

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

| | | |
|--------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | : | Hon. |
| | : | |
| v. | : | Criminal No. 19- |
| | : | |
| NEIL JOHN AARON WILLIAMSKY, | : | 18 U.S.C. § 2 |
| a/k/a "Aaron Williamsky," | : | 18 U.S.C. § 371 |
| a/k/a "Aaron Neil Williamsky," | : | 18 U.S.C. § 1349 |
| NADIA LEVIT, | : | 18 U.S.C. § 1956(a)(3)(B) |
| a/k/a "Nadia Yakusheva," | : | 18 U.S.C. § 1956(h) |
| ALBERT DAVYDOV, and | : | 42 U.S.C. § 1320a-7b(b)(2)(B) |
| DAVID RAE | : | |

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE

(Conspiracy to Violate the Federal Anti-Kickback Statute)
(Defendants Williamsky, Levit, and Davydov)

1. Unless otherwise indicated, at all times relevant to this Indictment:
 - a. Defendants NEIL JOHN AARON WILLIAMSKY, a/k/a "Aaron Williamsky," a/k/a "Aaron Neil Williamsky" (hereinafter "AARON WILLIAMSKY") and NADIA LEVIT, a/k/a "Nadia Yakusheva" (hereinafter "NADIA LEVIT") were residents of New Jersey who owned, operated, and/or had a financial or controlling interest in the following entities:
 - i. at least twenty durable medical equipment ("DME") supply companies located in or around New Jersey and elsewhere (the "Williamsky/Levit Target DME Companies");

ii. MBW Billing Services (“MBW Billing”), a company located in New Jersey, which handled the billing of orthotic braces to health care benefit programs on behalf of the Williamsky/Levit Target DME companies; and

iii. AW Medical Solutions, Inc. (“AW Medical”) and D2D Power Sales, Inc. (“D2D”), New Jersey companies, which they used to, among other things: (1) transfer money between the Williamsky/Levit Target DME Companies; (2) pay themselves; and (3) pay illegal kickbacks for the referral and/or arranging of physician orders for orthotic braces.

b. Defendant ALBERT DAVYDOV was a resident of New York who owned, operated, and/or had a financial or controlling interest in at least nine DME supply companies (the “Davydov Target DME Companies”) (collectively, along with the Williamsky/Levit Target DME Companies, the “Target DME Companies”), two of which defendant ALBERT DAVYDOV jointly owned, operated, and/or had a joint financial or controlling interest in with defendants AARON WILLIAMSKY and NADIA LEVIT.

c. The Target DME Companies mainly provided orthotics, such as knee, wrist, back, shoulder, and ankle braces, to beneficiaries of both federally-funded and privately-funded health care benefit programs, as defined in 18 U.S.C. § 24(b).

d. Defendant DAVID RAE was a British citizen who owned Cargill Consulting Limited (“Cargill”), a shell company with a bank account located in Hong Kong, China, which was used to launder money.

e. Company-1 and Company-2 were call center/marketing companies located in the Philippines owned and operated by CC-1 (collectively, the “CC-1 Philippines Entities”).

The Medicare Program

2. The Medicare Program (“Medicare”) is a federally-funded program established by the Social Security Act of 1965 (codified as amended in various sections of Title 42, United States Code) to provide medical insurance benefits for individuals age 65 and older and certain disabled individuals who qualify under the Social Security Act (hereinafter “Medicare beneficiaries”).

3. Medicare is administered by the United States Department of Health and Human Services, Center for Medicare and Medicaid Services (“CMS”).

4. Medicare is a “health care benefit program,” as defined by 18 U.S.C. § 24(b) that affects commerce. Medicare is also a “Federal health care program,” as defined by 42 U.S.C. § 1320a-7b(f) that affects commerce.

5. Medicare is divided into four parts, which help cover specific services: Part A (hospital insurance), Part B (medical insurance), Part C (hospital and medical insurance administered by private insurance companies contracted with Medicare), and Part D (prescription drug coverage).

