

1 MR. MARTIN: Yes.

2 THE COURT: Anything further before we bring
3 the jury in?

4 MR. MARTIN: No, ma'am.

5 THE COURT: Okay.

6 (Jury present.)

7 THE COURT: Thank you. Please be seated.
8 Ms. Vollman, you may call your next witness.

9 MS. VOLLMAN: Thanks, Judge. Betty Sam.

10 BETTY SAM,

11 having first been duly sworn, testified as followed:

12 DIRECT EXAMINATION

13 BY MS. VOLLMAN:

14 Q. Ms. Sam, could you please introduce yourself to
15 the ladies and gentlemen of the jury?

16 A. My name is Betty Sam.

17 Q. Where do you work?

18 A. At this present time, I work for the Office of
19 Attorney General.

20 THE COURT: And just so -- I'm sorry. Just
21 to let the jury know, she was sworn outside your
22 presence. You may proceed.

23 Q. (BY MS. VOLLMAN) How long have you worked for
24 Attorney General's Office?

25 A. I have been working there for about two months.

1 Q. And where were you before that?

2 A. I was working for the Office of Inspector
3 General.

4 Q. And how long had you been working for the Office
5 of Inspector General?

6 A. For seven years.

7 Q. Now, that is a agency that's different than the
8 Attorney General's Office, correct?

9 A. Yes.

10 Q. Can you tell us, what are you duties now and what
11 were they with the OIG?

12 A. My duties are to investigate providers to
13 determine whether they have committed waste, fraud or
14 abuse.

15 Q. And do you do that both for the AG and the OIG?

16 A. Yes.

17 Q. Can you give us a brief description of your
18 background, training and expertise that qualifies you to
19 do the work that you did now and what you did then?

20 A. Okay. I have multiple degrees. I have a degree
21 in criminal justice, a degree in behavior and applied
22 science. I worked with electronic benefit transfers, like
23 the EBT card. I've worked with the fingering imagining.

24 Q. With what?

25 A. Finger imagining, also with TANIFF, food stamp,

1 Medicaid, dealing with people do not report their
2 different, their income on their applications, they don't
3 report that other people are living in the house. So it's
4 a lot of things and interviewing people, different
5 clients. That's about it.

6 Q. Okay. So it's pretty fair to say that during
7 that time, you've been able to work on developing the
8 skills of an investigator in those areas of fraud, abuse
9 and waste?

10 A. Yes.

11 Q. Let me direct your attention back to 2006. Were
12 you working as an investigator for OIG then?

13 A. Yes.

14 Q. And at that point in time, how long had you been
15 there?

16 A. 2005 -- I started in 2005.

17 Q. Okay. Now, as an investigator with OIG, are you
18 a certified peace officer?

19 A. No, I'm not.

20 Q. And are you one now?

21 A. No.

22 Q. Is the work of the OIG sanctions and
23 administrative as opposed to criminal investigations?

24 A. Yes.

25 Q. Now, can you tell us, how do you usually receive

1 your job assignments?

2 A. The job assignments come from intake when I was
3 in OIG and even in the AG, Attorney General. What
4 happens, a person will call in or the report --

5 MR. MARTIN: Object to hearsay, Judge.

6 THE COURT: Sustained.

7 MS. VOLLMAN: I'm not going to ask as far as
8 that. Just how she develops and starts the
9 investigation.

10 A. It can be a person can call in anominously and
11 report their suspicion about --

12 MR. MARTIN: Same objection, Judge.

13 MS. VOLLMAN: I'll move on.

14 THE COURT: Thank you.

15 Q. (BY MS. VOLLMAN) You can't talk about what
16 somebody says, but a citizen could complain. What other
17 types of ways would an investigation start other than
18 citizen complaints?

19 A. We also have statistical detection systems that
20 will identify the billing patterns of providers. That's
21 always another way.

22 Q. Is that like the edits and audits catching red
23 flags?

24 A. Yes.

25 Q. Now, do those red flags have to be inputted into

1 the computer knows that, when it does its search, that
2 it's looking for that particular red flag?

3 A. Yes, it's there. Yes. I can just say yes, it's
4 there in the computer.

5 Q. Okay. It may not catch all fraud, but some it
6 can catch?

7 A. Yes.

8 Q. And what -- are there any other ways to -- that
9 an investigation may come to an OIG investigator such as
10 yourself other than citizen complaints and the computer
11 system catching it?

