

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

YALIXA FLORES-FUENTES,

Defendant.

INDICTMENT

CRIMINAL NO. 17- 414 (CCC)

**VIOLATIONS:**

- 18 U.S.C. § 669 (Counts 13-17)
- 18 U.S.C. § 1028A (Counts 6-12)
- 18 U.S.C. § 1344(2) (Counts 1-5)
- 18 U.S.C. § 982 – Forfeiture Allegation

**THE GRAND JURY CHARGES:**

GENERAL ALLEGATIONS

1. Unless otherwise specified, at all times material to this Indictment:
2. Defendant **YALIXA FLORES-FUENTES** (“Flores-Fuentes”) was an individual who resided in the Commonwealth of Puerto Rico and was employed at **MMM Healthcare, LLC** (“**MMM**”), and/or one of its subsidiary companies.
3. **MMM Healthcare, LLC** (“**MMM**”) is a corporation which receives Medicare funding and which offers healthcare plans for Medicare-insured consumers. It exists solely to offer services in relation to medical benefits, items or services.
4. **Banco Popular de Puerto Rico** (“**Banco Popular**”) is a financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation (“**FDIC**”).

5. **MSO of Puerto Rico, Inc. (“MSO”)** is a subsidiary of **MMM**H and receives federal funding through **MMM**H for the Medicare-funded healthcare plan **MMM**. It exists solely to offer services in relation to medical benefits, items or services.

6. **Castellana Physicians Services, Inc. (“CPS”)** is a subsidiary of **MMM**H and receives federal funding through **MMM**H for the Medicare-funded healthcare plan **MMM**. It exists solely to offer services in relation to medical benefits, items or services.

7. **Medicare y Mucho Más (“MMM”)** is a Medicare-funded healthcare plan offered by **MMM**H and its subsidiaries **MSO** and **CPS**. It exists solely to offer services in relation to medical benefits, items or services.

8. **“AG”** is a resident of Puerto Rico.

9. **“ELM”** is a resident of Puerto Rico. **“E”’s Kitchen** is the name of a catering service owned by **“ELM”**.

10. **“MS”** is a resident of Puerto Rico.

11. **“CS”** is a resident of Puerto Rico.

12. Between on or about July 17, 2013 to on or about October 29, 2015, in the District of Puerto Rico, **YALIXA FLORES-FUENTES**, the defendant herein, submitted false invoices for catering services to **MSO**, **CPS** and/or **MMM**, in the names of **“ELM”**, **“AG”**, **“MS”**, and using her status as an employee of **MMM**H, caused bank checks to be drawn on the bank accounts of **MSO**, **CPS** and/or **MMM**, which checks were payable to **“ELM”**, **“AG”**, and/or **“MS”**, but which **FLORES-FUENTES** herself cashed.

**COUNTS ONE THROUGH FIVE**  
**Title 18, United States Code, Section 1344(2)**  
**(Bank Fraud)**

Paragraphs 1-11 are referenced and incorporated herein.

**I. Scheme and Artifice to Defraud:**

Between on or about July 17, 2013 to on or about October 29, 2015, in the District of Puerto Rico,

**YALIXA FLORES-FUENTES,**

the defendant herein, did knowingly devise a scheme and artifice to obtain monies, funds, credits, assets, securities and other property, under the custody or control of Banco Popular, a federally-insured financial institution, by means of false or fraudulent pretenses, representations, or promises, to wit by utilizing personal identification information and/or documents belonging to other individuals, "ELM", "AG", and/or "MS" on numerous occasions, to submit fraudulent invoices for services which were not rendered, causing checks to be drawn payable to "ELM", "AG", "MS" on accounts held by MSO and/or CPS at Banco Popular, an FDIC-insured institution, in violation of 18 U.S.C. § 1344(2).

**II. Materiality:**

Each execution of the scheme and artifice, specifically each time **FLORES-FUENTES** submitted a false invoice in "ELM", "AG", and/or "MS"'s name constituted a false representation that was material in that MSO, CPS MMM and/or MMMH employees were influenced to approve payment for the invoice, and issue, or cause to be issued, a bank check on MSO and/or CPS's bank account at Banco Popular.