6. Medicare Part B covers non-institutional care that includes physician services and supplies, such as DME, that are needed to diagnose or treat medical conditions and that meet accepted standards of medical practice.

7. In order for DME suppliers, such as the Target DME Companies, to bill Medicare Part B, they must enroll with Medicare as a Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (“DMEPOS”) supplier by completing a Form CMS-855S.

8. As provided in the Form CMS-855S, to enroll as a DMEPOS supplier, every DMEPOS supplier must meet certain standards to obtain and retain billing privileges to Medicare, such as, but not limited to the following: (1) provide complete and accurate information on the Form CMS-855S, with any changes to the information on the form reported within 30 days; (2) disclose persons and/or organizations with ownership interests or managing control; (3) abide by applicable Medicare laws, regulations and program instructions, such as, but not limited to, the Federal Anti-Kickback Statute (42 U.S.C. § 1320a-7b(b)); (4) acknowledge that the payment of a claim by Medicare is conditioned upon the claim and the underlying transaction complying with such laws, regulations and program instructions; and (5) refrain from knowingly presenting or causing to present a false or fraudulent claim for payment by Medicare and submitting claims with deliberate ignorance or reckless disregard of their truth or falsity.

Telemedicine

9. Telemedicine allows health care providers, such as physicians, to evaluate, diagnose, and treat patients remotely—without the need for an in-person visit—by using telecommunications technology, such as the internet or telephone to interact with a patient.

10. A physician who is employed by a telemedicine company and practices telemedicine is referred to as a telemedicine physician or doctor.

Summary of the Conspiracy

11. From at least as early as in or around February 2015, defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and others began purchasing and establishing DME companies, including the Target DME Companies, in or around New Jersey, New York and elsewhere to fraudulently bill health care benefit programs, such as Medicare, for various orthotic braces.

12. The Target DME Companies were enrolled with CMS as DMEPOS suppliers, and therefore, were authorized to bill Medicare for the supplying of orthotic braces and were required to meet certain standards to obtain and retain Medicare billing privileges.

13. Through the Target DME Companies, MBW Billing, and/or other billing companies, defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and others submitted and/or caused the submission of false or fraudulent claims to Medicare for orthotic braces that were: (1) not medically necessary; (2) never requested by a Medicare beneficiary; (3) never received by

a Medicare beneficiary; and/or (4) provided based on a physician order procured through the payment of kickbacks and bribes.

14. To evade detection, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV owned, operated, and/or had a financial or controlling interest in several DME supply companies, including the Target DME Companies, at the same time. In addition, defendants AARON WILLIAMSKY and NADA LEVIT cycled through DME companies. Specifically, they would open and/or purchase certain DME companies; submit fraudulent claims to Medicare on behalf of those companies; close those companies one-by-one to avoid Medicare audits and recoupment by Medicare of any fraudulent claims; and then open and/or purchase new DME companies. Indeed, between in or around February 2015 to in or around December 2018, defendants AARON WILLIAMSKY and NADIA LEVIT owned, operated, and/or had a financial or controlling interest in at least twenty-two DME supply companies in New Jersey and elsewhere, two of which, Comfort Medical Supply, LLC (“Comfort Medical”) and Healing Solution Medical Supply, Inc. (“Healing Solution”), were jointly owned, operated, and/or had a joint financial or controlling interest with defendant ALBERT DAVYDOV.

15. At least as early as in or around May 2017 to in or around December 2018, defendant ALBERT DAVYDOV owned, operated, and/or had a financial or controlling interest in at least nine DME supply companies, which included Comfort Medical and Healing Solution.

16. To further evade detection and avoid Medicare suspicion and audits, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV sent Medicare beneficiaries who had physician's orders for more than one orthotic brace to more than one Target DME Company for fulfillment and billing. For example, if a physician ordered three orthotic braces for a certain Medicare beneficiary, one Target DME Company would supply and bill Medicare for one of those braces, another Target DME Company would supply and bill Medicare for another brace, and so forth.