12 A. We can also look at the billing activity of a
13 provider and identify suspicious dealing.

14 Q. Let me direct your attention, in 2006, in early
15 2007, did you become involved in investigating three DME
16 companies by the names of Anointed Medical Supply,
17 Wickware Medical Services and Dreammakers Medical Supply?

18 A. Yes.

19 Q. How did you become involved in those
20 investigations?

21 A. Okay. With Wickware, I conducted a DME
22 verification, an inspection.

23 Q. Okay.

24 A. With Anointed, that one was -- their Medicare
25 number was revoked.

1 Q. Why is that important?

2 A. Because you need a Medicare number -- you need
3 that in order to submit an application to be able to bill
4 Medicaid, to apply for a Medicaid number so you can bill.

5 Q. Is there some type of alert for the OIG
6 investigators if somebody's Medicare number had been
7 revoked?

8 MR. MARTIN: Objection. That calls for
9 hearsay, Judge.

10 THE COURT: Overruled.

11 A. We have connection with centers for Medicaid --
12 centers for Medicare; and we can pull that information.
13 We have access to their system. So we can pull that
14 information to determine whether the Medicare number is
15 inactive, active or revoke.

16 Q. (BY MS. VOLLMAN) Does that come in like
17 batches? In other words, when OIG is alerted, it's like,
18 "Okay. Here's the number of the revoked. Somebody needs
19 to check them out." Is that usually the way it happens?

20 A. It can happen that way.

21 Q. Or could you go and actually look at a company
22 and say, "Okay. This Medicare" --

23 A. You can do it also that way, yes.

24 Q. And how did you become involve in the
25 investigation involving Dreammakers?

1 A. Dreammakers, I conducted a DME verification,
2 durable Medical equipment inspection; and then I also
3 conducted an investigation.

4 Q. On Dreammakers?

5 A. On Dreammakers.

6 Q. Let's take a look at first, the onsite
7 inspections of Wickware Medical Services. Were you the
8 primary investigator on the Wickware investigation or just
9 the onsite?

10 A. Just the onsite.

11 Q. Okay. Now, when you got the assignment, what did
12 you do?

13 A. For Wickware, what I do, I get the -- obtain the
14 location of the facility; and then I travel out to conduct
15 the inspection.

16 Q. Okay. Are you familiar with the location where
17 that business was located?

18 A. Yes.

19 Q. Where was it located?

20 A. It was off the Beltway on Beamer.

21 Q. Okay.

22 MS. VOLLMAN: Judge, at this time, we would
23 like to post 193, which I believe is already in evidence.

24 THE COURT: It's granted.

25 Q. (BY MS. VOLLMAN) Okay. Take a look on the

1 screen at State's Exhibit 193. Is that the general area
2 of where the Wickware facility was?

3 A. Yes.

4 Q. Okay. So did you drive out there?

5 A. Yes.

6 Q. And when you arrived, was it during business
7 hours?

8 A. Yes.

9 Q. And did you meet with anyone?

10 A. Yes, I did.

11 Q. Okay. Who did you meet with?

12 A. With Charles Wickware.

13 Q. And what was his position with Wickware Medical
14 Services?

15 A. He was the owner of the company.

16 Q. Okay. And would you recognize him if you saw him
17 again?

18 A. Yes.

19 MS. VOLLMAN: Judge, may I approach?

20 THE COURT: You may.

21 Q. (BY MS. VOLLMAN) Let me show you what's been
22 marked as State's Exhibit No. 102 and what's been admitted
23 as 102 and State's Exhibit No. 101. Do you recognize the
24 gentleman who's in State's Exhibit No. 101 and 102?

25 A. Yes.

1 Q. And who is that?

2 A. Charles Wickware.

3 MS. VOLLMAN: Judge, could we publish State's
4 Exhibit No. 101?

5 THE COURT: Yes.

6 Q. (BY MS. VOLLMAN) Now, could you tell us a little
7 bit about how you conduct your onsite inspections?

8 A. Well, I go in and I present a -- I have a
9 questionnaire that I use to ask questions to the provider.

10 Q. Why is it that you use a questionnaire?

11 A. Because this questionnaire is mandated, mandated
12 questionnaire that we were required to use.

13 Q. Okay. And is it a preprinted form?

14 A. Yes.

15 Q. And then during the interview, do you prepare the
16 answers that Mr. Wickware would have given you?

17 A. Yes.

18 Q. Okay. Let me show you what's been marked as
19 State's Exhibit No. 196, and I'm going to ask you to take
20 a look at that and look at all the pages in it.

