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Oct 28, 2021
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

6 Attorneys for Plaintiff
7 United States of America

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 TRAVIS CHRISTIAN GOBER
15 Defendant.

CASE NO. 1:21-cr-00263 NONE-SKO
18 U.S.C. § 1347 – HEALTH CARE FRAUD (TEN
COUNTS); 18 U.S.C. § 1028A – AGGRAVATED
IDENTITY THEFT (2 COUNTS); 18 U.S.C.
§982(A)(7) – CRIMINAL FORFEITURE

16
17
18 INDICTMENT

19 COUNTS ONE THROUGH TEN: [18 U.S.C. § 1347 – HEALTH CARE FRAUD]

20 The Grand Jury charges:

21 TRAVIS CHRISTIAN GOBER

22 defendant herein, as follows:

23 **I. INTRODUCTION**

24 At all times relevant to this Indictment:

25 **A. Relevant Individuals and Entities**

26 1. Defendant TRAVIS CHRISTIAN GOBER resided in Hanford and Visalia, both within
27 the State and Eastern District of California, and elsewhere. GOBER owned, operated, and served as
28 chief executive officer of VIP SLEEP CENTER.

1 2. VIP SLEEP CENTER was a California corporation registered with the California
2 Secretary of State in or about September 2009. Until on or about February 2018, VIP SLEEP CENTER
3 operated sleep disorder clinics in Fresno and Visalia in the State and Eastern District of California.

4 3. H.R. was a cardiologist who practiced in Hanford, in the State and Eastern District of
5 California.

6 4. Y.C. was a nephrologist who practiced in Fresno, in the State and Eastern District of
7 California.

8 5. K.I. is an Irvine, California-based software company that provides an online billing and
9 practice-management platform for health care providers including sleep disorder clinics.

10 6. Sleep disorder clinics are diagnostic testing facilities in which certain conditions such as
11 sleep apnea and narcolepsy are diagnosed through the study of sleep.

12 **B. Background on the Medicare Program and Sleep Disorder Clinics**

13 7. The Medicare Program (“Medicare”) was a federal health care insurance program
14 providing benefits to persons who were aged 65 or older or disabled, and it was a “health care benefit
15 program” as defined by 18 U.S.C. § 24(b). Medicare was administered by the Centers for Medicare and
16 Medicaid Services, a federal agency under the United States Department of Health and Human Services.
17 Individual patients who received benefits under Medicare were commonly referred to as Medicare
18 “beneficiaries.” Medicare was funded through federal funds.

19 8. Medicare paid claims submitted by participating health care providers for covered
20 medical services, including diagnostic testing at sleep disorder clinics, provided to patients who were
21 Medicare beneficiaries.

22 9. There were different types of Medicare benefits, including “Medicare Part B.” Medicare
23 Part B provided reimbursement of certain medically-necessary services including diagnostic tests at
24 sleep disorder clinics.

25 10. To obtain reimbursement from Medicare, a provider of medical goods and services,
26 including a provider of diagnostic testing at a sleep disorder clinic, was required to first apply to
27 participate in the Medicare Program. If approved, Medicare issued the provider a Medicare
28 identification number, which was used for the provider to submit, and for Medicare to process and pay,

1 Medicare claims. By signing the application, the provider agreed to comply with Medicare's rules and
2 regulations.

3 11. Once approved by Medicare, the provider would typically begin performing medical
4 services to treat or diagnose patients who were Medicare beneficiaries and submitting claims to
5 Medicare to receive payment for those services. In submitting each claim, the provider certified that the
6 information on the claim form was truthful and accurate and that the services provided were reasonable
7 and necessary to the health of the beneficiary. Medicare had additional payment rules restricting when it
8 would pay for certain services or supplies. Medicare also would deny and would not pay a provider's
9 claim for a service that the provider did not perform.

10 12. When submitting claims for reimbursement, Medicare required providers to specify the
11 beneficiary who received services, the date services were received, and the types of services received.
12 For certain services, including services provided by sleep disorder clinics, Medicare required providers
13 to specify the physician or health care professional who referred the beneficiary for the service.
14 Medicare determined whether to allow each claim, and the amount it paid for each claim, based on the
15 information the provider submitted in the claim itself.