### III. Execution of the Scheme and Artifice:

The following substantive counts, ONE through FIVE, constitute independent executions of the above-described scheme or artifice to defraud MSO, CPS, MMM and/or MMMH, and to obtain monies, funds, credits, assets, securities and other property under the custody or control of Banco Popular, a federally-insured financial institution, by means of material, false and fraudulent pretenses, representations, and promises:

<b>COUNT</b>	<b>FRAUDULENT ACT</b>
ONE	On or about July 10, 2013 to on or about July 23, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES submitted a fraudulent invoice from "CS" to MMM and/or CPS, causing a bank check, number 003055, to be drawn on CPS's Banco Popular checking account number XX0058 on July 23, 2013, in the amount of \$707.27, in violation of 18 U.S.C. § 1344(2).
TWO	On or about October 14, 2013 to on or about November 14, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES submitted a fraudulent invoice from "ELM" and "E"'s Kitchen to CPS, causing a bank check, number 004774, to be drawn on CPS's Banco Popular checking account number XX0058 on November 14, 2013, in the amount of \$1,067.50, in violation of 18 U.S.C. § 1344(2).
THREE	On or about September 4, 2014 to on or about September 16, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES submitted a fraudulent invoice from "AG" to MMM and/or MSO, causing a bank check, number 142180, to be drawn on MSO's Banco Popular checking account number XX7522 on September 16, 2014, in the amount of \$1,096.25, in violation of 18 U.S.C. § 1344(2).
FOUR	On or about September 19, 2014 to September 23, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES submitted a fraudulent invoice from "MS" to CPS and/or MSO, causing a bank check, number 07054, to be drawn on CPS's Banco Popular checking account number XX0058 on September 23, 2014, in the amount of \$2,648.25, in violation of 18 U.S.C. § 1344(2).
FIVE	On or about October 13, 2015 and on or about October 23, 2015, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES submitted two fraudulent invoices from "E"'s Kitchen, in "ELM"'s name, to MMM and/or

	MSO, causing a bank check, number 170317, to be drawn on MSO's Banco Popular checking account number XX7522 on October 29, 2015, in the amount of \$3,300.00, in violation of 18 U.S.C. § 1344(2).
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**COUNTS SIX THROUGH TWELVE**  
**Title 18, United States Code, Section 1028A(a)(1)**  
**(Aggravated Identity Theft)**

Paragraphs 1-11 are referenced and incorporated herein.

Between on or about July 17, 2013 to on or about October 29, 2015, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

**YALIXA FLORES-FUENTES,**

the defendant herein, on numerous occasions utilized the personal identification information and/or documents belonging to other individuals, "ELM", "AG", and/or "MS", to submit fraudulent invoices to MMM, MMMH, MSO, and/or CPS, in "ELM", "AG", and/or "MS"'s name. On numerous other occasions, FLORES-FUENTES presented herself at a check-cashing business, and, utilizing the personal identifying information of "ELM", "AG", and/or "MS", cashed bank checks in their names.

The following substantive counts, SIX through TWELVE, constitute independent executions of Aggravated Identity Theft, as described above, each incident constituting a separate count:

SIX	On or about July 10, 2013 to July 23, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person, specifically the name and address of "CS", an individual residing in Puerto Rico, submitting a fraudulent invoice in "CS"'s name, to MMM and/or CPS, for the amount of
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	\$707.27, in violation of 18 U.S.C. § 1028A.
SEVEN	On or about October 14, 2013 to on or about November 14, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person, specifically the name and address of "ELM", an individual, submitting a fraudulent invoice in "ELM"'s name, to CPS, for the amount of \$1,067.50, in violation of 18 U.S.C. § 1028A.
EIGHT	On or about September 4, 2014 to September 16, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person, specifically the name and address of "AG", an individual, submitting a fraudulent invoice in "AG"'s name, to MMM and/or MSO, for the amount of \$1,096.25, in violation of 18 U.S.C. § 1028A.
NINE	On or about September 19, 2014 to September 23, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person, specifically the name and address of "MS", an individual, submitting a fraudulent invoice in "MS"'s name, to MMM and/or CPS, for the amount of \$2,648.25, in violation of 18 U.S.C. § 1028A.
TEN	On or about October 13, 2015 to on or about October 29, 2015, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person, specifically the name and address of "ELM", an individual, submitting a fraudulent invoice in "ELM"'s name, to MMM and/or MSO, for the amount of \$1,950.00, in violation of 18 U.S.C. § 1028A.
ELEVEN	On or about October 23, 2015 to on or about October 29, 2015, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), knowingly used, without lawful authority, a means of identification of another person,

