

INDICTMENT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
THE PEOPLE OF THE STATE OF NEW YORK

- against -

INDICTMENT NO. 988/2021

DOCKET NO. CR-014692-20BX
GRAND JURY NO. 42359/2020

1. **LESLIE MONTGOMERY**, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), and
2. **LCM LIVERY P/U, INC.**,
IBNA

Defendants.

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- COUNT 1 GRAND LARCENY IN THE FIRST DEGREE, PENAL LAW §155.42,
(Defendant 1)
- COUNT 2 HEALTH CARE FRAUD IN THE FIRST DEGREE, PENAL LAW §177.25
(Defendant 1)
- COUNT 3 MONEY LAUNDERING IN THE FIRST DEGREE, PENAL LAW
§470.20[1][b][ii][A], [iii] (Defendants 1 and 2)
- COUNT 4 IDENTITY THEFT IN THE FIRST DEGREE, PENAL LAW §190.80(2)
(Defendant 1)
- COUNT 5 IDENTITY THEFT IN THE FIRST DEGREE, PENAL LAW §190.80(2)
(Defendant 1)
- COUNT 6 IDENTITY THEFT IN THE FIRST DEGREE, PENAL LAW §190.80(2)
(Defendant 1)
- COUNT 7 IDENTITY THEFT IN THE FIRST DEGREE, PENAL LAW §190.80(2)
(Defendant 1)
- COUNT 8 IDENTITY THEFT IN THE FIRST DEGREE, PENAL LAW §190.80(2)
(Defendant 1)

B Panel, 5th Term
July 15, 2021

A TRUE BILL

GRAND JURY FOREPERSON

Dated: _____
Bronx, New York

LETITIA JAMES
ATTORNEY GENERAL
STATE OF NEW YORK

Medicaid Fraud Control Unit
28 Liberty Street, 13th floor
New York, NY 10005

Count One

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and doing business as (D/B/A) Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **GRAND LARCENY IN THE FIRST DEGREE**, in violation of Penal Law §155.42, committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between September 1, 2018 and November 2, 2019, stole property from MetroPlus Health Plan, Inc. (“MetroPlus”), a managed care organization funded by the New York State Medical Assistance Program (“Medicaid”), and the value of said property exceeded One Million Dollars (\$1,000,000.00), to wit: the Defendant submitted, and caused to be submitted, claims for reimbursement to MetroPlus which falsely represented that services were provided consistent with all rules and regulations of the Medicaid program when in fact said claims fraudulently violated programs rules and regulations related to, *inter alia*, enrollment, licensing, inducements and billing for services not rendered, and included submitting false claims for medically unnecessary, custom-molded back braces which were not provided or not provided as claimed.

Count Two

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **HEALTH CARE FRAUD IN THE FIRST DEGREE**, in violation of Penal Law §177.25, committed as follows:

Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, from on or about and between September 1, 2018 and August 30, 2019, in the County of Bronx and elsewhere in the State of New York, 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 and service, and as a result of such information and omission, the Defendant wrongfully received the payment or portion of the payment, as the case may be, from a single health plan, in a period of one year, which exceeded one million dollars (\$1,000,000.00) in the aggregate, to wit: the Defendant knowingly and willfully submitted false claims and omitted material information from claims submitted to the New York State Medical Assistance Program (“Medicaid”), directly and indirectly through Medicaid-funded managed care organizations, including MetroPlus Health Plan, Inc., in that these claims violated Medicaid programs rules and regulations related to, *inter alia*, enrollment, licensing, inducements and billing for services not rendered, and included false claims for medically unnecessary, custom-molded back braces which were not provided or not provided as claimed, and as a result, during the aforementioned months, wrongfully received in excess of One Million Dollars (\$1,000,000.00) in the aggregate.

Count Three

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), individually and as a high managerial agent acting within the scope of her employment and on behalf of LCM Livery PU, Inc., and LCM LIVERY P/U, INC., of committing the crime of **MONEY LAUNDERING IN THE FIRST DEGREE**, in violation of Penal Law §470.20[1][b][ii][A], [iii], committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), individually and as a high managerial agent acting within the scope of her employment and on behalf of LCM Livery P/U, Inc., and LCM LIVERY P/U, INC., acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between September 1, 2018 and November 2, 2019, knowing that the property involved in one or more financial transactions represented the proceeds of a Class B felony, Grand Larceny in the First Degree, conducted one or more such financial transactions, which in fact involved the proceeds of such felony, knowing that the transactions in whole and in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the criminal conduct, and the total value of the property involved in such transactions exceeded One Million Dollars (\$1,000,000.00).