16 13. Medicare covers reasonable and necessary diagnostic tests given at sleep disorder clinics
17 only where specific requirements are met. One such requirement is that the patient was referred to the
18 sleep disorder clinic for diagnostic sleep testing by the patient's attending physician. The clinic is
19 required to maintain a record of the attending physician's orders. When a sleep disorder clinic submits
20 claims to Medicare, it must include the referring physician's name and National Provider Identification
21 number on the claim.

22 14. After each claim was approved for payment, Medicare or a Medicare contractor
23 responsible for processing claims would send the reimbursement to the provider by mail or directly to
24 the provider's bank account via an Electronic Funds Transfer ("EFT").

25 **II. THE SCHEME TO DEFRAUD**

26 15. Beginning on a date unknown to the grand jury, but no later than in or around January
27 2015 and continuing until in or around September 2021, in the State and Eastern District of California
28 and elsewhere, defendant TRAVIS CHRISTIAN GOBER knowingly and willfully executed, and

1 attempted to execute, a scheme and artifice to defraud a health care benefit program and to obtain and
2 attempt to obtain, by means of false and fraudulent pretenses, representations, and promises, money and
3 property owned by and under the custody and control of, a health care benefit program, namely
4 Medicare and the United States, in connection with the delivery of and payment for health care benefits,
5 items, and services, by submitting false and fraudulent claims to Medicare and the United States on
6 behalf of VIP SLEEP for sleep disorder tests that VIP SLEEP did not perform and that the patients'
7 physicians had not referred.

8 **III. MANNER AND MEANS**

9 16. GOBER carried out his scheme and artifice to defraud by using the following manner and
10 means, among others:

11 17. VIP SLEEP was registered as a Medicare provider since at least on or about May 6, 2012.
12 VIP SLEEP was registered under the provider type "Independent Diagnostic Testing Facility". VIP
13 SLEEP operated as Good Night Sleep Center and Good Night Sleep Center of Fresno. From at least in
14 or about May 2012, GOBER operated, controlled, and was the Chief Executive Officer of VIP SLEEP.

15 18. Until no later than approximately February 2018, VIP SLEEP operated a sleep disorder
16 clinic, though the clinic's business location changed over time and included business locations in Fresno
17 and Visalia. From in or about June 2013 to in or about February 2018, one of VIP SLEEP's business
18 locations was 4118 S. Demaree St., Visalia, California, in the State and Eastern District of California.
19 VIP SLEEP was evicted from that business location in or about February 2018. After that date, VIP
20 SLEEP no longer operated sleep disorder clinics.

21 19. GOBER obtained and possessed the names, dates of birth, social security numbers,
22 Medicare beneficiary identification numbers, and other identifying information of Medicare
23 beneficiaries who received sleep studies from VIP SLEEP. GOBER also obtained and possessed the
24 same information for Medicare beneficiaries who received sleep studies at other sleep disorder clinics.

25 20. In addition to obtaining and possessing the names and personal identifying information of
26 Medicare beneficiaries, GOBER also obtained and possessed the names, National Provider
27 Identification ("NPI") numbers, and other identifying information of various physicians.

28 21. Using the identifying information of Medicare beneficiaries and physicians in his

1 possession, GOBER used and caused others to use K.I.'s online billing platform to submit false claims
2 to Medicare for sleep studies purportedly rendered to Medicare beneficiaries by VIP SLEEP. To do this,
3 GOBER either logged onto the platform himself and submitted the claims, or he directed and caused
4 others to do so. For each claim, GOBER or others acting at his direction input the beneficiary's
5 identifying information, the date VIP SLEEP purportedly provided services to the beneficiary, the type
6 of diagnostic test the beneficiary purportedly received, and the physician who purportedly referred the
7 beneficiary for the sleep study, among other information. K.I. electronically transmitted the claims to
8 Medicare for processing and payment.

9 22. GOBER submitted, and caused to be submitted, false and fraudulent claims to Medicare
10 for sleep studies that VIP SLEEP did not perform and which the patients' physicians had not referred.
11 These false and fraudulent claims included, but were not limited to, the following categories:

12 a) False and fraudulent claims for sleep studies that were not performed and that
13 listed dates of service after the beneficiary had died.

14 b) False and fraudulent claims for sleep studies that were not performed and that
15 listed dates of service after VIP SLEEP ceased operations in or about February 2018.

