

wK/ABS: AE
F. #2019R00999

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

INFORMATION

- against -

IGOR RADINOVSKIY and
ALEKSANDR RADINOVSKIY,

Cr. No. 19 - 373 (FB)
(T. 18, U.S.C., §§ 371, 982(a)(7),
982(b)(1) and 3551 et seq.; T. 21,
U.S.C., § 853(p))

Defendants.

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THE UNITED STATES CHARGES:

INTRODUCTION

At all times relevant to this Information, unless otherwise indicated:

I. Background

A. The Medicaid Program

1. The New York State Medicaid program ("Medicaid") was a federal and state health care program providing benefits to individuals and families who met specified financial and other eligibility requirements, and certain other individuals who lacked adequate resources to pay for medical care. The Centers for Medicare & Medicaid Services ("CMS"), a federal agency under the U.S. Department of Health and Human Services ("HHS"), was responsible for overseeing the Medicaid program in participating states, including New York. Individuals who received benefits under Medicaid were referred to as "beneficiaries."

2. Medicaid covered the costs of various medical services and products ranging from routine preventive medical care for children to institutional care for the elderly and disabled. Among the specific medical services provided by Medicaid were ambulette services, which provided beneficiaries with transportation to access medical care in non-emergency situations, including medical appointments.

3. To bill Medicaid, providers were required regularly to certify, among other things, that the claimed services were provided in accordance with applicable federal and state laws and regulations, and that the provider understood that payment of the claims were from federal, state and local public funds.

4. Medical providers and suppliers were authorized to submit claims to Medicaid only for services that were medically necessary, were provided by an authorized provider and were not induced by payment of a kickback, among other requirements.

5. As with other Medicaid providers, to submit claims for reimbursement to Medicaid, ambulette companies were required to apply for enrollment, to be enrolled and to periodically revalidate that enrollment.

6. The Medicaid program was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b), and a “Federal health care program,” as defined by Title 42, United State Code, Section 1320a-7b(f).

B. The Defendants and Related Entity

7. Sabe Ambulette Service, Inc. (“Sabe Ambulette”), which also did business as “Mobility Transportation,” was a New York corporation located at 2619 East 24th Street, Brooklyn, New York, and 701 Hilda Street, North Bellmore, New York, among other locations.

8. The defendant IGOR RADINOVSKIY was the president and an owner of Sabe Ambulette. The defendant ALEKSANDR RADINOVSKIY was IGOR RADINOVSKIY's son and a vice president and owner of Sabe Ambulette.

9. Certain co-conspirators of the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY owned and operated companies (the "Co-Conspirator Companies") used to further the criminal scheme set forth below, including, among others, the following:

(a) Co-Conspirator-1 ("CC-1"), an individual whose identity is known to the United States, owned and operated multiple companies. These included Company-1 and Company-2, entities the identities of which are known to the United States;

(b) Co-Conspirator-2 ("CC-2"), an individual whose identity is known to the United States, owned and operated multiple companies. These included Company-3, Company-4 and Company-5, entities the identities of which are known to the United States;

(c) Co-Conspirator-3 ("CC-3"), an individual whose identity is known to the United States, owned and operated multiple companies. These included Company-6 and Company-7, entities the identities of which are known to the United States;

(d) Co-Conspirator-4 ("CC-4"), an individual whose identity is known to the United States, owned and operated Company-8, an entity the identity of which is known to the United States;

(e) Co-Conspirator-5 ("CC-5"), an individual whose identity is known to the United States, owned and operated multiple companies. These included

Company-9, Company-10, Company-11 and Company-12, entities the identities of which are known to the United States;

(f) Co-Conspirator-6 (“CC-6”), an individual whose identity is known to the United States, owned and operated multiple companies. These included Company 13 and Company-14, entities the identities of which are known to the United States;

(g) Co-Conspirator-7 (“CC-7”), an individual whose identity is known to the United States, owned and operated multiple companies. These included Company-15, Company-16, Company-17 and Company-18, entities the identities of which are known to the United States; and

(h) Co-Conspirator-8 (“CC-8”), an individual whose identity is known to the United States Attorney, owned and operated Company-19, an entity the identity of which is known to the United States.

10. The Co-Conspirator Companies were not licensed ambulette companies and were not enrolled in Medicaid.

II. The Kickback Scheme

11. Between approximately January 2008 and April 2018, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, including CC-1, CC-2, CC-3, CC-4, CC-5, CC-6, CC-7 and CC-8, did knowingly and willfully conspire to offer and pay illegal health care kickbacks.

12. Specifically, and in part, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others:

(a) obtained from co-conspirators referrals of beneficiaries recruited by those co-conspirators, for the purpose of billing Medicaid for transporting those beneficiaries to clinics in Brooklyn, New York and Queens, New York;

(b) coordinated with co-conspirators who were not enrolled in Medicaid, and who therefore could not bill Medicaid, to deliver beneficiaries to clinics in Brooklyn, New York and Queens, New York;

(c) submitted claims to Medicaid for transportation services that co-conspirators performed as if Sabe Ambulette had performed those services and as if those transportation services were (i) medically necessary, (ii) provided by a licensed Medicaid provider and (iii) not induced by remuneration; and

(d) after receiving reimbursements for transportation services from Medicaid, paid kickbacks of approximately 80 percent to 85 percent of the Medicaid reimbursements directly and indirectly to the Co-Conspirator Companies in return for the referral for transportation services of the beneficiaries for whom Sabe Ambulette had received Medicaid reimbursement.

