

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AUG 10 2010

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**RITA PETROYSAN, IGOR OSTRONIN,
SERGEY IVANOV, ARTUR NABIYEV,
YVGENY GRINEV, and TATIANA
BOLSHAKOVA,**

Defendants.

CRIMINAL NO. *10-2320*

Count 1: 18 U.S.C. §§ 2 and 1347,
Healthcare Fraud;

Counts 2-29: 18 U.S.C. §§ 2 and
1341, Mail Fraud;

Count 30: 18 U.S.C. §§ 2 and 1956(h),
Money Laundering Conspiracy;

Counts 31-40: 18 U.S.C. §§ 2
and 1956(a)(1), Money Laundering;

Counts 41-50: 18 U.S.C. §§ 2
and 1957, Money Laundering;

Count 51: 18 U.S.C. §§ 981 and 982,
Forfeiture.

INDICTMENT

The Grand Jury charges:

Count 1

1. From on or about November 9, 2008, through June 11, 2009, both dates being inclusive, in Bernalillo County in the District of New Mexico, and elsewhere, Defendant **RITA PETROYSAN** knowingly and intentionally executed a scheme and artifice to defraud a healthcare benefit program, specifically Medicare and other healthcare benefit programs, through the Centers for Medicare and Medicaid Services (hereinafter "CMS"), to obtain money or property owned by, or under the custody or control of, a health care benefit program, specifically Medicare and other healthcare

benefit programs, by means of materially false and fraudulent pretenses and representations.

The Scheme and Artifice to Defraud Medicare

2. As part of the scheme that **RITA PETROYSAN** devised and carried out, on or about November 9, 2008, **RITA PETROYSAN** purchased Albuquerque medical durable equipment supplier Rio Bravo Medical Supply, Inc. (RBMS) and became its sole owner. At the time **RITA PETROYSAN** purchased RBMS, it had been in existence for less than a year, had one store-front location, and had a showroom and limited models of medical equipment for display.

3. On or about January 30, 2009, as part of the scheme that **RITA PETROYSAN** devised and carried out, **RITA PETROYSAN** opened and caused to be opened a Wells Fargo business account, # XXXXXXX0184, in the name of RBMS and was sole signatory on the account.

4. On or about March 12, 2009, as part of the scheme that **RITA PETROYSAN** devised and carried out, **RITA PETROYSAN** hired and caused to be hired an Albuquerque resident to be the receptionist for RBMS.

5. On or about March 18, 2009, as part of the scheme that **RITA PETROYSAN** devised and carried out, **RITA PETROYSAN**, as president of RBMS, submitted to CMS an EFT Authorization Agreement, requesting that Medicare payments be electronically transferred to Wells Fargo Bank account number XXXXXXX0184.

Execution of the Scheme and Artifice to Defraud

6. Between on or about December 2, 2008, and September 30, 2009, both dates being inclusive, 838 false claims were submitted by RBMS to CMS on behalf of 824 patients for a total of \$1,311,465.00, and additional claims were submitted to other healthcare benefit programs.

7. Between on or about March 18, 2009, and June 11, 2009, both dates being inclusive, CMS made Medicare payments to RBMS, based on the false claims, totaling \$578,302.19 to RBMS's Albuquerque, New Mexico address.

In violation of 18 U.S.C. § 1347(1) and (2).

Counts 2-29

8. The allegations set out in paragraphs 1 through 7 of this Indictment are realleged and incorporated herein by reference.

9. On or about the dates listed for each count below, in the District of New Mexico and elsewhere, **RITA PETROYSAN** devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth in paragraphs 1-7 above, and for the purpose of executing the scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowingly and wilfully caused to be sent, delivered, and moved by the United States Postal Service and a commercial carrier the CMS Medicare payments to the address for RBMS at 1515 Eubank Boulevard, Albuquerque, New Mexico, approximately as follows:

COUNT	DATE OF CHECK	\$ AMOUNT
2	March 18, 2009	\$3,482.87
3	April 7, 2009	\$11,402.23
4	April 7, 2009	\$1,836.00
5	April 14, 2009	\$9,590.25
6	April 17, 2009	\$12,223.01
7	April 20, 2009	\$23,295.57
8	April 20, 2009	\$9,355.55
9	April 23, 2009	\$17,585.07
10	April 28, 2009	\$24,470.52
11	April 29, 2009	\$35,942.71
12	April 30, 2009	\$19,934.46
13	May 4, 2009	\$11,083.15
14	May 4, 2009	\$9,834.96
15	May 12, 2009	\$13,949.09
16	May 12, 2009	\$22,379.69
17	May 18, 2009	\$66,061.23
18	May 18, 2009	\$32,034.55
19	May 18, 2009	\$51,612.96
20	May 26, 2009	\$16,590.20
21	May 26, 2009	\$21,307.52
22	May 26, 2009	\$13,186.97
23	May 29, 2009	\$12,601.23
24	June 1, 2009	\$22,644.29
25	June 1, 2009	\$14,822.91
26	June 3, 2009	\$21,628.79
27	June 8, 2009	\$31,241.08

28	June 8, 2009	\$11,710.91
29	June 11, 2009	\$35,711.76

In violation of 18 U.S.C. § 1341 and § 2(a).

Count 30

10. Beginning on or about March 18, 2009, and continuing through on or about August 16, 2009, the Defendants, **RITA PETROYSAN, IGOR OSTRONIN, SERGEY IVANOV, ARTUR NABIYEV, YVGENY GRINEV, and TATIANA BOLSHAKOVA**, in Bernalillo County in the District of New Mexico and elsewhere did unlawfully, willfully and knowingly combine, conspire, and agree with each other to commit the following offenses against the United States:

(A) Knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, that is, mail fraud, to conduct and attempt to conduct a financial transaction (1) with the intent to promote the carrying on of a specified unlawful activity, and (2) knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and/or control of the proceeds of specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i); and

(B) In the United States to knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate commerce, in property derived from specified unlawful activity, that is mail fraud, of a value greater than \$10,000.00, and the issuance of checks, in violation of 18 U.S.C. § 1957.

11. The object and purpose of the conspiracy was for the Defendants, **RITA PETROYSAN, IGOR OSTRONIN, SERGEY IVANOV, ARTUR NABIYEV, YVGENY GRINEV**, and **TATIANA BOLSHAKOVA**, to profit financially from the fraudulent healthcare claims and to conceal and disguise the nature, location, source, ownership, and/or control of the proceeds of specified unlawful activity, namely, mail fraud.

12. It was part of the conspiracy that payments from Medicare and other health benefit programs would be deposited into accounts controlled by the Defendants, **RITA PETROYSAN, IGOR OSTRONIN, SERGEY IVANOV, ARTUR NABIYEV, YVGENY GRINEV**, and **TATIANA BOLSHAKOVA**, and that the Defendants, **RITA PETROYSAN, IGOR OSTRONIN, SERGEY IVANOV, ARTUR NABIYEV, YVGENY GRINEV**, and **TATIANA BOLSHAKOVA**, committed the following overt acts and conducted financial transactions and caused others to conduct and cause to be made financial transactions in order to distribute the proceeds of the mail fraud among the co-conspirators and in order to conceal and disguise the nature, location, source, ownership, and/or control of the proceeds of specified unlawful activity, namely, mail fraud, including, *inter alia*, approximately as follows:

(A) as to the Defendant **RITA PETROYSAN**:

DATE OF CHECK	PAYEE	\$ AMOUNT
April 21, 2009	Hamlet Adyan	\$23,500.00
May 9, 2009	OIN Medical Equipment Repair	\$33,427.00
May 20, 2009	OIN Medical Equipment Repair	\$41,562.00
May 21, 2009	OIN Medical Equipment Repair	\$38,676.00

May 27, 2009	Lazarius and Company	\$45,097.15
June 4, 2009	OIN Medical Equipment Repair	\$35,103.00
June 8, 2009	OIN Medical Equipment Repair	\$20,097.00
June 10, 2009	Lazarius and Company	\$45,056.00
June 17, 2009	OIN Medical Equipment Repair	\$30,097.00
June 29, 2009	OIN Medical Equipment Repair	\$35,190.00

(B) as to the Defendant **IGOR OSTRONIN**:

DATE OF CHECK	PAYEE	\$ AMOUNT
May 11, 2009	Tatiana's Reliable Management	\$31,217.00
May 15, 2009	M&M	\$9,357.00
May 15, 2009	Artur Nabiyev	\$500.00
May 19, 2009	M&M	\$8,564.00
May 19, 2009	Maximilian and Family	\$25,610.00
May 19, 2009	Tatiana's Reliable Management	\$27,247.00
May 20, 2009	Sergey Ivanov	\$27,410.00
May 20, 2009	Tatiana's Reliable Management	\$25,198.00
May 22, 2009	Diamond Treasures Jewelry	\$27,110.00
May 28, 2009	Maximilian and Family	\$23,310.00
May 29, 2009	M&M	\$8,937.00
June 1, 2009	Tatiana's Reliable Management	\$33,356.00
June 2, 2009	Maximilian and Family	\$11,900.00
June 8, 2009	Artur Nabiyev	\$5,100.00
June 11, 2009	Maximilian and Family	\$47,851.00
June 12, 2009	Artur Nabiyev	\$1,200.00
June 12, 2009	Diamond Treasures Jewelry	\$19,217.00

June 16, 2009	M&M	\$9,729.00
June 16, 2009	Lazarius and Company	\$21,347.00
June 19, 2009	M&M	\$11,926.00
June 26, 2009	M&M	\$9,478.00
June, 26, 2009	Diamond Treasures Jewelry	\$17,968.00

(C) as to Defendant **SERGEY IVANOV**:

DATE OF CHECK	PAYEE	\$ AMOUNT
May 20, 2009	Sergey Ivanov	\$27,410.00
May 27, 2009	Lazarius and Company	\$45,097.15
May 29, 2009	Gregoryan and Company, Inc.	\$16,721.11
June 1, 2009	Gregoryan and Company, Inc.	\$9,190.00
June 4, 2009	Gregoryan and Company, Inc.	\$40,530.00
June 8, 2009	Gregoryan and Company, Inc.	\$39,409.00
June 10, 2009	Lazarius and Company	\$45,056.00
June 11, 2009	Gregoryan and Company, Inc.	\$35,507.07
June 11, 2009	Gregoryan and Company, Inc.	\$37,481.00
June 16, 2009	Lazarius and Company	\$21,347.00
June 18, 2009	International Diamond, LLC	\$669.38
June 18, 2009	Gregoryan and Company, Inc.	\$61,633.11
June 19, 2009	Gregoryan and Company, Inc.	\$13,712.99
June 22, 2009	M&M	\$10,903.00
June 22, 2009	Gregoryan and Company, Inc.	\$15,106.00
June 24, 2009	Gregoryan and Company, Inc.	\$51,751.07
June 26, 2009	Gregoryan and Company, Inc.	\$17,341.00
June 26, 2009	M&M	\$12,480.00

(D) Counts as to Defendant **ARTUR NABIYEV**:

DATE OF CHECK	PAYEE	\$ AMOUNT
May 15, 2009	Artur Nabiyev	\$500.00
May 15, 2009	Art Diamond Palace	\$15,210.00
May 22, 2009	Art Diamond Palace	\$19,312.00
June 8, 2009	Artur Nabiyev	\$5,100.00
June 12, 2009	Artur Nabiyev	\$1,200.00

(E) as to Defendant **YGENY GRINEV**:

DATE OF CHECK	PAYEE	\$ AMOUNT
February 24, 2009	Hamlet Adyan	\$7,017.00
February 27, 2009	Hamlet Adyan	\$10,027.00
March 3, 2009	Hamlet Adyan	\$15,000.00
March 6, 2009	Hamlet Adyan	\$25,190.00
March 9, 2009	Hamlet Adyan	\$7,027.00
March 12, 2009	Hamlet Adyan	\$12,095.00
March 18, 2009	Hamlet Adyan	\$38,171.00
March 20, 2009	Hamlet Adyan	\$15,087.00
April 21, 2009	Hamlet Adyan	\$23,500.00
May 15, 2009	M&M	\$9,357.00
May 19, 2009	M&M	\$8,564.00
May 19, 2009	Maximilian and Family	\$25,610.00
May 28, 2009	Maximilian and Family	\$23,310.00
May 29, 2009	M&M	\$8,937.00
June 2, 2009	Maximilian and Family	\$11,900.00
June 11, 2009	Maximilian and Family	\$47,851.00

June 16, 2009	M&M	\$9,729.00
June 19, 2009	M&M	\$11,926.00
June 26, 2009	M&M	\$9,478.00

(F) as to the Defendant **TATIANA BOLSHAKOVA**:

DATE OF CHECK	PAYEE	\$ AMOUNT
May 11, 2009	OIN Medical Equipment Repair	\$31,217.00
May 12, 2009	Grigoryan and Company	\$19,231.09
May 14, 2009	Grigoryan and Company	\$8,540.00
May 15, 2009	Art Diamond Palace	\$15,210.00
May 19, 2009	OIN Medical Equipment Repair	\$27,247.10
May 20, 2009	OIN Medical Equipment Repair	\$23,198.36
May 22, 2009	Grigoryan and Company	\$29,311.00
May 22, 2009	Art Diamond Palace	\$19,312.00
June 1, 2009	OIN Medical Equipment Repair	\$33,356.99

In violation of 18 U.S.C. § 1956(h) and § 2(a).