21 A. Okay.

22 MS. VOLLMAN: Judge, we would offer State's
23 Exhibit No. 196.

24 (State's Exhibit No. 196 was offered into
25 evidence.)

1 MR. MARTIN: May I briefly take the witness
2 on voir dire, Judge?

3 THE COURT: You may.

4 MR. MARTIN: May I approach the witness?

5 THE COURT: You may.

6 VOIR DIRE BY THE DEFENSE

7 BY MR. MARTIN:

8 Q. Ma'am, I'm going to show you what's been marked
9 as State's Exhibit No. 196. Are you familiar with that
10 document?

11 A. Yes.

12 Q. As that's the form that you used to interview
13 Charles Wickware?

14 A. That's correct.

15 Q. In the answers, were those his answers that he
16 typed into the form?

17 A. I typed his answers.

18 Q. So you're saying that these were his answers and
19 you typed them into the form?

20 A. That's correct.

21 MR. MARTIN: Judge, we object on the basis of
22 hearsay.

23 THE COURT: Response.

24 MS. VOLLMAN: That's okay, Judge. I'll just
25 ask the questions.

1 Q. (BY MS. VOLLLMAN) Do you need this to refresh
2 your memory?

3 A. That will be fine.

4 MS. VOLLLMAN: Do you mind if I stay up here,
5 Judge?

6 THE COURT: That's fine.

7 Q. (BY MS. VOLLLMAN) Now, for the first question
8 that you ask him, do you ask who is an office manager?

9 A. Yes.

10 Q. And why do you ask that question, you know, who's
11 the office manager of that business?

12 A. Because the person that's the office manager
13 would be the one that know how the business is operating.

14 Q. Okay. And when you asked Mr. Wickware who was
15 the office manager, what did he say?

16 A. He said he was.

17 Q. Okay. Did you ask him how long he had been at
18 that location?

19 A. Yes.

20 Q. And how long had he been at that location?

21 A. He stated he had been there since November 2005.

22 MR. MARTIN: Judge, may I have a running
23 objections to these answers that are provided? I still
24 believe that are still hearsay.

25 MS. VOLLLMAN: Judge, can we approach on this?

1 THE COURT: Yes, we need to approach on that.
2 My understanding, your objection was to the document
3 itself, not to the answers.

4 MR. MARTIN: The first objection was, that's
5 correct.

6 THE COURT: Why are these not statements of a
7 co-conspirator?

8 MR. MARTIN: The statements by themselves in
9 response to those questions are not in furtherance of the
10 conspiracy. Those are just organizational type
11 statements.

12 THE COURT: My understanding is that the
13 purpose of the outside investigation was to provide him or
14 to continue with his Medicaid provider number.

15 MS. VOLLMAN: It's to get one.

16 MR. MARTIN: It's to get one at the very
17 beginning; but that's before any conspiracy or any alleged
18 fraud activity had occurred.

19 MS. VOLLMAN: This is in furtherance of it.
20 This is the start of it. They can't steal.

21 THE COURT: But you need to establish that
22 it's in furtherance of the conspiracy. I agree with you,
23 in theory; but it needs to be established before it can be
24 admissible.

25 MS. VOLLMAN: Well, here's going to be the

1 problem. I'm asking for conditional admission with the
2 caveat that it will be proved up, where it fits and how it
3 all fits together as we go through the evidence, because I
4 can tell you it will; and Charles Wickware is going to be
5 testifying.

6 THE COURT: Then it is conditionally admitted
7 with the understanding that the Prosecutor is going to
8 prove that these statements were made in furtherance of
9 the co-conspiracy. Let's proceed.

10 Your running objection is noted.

11 Q. (BY MS. VOLLMAN) All right. What was the date
12 and time that you went out there? When did you go out
13 there?

14 A. July 6th, 2006.

15 Q. Let me ask you, what is the purpose -- when you
16 are going out to talk to a DME owner who is applying for
17 Medicaid, have they been provided with a Medicaid number,
18 or is this part of the process so that he can get the
19 Medicaid number?

20 A. This is part of the process. We go out there --
21 because the provider submitted an application to Medicaid;
22 and as part of the process, we have to go out and inspect
23 the facility to ensure that it is a legitimate business.

24 Q. And then if the company owner and the company
25 passes that inspection because they have complied with

1 what the minimal rerequirements are, then you forward that
2 back and if accpeted, then he gets his provider number,
3 correct?

