

1           THE COURT: Thank you, ma'am. You may be  
2 excused. Call your next witness.

3           MS. VOLLMAN: Cindy Franco. Judge, can I  
4 approach real quick?

5           THE COURT: Sure.

6           MS. VOLLMAN: One of the documents that I  
7 will able to interview with this witness is this one.  
8 It's in furtherance of the conspiracy, and I don't plan to  
9 call Christopher Williams or Tajuana Frazier. To me, it's  
10 in furtherance of the conspiracy.

11           MR. MARTIN: If I understand this document  
12 correctly, all it says that Tajuana Frazier is a owner of  
13 Frazier Medical Supply.

14           MS. VOLLMAN: And it will be testimony that I  
15 will be getting from her as a co-conspirator. That is in  
16 furtherance of the conspiracy.

17           THE COURT: Okay.

18                           CINDY FRANCO,  
19 having first been duly sworn, testified as directed:

20                           DIRECT EXAMINATION

21 BY MS. VOLLMAN:

22           Q. Good afternoon.

23           A. Good afternoon.

24           Q. Could you tell us your name, please, and where  
25 you work?

1 THE COURT: I'm sorry for interrupting. Has  
2 this witness be sworn?

3 THE WITNESS: Yes.

4 THE COURT: Thank you.

5 Q. (BY MS. VOLLMAN) Could you tell us your name  
6 please and where you work?

7 A. Cindy Franco, Health and Human Service  
8 Commission.

9 Q. And can you tell us what you do for them?

10 A. Currently, I'm a hiring manager for office  
11 eligiblity services.

12 Q. And how long have you been doing that job?

13 A. Probably about three years.

14 Q. And before that, what were you doing?

15 A. I worked with the Office of Inspector General.

16 Q. And what did you do for the Office of Inspector  
17 General?

18 A. Medicaid Provider Integrity Investigator.

19 Q. Can you tell us what you did as a Medicaid  
20 Provider Integrity Investigator? What did you do?

21 A. Basically, investigate allegations of fraud and  
22 abuse within the Medicaid system.

23 Q. And is that for civil sanctions and  
24 administrative reprecutions and referrals, if need be?

25 A. Yes, ma'am.

1 Q. And now, give us a brief description of your  
2 background, training and experience that qualifies you to  
3 do the type of work that you did for the OIG.

4 A. Well, I have prior ten years of direct delivery  
5 experience with the Medicaid program.

6 Q. And what's direct delivery?

7 A. We actually determine eligibility for those  
8 various programs.

9 Q. Okay.

10 A. I also went to a National White-Collar Crime for  
11 Financial Investigative Skills and Practical Skills. I  
12 also went to the NHCAA for Healthcare Fraud. I took the  
13 Rules of Engagement for Healthcare Fraud, Parts I and II  
14 and I also went to the National Association of Medicaid  
15 Fraud Control Unit's Training and the Basic Medicaid Fraud  
16 Control Program Training.

17 I intended TCI and MPI Policy and  
18 Procedures training given by the Department of Public  
19 Safety.

20 Q. And are you referring to --

21 MR. MARTIN: Excuse me. Objection. It  
22 appears the witness is reading off of a document. I would  
23 object on the basis of a document being testified to  
24 that's not yet been admitted.

25 Q. (BY MS. VOLLMAN) Did you bring something to

1 refresh your memory?

2 A. Yes, just to refresh my memory of what courses I  
3 took.

4 THE COURT: Objection is overruled.

5 Q. (BY MS. VOLLMAN) Now, as a Medicaid provider,  
6 MPI investigator, back in 2006, did you have any  
7 investigations into DME companies that you worked on?

8 A. Yes.

9 Q. And can you tell us what the name of those two  
10 DME companies were?

11 A. There were several, actually. I closed that  
12 year; but one specifically was Wickare and the other was  
13 Resource Solutions.

14 Q. And what's the full name of the Wickware company?

15 A. Wickware Medical Services.

16 Q. And the other one was Resource?

17 A. Solutions Medical Supply.

18 Q. Let's talk about that one first. How did you  
19 become involved in an investigation involving Resource  
20 Solutions Medical Supply?

21 A. I received a referral. Typically, complaints are  
22 received or generated through the OIG investigative line  
23 with consumers or other providers. Basically, anyone can  
24 report allegations or place a suspect fraud.

25 It goes through our intake division,

1 which then does preliminary background investigation and  
2 see if there is enough to warrant a full-scale  
3 investigation.

4 Q. Let me stop you for this. Fraud investigation,  
5 we're still talking for sanctions and administrative,  
6 correct?

7 A. That's correct.

8 Q. Okay. So who is it that makes the referrals?

9 A. Usually our intake unit.

10 Q. So you were given this as something to follow up?

11 A. Yes.

12 Q. Okay. So what did you do after you were assigned  
13 the case?

14 A. Well, once I'm assigned the case, I typically do  
15 all the background work on it -- pull the business ops  
16 report, review all the medical claims. I do basically  
17 background investigation as far as the Secretary of State  
18 to see if they're registered with the Secretary or have  
19 they have the proper credentials in order, that they have  
20 a Medicare provider number -- just basic information like  
21 that.

22 And then I review the business objects  
23 report, which we pull for a TMHP, which is where -- it's  
24 our data base of claims. If I see like patterns like I  
25 did in these particular cases, I typically go in and pull

1 a records requests which would generate --

2 Q. Hang on. You're getting way ahead. So you  
3 started doing a background investigation into the  
4 company. Was one of the things that you found was who  
5 owned the company?

6 A. Yes. Well, there's two different owners for  
7 these two particular --

8 Q. I just want to talk about one first, Resource  
9 Solutions?

10 A. Let me pull up that report.

11 Q. And if you need to, if some of my questions --  
12 did you bring your report so that you can refer to it and  
13 refresh your memory if you need be?

14 A. Yes.

15 Q. So who was the owner of that company?

16 A. Christopher Williams and Jaie Brown.

17 Q. And what did you do when you -- what activity  
18 were your first going out there to do for that particular  
19 company?

20 A. Well, this one actually was -- well, I did what  
21 we call a precertification investigation. Anytime a  
22 provider applies for a provider number with Health and  
23 Human Service Commission, we go out there and do an onsite  
24 inspection, verify all the credentials are in place,  
25 verify the Medicare number is active and in good

1 standing.

2                   We usually review the facility and just  
3 educate the provider also at that point, let them know  
4 what we're there to do and answer any questions they may  
5 have; and then turn in the report based on our findings  
6 there.

7           Q.    So did you go out to Resource Solutions?  Where  
8 was their business address located?

9           A.    One is located at Westpark, 9950 Westparke, Suite  
10 434 in Houston.

11          Q.    And are you familiar with the general area where  
12 that business is located?

13          A.    Yes.

14          Q.    All right.  Let me show you what's been marked as  
15 State's Exhibit 187; and I'm going to ask you, do you  
16 recognize what this is and are you familiar with the area?

17          A.    Yes.

18          Q.    And does it also show where the address on  
19 Westpark is?  What was the number again that you gave us?