Counts 31-40

13. On or about the dates set forth below, in Bernalillo County in the District of New Mexico and elsewhere, the Defendant, **RITA PETROYSAN**, did knowingly conduct, cause, and attempt to conduct financial transactions affecting interstate and foreign commerce by making and causing checks payable from financial institutions to the payees and in the amounts described below, which involved the proceeds of a specified unlawful activity, that is mail fraud, with the intent to promote the carrying on

of specified unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the location, source, ownership, and control of the proceeds of said unspecified unlawful activity, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, approximately as follows:

COUNT	DATE OF CHECK	PAYEE	\$ AMOUNT
31	April 21, 2009	Hamlet Adyan	23,500.00
32	May 9, 2009	OIN Medical Equipment Repair	33,427.00
33	May 20, 2009	OIN Medical Equipment Repair	41,562.00
34	May 21, 2009	OIN Medical Equipment Repair	38,676.00
35	May 27, 2009	Lazarius and Company	45,097.15
36	June 4, 2009	OIN Medical Equipment Repair	35,103.00
37	June 8, 2009	OIN Medical Equipment Repair	20,097.00
38	June 10, 2009	Lazarius and Company	45,056.00
39	June 17, 2009	OIN Medical Equipment Repair	30,097.00
40	June 29, 2009	OIN Medical Equipment Repair	35,190.00

In violation of 18 U.S.C. § 1956(a)(1) and § 2(a).

Counts 41-50

14. On or about the dates set forth below, in Bernalillo County in the District of New Mexico and elsewhere, the Defendant, **RITA PETROYSAN**, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate commerce, in criminally derived property of a value

greater than \$10,000, namely, the issuance of checks in the amounts set forth below, such property having been derived from a specified unlawful activity, namely, mail fraud, approximately as follows:

COUNT	DATE OF CHECK	PAYEE	\$ AMOUNT
41	April 21, 2009	Hamlet Adyan	\$23,500.00
42	May 9, 2009	OIN Medical Equipment Repair	\$33,427.00
43	May 20, 2009	OIN Medical Equipment Repair	\$41,562.00
44	May 21, 2009	OIN Medical Equipment Repair	\$38,676.00
45	May 27, 2009	Lazarius and Company	\$45,097.15
46	June 4, 2009	OIN Medical Equipment Repair	\$35,103.00
47	June 8, 2009	OIN Medical Equipment Repair	\$20,097.00
48	June 10, 2009	Lazarius and Company	\$45,056.00
49	June 17, 2009	OIN Medical Equipment Repair	\$30,097.00
50	June 29, 2009	OIN Medical Equipment Repair	\$35,190.00

In violation of 18 U.S.C. § 1957 and § 2(a).

Count 51

15. Upon the conviction of one or more of the offenses set forth in Counts 1-50 for violations of 18 U.S.C. §§ 1341, 1347, 1956, and 1957, the Defendants, **RITA PETROYSAN, IGOR OSTRONIN, SERGEY IVANOV, ARTUR NABIYEV, YVGENY GRINEV**, and **TATIANA BOLSHAKOVA**, shall forfeit to the United States the following property:

a. All right, title, and interest in any and all property involved in each offense for which the Defendant is convicted, and all property traceable to such

property, including the following: (1) all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of 18 U.S.C. §§ 1341, 1347, 1956, and 1957; (2) all commissions, fees and other property constituting proceeds obtained as a result of those violations; and (3) all property used in any manner or part to commit or to facilitate the commission of those violations.

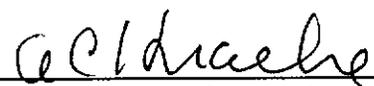
b. A sum of money equal to the total amount of money involved in each offense for which any Defendant is convicted.

16. Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), the Defendants shall forfeit substitute property, up to the value of the amount described in paragraph 7 above, or any portion thereof, that cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All in accordance with 18 U.S.C. § 982(a)(1) and F.R.Crim.P. 32.2(a).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney


11/06/09(11:01am)