4 A. Yes.

5 Q. Okay. So are there certain questions and minimum
6 requirements that must be met that you need to find out
7 through your onsite inspection and interview before that
8 process of him getting a provider number can be done?

9 A. That's correct.

10 Q. Okay. He said he had been at that location for
11 how long?

12 A. Since November 2005.

13 Q. Okay. And did you ask him about who his staff
14 was?

15 A. Yes.

16 Q. And who did he say was going to be part of his
17 staff?

18 A. He said he had a driver on standby, Antoine Gary.

19 Q. And do you know who an Antoine Gary is?

20 A. No.

21 Q. Other than the standby driver, did he have any
22 other staff or employees?

23 A. No.

24 Q. Okay. Did you ask him where he was going to be
25 keeping his supplies?

1 A. Yes.

2 Q. And where was he going to be keeping his
3 supplies?

4 A. At the onsite, which is at 440 Beamer, Suite
5 2040.

6 Q. How big of a place was this?

7 A. It was, I guess about maybe a thousand -- not a
8 thousand square feet. It was like two offices.

9 Q. And that was for the supply container and the
10 office?

11 A. Yes.

12 Q. Okay. Did you ask how he was going to obtain his
13 clients for the business?

14 A. Yes.

15 Q. And what did he tell you was going to be the
16 method of him obtaining clients for his business?

17 A. He told me he was going to use advertising. He
18 would do flyers and he would hand out business cards.

19 Q. When he gave you that answer, did you expect that
20 he would be doing that type of work by himself?

21 A. No. Because eventually, based upon the
22 information that he provided to me, he was -- after he
23 would obtain his clientele, then he would be expanding his
24 business. So he would have additional help.

25 Q. But at the start of the business, it was just

1 going to be him and he was going to be doing what he
2 needed to do to get clients. Was that your understanding
3 of his answer?

4 A. Yes.

5 Q. And is that kind of the way it would go in a
6 business that start up if they don't have any staff at the
7 beginning?

8 A. Yes.

9 Q. Okay. Did you ask him what counties did he
10 expect to provide services for?

11 A. Yes.

12 Q. And why is that question important?

13 A. Well, it's important because you have -- there
14 are so many DME company, durable medical equipment
15 companies; and then some of them would like to bill for
16 out of the state or different locations or areas and then
17 how far out, like why would you be billing in Dallas or in
18 Austin when there's companies already there?

19 So you should be focusing more on the
20 Houston area, which your business is in Harris County
21 instead of outline areas.

22 Q. And what did he tell you was going to be the
23 areas that he was going to the servicing?

24 A. Harris and surrounding counties.

25 Q. And did that make sense to you that a start up

1 business, such as what Mr. Wickware was starting, that it
2 would be in the surrounding areas since he was --

3 A. Yes.

4 Q. Okay. Did you ask him about where he got his
5 supplies and whether he had purchased any equipment?

6 A. Yes.

7 Q. And what was his response?

8 A. He said his supplier -- he said his supplier was
9 durable medical equipment.

10 Q. Okay. Now, at that point in time, did you
11 request from him any type of proof that he had bought
12 supplies?

13 A. Yes. I also requested invoices.

14 Q. Did he provide you with any type of invoices?

15 A. Yes, he did.

16 Q. Now, did you ask him whether he was going to be
17 doing sales or rentals?

18 A. Yes, I did.

19 Q. Okay. And what was his answer?

20 A. He said he would be strictly sales.

21 Q. Okay. When you were talking to Mr. Wickware, did
22 you ask him how many clients did he already have as of
23 July 6th of 2006, if he had been in business since
24 November of 2005?

25 A. Yes.

1 Q. And what did he tell you as far as his current
2 clients for his business?

3 A. He stated that he didn't have any.

4 Q. Did you find that -- did you question him about
5 that? If he's been in business since November of 2005 and
6 your interview is July '06, did you ask him about that?

7 A. Yes.

8 Q. And what did he tell you?

9 A. Because he was just starting his business and he
10 was trying to get the Medicaid number before he would
11 really start expanding to get clients.

12 Q. Okay. Did that make sense to you when he told
13 you that?

14 A. Yes.

15 Q. In the DME business, does a DME company -- are
16 they allowed to service insurance paying customers?

17 A. Yes.

18 Q. And they can do Medicaid, can be another group of
19 clients that they can have?

20 A. Yes.

21 Q. And at this this point since November of 2006, he
22 has no insurance clients or people that just walk up and
23 knock on the door and say, "I'd like to buy these
24 supplies"?

25 A. No, he didn't have that.

1 Q. So his sole clientele, as of your interview with
2 him, would be Medicaid?

3 A. That's what his focus was.

4 Q. All right. On the second page of State's Exhibit
5 No. 196, did you ask him about proof of delivery?

6 A. Yes.

7 Q. Okay. And did he inform you about who was going
8 to be making his deliveries?

9 A. I don't remember.

10 Q. Was he going to be maintaining proof of
11 deliveries?

12 A. Yes, he would.

13 Q. But he didn't have any at that time?

14 A. No. He said when he would obtain his clientele.

15 Q. Okay. So since he hadn't delivered to anybody
16 yet because he doesn't have a clientele, he would deliver
17 and have those document?

18 A. That's correct.

19 Q. Okay. Did you ask him whether he had
20 subcontracted to anyone else?

21 A. Yes.

22 Q. And what did he tell you?

23 A. He said no.

24 Q. Did you talk to him about whether he had a
25 billing service?

1 A. Yes.

2 Q. And what was his answer as far as a billing
3 service?

4 A. He did not have one.

5 Q. Now, when you asked him, okay, you don't have a
6 service doing the billing, did you ask him who was going
7 to be the biller for his company?

8 A. Yes.

9 Q. And what did he tell you?

10 A. He said he would.

11 Q. Did you talk to Mr. Wickware about the business
12 of Medicaid and billing? Did you talk at all to him about
13 that?

14 A. Yes.

15 Q. And what did you tell him?

16 A. I explain this to each provider that I go out and
17 conduct an inspection on and I talk to them, that the
18 requirements that you need Title 19 form. The Title 19
19 form is only good for six months. The Title 19 form is a
20 physician -- Section B is a prescription. It's a little
21 different than that of a what a physician writes when they
22 give you a prescription.

23 And I told him about Section A. That's
24 required to be completed; and if he completes the Part A,
25 then he's not allowed to do Part B; and if anything is

1 missing in the Part B section, then he is required to make
2 sure that he gives it back to the physician to have the
3 whole Title 19 form completed.

4 I talked to him about patient files. I
5 always talk about that. You need to have patient files
6 for each of your patients. You need to have delivery
7 slips. The tickets that you provide, that's proof that
8 you provided service to the recipient or client or
9 patient.

10 And on this delivery slip, there's
11 requirements. You should have the person's name, their
12 address. You should have a description of the supplies,
13 the quantities. You should also have a place where the
14 person signs and date it and where the representative of
15 the company also signs and date it.

16 I talk about invoices, you know, that
17 you have -- that you buying supplies, that you keep
18 records of what you need. So I explain this every time I
19 go out to do an inspection.

20 Q. Did it appear to you that Mr. Wickware understood
21 what you were telling him?

22 A. Yes.

23 Q. Did you have any concerns after talking with him
24 about this business?

25 A. No.

1 Q. Okay.

2 MS. VOLLMAN: Judge, may I approach again?

3 THE COURT: You may.

4 Q. (BY MS. VOLLMAN) When you were out there, did
5 you also have an opportunity to take some photographs?

6 A. Yes.

7 Q. Let me show you what's been marked as State's
8 Exhibit 197, 198, 199, 243, 244 and 245. Do you recognize
9 those photographs?

10 A. Yes.

11 Q. Can you tell us what they are?

12 MR. MARTIN: Objection, Judge. She's
13 testifying about a document that's not yet been admitted
14 into evidence.

15 THE COURT: Sustained.

16 Q. (BY MS. VOLLMAN) Do they fairly and accurately
17 represent what is depicted in it, keeping in mind that
18 they're black and white and not colored?

19 A. Yes.

20 MS. VOLLMAN: Judge, we would offer State's
21 Exhibit 198, 199, 197, 243, 245 and 244. Sorry for the
22 wrong order.

23 (State's Exhibit Nos. 197-199 and 243-245
24 were offered into evidence.)

25 MR. MARTIN: No objections, Judge.

1 THE COURT: They're admitted.

2 (State's Exhibit Nos. 197-199 and 243-245
3 were admitted into evidence.)

4 Q. (BY MS. VOLLMAN) Let's take a look at State's
5 Exhibit No. 197. Can you tell us what's depicted in
6 State's Exhibit No. 197?