20          A.    9950.

21          Q.    And is that represented on State's Exhibit No.  
22 187?

23          A.    Yes, it is.

24                   MS. VOLLMAN:  Judge, at this time, we would  
25 offer --

1 Q. (BY MS. VOLLMAN) Does this fairly and accurately  
2 represent what is depicted on it?

3 A. Yes.

4 MS. VOLLMAN: Judge, at this time, we would  
5 offer State's Exhibit 187.

6 MR. MARTIN: Judge, no objection to the map,  
7 State's Exhibit 187.

8 THE COURT: It's admitted.

9 (State's Exhibit No. 187 was admitted into  
10 evidence.)

11 Q. (BY MS. VOLLMAN) So what are some of the major  
12 thoroughfares that's near this address?

13 A. There's Harwin, South Gessner and of course  
14 Westpark itself.

15 Q. Okay. So when you went -- when you first went  
16 out there, did you -- was the business open?

17 A. When I went there to the business, it had a sign  
18 that showed that it was in operation. It had hours of  
19 operation; and when I went there, it was during hours of  
20 operation; but nobody was there.

21 Q. Okay. Let me ask you this. That location, is it  
22 Harris County, Texas?

23 A. Yes, it is.

24 Q. And when you went out there, it was supposed to  
25 be opened, it wasn't opened. What was the next step you



1 took?

2 A. I contacted the phone number that was on the  
3 sign.

4 Q. Did you call it?

5 A. Yes.

6 Q. Did someone answer?

7 A. Yes. I was able to reach Christopher Williams.

8 Q. And what was the purpose for you calling  
9 Christopher Williams on the phone when the business wasn't  
10 opened? Don't say what he said, but just say what your  
11 purpose of calling him was.

12 A. Okay. If we're talking -- actually, I met with  
13 him twice. The first time was for the precertification or  
14 the preinvestigation that we usually do to make sure that  
15 they are actually in business before we issue a Medicaid  
16 provider number.

17 Q. When you met with him and talked with him about  
18 the precertifications, what questions did you ask him?

19 A. Just basic questions about the program, if he was  
20 aware what a Title 19 was, what type of supplies he's  
21 going to be selling specifically, if he had any additional  
22 help.

23 Usually ask for the employees, if  
24 they're going to be employing. Just a variety of  
25 different questions.

1 Q. And did you ask him the question about who was  
2 going to be doing the billing?

3 A. Yes. That also was covered as well.

4 Q. And who was going to be doing the billing?

5 A. According to what he had told me, it was going to  
6 be Frazier --

7 MR. MARTIN: Objection. Hearsay.

8 MS. VOLLMAN: Judge, I believe it's 801. I'm  
9 not sure of the subsection; but it's a co-conspirator  
10 statement in the furtherance of it, which is not hearsay.

11 THE COURT: The objection is overruled.

12 Q. (BY MS. VOLLMAN) Okay. Who did Christopher  
13 Williams say was going to be the biller?

14 A. Frazier Medical Marketing.

15 Q. And did you ask him -- what did -- they were  
16 going to be doing the billing. Did you ask for any  
17 documentation from their biller?

18 A. Yes, I did.

19 Q. Let me ask you this. We're going to have to take  
20 this a little slower. So you asked him about Frazier  
21 Medical Marketing?

22 A. Yes.

23 Q. And what information did you want to know?

24 A. Specifically what services they would be  
25 providing him with.

1 Q. Did he know what services they would be providing  
2 them with?

3 A. He informed me they would be doing his billing  
4 and his recruitment.

5 Q. So they were going to be getting --

6 A. The client base.

7 Q. The client base. Was that unusual to you that a  
8 billing company would get the client base?

9 A. Yes.

10 Q. Why?

11 A. Because basically, they were -- they had a --  
12 what's the word I'm looking for? A vested interest in  
13 it. The more client they would gather, the more they  
14 could bill, the more they can charge the Medicaid program.

15 Q. Let me ask you this: Who told you that?

16 A. Mr. Williams did.

17 Q. And did he tell you that about the Fraziers'  
18 business, that they had a vested interest in it?

19 A. No. He did not tell me that directly. I  
20 gathered that by him telling me that they could get 25  
21 percent for recruiting the clients and then another 7  
22 percent for billing. That's 32 percent.

23 Q. Is that unusual?

24 A. Yes.

25 Q. Why?

1           A.    Because if it's a start-up business, 32 percent  
2 of your gross earnings are going to be going directly to  
3 your biller.  So it would be seem like the more Frazier  
4 Marketing, Frazier Medical Marketing would gather, the  
5 more monies they had to earn.

6           Q.    Have you ever heard of a concept called checks  
7 and balances as far as people that handle money?  Have you  
8 ever heard of that concept before?

9           A.    Yes.

10          Q.    If you have a biller who gets paid for billing  
11 Medicaid for recipients and you get those recipients, is  
12 there a potential issue that would concern you as an MPI  
13 investigator?

14                   MR. MARTIN:  Objection.  Leading.

15          A.    Most definitely.

16                   THE COURT:  When one of the lawyers stands  
17 up, you need to wait until I rule on their objection.

18                   THE WITNESS:  Okay.  I will.

19                   THE COURT:  The objection is sustained.

20          Q.    (BY MS. VOLLMAN)  Can you tell us whether or not  
21 it would concern you that a biller would be in the  
22 business of recruiting clients and then getting paid  
23 according to how many clients they recruit and bill for?

24          A.    Yes.

25                   MR. MARTIN:  Objection.

1 THE COURT: Overruled.

2 A. Yes.

3 Q. (BY MS. VOLLMAN) Why?

4 A. Because basically, you recruit the client -- you  
5 got what they call their identification number from the  
6 Medicaid program; and it's basically a open account that  
7 you can bill all types of medical supplies for that  
8 particular client for that recipient.

9 And Medicaid is an honor-based program.  
10 So they'll pay those claims first without really verifying  
11 if those claims are accurate.

12 MR. MARTIN: Objection as to the  
13 nonresponsive part of the answer, Judge.

14 THE COURT: Overruled.

15 Q. (BY MS. VOLLMAN) Let me ask you this: Did you  
16 take any steps to find anything more out about this  
17 Frazier Medical Marketing?

18 A. Yes, I did.

19 Q. What did you do?

20 A. I asked Mr. Williams if there was a number to  
21 talk to his medical, his biller?

22 Q. And did you get that?

23 A. Yes.

24 MS. VOLLMAN: Judge, may I approach the  
25 witness?

1 THE COURT: You may.

2 Q. (BY MS. VOLLMAN) Let me show you what's been  
3 marked as 190. Do you recognize that document?

4 A. Yes.

5 Q. Without saying what's contained in it, how did  
6 you come to possess that document?

7 A. I recall it was sent to me or given to me by  
8 Mr. Williams.

9 Q. Did you make notes on it regarding your  
10 conversation with the Fraziers?

11 A. Yes.

12 Q. And is this a fair and accurate representation of  
13 what was given to you and what notes you made on it?

14 A. Yes, it is.

15 MS. VOLLMAN: Judge, we would offer State's  
16 190.

17 (State's Exhibit No. 190 was offered into  
18 evidence.)