16 c) False and fraudulent claims for sleep studies that were not performed and that
17 listed referring physicians who had either never referred patients to VIP SLEEP or who had
18 stopped referring patients to VIP SLEEP before the date of service.

19 23. As an example of the false and fraudulent claims GOBER submitted and caused others to
20 submit, patient S.K., who was a Medicare beneficiary, received one sleep study from VIP SLEEP in
21 approximately January 2015. Nonetheless, GOBER caused VIP SLEEP to bill false and fraudulent
22 claims to Medicare for nine dates of service between on or about June 1, 2016, and on or about July 26,
23 2019, for diagnostic testing services that were not actually performed and that had not been referred by
24 S.K.'s physician.

25 24. As another example, L.N. received one sleep study in approximately 2014 near L.N.'s
26 former home in San Luis Obispo, California. Nonetheless, GOBER caused VIP SLEEP to bill false and
27 fraudulent claims to Medicare for eight dates of service between on or about May 9, 2018 and June 25,
28 2019, a time period during which L.N. was not living in California.

1 25. Medicare paid VIP SLEEP on the claims through EFT to VIP SLEEP's JPMorgan Chase
2 checking account ending in 2757. Beginning on or about May 13, 2016, GOBER had exclusive control
3 over that checking account and was the account's only authorized signer.

4 26. As a result of GOBER's scheme to defraud, GOBER caused false and fraudulent claims
5 exceeding \$10,000,000 to be submitted to Medicare and the United States and caused Medicare and the
6 United States to pay over \$1,300,000 to VIP SLEEP for false and fraudulent claims.

7 27. In carrying out his scheme to defraud, GOBER acted at all relevant times willfully and
8 with the intent to defraud.

9 28. On or about the dates set forth below, in the State and Eastern District of California and
10 elsewhere, defendant TRAVIS CHRISTIAN GOBER knowingly and willfully executed, and attempted
11 to execute, the scheme and artifice to defraud Medicare and the United States, by submitting, and
12 causing to be submitted, to Medicare and the United States materially false claims for services despite
13 GOBER well knowing that the services had not been provided:

Count	Patient Initials	Approx. Date Service Allegedly Provided	Approx. Date Claim Received by Medicare	Claim Number	Approx. Amount Billed to Medicare	Service Claimed
ONE	S.F.	8/17/2016	7/21/2017	540217202687540	\$ 3,600	Sleep Study
TWO	D.F.	8/17/2016	7/21/2017	540217202687590	\$ 3,600	Sleep Study
THREE	V.M.	6/18/2016	6/15/2017	540217166699110	\$ 3,600	Sleep Study
FOUR	B.O.	3/6/2018	1/25/2019	540219025193970	\$ 3,600	Sleep Study
FIVE	J.S.C.	3/7/2016	2/21/2017	540917052409460	\$ 3,600	Sleep Study
SIX	L.N.	12/27/2018	12/18/2019	540919352122320	\$ 3,600	Sleep Study
SEVEN	S.K.	11/3/2018	8/12/2019	540219224422820	\$ 3,600	Sleep Study
EIGHT	L.K.	1/29/2020	12/21/2020	540220356485130	\$ 3,600	Sleep Study
NINE	P.L.	7/6/2020	6/1/2021	540221152576000	\$ 3,600	Sleep Study
TEN	J.C.	7/22/2020	6/4/2021	540221155320150	\$ 3,600	Sleep Study

All in violation of Title 18, United States Code, Section 1347(a)(1) and (a)(2).

COUNTS ELEVEN AND TWELVE: [18 U.S.C. §§ 1028A and 2 – Aggravated Identity Theft]

The Grand Jury further charges:

TRAVIS CHRISTIAN GOBER

defendant herein, as follows:

29. The Grand Jury realleges and incorporates by reference the allegations set forth in paragraphs 1 through 28 of this indictment.