17. To further evade detection and Medicare audits, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV concealed from Medicare their ownership, financial and/or controlling interest in the Target DME Companies. They hid their interest and involvement in various Target DME Companies by using nominee owners and falsely reporting the nominee owners on the Form CMS-855S while omitting their own names.

18. Defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV entered into sham "Business Process Outsourcing and Call Center" agreements ("BPO Agreements") and "Marketing Services" agreements ("Marketing Agreements") with the CC-1 Philippines Entities to disguise kickback and bribe payments for referrals and/or the arranging of physician orders for orthotic braces for Medicare beneficiaries generated by at least one of the CC-1 Philippines Entities.

19. According to the Marketing Agreements between the Target DME Companies and Company-1, Company-1 was to provide "raw leads" generated

from various advertising campaigns for orthotic braces. According to the agreements, these raw leads were to consist only of information of individuals responding to the advertisements indicating an interest in orthotic braces. In reality, however, at least one of the CC-1 Philippines Entities provided defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and the Target DME Companies with “completed leads” and not “raw leads.” The “completed leads” not only contained contact information regarding individuals interested in orthotic braces, but also included a physician’s order for orthotic braces for that particular individual.

20. At least one of the CC-1 Philippines Entities generated “completed leads” for defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV in the following manner:

a. CC-1 advertised free or low cost orthotic braces through the mail, internet, and/or television and directed individuals to call at least one of the CC-1 Philippines Entities.

b. Upon receiving a call, a customer service representative or “fronter” from at least one of the CC-1 Philippines Entities verified a caller’s health insurance information. If the caller was a Medicare beneficiary with Part B coverage, the caller/Medicare beneficiary was transferred to a “quality assurance” agent or “chaser”; the chaser was also an employee of at least one of the CC-1 Philippines Entities.

c. During the transfer of the Medicare beneficiary from the “fronter” to the “chaser,” the call was “branded” or assigned to a specific Target DME Company.

d. The “chaser,” an employee of at least one of the CC-1 Philippines Entities, then represented himself/herself as an employee of the “branded” Target DME Company, attempted to upsell the Medicare beneficiary into requesting more than one orthotic brace, and encouraged the Medicare beneficiary to obtain a physician’s order for the orthotic brace(s) through a telemedicine company paid by at least one of the CC-1 Philippines Entities rather than his/her primary care physician.

e. If the Medicare beneficiary elected to use his/her primary care physician, the “chaser” then called that physician in an attempt to secure a physician’s order for an orthotic brace(s). Otherwise, the Medicare beneficiary was referred to a telemedicine company paid by CC-1. The telemedicine physician would order the orthotic brace(s) regardless of medical necessity.

f. CC-1 paid telemedicine companies approximately \$79 for a physician’s order for one orthotic brace and \$89 for a physician’s order of more than one orthotic brace.

g. Once at least one of the CC-1 Philippines Entities received a physician’s order for an orthotic brace, that order was uploaded to a portal where the Target DME Company could access it.

21. Defendants AARON WILLAMSKY, NADIA LEVIT, and ALBERT DAVYDOV paid CC-1 approximately \$280 per orthotic brace originating from a telemedicine doctor's order and approximately \$350 per orthotic brace originating from a Medicare beneficiary's primary care physician's order.

22. Once the Target DME Companies received the "completed leads," physicians' order(s) from at least one of the CC-1 Philippines Entities, the Target DME Companies arranged for the shipping of the ordered orthotic brace(s) to the Medicare beneficiary and electronically submitted and/or caused the electronic submission of a claim to Medicare for payment.

23. To further evade detection, defendants AARON WILLIAMSKEY and NADIA LEVIT transferred a portion of the proceeds of their fraud to D2D. Defendant AARON WILLIAMSKEY would then launder the proceeds by transferring funds to defendant DAVID RAE and Cargill. Defendant DAVID RAE, in turn, laundered the proceeds by one of several means, including, but not limited to, transferring the funds through shell corporations and investing the money in real estate abroad.