19 MR. MARTIN: May we approach briefly, Judge?

20 THE COURT: Yes.

21 MR. MARTIN: I thought, Judge, we objected to  
22 the nonations on the exhibit. We do not object to the  
23 e-mail portion of the exhibit. Handwritten notes are not  
24 handwritten notes from the Fraziers themselves. These are  
25 notes that she made. That's not a co-conspirator's

1 statement. It's saying what someone else made.

2 MS. VOLLMAN: Judge, she's available for  
3 confrontation. She can be cross-examined regarding that  
4 but I think she testified those are her notes that she  
5 made and that's a fair representation of that document.

6 THE COURT: She may be, but that is just --

7 MS. VOLLMAN: Well, he's right on that.

8 MR. MARTIN: We can redact --

9 MS. VOLLMAN: What are we redacting?

10 MR. MARTIN: Her handwritten notes, I  
11 suggest.

12 MS. VOLLMAN: No. Can I prove it up?

13 THE COURT: Okay.

14 Q. (BY MS. VOLLMAN) Let me ask you this, when you  
15 got that document, you said you made a phone call to the  
16 Fraziers, correct?

17 A. Yes.

18 Q. And in the conversation that you had with the  
19 Fraziers, you made notes regarding your telephone  
20 conversation, correct?

21 A. That is correct.

22 Q. Did you write those notes down?

23 A. Yes, I did.

24 Q. And are they reflected on State's Exhibit No.  
25 190?

1 A. Yes, they are.

2 MS. VOLLMAN: Can we re-offer, Judge, at this  
3 point?

4 THE COURT: The objection is sustained.

5 Q. (BY MS. VOLLMAN) What notes did you write on  
6 State's Exhibit -- we're going to redact the notes off of  
7 that exhibit; but can you tell us what did Tajuana Frazier  
8 tell you regarding your questions to her and that e-mail?  
9 What was the conversations between her about that e-mail?

10 A. Well, I called her to verify, first of all,  
11 that -- first thing I asked, "Is this Tajuana Frazier?"

12 And she said, "Yes, it is."

13 I said, "I'm calling on behalf of  
14 Resource Solutions Medical Supply; and I just wanted to  
15 get some information concerning how they billed, what  
16 their services are they provide. I wanted to find out  
17 what he's getting for the 25 percent marketing for his --  
18 what they call recruiting clients."

19 And she went on to tell me that "They  
20 provided a website, flyers. They've been doing handouts,"  
21 and that type of recruitment.

22 I also asked her, "Can you verify how  
23 much of the percentage would she would be billing for."

24 She told me, "Like, 25 percent for  
25 recruitment and 7 percent for the billing."



1 Q. Did you ask her where she was going to get these  
2 recipients that she was going to recruit other than a web  
3 page and flyers?

4 A. I did ask her, you know -- 'cause it seemed --  
5 you know, she said they would do it by word of mouth,  
6 handing them out, going to various doctor's offices and so  
7 forth.

8 Q. Did you ask her where the web page was?

9 A. Yes, I did.

10 Q. Did you make any attempt to go see if there was,  
11 in fact, a web page?

12 A. When I asked her for the web page, she told me it  
13 was under construction.

14 Q. Did she -- did you ask her whether she had been  
15 in business for a long period of time, or were they the  
16 only company she was billing for?

17 A. She told me they had been in business for a while  
18 and that they had already five other different DME  
19 suppliers that they were billing for.

20 Q. Did you ask who those other suppliers were?

21 A. I did, but she didn't give me any of their names.

22 Q. What else did you ask her?

23 A. She did tell me that Resource Solutions had not  
24 signed a contract with them yet. That's why she couldn't  
25 send me a contract at that point. I asked her what was

1 the reason for that.

2 "Well, the haven't got their Medicaid  
3 provider number. There's no point in having them sign a  
4 contract if they don't have a number to bill."

5 Q. Did you tell her that's what you're looking into  
6 to where Resources is a legitimate business, you will be  
7 recommending that they get a number?

8 A. Right. She knew I was doing that when I  
9 explained to her I was doing the precertification  
10 inspection.

11 Q. Did she seem to understand what a  
12 precertification inspection is?

13 MR. MARTIN: Objection. Calls for  
14 speculation.

15 THE COURT: Overruled.

16 Q. (BY MS. VOLLMAN) Did she give you the impression  
17 that she knew that you would be doing an inspection on the  
18 new companies?

19 A. She didn't but she did seem more helpful at that  
20 point.

21 Q. How many conversations did you have with her?

22 A. I want to say like two.

23 Q. Was that everything about the first conversation?

24 A. Well, she did promise to send me some samples of  
25 the flyers she did for some of her other suppliers to show

1 what they did to attempt to recruit clients for the other  
2 providers they were already working for.

3 Q. And did she, in fact, send that to you?

4 A. She never did.

5 Q. How did the second conversation come about?

6 A. I want to say -- actually, the second  
7 conversation I had with her was in person.

8 Q. Okay. You went out to meet her?

9 A. Actually, it was during -- when I went up there  
10 to do the inspection, to actually -- when I did the full-  
11 scale investigation, when I went and met with  
12 Mr. Christopher, she actually came with him a second time.

13 Q. And what was the -- now, when you went -- and  
14 I'll get back to that in a minute. When you went to see  
15 Resource Solutions' office, describe what it was? Did you  
16 go into the actual office building or the location --

17 A. Yes, I did.

18 Q. -- where was it? Describe it for us.

19 A. It was in a multistory building, a very small  
20 suite. It had like a very small entry way and a very  
21 small bathroom. There was really no space for storage.

22 Q. Was anything asked about, "Where you're going to  
23 store your supplies?"

24 A. Yes.

25 Q. Was any reason given as to why -- where these

1 supplies would be stored?

2 A. Yeah. I did ask him that. He basically, his  
3 reason behind it was that he would be ordering his  
4 supplies as he needed it. So there would be to need for  
5 storage.

6 Q. Is that something you find typical with DME  
7 companies?

8 A. No.

9 Q. Why?

10 A. They typically have the products on hand so they  
11 can ship them readily to their recipients or they use like  
12 a large mass drop shipper, and they can do it also that  
13 way; but his simple explanation saying, "I would order it  
14 as a needed," didn't really fit.

15 Q. Did he have what the -- did he have any type of  
16 essential equipment at all that you saw?

17 A. Just the basic -- stuff like a walker, a manual  
18 wheelchair, just maybe a couple of thousand dollars worth  
19 of medical equipment he had in his waiting area.

20 Q. Was that sufficient to get passed the initial  
21 inspection?

22 A. Yes, it was sufficient to get passed the initial  
23 inspection. He also did have some medical supply, which  
24 would be one of the his bulk suppliers that he had a  
25 contract with.

1 Q. Did you ask him who was going to be making the  
2 deliveries for his business?

3 A. Yes, I did.

4 Q. And who did he tell you?

5 A. He said himself.

6 Q. Now, you told us that you were also giving him  
7 advice about the program or just talking about the program  
8 in general. What did you tell him about the program?

