

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ERNESTO RONDAL GAMPONIA,)	
DOB: 12/8/1953)	
APSIN ID: 7723023)	
DMV NO. 7430145 AK)	
ATN: 114-356-574)	Case No. 3AN-14- CR.
)	
SANTOS VILORIA VALLANGCA,)	
DOB: 11/1/1935)	
APSIN ID: 7671900)	
DMV NO. 7412019 AK)	
ATN: 114-356-538)	Case No. 3AN-14- CR.
)	
REMA PERALTA VALLANGCA,)	
DOB: 12/05/1942)	
APSIN ID: 7666367)	
DMV NO. 7411980 AK)	
ATN: 114-356-556)	Case No. 3AN-14- CR.
)	
)	
Defendants.)	
)	
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COMPLAINT

<p>I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.</p> <p>The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:</p>

Count I - AS 47.05.210(a)(1)Fel B
Medical Assistance Fraud
Ernesto Rondal Gamponia - 001

Count II - AS 47.05.210(a)(2)Fel C
Medical Assistance Fraud
Santos Viloría Vallangca - 001
Rema Peralta Vallangca – 001

Count III - AS 11.46.600(a)(2)
Scheme To Defraud
Ernesto Rondal Gamponia - 002
Santos Viloría Vallangca - 002
Rema Peralta Vallangca - 002

Count IV - AS 47.05.210(a)(5)
Medical Assistance Fraud
Ernesto Rondal Gamponia - 003
Santos Viloría Vallangca - 003
Rema Peralta Vallangca – 003

Count V - AS 47.05.210(a)(2)Fel C
Medical Assistance Fraud
Santos Viloría Vallangca - 004
Rema Peralta Vallangca – 004

Count VI - AS 11.46.600(a)(2)
Scheme To Defraud
Santos Viloría Vallangca - 005
Rema Peralta Vallangca - 005

Count VII - AS 47.05.210(a)(5)
Medical Assistance Fraud
Santos Viloría Vallangca - 006
Rema Peralta Vallangca – 006

THE COMPLAINTANT CHARGES:

Count I

That on or about July 24, 2013 through March 8, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, ERNESTO RONDAL

GAMPONIA knowingly submitted or authorized the submission of a claim to a medical assistance agency for property, services, or a benefit with reckless disregard that the claimant is not entitled to the property, services, or benefit.

All of which is a class B felony offense being contrary to and in violation of AS 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

Count II

That on or about July 24, 2013 through March 8, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA and REMA PERALTA VALLANGCA knowingly prepared or assisted another person to prepare a claim for submission to a medical assistance agency for property, services, or a benefit with reckless disregard that the claimant is not entitled to the property, services, or benefit.

All of which is a class B felony offense being contrary to and in violation of AS 47.05.210(a)(2) and against the peace and dignity of the State of Alaska.

Count III

That on or about July 24, 2013 through March 8, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA, REMA PERALTA VALLANGCA, and ERNESTO RONDAL GAMPONIA engaged in conduct constituting a scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one or more persons by false or fraudulent pretense, representation, or promise and obtained property or services in accordance with the scheme.

All of which is a class B felony offense being contrary to and in violation of AS 11.46.600(a)(2) and against the peace and dignity of the State of Alaska.

Count IV

That on or about July 24, 2013 through March 8, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA, REMA PERALTA VALLANGCA, and ERNESTO RONDAL

GAMPONIA knowingly made a false entry or falsely altered a medical assistance record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

Count V

That on or about May 15, 2012 through July 27, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA and REMA PERALTA VALLANGCA knowingly prepared or assisted another person to prepare a claim for submission to a medical assistance agency for property, services, or a benefit with reckless disregard that the claimant is not entitled to the property, services, or benefit.

All of which is a class C felony offense being contrary to and in violation of AS 47.05.210(a)(2) and against the peace and dignity of the State of Alaska.

Count VI

That on or about May 15, 2012 through July 27, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA and REMA PERALTA VALLANGCA engaged in conduct constituting a scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one or more persons by false or fraudulent pretense, representation, or promise and obtained property or services in accordance with the scheme.

All of which is a class B felony offense being contrary to and in violation of AS 11.46.600(a)(2) and against the peace and dignity of the State of Alaska.