24. From at least as early as in or around May 2016 through at least in or around December 31, 2018, in the District of New Jersey, and elsewhere, defendants

NEIL JOHN AARON WILLIAMSKY,
a/k/a "Aaron Williamsky,"
a/k/a "Aaron Neil Williamsky,"
NADIA LEVIT,
a/k/a "Nadia Yakusheva," and
ALBERT DAVYDOV

did knowingly and intentionally conspire and agree with each other and others to commit offenses against the United States, that is to knowingly and willfully offer and pay remunerations, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks and bribes, to any person to induce such person to purchase, order, and arrange for, and recommend purchasing and ordering, any good and item, namely, durable medical equipment, such as, various orthotic braces, for which payment was made in whole or in part under a Federal health care program, as defined in Title 18, United States Code, Section 24(b), namely, Medicare, contrary to Title 42, United States Code, Section 1320a-7b(b)(2)(B).

Object of the Conspiracy

25. It was the object of the conspiracy for defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and others to obtain millions of dollars from Medicare by paying kickbacks and bribes to CC-1 and his companies in exchange for "completed leads," or a physicians' orders for orthotic braces, which the Target DME Companies then billed to Medicare for reimbursement.

Manner and Means of the Conspiracy

26. The manner and means by which defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and others sought to accomplish the object of the conspiracy included, among other things, the following:

a. As described in Paragraphs 18 through 22 in this Indictment, in furtherance of the conspiracy and to obtain claims to bill Medicare, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV entered into sham agreements with at least one of the CC-1 Philippines Entities to disguise the payment of kickbacks and bribes for the referral of “completed leads” to the Target DME Companies and for the ordering and arranging of orthotic braces.

b. In furtherance of conspiracy, defendants AARON WILLIAMSKY and NADIA LEVIT purchased “completed leads” from the CC-1 Philippines Entities for various Williamsky/Levit Target DME Companies, such as, but not limited to, Align Back Belt Company (“ABB”), located in New Jersey, and B&L Medical Supply, Inc. (“B&L Medical”), located in New Jersey.

c. From in or around December 2016 through in or around January 2017, ABB paid at least one of the CC-1 Philippines Entities at least \$1.2 million in exchange for “completed leads,” which were then used to bill Medicare for payment.

d. From in or around May 2017 through in or around June 2018, B&L Medical paid at least one of the CC-1 Philippines Entities at least

\$3.7 million in exchange for “completed leads,” which were then used to bill Medicare for payment.

e. From in or around August 2017 through in or around December 2018, defendant ALBERT DAVYDOV through Rego Medical Supply (“Rego Medical”), paid at least one of the CC-1 Philippines Entities at least \$7.4 million in exchange for “completed leads,” which were then used to bill Medicare for payment.

f. In furtherance of the conspiracy and to generate claims to bill Medicare, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV, while jointly owning, operating, and/or having a joint financial or controlling interest in Comfort Medical and Healing Solution, paid at least one of the CC-1 Philippines Entities kickbacks in exchange for “completed leads” for Comfort Medical and Healing Solution, which were then used to bill Medicare for payment.

Overt Acts

27. In furtherance of the conspiracy, and in order to effect the object thereof, defendants AARON WILLIAMSKY, NADIA LEVIT, ALBERT DAVYDOV and others committed or caused the commission of the following overt acts in the District of New Jersey and elsewhere:

a. On or about January 25, 2017, at least one of the CC-1 Philippines Entities provided defendants AARON WILLIAMSKY and NADIA LEVIT a “completed lead” for Patient-1, a Medicare beneficiary residing in New Jersey, which was comprised of a physician’s orders for approximately four orthotic braces: back, shoulder, knee, and wrist brace (the “Patient-1 Completed Lead”). For the Patient-1 Completed Lead, defendants AARON WILLIAMSKY and NADIA LEVIT paid at least one of the CC-1 Philippines Entities approximately \$280 per brace for a total of approximately \$1,120.