Count Four

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **IDENTITY THEFT IN THE FIRST DEGREE**, in violation of Penal Law §190.80(2), committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between December 1, 2018 and November 1, 2019, knowingly and with intent to defraud, assumed the identity of another person by using the personal identifying information of that other person, and thereby caused financial loss to another person and persons in an aggregate amount that exceeded two thousand dollars, to wit: Defendant LESLIE MONTGOMERY knowingly used the Medicaid client identification number of a Medicaid recipient with the initials S.P. to submit false claims for reimbursement to, and received payment from, the Medicaid-funded managed care organization MetroPlus Health Plan, Inc. in excess of two thousand dollars (\$2,000.00).

Count Five

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **IDENTITY THEFT IN THE FIRST DEGREE**, in violation of Penal Law §190.80(2), committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between January 19, 2019 and February 22, 2019, knowingly and with intent to defraud, assumed the identity of another person by using the personal identifying information of that other person, and thereby caused financial loss to another person and persons in an aggregate amount that exceeded two thousand dollars, to wit: Defendant LESLIE MONTGOMERY knowingly used the Medicaid client identification number of a Medicaid recipient with the initials A.D. to submit false claims for reimbursement on their behalf to, and received payment from, the Medicaid-funded managed care organization MetroPlus Health Plan, Inc. in excess of two thousand dollars (\$2,000.00).

Count Six

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **IDENTITY THEFT IN THE FIRST DEGREE**, in violation of Penal Law §190.80(2), committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between November 10, 2018 and April 8, 2019, knowingly and with intent to defraud, assumed the identity of another person by using the personal identifying information of that other person, and thereby caused financial loss to another person and persons in an aggregate amount that exceeded two thousand dollars, to wit: Defendant LESLIE MONTGOMERY knowingly used the Medicaid client identification number of a Medicaid recipient with the initials D.T. to submit false claims for reimbursement on their behalf to, and received payment from, the Medicaid-funded managed care organization MetroPlus Health Plan, Inc. in excess of two thousand dollars (\$2,000.00).

Count Seven

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **IDENTITY THEFT IN THE FIRST DEGREE**, in violation of Penal Law §190.80(2), committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between November 3, 2018 and January 12, 2019, knowingly and with intent to defraud, assumed the identity of another person by using the personal identifying information of that other person, and thereby caused financial loss to another person and persons in an aggregate amount that exceeded two thousand dollars, to wit: Defendant LESLIE MONTGOMERY knowingly used the Medicaid client identification number of a Medicaid recipient with the initials V.C. to submit false claims for reimbursement on their behalf to, and received payment from, the Medicaid-funded managed care organization MetroPlus Health Plan, Inc. in excess of two thousand dollars (\$2,000.00).

Count Eight

THE GRAND JURY OF THE COUNTY OF BRONX, by this Indictment, accuses Defendant LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), of committing the crime of **IDENTITY THEFT IN THE FIRST DEGREE**, in violation of Penal Law §190.80(2), committed as follows:

LESLIE MONTGOMERY, individually and D/B/A Healthy Living Community Center (a sole proprietorship) and D/B/A LCM Management (a sole proprietorship), acting in concert and aided and abetted by others known and unknown to the Grand Jury, in the County of Bronx and elsewhere in the State of New York, on or about and between September 17, 2018 and December 10, 2018, knowingly and with intent to defraud, assumed the identity of another person by using the personal identifying information of that other person, and thereby caused financial loss to another person and persons in an aggregate amount that exceeded two thousand dollars, to wit: Defendant LESLIE MONTGOMERY knowingly used the Medicaid client identification number of a Medicaid recipient with the initials K.T. to submit false claims for reimbursement on their behalf to, and received payment from, the Medicaid-funded managed care organization MetroPlus Health Plan, Inc. in excess of two thousand dollars (\$2,000.00).