Count VII

That on or about May 15, 2012 through July 27, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, SANTOS VILORIA VALLANGCA and REMA PERALTA VALLANGCA knowingly made a false entry or falsely altered a medical assistance record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

Probable Cause Statement

1. I, Kandi Stewart, the undersigned affiant, an Investigator III with the Medicaid Fraud Control Unit (MFCU), Alaska Department of Law, Office of Special Prosecutions (hereinafter Affiant), state on oath that this complaint is based upon Affiant's review of Medicaid billing documentation and Affiant's investigation as outlined below. Affiant is a criminal investigator with the Office of Special Prosecutions being appointed in June 2012. Affiant's duties include the investigation of Medicaid fraud, abuse and neglect and financial exploitation of Medicaid recipients and/or individuals living in assisted living homes. Prior to Affiant's appointment as an Investigator III with the Office of Special Prosecutions, Affiant worked as an investigator II with the Department of Public Assistance for approximately 3 years. On February 26, 2013, MFCU received a fraud referral from Lynne Keilman-Cruz, of the Department of Health and Social Services (DHSS) Division of Senior and Disability Services (DSDS) with the Department of Health and Social Services (DHSS). The referral resulted in criminal charges being filed against numerous Personal Care Attendants (PCAs) associated with the PCA agency Good Faith Services for fraudulently billing Medicaid for services not provided, including the PCAs providing service to Rema and Santos Vallangca.

2. PCAs are home based healthcare providers that the Alaska Medicaid Program pays to provide services of daily living in a home based setting. Medicaid recipients are evaluated for their needs and a PCA is then hired by the recipient to provide those needs in the recipient's home. The PCA fills out a timesheet for the work done and submits it to a PCA agency that in turn bills Medicaid. Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at least half of that amount.

3. Rema and Santos were assessed by DHSS in December 2011. During the assessment, both reported needing assistance with standing, walking, showering, dressing, toileting, and meal preparation. Rema indicated she needed assistance at all times due to pain and fatigue and indicated she used a walker. Rema was unable to turn on a faucet in order to wet a washcloth. Santos was reassessed in February 2013. During the reassessment, Santos was observed having difficulty repositioning on the couch and needed assistance of a PCA and cane in order to stand. Rema and Santos were authorized 54.5 hours of PCA services based on the above assessments.

4. On May 21, 2013, MFCU investigators learned from Immigration and Customs Enforcement (ICE) Agent Timothy Brady that Rema and Santos Vallangca traveled outside of the United States from May 14, 2012 through June 25, 2012. Border crossing records further revealed that Elizabeth Miranda traveled outside of the United States from May 14, 2012 through July 27, 2012, traveling approximately one month longer than Rema and Santos.

5. A review of the timesheets submitted to the medical assistance agency revealed that Rema and Santos claimed to be receiving the following services of daily living: mobility, transferring, dressing and undressing, providing medication, bathing, toileting, grooming and meal prep. Medicaid was billed a total of \$6,945.30 for services provided to Rema Vallangca and \$6,457.95 for Santos Vallangca for a total of \$13,403.75 for services that were allegedly provided while Rema and Santos were outside of the country and/or not provided at all due to PCA Miranda being outside of the country while Rema and Santos were in Alaska.

6. Medicaid regulations prohibit the billing for Medicaid services that happen outside of the United States. In December 2011, DHSS sent out a notice that it would no longer be approving Medicaid expenditures for services performed while traveling outside of the country due to a clarification by the Centers for Medicare and

Medicaid Services that 42 CFR 431.52 prohibits such expenditures. Before December 2011, prior authorization was required for a Medicaid recipient to receive PCA services while traveling internationally.

7. On May 23, 2012, MFCU received a letter from counsel for Good Faith Services. The letter contained a self-report from Elizabeth Miranda dated May 17, 2012 claiming that she billed for providing PCA services to her parents Rema and Santos Vallangca from May 15, 2012 through June 25, 2012 while she and her parents were out of the country in the Philippines. Miranda provided new timesheets to the MFCU that were different from the original timesheets secured by the MFCU from Good Faith. Miranda claims on the new timesheets that she resumed providing care for Rema and Santos on June 26, 2012, but ICE border crossing records reflect that Miranda did not return to the United States until July 27, 2012, one month after Rema and Santos Vallangca returned to the United States. Miranda's Employment records with Spring Day Assisted Living Home and Lakeview Homes Assisted Living both indicate that Miranda did not return to work until July 28, 2012.

8. Rema and Santos were interviewed on March 11, 2014 and admitted that they personally signed the timesheets submitted to Good Faith for the period of May 15, 2012 through July 27, 2012. On March 23, 2014, Santos admitted during an interview that Good Faith told him he could bill while out of the country, but refused to indicate who told him it was ok. The timesheets contain a warning that the signature certifies that the tasks were accomplished. Alaska law provides that a person commits medical assistance fraud if the person knowingly prepares or assists another person to prepare a claim for submission not a medical assistance agency for a benefit with a reckless disregard that the claimant is not entitled to the benefit. See AS 47.05.210(a)(3). Alaska law further defines a medical assistance agency as the Department of Health and Social Services (Department) or an agent of the Department authorized to perform one or more of the activities of the Department. See AS 47.05.290(8).