b. On or about January 30, 2017, ABB submitted or caused the submission of a claim to Medicare for the Patient-1 Completed Lead and an additional lower leg wrap/sleeve. In total, Medicare paid approximately \$2,173 for the four orthotic braces and lower leg wrap/sleeve.

c. On or about October 31, 2018, at least one of the CC-1 Philippines Entities provided defendants AARON WILLIAMSKY and NADIA LEVIT a “completed lead” for Patient-2, a Medicare beneficiary residing in Missouri, which was comprised of a physician’s orders for approximately four orthotic braces: back, shoulder, knee, and wrist brace (the “Patient-2 Completed Lead”). For the Patient-2 Completed Lead, defendants AARON

WILLIAMSKY and NADIA LEVIT paid at least one of the CC-1 Philippines Entities approximately \$280 per brace for a total of approximately \$1,120.

d. On or about November 9, 2018 and on or about November 12, 2018, B&L Medical submitted or caused the submission of claims to Medicare for the Patient-2 Completed Lead and an additional lower leg wrap/sleeve. In total, Medicare paid approximately \$2,357 for the four orthotic braces and lower leg wrap/sleeve.

e. On or about August 6, 2018, at least one of the CC-1 Philippines Entities provided defendant ALBERT DAVYDOV a “completed lead” for Patient-3, a Medicare beneficiary residing in of New Jersey, which was comprised of a physician’s order for a back brace (the “Patient-3 First Completed Lead”).

f. On or about August 10, 2018, at least one of the CC-1 Philippines Entities provided defendant ALBERT DAVYDOV another completed lead for Patient-3, which was comprised of a physician’s orders for a shoulder and wrist brace (the “Patient-3 Second Completed Lead”). For the Patient-3 First Completed Lead, defendant ALBERT DAVYDOV paid at least one of the CC-1 Philippines Entities a total of approximately \$280, and for the Patient-3 Second Completed Lead, defendant ALBERT DAVYDOV paid approximately \$350 per brace for a total of approximately \$700.

g. On or about August 8, 2018, August 14, 2018, and August 16, 2018, Rego Medical submitted or caused the submission of claims to Medicare for the Patient-3 First Completed Lead and Patient-3 Second

Completed Lead. In total, Medicare paid approximately \$1,681 for the three orthotic braces.

h. On or about October 25, 2017, at least one of the CC-1 Philippines Entities provided defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV a “completed lead” for Patient-4, a Medicare beneficiary residing in of New Jersey, which was comprised of a physician’s order for a back brace (the “Patient-4 Completed Lead”). For the Patient-4 Completed Lead, defendants AARON WILLIAMSKY, NADIA LEVIT, and ALBERT DAVYDOV paid at least one of the CC-1 Philippines Entities a total of approximately \$350.

i. On or about December 22, 2017, Healing Solution submitted or caused the submission of a claim to Medicare for the Patient-4 Completed Lead. In total, Medicare paid approximately \$789 for the orthotic brace Healing Solution supplied to Patient-4.

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

COUNTS TWO THROUGH FIVE

(Illegal Remuneration in Violation of the Federal Anti-Kickback Statute)
(Defendants Williamsky and Levit)

The allegations in Paragraphs 1 through 23, 26 and 27 of this Indictment are hereby incorporated and re-alleged as if set forth fully here.

28. On or about the dates set forth below, in the District of New Jersey and elsewhere, defendants

NEIL JOHN AARON WILLIAMSKY,
a/k/a "Aaron Williamsky,"
a/k/a Aaron "Neil Williamsky," and
NADIA LEVIT,
a/k/a "Nadia Yakusheva"

did knowingly and willfully offer and pay remunerations, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks and bribes to CC-1, Company-1, and Company-2, to induce CC-1, Company-1, and Company-2 to purchase, order, and arrange for, and recommend purchasing and ordering, any good and item, namely, durable medical equipment, such as orthotic braces, for which payment was made in whole or in part under a Federal health care program, as defined by 42 U.S.C. § 1320a-7b(f), namely, Medicare, as follows:

| <u>Count</u> | <u>Date of Kickback/Bribe</u> | <u>Amount Paid</u> |
|---------------------|--------------------------------------|---|
| 2 | 12/7/2016 | ABB payment of \$35,000 to Company-1 |
| 3 | 12/7/2016 | ABB payment of \$105,000 to Company-2 |
| 4 | 6/5/2017 | B&L Medical payment of \$226,000 to Company-1 |
| 5 | 6/28/2018 | B&L Medical payment of \$15,200 to Company-2 |

