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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

08-20493-CR-SEITZ/O'SULLIVAN

CASE NO.

18 U.S.C. § 1349

UNITED STATES OF AMERICA

vs.

**JOANNA DELFEL,
VICTOR GARCIA,
and SYLVIA ORAMAS,**

Defendants.

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At various times relevant to this Information:

The Defendants and Relevant Entities

1. Kendall Healthcare Group Ltd., d/b/a/ Kendall Regional Medical Center (hereinafter referred to as "KRMC"), is an acute care hospital located in Miami-Dade County, Florida, and a subsidiary of HCA, Inc. (hereinafter referred to as "HCA"), a for-profit corporation that operates hospitals throughout the United States.

2. Defendant **JOANNA DELFEL** was employed by HCA at the HCA East Florida Consolidated Supply Center (hereinafter referred to as "Supply Center") as a Supply Center buyer. The Supply Center is responsible for ordering all hospital supplies for KRMC. Prior to becoming

a buyer, **DELFE** was employed by KRMC as an inventory analyst for the operating room (hereinafter "OR").

3. Defendant **VICTOR GARCIA** was employed by KRMC as an inventory control analyst in the OR. **GARCIA**'s job duties, among other things, included managing the medical supply inventory levels of the OR.

4. Defendant **SYLVIA ORAMAS** was employed by KRMC in its housekeeping department and formerly served as the director of materials management at KRMC. **ORAMAS** also is the co-owner of SoHo Marketing, Inc.

5. SoHo Marketing, Inc (hereinafter "SoHo"), is a Florida corporation, purportedly doing business in Miami-Dade, County, Florida. **SYLVIA ORAMAS**, a director and co-owner of the company, incorporated SoHo on or about March 22, 2001. SoHo's business address was the primary residence of **ORAMAS**, a director of SoHo. SoHo was a shell corporation which did no legitimate business.

6. The Pharmed Group, Corp. (hereinafter "Pharmed"), is a Florida corporation doing business in Miami-Dade County, Florida, among other things, as a medical supply company. From in or around January 2001 through in or around June 2007, Pharmed had a vendor contract to supply medical supplies to KRMC. Two co-conspirators known to the United States Attorney, identified herein as Co-Conspirator A and Co-Conspirator B, were employed in positions of authority at Pharmed.

7. Gator Sports Collectibles, Inc. (hereinafter "Gator"), is a Florida corporation purportedly doing exclusive business in Miami-Dade County, Florida as a sports memorabilia company. In addition to her corporate position at Pharmed, Co-Conspirator B was employed as a

corporate officer for Gator throughout the charged conspiracy and her primary residence was listed as Gator's business address on corporate documents filed with the State of Florida.

8. Allied Medical Products, Inc. (hereinafter "AMP"), is a Florida corporation purportedly doing business in Miami-Dade County, Florida, as a medical supply company. A co-conspirator known to the United States Attorney, identified herein as Co-Conspirator C, was employed in a position of authority at AMP throughout the charged conspiracy.

KRMC's Medical Supply Purchasing System

9. The Supply Center is an HCA entity that arranges for the distribution of medical supplies and items to affiliated local area hospitals, including KRMC. KRMC requisitioned the Supply Center on an as-needed basis for medical supplies and items. Some of these regularly-used items were purchased by the Supply Center from vendors and kept in regular stock; lesser-used items were purchased by the Supply Center from vendors only when specifically requested by an HCA-affiliated hospital.

10. The Supply Center and KRMC used a computerized supply management and resource tracking system, known by the acronym "SMART," for all of its medical supply orders and purchases. Computer entries into the SMART system were routed interstate by means of wire signals from the Supply Center, located in the Southern District of Florida, to an HCA computer server located in Nashville, Tennessee.

11. Supply Center vendors were logged into SMART and given preferred provider status for certain regularly-ordered medical items. Any subsequent supply requisition for a regularly-ordered item automatically would link together the supply item number and the relevant preferred provider. A special function allowed a Supply Center buyer to bypass a preferred vendor when that

vendor could not provide the item as needed. In cases of emergency need, a Supply Center buyer could place an order without creating a requisition form; however, hard copy documentation then was supposed to be sent to the Supply Center justifying the special order. These types of special orders were to be placed rarely.

12. The SMART system also tracked the receipt of requisitioned supplies at HCA-affiliated hospitals. Medical supplies were delivered to a hospital's receiving area where a receiving clerk would verify the receipt and quantity of every purchase order item. A clerk then entered this information into SMART. All of the receiving clerks were supervised by an onsite Supply Center receiving director.

13 The SMART system restricted user access based on a user's job classification and duties. System users received individual user identification codes (hereinafter "User ID's). In order to log into the system with an User ID, an employee also was required to enter an individual password which was to be kept confidential. These safeguards were designed to restrict employees from accessing the system to perform unauthorized job duties.

14. **JOANNA DELFEL**, as a Supply Center buyer, was authorized to process SMART requisition orders from affiliated hospitals and to place special orders for non-stocked items. She was not authorized to register supplies as "received" once requested items were delivered to an area hospital such as KRMC.

15. **VICTOR GARCIA**, as KRMC's OR inventory analyst, was authorized to maintain the inventory levels of the OR. He was neither authorized to register supplies as having been "received" by KRMC nor to perform any Supply Center purchasing functions.

CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)

16. Paragraphs 1 through 15 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.

17. From in or around January 2001 through in or around June 2007, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JOANNA DELFEL,
VICTOR GARCIA, and
SYLVIA ORAMAS,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others known to the United States Attorney, to violate Title 18, United States Code, Section 1343, that is, to knowingly and with intent to defraud, devise, and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and knowingly causing to be transmitted by means of wire communication in interstate commerce, any signs or signals, for the purpose of executing the scheme and artifice.

PURPOSE OF THE CONSPIRACY

18. It was the purpose of the scheme and artifice for the defendants and their co-conspirators to defraud money from KRMC and unlawfully enrich themselves by, among other things: (a) creating fraudulent purchase orders through the Supply Center's requisition system for medical supplies that never were intended to be nor actually delivered to KRMC; (b) falsely recording those supply orders as having been received in full by KRMC, thereby causing KRMC to

issue payment in full for these never-delivered supplies to medical supply companies under the control of their co-conspirators; (c) diverting the fraud proceeds to themselves and their co-conspirators for their personal use and benefit through shell corporations under the control of themselves and their co-conspirators; and (d) concealing the transfers through the issuance of false documents and records purporting to show that the defendants and their co-conspirators were paid employees of the shell corporations.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy, included, among others, the following:

19. **VICTOR GARCIA** and **JOANNA DELFEL** created fraudulent KRMC medical supply purchase orders, using the special order requisition functions of the Supply Center's SMART system, for the phony purchase of various medical supplies from Pharmed and AMP. These supplies never were intended to be nor actually delivered to KRMC. **DELFEL** gave **GARCIA** her User ID and password so that **GARCIA** could access the SMART system and place the phony supply orders. Over the course of the conspiracy, **DELFEL** and **GARCIA** placed more than \$5.4 million dollars in fake purchase orders for Pharmed supplies and more than \$1.5 million dollars in fake purchase orders for AMP supplies. The placement of these phony orders was facilitated by supply-related information furnished by Co-Conspirator B and Co-Conspirator C who respectively held positions of authority at Pharmed and AMP.

20. **VICTOR GARCIA** improperly acquired the User ID and password of the Supply Center receiving director who was onsite at KRMC. Using this information, **GARCIA** logged into

the SMART system and recorded the supplies requested in the fraudulent KRMC purchase orders as having been received in full by KRMC. **GARCIA** also supplied the User ID of the Supply Center receiving director to **JOANNA DELFEL**. Using this information, **DELFEL**, on occasion, logged into the SMART system and recorded supplies requested in fraudulent KRMC purchase orders as having been received in full by KRMC. Co-Conspirator B emailed fraudulent shipping invoices to the work email accounts of **VICTOR GARCIA** and **JOANNA DELFEL**, purporting to show that the phony Pharmed medical supplies had been delivered to KRMC. Co-Conspirator C prepared fraudulent delivery invoices purporting to show that the phony AMP medical supplies had been delivered to KRMC.

21. On or about March 22, 2001, **SYLVIA ORAMAS** incorporated SoHo with the State of Florida at the direction of Co-Conspirator A. SoHo performed no legitimate business services. It functioned as a shell corporation to transfer and conceal the transfer of the KRMC fraud proceeds, generated by the phony billings, to the defendants and their co-conspirators for their personal use and benefit. **ORAMAS** maintained SoHo as a Florida corporation and annually paid fees and filed Uniform Business Reports with the Florida Secretary of State in order to keep SoHo as a current and active corporation within the state.

22. On or about June 14, 2001, Gator filed for reinstatement as a Florida corporation having last filed an annual report in 1998. From in or around June 2001, through in or around May 2007, Gator sold a small inventory of sports memorabilia and conducted little legitimate business. Rather, Gator functioned primarily as a shell corporation to transfer and conceal the transfer of the KRMC fraud proceeds, generated by the phony billings, to the defendants and their co-conspirators for their personal use and benefit.

23. **SYLVIA ORAMAS** transferred, and caused to be transferred, KRMC fraud proceeds from SoHo's corporate bank account at Ocean Bank to, among others, herself, **JOANNA DELFEL**, **VICTOR GARCIA**, and Co-Conspirator B.

24. Co-Conspirator B transferred, and caused to be transferred, KRMC fraud proceeds from Gator's corporate bank account at Regions Bank to, among others herself, **JOANNA DELFEL**, and **VICTOR GARCIA**.

25. **SYLVIA ORAMAS** created, and caused to be created, fraudulent documents and records, including United States Internal Revenue Service 1099 forms for miscellaneous income (hereinafter "1099's"), purporting to demonstrate that **JOANNA DELFEL** and **VICTOR GARCIA** were paid employees of SoHo, to conceal the payment and receipt of KRMC fraud proceeds.

26. Co-Conspirator B created, and caused to be created, fraudulent documents and records, including 1099 forms, purporting to demonstrate that **JOANNA DELFEL** and **VICTOR GARCIA** were paid employees of Gator, to conceal the payment and receipt of KRMC fraud proceeds.

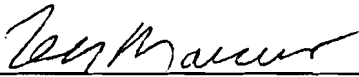
27. **JOANNA DELFEL** and **VICTOR GARCIA** accepted payment of KRMC fraud profits through checks issued by Soho and Gator, and received 1099's, on behalf of SoHo and Gator, falsely documenting that they were paid employees of SoHo and Gator. **SYLVIA ORAMAS** and

Co-Conspirator B, respectively for SoHo and Gator, personally provided these 1099's to **DELFE**
and **GARCIA**.

All in violation of Title 18, United States Code, Section 1349.



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