30. On or about the dates set forth below, in the State and Eastern District of California and elsewhere, defendant TRAVIS CHRISTIAN GOBER did knowingly transfer and use a means of identification of another person without lawful authority during and in relation to an unlawful activity that constitutes a violation of federal law, to wit, health care fraud in violation of 18 U.S.C. § 1347; that is, he knowingly transferred and used the means of identification of another person, including but not limited to the names and NPI numbers of H.R. and Y.C., to commit health care fraud in violation of 18 U.S.C. § 1347, as follows:

COUNT	ON OR ABOUT	ACTUAL PERSON	MEANS OF IDENTIFICATION	CORRESPONDING COUNT
ELEVEN	6/1/2021	Y.C.	Name and NPI number of Y.C. listed as referring provider on claim number 540221152576000 for services purportedly rendered to P.L.	NINE
TWELVE	6/4/2021	H.R.	Name and NPI number of H.R. listed as referring provider on claim number 540221155320150 for services purportedly rendered to J.C.	TEN

FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(7) - Criminal Forfeiture]

31. Upon conviction of the offenses alleged in Count One through Ten of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds

1 traceable to the commission of the offense.

2 32. If any of the property described above, as a result of any act or omission of the defendant:

3 a) cannot be located upon the exercise of due diligence;

4 b) has been transferred or sold to, or deposited with, a third party;

5 c) has been placed beyond the jurisdiction of the court;

6 d) has been substantially diminished in value; or

7 e) has been commingled with other property which cannot be divided without

8 difficulty, the United States of America shall be entitled to forfeiture of any other property of the

9 defendants, up to the value of the property subject to forfeiture, including but not limited to a

10 personal forfeiture money judgment, pursuant to Title 21, United States Code, Section 853(p), as

11 incorporated by Title 18, United States Code, Section 982(b)(1).

12 A TRUE BILL.

13 **/s/ Signature on file w/AUSA**

14
15 FOREPERSON

16
17
18 PHILLIP A. TALBERT
19 Acting United States Attorney

20 **KIRK E. SHERRIFF**

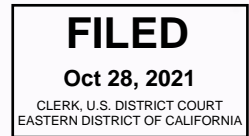
21 KIRK E. SHERRIFF
22 Assistant United States Attorney
23 Chief, Fresno Office
24
25
26
27
28

No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division



THE UNITED STATES OF AMERICA

vs.

TRAVIS CHRISTIAN GOBER

1:21-cr-00263 NONE-SKO

INDICTMENT

VIOLATION(S): 18 U.S.C. § 1347 – HEALTH CARE FRAUD (TEN COUNTS); 18 U.S.C. § 1028A – AGGRAVATED IDENTITY THEFT (2 COUNTS); 18 U.S.C. §982(A)(7) – CRIMINAL FORFEITURE

A true bill,

151

Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$ ___ AS PREVIOUSLY SET ___

Eric P. Gray

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

BY COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING: Case No.

Name of District Court, and/or Judge/Magistrate Judge Location (City)
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

See Indictment

Petty
 Misdemeanor
 Felony

Place of offense
FRESNO COUNTY

U.S.C. Citation
See Indictment

DEFENDANT -- U.S. vs.
TRAVIS CHRISTIAN GOBER

Address { 1:21-cr-00263 NONE-SKO

Birth Date { Male Alien
 Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

DEFENDANT

Name of Complainant Agency, or Person (& Title, if any)

FBI - TFO JULIA COSTELLO

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per FRCrP 20 21 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE JUDGE CASE NO.
1:21-mj-00115-BAM-1

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome of this proceeding
If not detained, give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)
EASTERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State
If answer to (6) is "Yes," show name of institution

Has detainer been filed? Yes No } If "Yes," give date filed
Mo. Day Year

DATE OF ARREST 10/26/2021

Or... if Arresting Agency & Warrant were not Federal

DATE TRANSFERRED TO U.S. CUSTODY

Name and Office of Person Furnishing Information on

THIS FORM DEBRA DE LA PENA

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

VINCENTE TENNERELLI

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

ADD FORFEITURE UNIT (Check if Forfeiture Allegation)

PRELIMINARY HEARING set for 11/01/2021 at 2:00 PM

United States v. Travis GOBER
Penalties for Indictment

Defendant
TRAVIS GOBER

COUNTS 1-10:

VIOLATION: 18 U.S.C. § 1347

PENALTIES: 10 years imprisonment
\$250,000 fine
3 years supervised release
\$100 special assessment

COUNTS 11 and 12

VIOLATION: 18 U.S.C. § 1028A

PENALTIES: Mandatory 2-year sentence, consecutive to other counts

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION:

VIOLATION: 18 U.S.C. § 982(A)(7)

PENALTIES: As stated in the charging document