All in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(B),
and Title 18, United States Code, Section 2.

COUNT SIX
(Conspiracy to Commit Health Care Fraud)
(Defendants Williamsky and Levit)

The allegations in Paragraphs 1 through 23, 26 and 27 of this Indictment are hereby incorporated and re-alleged as if set forth fully here.

29. From in or around May 2016 through at least on or about December 31, 2018, in the District of New Jersey, and elsewhere, defendants

NEIL JOHN AARON WILLIAMSKY,
a/k/a "Aaron Williamsky,"
a/k/a "Aaron Neil Williamsky," and
NADIA LEVIT,
a/k/a "Nadia Yakusheva"

did knowingly and intentionally conspire and agree with each other and others to knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, any of the money owned by, and under the custody and control of, a health care benefit program, as defined by 18 U.S.C. § 24(b), in connection with the delivery of or payment for health care benefits, items and services, contrary to Title 18, United States Code, Section 1347.

Object of the Conspiracy

30. It was the object of the conspiracy for defendants AARON WILLIAMSKY and NADIA LEVIT and others to obtain millions of dollars for the Williamsky/Levit Target DME Companies and themselves by submitting or causing the submission of false and fraudulent claims to Medicare.

Manner and Means

31. The manner and means by which defendants AARON WILLIAMSKY and NADIA LEVIT and others sought to accomplish the object of the conspiracy included, among other things, the following:

a. As provided in Paragraphs 11 through 14, 16, and 17, defendants AARON WILLIAMSKY and NADIA LEVIT owned, operated, and/or had a financial or controlling interest in several Williamsky/Levit Target DME Companies at one time; hid their involvement and association with the Williamsky/Levit Target DME Companies from Medicare by submitting false Form CMS-855Ss; and used the Williamsky/Levit Target DME Companies to evade detection and avoid Medicare audits.

b. As described in Paragraph 13 of this Indictment, defendants AARON WILLIAMSKY and NADIA LEVIT submitted or caused the submission of false and fraudulent claims to Medicare for orthotic braces that were: (1) not medically necessary; (2) never requested by a Medicare beneficiary; (3) never received by a Medicare beneficiary; and/or (4) derived from kickbacks.

c. Based on the submission of these claims, defendants AARON WILLIAMSKY and NADIA LEVIT, through the Williamsky/Levit Target DME

Companies, received from Medicare payments that they were not entitled to receive.

d. For example, in January 2018, a Medicare beneficiary residing in Maryland (“Patient-5”) received a back brace from B&L Medical, but not a knee or wrist brace. However, on or about January 17, 2018, B&L Medical submitted a claim to Medicare for providing a back, knee, and two wrist braces to Patient-5. In total, Medicare paid B&L Medical approximately \$1,962 for this claim.

e. Also, Patient-6 received a back and knee brace from Perfect Medical Solutions, LLC (“Perfect Medical”), a Williamsky/Levit Target DME Company in Missouri, despite asking that DME supplies not be sent to Patient-6. Perfect Medical obtained Patient-6’s physician’s orders from a purchased “completed lead” from at least one of the CC-1 Philippines Entities.

f. According to Medicare claims data, on or about October 31, 2017, Perfect Medical submitted or caused the submission of a claim to Medicare for Patient-6’s back and knee brace. In total, Medicare paid Perfect Medical approximately \$1,402 for this claim.

