
THE PEOPLE OF THE STATE OF NEW YORK

-against-

FELONY
COMPLAINT

DAVID MOORE,

Defendant.

Docket #: _____

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:
TOWN OF ENFIELD)

Edward Alberto, Detective, of the Office of the New York State Attorney General (“OAG”), Medicaid Fraud Control Unit, being duly sworn, deposes and says as follows:

On, about and between January 1, 2019 through August 31, 2023, at 1683 Mecklenburg Rd. in the Town of Enfield, County of Tompkins, State of New York and elsewhere in the state of New York, the defendant committed the offenses(s) of:

Penal Law	§155.42	Grand Larceny in the First Degree (B Felony)
Penal Law	§177.20	Health Care Fraud in the Second Degree (C Felony) – Two Counts
Social Services Law	§366-d(2)(b)(ii), (4)	Medical Assistance Provider Prohibited Practices (E Felony) – Three Counts

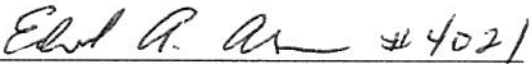
In that Defendant, while acting in concert with others known and unknown, and with intent to deprive another of property, and to appropriate the same to himself and a third person, wrongfully took, obtained, and withheld such property from an owner thereof, the property having a value in excess of \$1,000,000.00; acting with intent to defraud a health plan, knowingly and willfully provided materially false information and omitted material information for the purpose of requesting payment from a health plan for a health care item or service and, as a result of such information or omission, received payment that he was not entitled to under the circumstances in excess of fifty thousand (\$50,000) dollars from a single health plan in a period of not more than one year; and being a medical assistance provider, engaged in a prohibited practice by offering, agreeing to give and giving any payment and other consideration in any form to another person to the extent such payment and other consideration was given to purchase, lease and order any good, facility, service and item for which payment was made under title eleven of article five of this chapter and thereby obtained money or property in excess of seven thousand five hundred dollars (\$7,500).

The offense(s) were committed under the following circumstances:

On or about, and between the aforementioned dates, the Defendant, the owner of ASAP 2, an enrolled transportation provider in the New York State Medical Assistance Program, commonly known as Medicaid, acting in concert with others known and unknown, knowingly submitted and caused to be submitted claims for payment to Medicaid that falsely represented ASAP 2's full compliance with all applicable law, rules and regulations of the Medicaid program for medical transportation services when, in fact, those claims were false and invalid for reimbursement due to the payment of unlawful kickbacks to multiple Medicaid recipients listed in those claims (often by making such payments off the books and records of ASAP 2 through "Venmo" and "Cash App" to persons with substance use disorders, the records of which are in the possession of the OAG) and due to false representations that the transportation services were provided at all or as claimed, when in fact, Defendant falsely submitted claims for trips that did not take place and falsely represented mileage charges substantially inflated from the actual chargeable mileage traveled on trips that did occur to unlawfully inflate Medicaid payments to ASAP 2. In reliance on those false representations, the State of New York, through its fiscal agent, paid ASAP 2 in excess of \$1,000,000.00 to which it was not entitled.

The above allegations of fact are made by the Complainant herein and are based on direct knowledge and upon information and belief, with the sources of the Complainant's information and grounds for his belief being the investigation conducted by members of and the files maintained by the OAG, Medicaid Fraud Control Unit; a review of business records of ASAP 2 and medical records of various medical providers maintained in the regular course of business; and records maintained by the New York State Department of Health and its fiscal agent GDIT.

False statements in this document are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.


EDWARD ALBERTO
Complainant

Sworn to before me this
21st day of June 2024



NOTARY

