

Oct 5, 2017  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **17-20708-CR-UNGARO/O'SULLIVAN**

18 U.S.C. § 666(a)(1)(B)

18 U.S.C. § 2

18 U.S.C. § 982

UNITED STATES OF AMERICA

vs.

BERTHA BLANCO,

Defendant.

\_\_\_\_\_ /

**INFORMATION**

The Acting United States Attorney charges that:

**GENERAL ALLEGATIONS**

At all times material to this Information:

1. The Medicare Program (“Medicare”) was a federal health care program providing benefits to persons who were 65 or older or disabled. Medicare was administered by the United States Department of Health and Human Services (“HHS”) through its agency, the Centers for Medicare & Medicaid Services (“CMS”). Individuals who received benefits under Medicare were referred to as Medicare “beneficiaries.”

2. The Florida Medicaid Program (“Medicaid”) provided benefits to certain low-income individuals and families in Florida. Medicaid was administered in Florida by CMS and the Agency for Health Care Administration (“AHCA”). Medicare and Medicaid were each a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

3. AHCA was funded by both the state and federal governments. AHCA received well in excess of \$10,000 each year from the federal government.

4. Within AHCA, the Division of Health Quality Assurance was responsible for the licensure and/or certification and regulation of health care facilities in the State of Florida that receive Medicare and Medicaid funds, including hospitals, skilled nursing facilities (SNFs), assisted living facilities (ALFs), and home health agencies (HHAs). In connection with these duties, AHCA surveyors entered and inspected health care facilities to review clinical records, interview patients, and interview staff, among other things, to ensure that the providers were complying with applicable state and federal statutes in a manner that protected the health and safety of the patients.

5. If AHCA surveyors identified deficiencies or fraud during their inspections, they could fine or, ultimately, revoke the operating license of the facility. The surveyors could also notify the Florida Medicaid Fraud Control Unit at the Florida Attorney General's Office if they observed evidence of fraud.

**The Defendant, Related Companies, and Individuals**

6. Defendant **BERTHA BLANCO** was a resident of Miami-Dade County, Florida, and an employee of AHCA who held the position of Regulatory Specialist II within AHCA's Division of Health Quality Assurance.

7. Isabel Lopez was a resident of Miami-Dade County, Florida, and an owner or part owner of ALFs and SNFs in and around Miami-Dade County, including Isabel Adult Care 2, Isabel Adult Care 3, A Loving Place, Advanced ALF, Happy Place Group Home, ISA Adult Care, and ISA Adult Home Care.

8. Gustavo Mustelier was a resident of Miami-Dade County, Florida, and the son-in-law of Isabel Lopez.

9. Gabriel Delgado was a resident of Miami-Dade County, Florida, and a licensed

practical nurse and President of Preferred Providers Group, Inc., a Florida corporation.

10. Guillermo Delgado was a resident of Miami-Dade County, Florida, and a licensed practical nurse and an officer and director of Diversified Investment Group of Miami, Inc., a Florida corporation.

11. Phillip Esformes was a resident of Miami-Dade County, Florida, and owned, controlled, and operated several SNFs and ALFs in and around Miami-Dade County, Florida, including Fair Havens Center and the Nursing Center at Mercy.

12. Sila Luis was a resident of Miami-Dade County, Florida, and owned and/or controlled LTC Professional Consultants, Inc. and Professional Home Care Solutions, Inc., two HHAs located in Miami-Dade County, Florida.