9. MFCU investigators subsequently received information from a confidential source that Rema and Santos' new PCA, Ernesto Gamponia, was fraudulently billing Medicaid for services that were not being provided. On February 23, 2014, at approximately 4:30 p.m., MFCU investigators took video of Rema and Santos while shopping in Carrs. The video reveals Rema and Santos exiting their vehicle with no assistance of a PCA, walker, or cane and walking into the store. Inside the store, both individuals walk and shop without assistance. Rema is seen taking a large package of toilet paper off the shelf and placing it into a basket, lifting bananas over her head to place in a scale and then carrying the purchases without assistance to her vehicle. All activities she allegedly cannot perform and thus justifying Medicaid paying for PCA services. Santos is similarly seen walking all over the store without assistance, standing for long periods of time and then returning to the vehicle.

10. A review of Medicaid billing for February 23, 2014 reveals that Gamponia billed Medicaid for providing 7.75 hours of PCA services to Rema and Santos between the hours of 6:00 a.m. and 2:45 p.m. The timesheets indicate that Gamponia assisted both Rema and Santos with body mobility (positioning support), transfers (moving between surfaces), walking, dressing, bathing, toileting (six times for Rema and eight times for Santos), person hygiene and meal preparation. The timesheet contains a checked box indicating that there has been no change in the "client condition" and a warning that the timesheet is a legal document used to bill Medicaid and that any false information on the timesheet may lead to criminal charges. Rema and Santos each signed their respective timesheets along with Gamponia.

11. On March 11, 2014, MFCU investigators interviewed Rema, Santos and Gamponia regarding the PCA services Gamponia claimed to be providing to Rema and Santos. Gamponi admitted that he did not assist Rema with toileting or bathing as represented in the timesheets as he is a man. Santos claimed that he does not go to the grocery store unless driven by a family member or his PCA and that the time allotted for his PCA is not adequate.

12. On March 23, 2014, MFCU investigators re-interviewed Gamponia. Gamponia initially claimed to be providing bathing services to Santos and that Santos and Rema need the assistance of a walker and cane when grocery shopping. Gamponia later admitted that due to a positive TB test in December 2013, he has provided services light housekeeping services for Rema and Santos on five days a week, despite billing for providing all authorized services seven days a week. Gamponia stated that Santos does not need the assistance of a cane or walker. When questioned about giving money to Santos, Gamponia admitted that he gives his entire paycheck received for providing PCA services to Santos and that Santos in turn gives him \$350. Gamponia further stated that Santos told him to lie if asked about the services he provided and warned Gamponia that he would go to jail if he told the truth.

13. Santos was also re-interviewed by MFCU investigators on March 23, 2014. Santos admitted to investigators that he is able to drive and not bedridden. Santos also admitted that he completes the timesheets for his care and his wife's care. On March 24, 2014, Santos admitted to investigators that Gamponia give him and Rema money, but claimed the money was for food and gas. Santos also admitted that Gamponia does not provide toileting or bathing services for Rema.

14. Medicaid billing timesheets revealed that Gamponia claimed to be providing PCA services to Rema and Santos from July 24, 2013 through March 8, 2014. The services include mobility, walking, transferring, bathing and toileting, all services that video evidence reveals is unnecessary and/or services that Gamponia and Santos admit was not provided. Gamponia billed a total of \$35,849.40 for PCA services during this time and the majority of the money actually paid by Medicaid was provided to Santos. Medicaid denied some of the billed claims, but Alaska law provides that a person commits medical assistance fraud by knowingly submitting or authorizing the submission of a claim to a medical assistance agency for a benefit with a reckless disregard that the claimant is not entitled to the benefit. See AS 47.05.210(a)(1).

15. Bail Conditions: Ernesto Gamponia and his wife were both interviewed on March 23, 2014. During the interview, Ernesto Gamponia's wife stated that both she and Ernesto were leaving the United States for the Philippines on April 8, 2014 and that he is not returning to the United States. Based upon these statements, the Affiant believes that Gamponia intends to leave the United States and not return. Therefore, the State is seeking an arrest warrant for Ernesto Gamponia.

16. Ernesto Gamponia possesses a passport from the Philippines and a Permanent Resident's Card issued by U.S. Citizenship and Immigration Services. The Permanent Resident's Card allows Gamponia to live and work in the United States as a permanent resident and travel into Canada. Gamponia's Philippine passport is necessary to travel outside of the United States to the Philippines. The State is seeking the bail conditions in the attached bail conditions document including the surrendering of Ernesto Gamponia's Philippine passport (EB0577679) and Permanent Resident's Card (062006117) to the FBI and/or MFCU Investigators prior to release from custody.

Dated at Anchorage, Alaska, this ____ day of April, 2014.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
Investigator Kandi Stewart
Office of Special Prosecutions
And Appeals
Medicaid Fraud Control Unit

SUBSCRIBED AND SWORN TO before me this ____ day of
May 2014, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire