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

COUNT SEVEN
(Conspiracy to Commit Wire Fraud)
(Defendants Williamsky and Levit)

The allegations in Paragraphs 1 through 23, 26, 27, and 31 of this Indictment are hereby incorporated and re-alleged as if set forth fully here.

32. From in or around May 2016 through in or around April 2019, in the District of New Jersey, and elsewhere, defendants

NEIL JOHN AARON WILLIAMSKY,
a/k/a "Aaron Williamsky,"
a/k/a "Aaron Neil Williamsky," and
NADIA LEVIT,
a/k/a "Nadia Yakusheva"

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

33. It was the object of the conspiracy for defendants AARON WILLIAMSKY and NADIA LEVIT and others to obtain millions of dollars for the Williamsky/Levit Target DME Companies and themselves by submitting or causing the submission of false and fraudulent claims to Medicare.

Manner and Means

34. The manner and means by which defendants AARON WILLIAMSKY and NADIA LEVIT and others sought to accomplish the object of the scheme included, among other things, the following:

a. As provided in Paragraphs 11 through 14 and Paragraph 16, defendants AARON WILLIAMSKY and NADIA LEVIT owned, operated, and/or had a financial or controlling interest in several Williamsky/Levit Target DME Companies at one time; hid their involvement and association with the Williamsky/Levit Target DME Companies from Medicare by submitting false Form CMS-855Ss; and used the Williamsky/Levit Target DME Companies to evade detection and avoid Medicare audits.

b. Additionally, as provided in Paragraph 13, defendants AARON WILLIAMSKY and NADIA LEVIT submitted and/or caused the submission of false and fraudulent claims to Medicare for orthotic braces that were: (1) never provided to the Medicare beneficiary; (2) not requested; and/or (3) not medically necessary. All of the claims defendants AARON WILLIAMSKY and NADIA LEVIT submitted or caused to be submitted were done so electronically, or over the Internet.

c. Based on the submission of these claims, defendants AARON WILLIAMSKY and NADIA LEVIT, through the Williamsky/Levit Target DME Companies, including ABB and B&L Medical, received from Medicare payments via interstate electronic wire transfer that they were not entitled to receive.

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

COUNT EIGHT

(Conspiracy to Commit International Money Laundering-Concealment)
(Defendants Williamsky and Rae)

The allegations in Paragraphs 1 through 23, 26, 27, 31, 34, and 35 of this Indictment are hereby incorporated and re-alleged as if set forth fully here.

35. From in or around September 2018 through at least in or around December 2018, in the District of New Jersey and elsewhere, defendants

NEIL JOHN AARON WILLIAMSKY,
a/k/a "Aaron Williamsky,"
a/k/a "Aaron Neil Williamsky," and
DAVID RAE

did knowingly conspire and agree with each other and others to transfer and transmit and attempt to transfer and transmit funds in the form of seven wire payments from a place in the United States, that is New Jersey, to a place outside the United States, that is Hong Kong, knowing that the funds involved in the transfer and transmission represented the proceeds of some form of unlawful activity and knowing that such transfer and transmission was designed in whole or in part to conceal and disguise the nature, source, location, ownership, and control of the proceeds of specified unlawful activity, that is health care fraud, in violation of Title 18, United States Code, Section 1349, and wire fraud, in violation of Title 18, United States Code, Section 1343, and violations of the federal anti-kickback statute, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(B), contrary to Title 18, United States Code, Section 1956(a)(2)((B)(i).

Manner and Means

36. As described in Paragraphs 11 through 23, 31, 34 and 35 in this Indictment, it was part of the conspiracy that defendant AARON WILLIAMSKY received payments from Medicare, which represented proceeds of health care fraud, wire fraud, and violations of the federal anti-kickback statute. Defendant AARON WILLIAMSKY laundered the proceeds of this scheme by transferring them from the Williamsky/Levit Target DME Companies to D2D. From D2D, defendant AARON WILLIAMSKY transferred the proceeds to Cargill for defendant DAVID RAE. The purpose of this payment was to hide the proceeds fraudulently obtained from Medicare.

37. It was further part of the conspiracy that defendant DAVID RAE, in turn, laundered the proceeds by one of several means, including, but not limited to, transferring the funds through shell corporations, calling the proceeds payments for failed sham joint venture agreements, and investing the money in real estate abroad.

38. It was further part of the conspiracy that defendants AARON WILLIAMSKY and DAVID RAE caused financial transactions affecting interstate and foreign commerce to occur, as set forth below:

| Approximate Date | Amount | Description of Monetary Transaction |
|-------------------------|---------------|--|
| 9/24/2018 | \$100,000.00 | Payment from D2D to Cargill |
| 10/31/2018 | \$100,000.00 | Payment from D2D to Cargill |
| 11/20/2018 | \$50,000.00 | Payment from D2D to Cargill |
| 11/30/2018 | \$50,000.00 | Payment from D2D to Cargill |
| 12/13/2018 | \$50,000.00 | Payment from D2D to Cargill |
| 12/19/2018 | \$50,000.00 | Payment from D2D to Cargill |
| 12/26/2018 | \$100,000.00 | Payment from D2D to Cargill |

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

COUNT NINE
(Money Laundering)
(Defendant Rae)

The allegations in Paragraphs 1 through 23 and 36 through 38 of this Indictment are hereby incorporated and re-alleged as if set forth fully here.

39. In or around December 2018, defendant AARON WILLIAMSKY told CC-1 about defendant DAVID RAE and suggested CC-1 use defendant DAVID RAE to launder CC-1's Medicare fraud proceeds. Thereafter, CC-1 contacted defendant DAVID RAE and defendant DAVID RAE agreed to launder CC-1's proceeds. In or around February 2019, CC-1, at the direction of law enforcement, transferred funds to Cargill, which CC-1 represented to defendant DAVID RAE were proceeds of health care fraud. Using a cover story that the February 2019 payment was for a failed joint venture agreement, defendant DAVID RAE laundered the proceeds he obtained from CC-1. In or around March 2019, using the cover story of an investment in a movie business, defendant DAVID RAE transferred a portion of the February 2019 funds back to CC-1 at a bank located in New Jersey.

40. On or about March 12, 2019, in the District of New Jersey and elsewhere, defendant

DAVID RAE

with the intent to conceal and disguise the nature, location, source, ownership, and control, of property believed to be the proceeds of specified unlawful activity and to promote specified unlawful activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign

commerce involving property represented to be proceeds of a specified unlawful activity, did transfer \$39,400 in United States Currency from Hong Kong, China to New Jersey believing that the funds were proceeds of specified unlawful activity and to promote such activity, namely, health care fraud, in violation of Title 18, United States Code, Section 1347.

All in violation of Title 18, United States Code, Section 1956(a)(3)(B) and Section 2.

FORFEITURE ALLEGATIONS

Counts One Through Six

1. Upon conviction of one or more of the Federal health care offenses, as defined in 18 U.S.C. § 24, charged in Counts One through Six of this Indictment, the defendants named in each such count shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real or personal, the respective defendant obtained that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the offense charged in each such count, and all property traceable to such property.

Count Seven

2. Upon conviction of the offense of conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349, charged in Count Seven of this Indictment, defendants AARON WILLIAMSKY and NADIA LEVIT shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real or personal, the respective defendant obtained that constitutes or is derived from proceeds traceable to the commission of such conspiracy offense, and all property traceable to such property.

Counts Eight and Nine

3. Upon conviction of one or more of the offenses in violation of 18 U.S.C. § 1956 charged in Counts Eight and Nine of this Indictment, the defendants named in each such count shall forfeit to the United States,

pursuant to 18 U.S.C. § 982(a)(1), all property, real or personal, involved in each such offense, and all property traceable to such property.

Substitute Assets Provision
(Applicable to All Forfeiture Allegations)

4. 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 person;
- (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 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL

FOREPERSON



CRAIG CARPENITO
United States Attorney