9 A. Basically, when I went and go and do inspections,  
10 I typical try to educate the potential provider and let  
11 them know what the latest fraud schemes are; and one of  
12 the ones at the time that was going on with the  
13 incontinent supplies. So I did inform him of that.

14 I advised him to protect his provider  
15 number like he would a credit card with no limit, because  
16 basically, that's what he had and to ensure any billing he  
17 did to the Medicaid program he had the documentation in  
18 place to back those billings.

19 Q. And did you talk to him about what documentation  
20 he needed to have in order to satisfy the requirements of  
21 the contract?

22 A. Yes, I did.

23 Q. What did you tell him?

24 A. That it was required of him to have a Title 19,  
25 it would have to be authorized by the physician. He would

1 have to sign a statement within the Title 19 certifying  
2 that he was providing those -- whatever the supplies was;  
3 and that there was a definite medical need for them and  
4 that he was following the doctor's orders.

5 Q. Okay. Why did you give him such detailed  
6 information about the fraud schemes that are going on at  
7 this particular time?

8 A. Because again, it was pretty rampant. It was  
9 pretty blatant. They were billing -- not just this  
10 particular DME; but there were several others that we had  
11 already investigated with my counterparts in the OIG's  
12 office that had the same type of, I guess, you could say  
13 red flags.

14 Q. And when you talked to him about it, did he seem  
15 to understand what you were saying?

16 A. He understood what I was saying, but he was just  
17 extremely eager to get started within the program.

18 Q. Okay. Now, when it's all said and done, when you  
19 left for the onsite inspection, when did you have another  
20 conversation or deal with Christopher Williams when  
21 Tajuana Frazier was involved?

22 A. Well, I want to say it was about maybe five or  
23 six months later. I received a referral on this company  
24 because of the same type of billing patterns that we had  
25 identified in our fraudulent cases.

1 Q. Now, was this a criminal referral or was it  
2 administrative sanctions, civil?

3 A. Administrative sanctions, civil referral.

4 Q. Who did the referral come from?

5 A. Usually, it came from -- I think it was Carol  
6 Klunck, our nurse analyst.

7 Q. And when you get a referral, what do you do?

8 A. Well, on this particular case, since I had done  
9 the preinspection or the precertification for the Medicaid  
10 number, I had a lot of the background information  
11 already.

12 So what I basically did at that point  
13 was generate the business objects report, look at the  
14 billing pattern, develop a patient list, prepared my  
15 record requests letter and prepared to do an onsite visit,  
16 an investigation.

17 Q. Now, let me ask you this: When you had the  
18 opportunity to look through the BOR -- in that time frame,  
19 in that five or six month time frame that you're talking  
20 about, how many patients had Resource Solutions billed  
21 Medicaid for?

22 A. I want to say it was right at 1200 -- 1236.

23 Q. Is that a lot?

24 A. Yes.

25 Q. Is that a lot for a company that just opened and

1 has been in business for over six months?

2 A. Yes.

3 Q. Now, did you notice anything about the billing  
4 partens that Resource Solutions was billing that caused  
5 you concern?

6 A. Well, one thing that sort of caught my eye was  
7 that they were billing for three particular codes. One of  
8 them was the adult size pull on extra large, disposal  
9 underpads and incontinent supplies, which typically are  
10 the wipes or the cleansing lotion.

11 You're not going to bill all 1300  
12 diapers in extra large 'cause not all your patients are  
13 going to be extra large. You're going to have some that  
14 are small, extra small, some that are medium; but the only  
15 one that this particular company billed for was extra  
16 large, which is the most expensive out of the different  
17 sizes.

18 Q. Okay. Did you notice anything else?

19 A. When I was reviewing the business objects report,  
20 I noticed they had several that were billed for children  
21 and there's not very many children I see that can wear  
22 extra large. That fits probably about a 300 pound  
23 person.

24 I also found that they were -- let me  
25 see if this is the right one. Billing, this was the one



1 that was billing for each client one time; and that was  
2 it.

3 Q. Is that unusual?

4 A. Yes.

5 Q. Why?

6 A. 'Cause typically when somebody's on this type of  
7 incontinence supply, they have a long-term medical  
8 condition. They're not just going to bill it one month  
9 and that's it. They're healed. They're well. They've  
10 been cured. It's typically something that's long term.

11 Q. Did you have a chance to go through any of the  
12 recipients to find out whether they were billing for those  
13 types of supplies with some other company? Did you ever  
14 do that analysis or not?

15 A. On this particular case, I don't think I did,  
16 'cause I think everybody that I interviewed had no need  
17 for the supplies.

18 Q. Okay. All right. So you get this referral from  
19 Carol Klunck, what did you do with it?

20 A. With the referral itself?

21 Q. You did your research. You got your BOR. What  
22 was the next step?

23 A. Go to Resource Solutions and present them with  
24 the records requests.

25 Q. And did you go to them?

1 A. Yes, I did.

2 Q. And did you have -- what is a request? How do  
3 you put that together?

4 A. It's a specific letter that we have -- let me see  
5 if I have it here.

6 MS. VOLLMAN: Can I approach the witness,  
7 Judge?

8 THE COURT: You may.

9 Q. (BY MS. VOLLMAN) Let me show you what's been  
10 marked as 192. Are you familiar with that document?

11 A. Yes.

12 Q. How is it that you're familiar with that  
13 document?

14 A. I prepared it.

15 Q. Okay.

16 A. Basically what it is, is go through and let them  
17 know we are conducting an investigation for services that  
18 were paid by the Medicaid --

19 Q. You cannot read it. You recognize you prepared  
20 it?

21 A. Yes.

22 Q. It's a document that -- where there attachments  
23 to it?

24 A. Yes. It contained a list of all 1236 patients.

25 Q. And is the information at the back of this

1 exhibit, does that have all the name, the date of birth,  
2 the recipient number?

3 A. Yes.

4 Q. And is that information normally contained on the  
5 BOR?

6 A. Yes.

7 Q. And is it your job to hand this letter -- this is  
8 a copy of it, correct?

9 A. Yes.

10 Q. Did he get -- the person that you're given it to,  
11 gets the original, correct?

12 A. That's correct.

13 Q. And is this a true and accurate copy of that  
14 original?

15 A. Yes, it is.

16 MS. VOLLMAN: Judge, we would offer State's  
17 Exhibit No. 192.

18 (State's Exhibit No. 192 was offered into  
19 evidence.)

20 MR. MARTIN: No objection, Judge.

21 THE COURT: 192 is admitted.

22 (Stae's Exhibit No. 192 was admitted into  
23 evidence.)

24 Q. (BY MS. VOLLMAN) So you were telling us, what is  
25 in this letter -- without reading every line --

1 MS. VOLLMAN: Could you highlight the first  
2 couple of paragraphs?

3 A. Yes. Basically it provides the authority that we  
4 have to request these records and what statutes that we  
5 are able to retrieve them under.

6 MS. VOLLMAN: And then the next couple of  
7 paragraphs.

8 Q. (BY MS. VOLLMAN) And specifically when you're  
9 requesting information, the original patient records, what  
10 should also be included in those -- in the documentation  
11 that you get from the provider?

12 A. Typically, it's the Title 19s, any type of  
13 prescription they have from the medical doctor or the  
14 providers. It will have invoices from the bulk  
15 suppliers. It should be patient delivery slip showing  
16 that the supplies were delivered to the patient, the  
17 patient signed for them, date, and so forth.

18 Q. Now, let me ask you this: What is the purpose of  
19 asking for invoices from bulk suppliers?

20 A. Because if they're billing for over 133 diapers,  
21 they should have an invoice reflecting that, where they  
22 got the diapers from.

23 Q. And you're also looking for billing forms. Why  
24 do you ask for billing forms?

25 A. For billing forms?

1 Q. Uh-huh.

2 A. Because that should be the documentation showing  
3 when they actually billed the program, what dates and so  
4 forth and for what dates of services.

5 Q. When you were looking at the BOR, business  
6 objects report for this particular business, were they  
7 billing pretty much the same thing for everybody?

8 A. Pretty much, pretty much the same thing. If they  
9 billed for any other supplies, it was very, very little,  
10 very little compared to the rest of the universe.

11 Q. And basically, you're telling them they could be  
12 sanctioned if they don't provide that information to you?

13 A. They have a specific time frame.

14 Q. And let me ask you this: In response to your  
15 demand letter, did you get any files?

16 A. No, I didn't.

17 Q. Now, who did you go to to present this particular  
18 demand letter?

19 A. To Christopher Williams.

20 Q. And when -- did you go to his business?

21 A. Yes.

22 Q. Was he the only one there?

23 A. Actually, he wasn't there. I had to, again, call  
24 him.

25 Q. Was this during normal business hours again?

1 A. Yes.

2 Q. And did you call him?

3 A. Yes, I did.

4 Q. Now, did he come to the business?

5 A. Yes, he did.

6 Q. Did you present him with this demand letter?

7 A. Yes.

8 Q. And in response, did you receive any type of  
9 records?

10 A. Not at that time, I did not.

11 Q. Okay. At another time, did you get any records  
12 provided to you in response to this demand letter that you  
13 gave him? And that's pursuant to your contract, right?

14 A. Right.

15 Q. Okay.

16 A. No, I did not.

17 Q. Okay. Now, when the sanctions group, which is  
18 what you're in, you are investigating this case for  
19 sanctions or administratively; and you go to a provider  
20 who has billed for 1236 clients, with no records, what do  
21 you do next? What's your next step?

22 A. Well, when he failed to provide us with any  
23 records or anything, I then recommended that we put him on  
24 immediate payment hold.

25 Q. And the reason for that is?

1           A.    Because we had -- we thought we had enough ground  
2 that he was billing the program fraudulently?

3           Q.    Okay.  Would that be then turned over to a  
4 criminal investigator?

5           A.    Yes.  We typically work cases hand and hand with  
6 the OIG.  They handle the criminal portion.  We do the  
7 civil.

8           Q.    You mean, the Attorney General Medicaid Fraud  
9 Control Unit?

10          A.    Yes.

11          Q.    Now, before you referred it to them, did you have  
12 an opportunity to talk to any of the recipients?

13          A.    Yes.

14          Q.    And what is the point of talking to the  
15 recipients before referring it?

16          A.    It basically gives us more -- when we're wanting  
17 to put them on a provider hold, it gives us more basis to  
18 do that; and it also gives us, I guess you can say a  
19 snapshot of the people who are actually receiving it.

20          Q.    Did you interview any of the Medicaid recipients  
21 who were supposedly being provided with stuff from  
22 Resource Solutions?

23          A.    Yes.

24          Q.    Who did you talk to?

25          A.    Jolanda Jenston, Vesta Mitchell, Leticia Rito,

1 Esteall Saucedo, Patrice Cannon, Ella Fuentes, Gabriella  
2 Little, Yolanda Taylor, Javarious Jante.

3 Q. How many total did you talk to?

4 A. I'm sorry?

5 Q. How many total did you talk to?

6 A. Nine.

7 Q. Nine. What information did you want to find out  
8 from them?

9 A. Basically if they had any medical necessity.  
10 First of all, if they were aware these products were being  
11 billed under the recipient's number.

12 Q. It's real important that you don't say what they  
13 said. Okay?

14 A. Okay.

15 Q. All right.

16 A. I wanted to find out if they were aware their  
17 recipient number was being billed for these items, if they  
18 had medical need for these items, if they had requested  
19 that Resource Solutions provide them with these services.

20 Q. And did they respond -- not saying what they  
21 respond; but did they respond to you an answer all your  
22 questions?

23 A. Yes, they did.

24 Q. And after talking with them, did you continue in  
25 your investigation?



1 A. Yes, I did.

2 Q. Okay. And at that point, was it referred over  
3 for a criminal investigation?

4 A. Yes.

5 Q. All right. Let's talk about Wickware Medical  
6 Services. How did you become involved in the  
7 investigation involving Wickware?

8 THE COURT: I'm sorry. Before we go on to a  
9 new topic, I think it's time for our afternoon break. So  
10 we're going to briefly recess and let the jurors stretch  
11 and get some coffee.

12 (Off the record.)

13 THE COURT: You may proceed.

14 MS. VOLLMAN: Thank you, Judge.

15 Q. (BY MS. VOLLMAN) Are you the same Cindy Franco  
16 that was testifying before the break?

17 A. Yes.

18 Q. We just started talking about Wickware Medical  
19 Services. How did you become involved in an investigation  
20 involving Wickware Medical Services?

21 A. I received a referral from our intake department.

22 Q. And with that referral, what did you do?

23 A. Basically pulled all the preliminary  
24 information -- business objects report, Secretary of  
25 State, Harris County records.

1 Q. Let me ask you this: When you got -- when you  
2 pulled the BOR, the claims data information, can you tell  
3 us from what time frame to what time frame was Wickware  
4 Medical Services billing Medicaid?

5 A. From May 1st, 2006 to December 31st, 2006.

6 Q. And what did you observe regarding their -- when  
7 you looked at the BOR, what did you notice?

8 A. They were billing for three procedure codes.

9 Q. Okay. Can you tell us, were they the same three  
10 procedure codes?

11 A. Yes, pretty much for each patient, it was the  
12 same three procedure codes.

13 Q. Can you tell us how many patients were they  
14 billing for?

15 A. In this case, 942 records.

16 Q. And is -- again, is that a lot of recipients for  
17 that time frame?

18 A. Yes, it is.

19 Q. Did you have an opportunity to check and  
20 determine whether or not they were billing the maximum  
21 amount for every client?

22 A. They were billing the maximum amount per month  
23 for each of these types of supplies per client.

24 Q. Did they bill more than one month, or was it one  
25 month only?

1 A. It was one month only.

2 Q. And again, is that for the same reason that you  
3 told us before?

4 A. Yes. Most of these patients have long-term  
5 medical need for this, not just for one month and they  
6 don't need them anymore.

7 Q. Did you have an opportunity to go to the business  
8 to check it out?

9 A. Yes, I did.

10 Q. And what it was business address that you went  
11 to?

12 A. 440 Benmar Drive, Suite 2040 in Houston.

13 Q. Okay. Are you familiar with the general area of  
14 what that area looks like?

15 A. Yes, I am.

16 Q. Let me show you what's been marked as State's  
17 Exhibit No. 193, and I'll ask you do you recognize what is  
18 depicted on State's Exhibit No. 193?

19 A. Yes?

20 Q. What is it?

21 A. It's the address located on a map.

22 Q. And does this map fairly and accurately represent  
23 what is depicted in it and the location of the 440 Benmar  
24 Drive address?

25 A. Yes, it does.

1 MS. VOLLMAN: Judge, at this time, we would  
2 offer State's Exhibit 193.

3 (State's Exhibit No. 193 was offered into  
4 evidence.)

5 MR. MARTIN: No objection to State's 193,  
6 Judge.

7 THE COURT: It's admitted.

8 (State's Exhibit No. 193 was admitted into  
9 evidence.)

10 MS. VOLLMAN: May we publish it?

11 THE COURT: Yes, you may.

12 Q. (BY MS. VOLLMAN) So the two main thoroughways  
13 are what?

14 A. Beltway and Imperial Valley.

15 Q. Is that -- what kind of area is that? Is it a  
16 commercial area?

17 A. Commercial, business type, business park.

18 Q. Now, when you went to the location, what did you  
19 observe?

20 A. No one was at the site. I went up to the office,  
21 knocked on the door, there was no one present.

22 Q. Okay. Were you able to get a phone number to  
23 call -- who was the listed owner?

24 A. Charles Wickware.

25 Q. Okay. And did you try to get ahold of him?

1 A. Yes, I did.

2 Q. And when you talked to him, what happened? Did  
3 he come to you? Did you go to him?

4 A. I asked him to meet me at my place of business.

5 Q. And did he say that he would do that?

6 A. Yes.

7 Q. And did he go over and and meet you?

8 A. Yes.

9 Q. And would you recognize him if I showed you a  
10 picture of him?

11 A. Yes.

12 Q. Let me show you what's been admitted previously  
13 as State's Exhibit 101 and 102. Is that the Charles  
14 Wickware that you met?

15 A. Yes.

16 Q. Okay. Now, when you met with Mr. Wickware, can  
17 you tell us what you say you said to him?

18 A. When I met with Mr. Wickware, I handed him the  
19 records requests letter and informed him I was there to  
20 secure patient records.

21 Q. Now, at this point, you're not doing the  
22 inspection, correct? You're doing the --

23 A. Investigation.

24 Q. -- civil sanction investigation?

25 A. That's correct.

1 Q. And you talked about a letter that you provided  
2 him. What were you looking for?

3 A. The original patient records and any supporting  
4 documentation.

5 Q. Let me show you what's been marked as State's  
6 Exhibit No. 194. Is this the copy of the letter that you  
7 gave him with information regarding the patients on the  
8 back?

9 A. Yes, it is.

10 Q. And is this a list of all of the patients that  
11 Wickware Medical Services billed Medicaid for?

12 A. Yes.

13 Q. Does it also involve their name, PCN number, date  
14 of birth?

15 A. Yes, it does.

16 Q. Is all that information on the BOR --

17 A. Yes.

18 Q. -- the business objects report? And on this  
19 particular letter, was this under your signature?

20 A. Yes, I prepared it.

21 MS. VOLLMAN: Judge, at this time, we would  
22 offer State's Exhibit No. 194.

23 (State's Exhibit No. 194 was offered into  
24 evidence.)

25 MR. MARTIN: No objection to State's Exhibit

1 194, Judge.

2 THE COURT: It's admitted.

3 (State's Exhibit No. 194 was admitted into  
4 evidence.)

5 Q. (BY MS. VOLLMAN) Now, is this letter pretty much  
6 the same type of letter looking for the same type of  
7 information that you did on the previous company that you  
8 were looking into?

9 A. Yes.

10 Q. So you gave him the information as to what you  
11 were doing and what you wanted, correct?

12 A. That's correct.

13 Q. And right again, you're asking for all that  
14 information to be provided with records, correct?

15 A. That's correct.

16 Q. Now, when you gave him this letter, did you --  
17 what did you tell -- what did you tell him? What were you  
18 looking for, all of this?

19 A. Yes.

20 Q. And did he give you any response as to whether he  
21 had it or not?

22 A. Initially, he did say he had them. He had some  
23 records there; but after he walked to the back room and  
24 fumbled around, he didn't have any records there.

25 Q. What happened next?

1           A.    He then informed me that he had them at his  
2 residence.

3           Q.    So if he had them at his residence, did you get  
4 the impression from him that they were all going to be  
5 there at his residence?

6           A.    That was the impression he gave me.

7           Q.    So what did you say in response to him?

8           A.    I volunteered to go help him get them.

9           Q.    How did he respond?

10          A.    He didn't want my assistance.

11          Q.    What did you tell him next, as far as the  
12 records?

13          A.    Basically, he asked for time to get them together  
14 and bring them to me back at his place of business.

15          Q.    Okay. And you gave him that time?

16          A.    Yes, I did. I gave him till 5:00 p.m.

17          Q.    What date did you give him that letter? Do you  
18 remember?

19          A.    November 29th.

20          Q.    Okay. Now, when you hand this letter to a  
21 provider like this, do you go in the early morning hours  
22 or later during the day?

23          A.    Usually in the mornings.

24          Q.    And why is that?

25          A.    To give them time to gather the information



1 together.

2 Q. You met him in the morning and now you're asking  
3 him to have the records to you by 5:00?

4 A. Yes.

5 Q. And did he indicate to you that he was going to  
6 do that?

7 A. Yes.

8 Q. And did he do it?

9 A. No.

10 Q. What happened?

11 A. Approximately 4:45, he phoned me to tell me that  
12 he was -- actually, 4:30, I received a call from him. He  
13 informed me he was going to secure a lawyer.

14 Q. Okay. So was that the end of your conversation  
15 with him?

16 A. Yes, it was.

17 Q. Did you ask him at any point who was doing the  
18 billing?

19 A. Yes, I did.

20 Q. And did he answer you and tell you who was doing  
21 the billing?

22 A. He stated that he was.

23 Q. Okay. Did he explain to you why it was -- did  
24 you ask him any questions about the billing as to how he  
25 was doing the particular billing that you observed in the

1 BOR?

2 A. Yes, I did.

3 Q. And what did he say in response to that?

4 A. "This is how I do it."

5 Q. Did that make sense to you when he said that?

6 A. Not at all.

7 Q. Why?

8 A. Because again, most patients that require this  
9 type of medical supplies have long-term medical issues.

10 Q. Did you ask him who actually made the deliveries  
11 of all these supplies to all those recipients in that  
12 short of time, that six month period of time?

13 A. Yes.

14 Q. What did he tell you?

15 A. He did it himself.

16 Q. He said he delivered all that equipment himself?

17 A. Yes.

18 Q. Did you believe that?

19 A. I found it hard to believe.

20 Q. Okay. How come?

21 A. You're talking hundreds of thousands of diapers,  
22 in addition to him doing his own billing.

23 Q. Did you ask him about who his bulk supplier was?

24 A. Yes.

25 Q. Who did he tell you was his bulk supplier?

1 A. Summit.

2 Q. Did you ask him for any records to show that he  
3 purchased all those supplies?

4 A. Yes, I did.

5 Q. And what did he say?

6 A. I'm not sure if this is the one that he gave me.

7 Q. That's okay. Take your time.

8 A. No. I don't think he gave me invoices.

9 Q. Okay. Did you conduct any interviews regarding  
10 the recipients from his company?

11 A. Yes.

12 Q. And how many people did you talk to?

13 A. Eight.

14 Q. Okay. Who did you talk to?

15 A. Bruce Smith, Vicki Lawrence, Elizabeth Dorsey,  
16 Rosmary Conteras, Courtney Irene, Alford Ford, Joseph  
17 Littles, Paulean Muchava.

18 Q. Okay. Did you have an opportunity to ask them --  
19 what did you ask them when you talked to them?

20 A. Basically asked them if they were aware that a  
21 particular -- these particular supplies were billed to  
22 their recipient numbers, if they requested these type of  
23 supplies and if they were familiar with Wickware Medical  
24 Services who was the person that -- or the company that  
25 was billing these on their behalf.

1 Q. Did they answer your question -- not saying what  
2 they said; but did they answer your question?

3 A. Yes, they did.

4 Q. And based on what they told you, did you continue  
5 with your investigation?

6 A. Yes, I did.

7 Q. What was the next thing that you did regarding  
8 this particular group, this particular company?

9 A. Actually, on this particular company, I did go to  
10 Summit Durable Medical Equipment and speak with the owner  
11 there of that company.

12 Q. You can't say what he said, but why did you go to  
13 that company?

14 A. To basically see if this particular provider  
15 purchased any equipment from him and --

16 Q. You can't say what they said.

17 A. Okay.

18 Q. Did you -- after talking with the owner of  
19 Summit, did you have -- did you continue your  
20 investigation?

21 A. Yes, I did.

22 Q. Okay. What was next thing that you did?

23 A. I then -- I requested that our sanctions unit put  
24 this provider on immediate payment hold.

25 Q. And was that done?

1 A. Yes, it was.

2 MS. VOLLMAN: Pass the witness, Judge.

3 THE COURT: Mr. Martin.

4 CROSS-EXAMINATION

5 BY MR. MARTIN:

6 Q. Good afternoon, ma'am.

7 A. Good afternoon.

8 Q. My notes reflect you were involved in the  
9 investigations of two companies, Resource Solutions and  
10 Wickware Medical Services, correct?

11 A. Yes, sir.

12 Q. No others?

13 A. As far as?

14 Q. Relating to this case.

15 A. Not that I'm aware of.

16 Q. Okay. And you spoke with Christopher Williams --

17 A. That's correct.

18 Q. -- on Resource Solutions? We're first talking  
19 about Resource Solutions?

20 A. Yes, sir.

21 Q. And during the conversation with Christopher  
22 Williams, you asked him questions regarding Title 19  
23 supplies he was going to be selling, number of employees,  
24 remember the initial interviews?

25 A. Yes.

1 Q. -- that precertification investigation; and my  
2 client's name did not come at that time, did it?

3 A. No, sir.

4 Q. And you also got an answer on the billing  
5 question that he was going to be using Frazier Medical  
6 Marketing. Remember that direct testimony?

7 A. Yes.

8 Q. And Mr. Williams said that his understanding of  
9 the payment arrangement was 32 percent -- 25 percent for  
10 recruiting and 7 percent for billing. You remember that  
11 testimony?

12 A. Yes.

13 Q. Now, had you at that point in time done any  
14 independent investigation into Frazier Medical Marketing  
15 at that time?

16 A. No.

17 Q. Did you have any idea who the owners of Frazier  
18 Medical Marketing were at that time?

19 A. No, not until I was given the name by  
20 Mr. Williams.

21 Q. You're moving me down the path a little too  
22 fast.

23 A. Okay.

24 Q. You're doing just fine, though. Now, at the time  
25 when Tajuana Frazier is -- excuse me. When Mr. Williams

1 is talking about Frazier Medical Marketing and you get the  
2 32 percent, you don't know who the owners or directors  
3 are, correct?

4 A. No.

5 Q. Don't know about the employees?

6 A. No, sir.

7 MS. VOLLMAN: I'm sorry, Judge. Are we  
8 talking about the employees of Frazier or Williams?

9 MR. MARTIN: Talking about the conversation  
10 Williams indicating that he's using Frazier Medical  
11 Marketing.

12 Q. (BY MR. MARTIN) Now, once you got the identity  
13 of Frazier Medical Marketing as a billing company, you  
14 then went and ascertained some background information on  
15 that company, correct?

16 A. Yes.

17 Q. Because that's parts of your normal practices  
18 that you would do that, right?

19 A. Correct.

20 Q. And you want to know who the billers are and who  
21 the owners and director of that billing, correct?

22 A. Correct.

23 Q. Because as an investigator, that's one of the  
24 things you naturally look at?

25 A. Correct.

1 Q. It doesn't mean you're going to find anything.  
2 That's just something you want checked off on your list,  
3 right?

4 A. Yes.

5 Q. And when you did that investigation of Frazier  
6 Medical Marketing and you uncovered the names of the  
7 owners and directors, Marcus Jefferson's name was not  
8 listed, was it?

9 A. That's correct.

10 Q. Now, you have -- in following up on your  
11 conversation with Mr. Williams, you then have a telephone  
12 call with Tajuana Frazier?

13 A. Correct.

14 Q. And you remember that direct testimony with  
15 Ms. Vollman?

16 A. Yes.

17 Q. And you asked her again about what the proposed  
18 fee arrangement was?

19 A. Yes.

20 Q. And she confirmed for you that it was 25 and 7?

21 A. Yes.

22 Q. Again, 25 for recruitment, 7 for the actual  
23 billing?

24 A. Yes.

25 Q. You asked her what they were doing to earn the



1 25, right?

2 A. Yes.

3 Q. She said word of mouth?

4 A. Yes.

5 Q. And flyers and website, which turned out to be  
6 under construction?

7 A. Yes.

8 Q. And Ms. Frazier did not indicates Marcus  
9 Jefferson in any one of the answers to the questions on  
10 recruitment or billing, did she?

11 A. That is correct.

12 Q. Now, you indicated that you also had a second  
13 conversation with Ms. Frazier?

14 A. Yes.

15 Q. And that second conversation, not meaning to be  
16 over simplistic here, it was obviously after the  
17 precertification investigation, right?

18 A. That's correct.

19 Q. And the second conversation, was that in  
20 connection with the complaint that you had received?

21 A. Yes.

22 Q. And Ms. Frazier said to you what exactly?

23 A. She was there when I was requesting the records  
24 and she informed me that her and Mr. Williams had to go to  
25 his residence to get whatever records he had that there

1 and that they would provide them to me by 5:00 and I was  
2 later informed they had to leave out of town or something.

3 Q. Okay. Let's roll the tape back just a little  
4 bit?

5 A. Okay.

6 Q. Was it Tajuana Frazier telling you that the  
7 records would be presented by 5:00, or was it Christopher  
8 Williams telling you the records were going to be  
9 presented by 5:00?

10 A. I was actually Jaie Brown.

11 Q. Excuse me. I apologize. It was actually Jaie  
12 Brown?

13 A. Yes.

14 Q. So what actually was Tajuana Frazier saying to  
15 you regarding the production of the records at that time?

16 A. I hadn't spoken with her.

17 Q. Okay. I'm confused. I apologize. It's my  
18 fault. The second conversation with Tajuana Frazier, are  
19 we clear where we're heading?

20 A. Tajuana Frazier? I had a second conversation  
21 with Jaie Brown. I'm sorry. I met with Jaie Brown at  
22 the -- when we performed the field investigations.

23 Q. Okay. How many conversationings did you have  
24 with Tajuana Frazier?

25 A. With Tajuana, I did have two.

1 Q. That's what I'm trying to get to. We talked  
2 about what happened during the first conversation, and I  
3 apologize because I'm confused. On the second  
4 conversation with Tajuana Frazier, do you recall the  
5 approximate date of that conversation?

6 A. It was during the full investigation.

7 Q. Okay. Does your report reflect a date?

8 A. I don't have it written.

9 Q. Okay. You just know that you did have a second  
10 conversation with her?

11 A. I think what I requested from her some  
12 additional -- the flyers she might have prepared for this  
13 company.

14 Q. Hold on. At the second conversation, you  
15 requested what exactly?

16 A. Flyers, anything she may have done for marketing  
17 for this particular company.

18 Q. Following up from the first conversation, saying,  
19 "Hey, this is what we do for our clients" --

20 A. Right.

21 Q. -- "for our billing clients"?

22 A. Correct.

23 Q. Now -- and then she says to you what, in the  
24 second conversation?

25 A. That she'll provide them.

1 Q. That she will provide them?

2 A. Yes.

3 Q. And your testimony, which was under direct, is  
4 that she never provided them?

5 A. Never provided anything.

6 Q. She didn't keep her word?

7 A. No.

8 Q. In that second conversation, just blinders on the  
9 second conversation, you didn't ask her about Marcus  
10 Jefferson?

11 A. No.

12 Q. She didn't say anything about Marcus Jefferson?

13 A. No, sir.

14 Q. And she was talking about stuff for marketing?

15 A. Correct.

16 Q. Now, you sent out a records request letter and  
17 that was State's Exhibit No. 192. Do you remember that --

18 A. Yes.

19 Q. -- letter? Is that the one you have in front of  
20 you, or do you need to see it again?

21 A. No.

22 Q. You got it in your mind?

23 A. Yes.

24 Q. This was the letter, for lack of a better word,  
25 demanding the records from Resource Solutions?

1 A. Correct.

2 Q. And nowhere in that record -- excuse me. Nowhere  
3 in that letter would we find the name Marcus Jefferson,  
4 would we?

5 A. No, sir.

6 Q. And you were not going to be requesting any  
7 documents from him, right?

8 A. No, sir.

9 Q. Okay. But then you never got any records from  
10 Christopher Williams at all?

11 A. From Mr. Williams, no.

12 Q. Now, you talked to nine recipients or alleged  
13 recipients of Resource Solutions?

14 A. Yes.

15 Q. And you remember that testimony?

16 A. Yes.

17 Q. And you didn't ask anybody any questions about  
18 Marcus Jefferson?

19 A. No.

20 Q. And there was nothing coming out of that  
21 conversation that led you in or would lead you in any way,  
22 shape or form to Marcus Jefferson, true?

23 A. No.

24 Q. Changing topics now, we're now on Wickware?

25 A. All right.

1 Q. Okay. Wickware, you had a conversation with  
2 Mr. Wickware?

3 A. Correct.

4 Q. And also as part of the precertification  
5 matters -- or were you only involved in the final  
6 investigation on him?

7 A. Final investigation.

8 Q. You were not involved in the precertification?

9 A. No, sir.

10 Q. So at the final investigation, you presented your  
11 records request letter to him?

12 A. Correct.

13 Q. And that was State's Exhibit 194. Do you  
14 remember that?

15 A. Yes.

16 Q. Similar to the questions I have with Resource  
17 Solutions, there's nothing in State's Exhibit No. 194  
18 relating to Marcus Jefferson, correct?

19 A. No.

20 Q. And you interviewed eight recipients or eight  
21 alleged recipients of Wickware Services, correct or  
22 Wickware Products?

23 A. Correct.

24 Q. And you asked no questions about Marcus  
25 Jefferson?

1 A. No.

2 Q. And on the basis of the answers that you received  
3 from these eight recipients that did not cause you to  
4 further any investigation or any concern about Marcus  
5 Jefferson, correct?

6 A. Correct.

7 Q. Then the last item you talked about was before  
8 you did the payment hold, you went to Summit. You  
9 remember that testimony?

10 A. Yes.

11 Q. And there was nothing about your conversations  
12 with Summit that had anything to do with Marcus Jefferson,  
13 correct?

14 MR. MARTIN: Pass.

15 MS. VOLLMAN: Just real briefly, Judge.

16 REDIRECT EXAMINATION

17 BY MS. VOLLMAN:

18 Q. At the time that you were conducting your  
19 investigation, did you know about Marcus Jefferson?

20 A. No.

21 Q. So you wouldn't have been in a position to ask  
22 anybody about Marcus Jefferson, correct?

23 A. That is correct.

24 MS. VOLLMAN: That's all I have, Judge.

25 MR. MARTIN: No recross, Judge.

1 THE COURT: May this witness be excused?

2 MS. VOLLMAN: Yes, Judge.

3 THE COURT: Ladies and gentlemen, the lawyers  
4 have told me that the next witness is going to be rather  
5 lengthy; and I believe there's at least some preliminary  
6 matters relating to the witness that we may be doing  
7 outside your presence after you go home for the evening.  
8 So I am going to let you leave.

9 Please remember my earlier instructions  
10 about not discussing the case with anyone or doing any  
11 independent investigation. Please be back again tomorrow  
12 at 10:00. I hope you have a good evening. If there's  
13 anything that we're not providing to you for your  
14 convenience, we will try to remedy that tomorrow. Okay.

15 (Jury excused.)

16 THE COURT: Please be seated. Okay.

17 MS. VOLLMAN: These are, pretty much, Vincent  
18 Walker's records that he gave. They're evidence.

19 THE COURT: So does that start with 258?

20 MS. VOLLMAN: Does it start with what, Judge?

21 THE COURT: State's Exhibit 258?

22 MS. VOLLMAN: 258A, correct.

23 THE COURT: 258 is literally a box of patient  
24 files and patients, which go from 258 through --

25 MS. VOLLMAN: 586.