**RECEIPT OF A BRIBE BY AN AGENT OF  
AN ORGANIZATION RECEIVING FEDERAL FUNDS**  
**(18 U.S.C. 666(a)(1)(B))**

From in or around 2007, through in or June 2015, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**BERTHA BLANCO,**

being an agent of an organization or agency of the State of Florida, that is AHCA, that received in excess of \$10,000 each year from the Federal government, did corruptly solicit, demand, accept and agree to accept anything of value from a person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of such organization and agency of the State of Florida, involving anything of value of \$5,000 or more, that is: **BERTHA BLANCO** corruptly solicited, demanded, accepted, and agreed to accept cash, directly and indirectly, from Isabel Lopez, Gustavo Mustelier, Gabriel Delgado, Guillermo Delgado, Phillip Esformes, Sila Luis, and others, in exchange for providing Isabel Lopez, Gustavo Mustelier,

Gabriel Delgado, Guillermo Delgado, Phillip Esformes, Sila Luis, and others, directly and indirectly, confidential, nonpublic information owned and controlled by AHCA having a value of at least \$5,000.

In violation of Title 18, United States Code, Section 666(a)(1)(B).

**FORFEITURE**  
**(18 U.S.C. § 982)**

1. The allegations of this Information are re-alleged and by this reference fully incorporated herein for purposes of alleging forfeiture to the United States of certain property in which the defendant, **BERTHA BLANCO**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 666(a)(1)(B), as alleged in this Information, the defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense, pursuant to Title 18, United States Code, Section 982(a)(7).

3. The property subject to forfeiture includes \$100,000, which sum represents gross proceeds obtained by the defendant from the offense.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982(a)(7), and the procedures set forth in Title 21, United States Code, Section 853, made applicable by Title 18, United States Code, Section 982(b).

  
\_\_\_\_\_  
BENJAMIN G. GREENBERG  
ACTING UNITED STATES ATTORNEY

JOSEPH S. BEEMSTERBOER  
DEPUTY CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

By:

  
\_\_\_\_\_  
DAVID A. SNIDER  
ELIZABETH YOUNG  
DREW BRADY LYONS  
TRIAL ATTORNEYS  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

**CERTIFICATE OF TRIAL ATTORNEY\***

**BERTHA BLANCO,**  
Defendant.  
\_\_\_\_\_ /

**Superseding Case Information:**

**Court Division:** (Select One)

X  Miami \_\_\_\_\_ Key West  
\_\_\_\_\_ FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No)  Yes   
List language and/or dialect  Spanish
- This case will take  0  days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u> X </u>	Petty _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u> X </u>
V 61 days and over _____	

6. Has this case been previously filed in this District Court? (Yes or No)  No

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No)  Yes

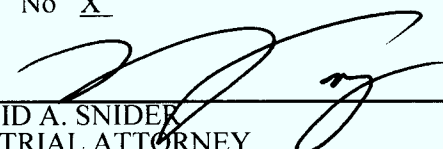
If yes:  
Magistrate Case No.  17-mj-02949-Garber

Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_  
Is this a potential death penalty case? (Yes or No)  No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes \_\_\_\_\_ No  X

8. Does this case originate from a matter pending in the Central Region of the U. S. Attorney's Office prior to September 1, 2007? Yes \_\_\_\_\_ No  X

  
\_\_\_\_\_  
DAVID A. SNIDER  
DOJ TRIAL ATTORNEY  
Court ID No. A5502260

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BERTHA BLANCO

Case No: \_\_\_\_\_

Count #: 1

Receipt of a Bribe by An Agent of An Organization Receiving Federal Funds

Title 18, United States Code, Section 666(a)(1)(B)

**\*Max Penalty:** Ten (10) years' imprisonment

Count #:

\_\_\_\_\_  
\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

Count #:

\_\_\_\_\_  
\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

Count #:

\_\_\_\_\_  
\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT  
for the  
Southern District of Florida

United States of America

v.

Bertha Blanco,

*Defendant*

)  
)  
)  
)  
)

Case No.

**WAIVER OF AN INDICTMENT**

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Defendant's signature*

\_\_\_\_\_  
*Signature of defendant's attorney*

\_\_\_\_\_  
*Printed name of defendant's attorney*

\_\_\_\_\_  
*Judge's signature*

\_\_\_\_\_  
*Judge's printed name and title*