	specifically the name and address of “ELM”, an individual, submitting a fraudulent invoice in “ELM”’s name, to MMM and/or MSO, for the amount of \$1,350.00, in violation of 18 U.S.C. § 1028A.
TWELVE	On or about October 31, 2015, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, during and in relation to any felony violation enumerated in Title 18, United States Code, Section 1028A, to wit, bank fraud (18 U.S.C. § 1344), presented herself at a check cashing business, and, utilizing the personal identifying information of “ELM”, an individual, cashed a check made out to “ELM”, and drawn on the account of MSO, in the amount of \$3,300.00, in violation of 18 U.S.C. § 1028A.

**COUNTS THIRTEEN THROUGH SEVENTEEN**  
**Title 18, United States Code, Section 669**  
**(Theft or embezzlement in connection with health care)**

Paragraphs 1-11 are referenced and incorporated herein.

Between on or about July 17, 2013 to on or about October 29, 2015, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

**YALIXA FLORES-FUENTES,**

the defendant herein, did knowingly devise a scheme and artifice to knowingly and willfully embezzle, steal, and convert without authority for her use, she not being the rightful owner, moneys and funds of MMM, MMMH, MSO, and/or CPS, all of which were health care benefit programs as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.

It was part of the scheme that FLORES-FUENTES, on numerous occasions, utilized the personal identification information and/or documents belonging to other individuals, “ELM”, “AG”, and/or “MS”, to submit fraudulent invoices to MMM, MMMH, MSO, or CPS, in “ELM”, “AG”, and/or “MS”’s name, for food catering services which were not actually rendered to MMM, MMMH, MSO, or CPS.

The following substantive counts, THIRTEEN through SEVENTEEN, constitute independent executions of the scheme, as described above, each incident constituting a separate count:

THIRTEEN	Between on or about July 10, 2013 to on or about July 30, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES knowingly and willfully embezzled, stole, and converted without authority for her own use, she not being the rightful owner, moneys and funds valued at \$707.27, the property of CPS, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.
FOURTEEN	Between on or about October 14, 2013 to on or about November 21, 2013, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, knowingly and willfully embezzled, stole, and converted without authority for her own use, she not being the rightful owner, moneys and funds valued at \$1,067.50, the property of CPS, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.
FIFTEEN	Between on or about September 4, 2014 to on or about September 26, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, knowingly and willfully embezzled, stole, and converted without authority for her own use, she not being the rightful owner, moneys and funds valued at \$1,096.25, the property of MMM and/or MSO, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.
SIXTEEN	Between on or about September 19, 2014 to on or about September 30, 2014, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, knowingly and willfully embezzled, stole, and converted without authority for her own use, she not being the rightful owner, moneys and funds valued at \$2,648.25, the property of CPS, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.
SEVENTEEN	Between on or about October 13, 2015 and on or about November 5, 2015, in the District of Puerto Rico, Defendant YALIXA FLORES-FUENTES, knowingly and willfully embezzled, stole, and converted without authority for her own use, she not being the rightful owner, moneys and funds valued at \$3,300.00, the property of MMM and/or MSO, health care benefit programs as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 669.



**Title 18, United States Code, Section 982(a) - FORFEITURE ALLEGATION**

1. The allegations contained in paragraphs 1-11 and Counts ONE through SEVENTEEN are re-alleged and incorporated herein by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 982(a)(2) and (a)(7).

2. Pursuant to 18 U.S.C. § 982(a)(2), upon conviction of an offense in violation of 18 U.S.C. § 1344, the defendant shall forfeit to the United States of America, any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation, as a result of such offense.

3. Pursuant to 18 U.S.C. § 982(a)(7), upon conviction of an offense in violation of 18 U.S.C. § 669, the defendant shall forfeit to the United States of American any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.


4. If any of the property described above, as a result of any act or omission of the defendants:

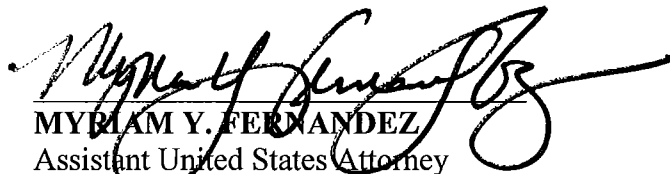
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (a) through (e), pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

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