clinical blood laboratory headquartered in Parsippany, New Jersey that, among other things, performed tests on the blood specimens of patients referred to BLS by doctors, and then billed payors and others for those tests and related services.

c. Craig Nordman was a BLS employee.

d. David Nicoll was an owner and the President of BLS, and generally directed and supervised Craig Nordman's activities at BLS.

e. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care

benefits to certain individuals, primarily the elderly, blind, and disabled. Medicare was a "Federal health care program" as defined in Title 42, United States Code, Section 1320a-7b(f) and a "health care benefit program" as defined in Title 18, United States Code, Section 24(b). Individuals who receive benefits under Medicare are commonly referred to as "beneficiaries."

f. The Medicare Part B program was a federally funded supplemental insurance program that provided supplementary Medicare insurance benefits for individuals aged sixty-five or older, and certain individuals who are disabled. The Medicare Part B program paid for various medical services for beneficiaries, including blood tests and related services.

g. BLS was an approved Medicare provider, and Medicare paid BLS for performing blood tests and related services on beneficiaries who were referred to BLS by physicians participating in Medicare.

h. Private health insurance companies (hereafter, "Private Payors") including Horizon Blue Cross/Blue Shield ("Blue Cross/Blue Shield"), were corporations in the business of providing health care insurance to individuals and entities under various insurance policies (the "insureds"), pursuant to which Blue Cross/Blue Shield and other Private Payors paid BLS for blood tests and related services performed for insureds who had been referred to BLS by physicians participating in their provider networks.

2. From at least in or about October 2012 until in or about March 2013, in Morris County, in the District of New Jersey, and elsewhere, defendant

DENNIS APONTE

knowingly and intentionally used and caused to be used the mail and any facility in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, that is, commercial bribery, contrary to N.J.S.A. §2C:21-10 and Title 18, United States Code, Section 1952(a)(3) and, thereafter, did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, to include, as follows:

a. At least as early as October 2012, David Nicoll offered, and defendant DENNIS APONTE accepted, bribes paid to induce defendant DENNIS APONTE to refer the blood specimens of his patients to BLS for testing and related services.

b. Between in or about October 2012 and in or about March 2013, Craig Nordman, acting at the direction of David Nicoll, paid defendant DENNIS APONTE approximately \$3,000 per month in cash. In return, defendant DENNIS APONTE referred patient blood specimens to BLS that BLS used to submit claims to Medicare and the Private payors and collect from those payors at least in or about \$175,000.

c. The claims BLS submitted for blood testing and other services to Medicare and the Private Payors included charges for tests on blood specimens referred to BLS by defendant DENNIS APONTE in return for bribe payments.

d. On or about December 11, 2012, Medicare paid BLS - by an electronic transfer of funds that originated outside of the State of New Jersey and was received by BLS inside the State of New Jersey - a sum of money for claims and related items submitted by BLS for blood testing on Medicare beneficiaries. A portion of the money paid by Medicare to BLS was for tests performed by BLS on blood specimens referred to BLS by or at the direction of defendant DENNIS APONTE in return for bribe payments.

e. In or about February 2013, David Nicoll caused Craig Nordman to deliver approximately \$3,000 to defendant DENNIS APONTE to induce defendant DENNIS APONTE to refer the blood specimens of patients to BLS for testing and related services.

In violation of Title 18, United States Code, Section 1952(a)(3) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Sections 1952(a)(3) and 2 charged in this Information, the defendant, DENNIS APONTE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense in violation of Title 18, United States Code, Sections 1952(a)(3) and 2 charged in this Information, including, but not limited to, a sum of money in the amount of \$235,000, representing the property constituting or derived, directly or indirectly, from proceeds traceable to the commission of the said offense, and all property traceable thereto.

3. If any of the property described above, 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, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to forfeiture of any other property of the defendant, DENNIS APONTE, up to the value of the forfeitable property described in the preceding paragraph.



PAUL J. FISHMAN  
UNITED STATES ATTORNEY

CASE NUMBER: \_\_\_\_\_

---

---

United States District Court  
District of New Jersey

---

---

**UNITED STATES OF AMERICA**

v.

**DENNIS APONTE**

---

---

**INFORMATION**

18 U.S.C. § 1952(a)(3) and 2

---

---

**PAUL J. FISHMAN**

*U.S. ATTORNEY NEWARK, NEW JERSEY*

---

---

JACOB T. ELBERG

JOSEPH N. MINISH

ASSISTANT U.S. ATTORNEYS

NEWARK, NEW JERSEY

973.645.2700

---

---