13. On or about June 20, 2014, the defendant IGOR RADINOVSKIY signed revalidation forms on behalf of Sabe Ambulette with the Medicaid program. These forms did not disclose the relationship between Sabe Ambulette and the Co-Conspirator Companies. In fact, the signed revalidation forms asserted, among other things, that Sabe Ambulette did not use subcontractors.

14. Between approximately January 2008 and April 2018, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, paid

approximately \$8.6 million to the Co-Conspirator Companies in return for the referral of patients for transportation services.

III. The Tax Fraud Conspiracy

15. The Internal Revenue Service (“IRS”), an agency within the U.S. Department of the Treasury, was responsible for administering and enforcing federal revenue laws and regulations regarding ascertainment, computation, assessment and collection of taxes owed to the United States by its citizens and residents.

16. In order to accurately assess and collect taxes, the IRS must, among other things, determine taxpayers’ actual income, credits and deductions. To accomplish this, the IRS used, among other means, tax returns filed pursuant to the tax laws of the United States, as set forth in Title 26 of the United States Code. In general, all domestic corporations in existence for any part of a tax year were required to file an income tax return for that year, whether or not they had any taxable income.

17. Sabe Ambulette was required to file with the IRS a United States Corporation Income Tax Return, Form 1120 (“Form 1120”), to report the company’s gross receipts, income, gains, losses, deductions, credits and income tax liabilities.

18. Between approximately September 2010 and November 2017, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, conspired to file and caused to be filed false tax returns with the IRS for Sabe Ambulette.

19. Specifically, for the tax years 2008 through 2013, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY falsely reported to the IRS that the payments they made to the Co-Conspirator Companies were real and legitimate business

expenditures when, as the defendants then and there well knew and believed, the payments had been made for illegal patient referrals. By representing the payments to the Co-Conspirator Companies as legitimate business expenses, the defendants caused the Forms 1120 filed with the IRS to falsely under-report income and falsely claim deductions.

COUNT ONE

(Conspiracy to Offer and Pay Health Care Kickbacks)

20. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

21. In or about and between January 2008 and April 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, did knowingly and willfully conspire to offer and pay one or more kickbacks, directly and indirectly, overtly and covertly, in cash and in kind, to persons to induce such persons to refer for the furnishing of and arranging for the furnishing of items and services for which payment may be made in whole and in part under Medicaid, contrary to Title 42, United States Code, Section 1320a-7b(b)(2).

22. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about February 7, 2015, ALEKSANDR RADINOVSKIY wrote check number 4208, in the amount of \$6,823, payable to Company-5, drawn on a TD Bank account number ending in 1440 and held in the name of Sabe Ambulette.

(b) On or about July 31, 2015, IGOR RADINVOSKIY signed a Medicaid certification statement on behalf of Sabe Ambulette.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Conspiracy to Defraud by Obstructing the Lawful Functions of the Internal Revenue Service)

23. The allegations contained in paragraphs one through 19 are realleged and incorporated as if fully set forth in this paragraph.

24. In or about and between September 2010 and November 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, did knowingly and willfully conspire to defraud the United States by impairing, impeding, obstructing and defeating, through deceitful and dishonest means, the lawful government functions of the Internal Revenue Service of the Department of the Treasury, an agency and department of the United States, in the ascertainment, computation, assessment and collection of revenue, to wit: income taxes.

25. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about November 1, 2017, ALEKSANDR RADINOVKSIY filed and caused to be filed a Form 1120 on behalf of Sabe Ambulette for the tax year 2010.

(b) On or about November 1, 2017, ALEKSANDR RADINOVSKIY filed and caused to be filed a Form 1120 on behalf of Sabe Ambulette for the tax year 2013.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE

26. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), which requires any person convicted of a federal health care offense to forfeit property, real or personal, that constitutes, or is derived directly or indirectly from, gross proceeds traceable to the commission of such offense.


27. If any of the above-described forfeitable property, 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

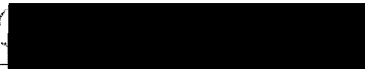
(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(7) and 982(b)(1); Title 21, United States Code, Section 853(p))

BY: 
ACTING UNITED STATES ATTORNEY,
PURSUANT TO 28 C.F.R. O. 136

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK



ROBERT ZINK
CHIEF, FRAUD SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

F#: 2019R00999
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

IGOR RADINOVSKIY and ALEKSANDR RADINOVSKIY,

Defendants.

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U.S.C. § 853(p))

A true bill.

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Andrew Estes, Trial Attorney (718) 254-6250