7 A. Wickware's regulatory license and Texas Sell and
8 use permit.

9 Q. And you have to have that to open a business?

10 A. Yes -- well, if you're going to sell, then you
11 need a tax permit; but he does need this regulatory.

12 Q. The regulatory -- and that's the top part, right?

13 A. Yes.

14 Q. Let me show you what's been marked as State's
15 Exhibit No. 198. Can you tell us what that is?

16 A. That's his desk where he was sitting at.

17 Q. And do most of your DME providers that will bill
18 electrically and receive things electronically have a
19 computer?

20 A. Yes.

21 Q. All right. Let me show you State's Exhibit No.
22 199. Can you tell us what's depicted there?

23 A. These are the supplies that he had on site.

24 Q. Did you get the impression from Mr. Wickware that
25 he was going to be selling all these different types of

1 medical supplies?

2 A. Yes.

3 Q. And when you did your inspection, did it appear
4 that he had the minimum amount of the products that he
5 would need, number one, to pass your inspection, but also
6 to start a business?

7 A. Yes.

8 Q. Let me show you State's Exhibit No. 244. Can you
9 tell us what that is?

10 A. That's pictures of his supplies.

11 Q. So it's additional -- it's a different angle of
12 the pictures as far as the type of wheelchairs?

13 A. Yes.

14 Q. Did you see any motorized wheelchairs?

15 A. No.

16 Q. Those are reimbursed at a higher rate because
17 they're motorized, correct?

18 A. Yes.

19 Q. Let me show you what's been marked as State's
20 Exhibit No. 243. Is that just another picture of the
21 supplies from a different angle with another supply on the
22 floor?

23 A. Yes.

24 Q. Do you know what that supply on the floor is,
25 offhand?

1 A. A toilet seat, a gray toilet seat.

2 Q. Let me show you also what's been marked as
3 State's Exhibit No. 245.

4 A. That's the file cabinet.

5 Q. And are they required to have some type of file
6 cabinet?

7 A. Yes.

8 Q. And why is that?

9 A. To keep the patient records, because they should
10 be in a locked device.

11 Q. And why is that?

12 A. Because it's a requirement also of HIPPA.

13 Q. To keep those type of files --

14 A. Confidential.

15 Q. And what's HIPPA?

16 A. It's the Health Insurance Portability Act, yeah.
17 It's a P missing; but it's a Portability Act for
18 confidentiality that all patient records must remain
19 confidential.

20 Q. And is that because they have the name, address,
21 social, Medicaid number, those type of numbers?

22 A. Yes.

23 Q. Look at the boxes that are in this. Do you
24 remember what the boxes were, offhand?

25 A. No, not offhand.

1 Q. But this was the photograph that you took while
2 you were doing your site inspection at Wickware?

3 A. Yes.

4 Q. Now, did you note any type of incontinent
5 supplies?

6 A. No.

7 Q. No?

8 A. No.

9 Q. Now, incontinent supplies would be one type of
10 product line that a DME seller could sell?

11 A. That's correct.

12 Q. Would you expect that a DME company would only
13 have one product line?

14 A. No.

15 Q. And why is that?

16 A. Because once you come across the patients, then
17 they have different needs. So if you have a clientele
18 that you service in Harris County, so you're going to come
19 across a person that might have -- be a diabetic, they
20 might need the incontinent supplies.

21 You have people that may need a
22 wheelchair. So it's all kind of different needs --
23 mattresses. It just depends upon the medical condition of
24 a person. So you need different supplies.

25 Q. Now, let's talk about Anointed Medical Supply.

1 That was another company that you had mentioned. When did
2 you become involved in the investigation of Anointed
3 Medical Supply?

4 A. In 2006.

5 Q. Okay. Do you remember how you became involved in
6 that investigation?

7 A. That's the investigation where the Medicare
8 number was revoked.

9 Q. So once you're notified that there is a Medicare
10 number that's revoked, what do you do?

11 A. That's when I -- I generate a business objects
12 report. I also generate a records request letter, a
13 records list and go out to the provider to conduct an
14 investigation.

15 Q. All right. And when you started this
16 investigation, who did you determine was the owner of
17 Anointed Medical Supply?

18 A. Demetria Boston.

19 Q. Okay. Did you notice any other owners that were
20 listed or could have been owners of Anointed in addition
21 to Demetria Boston?

22 A. When I checked Harris County clerk's website, it
23 listed Lametria Johnson and Michael Goodson.

24 Q. All right. Once you found that out, you said
25 that you ran a BOR. What's the reason for running a

1 business objects report?

2 A. The business objects report has -- well, Texas
3 Medicaid Healthcare publish all the claims that are paid.
4 The money that is paid to the provider comes from them.
5 So they have a data base; and we can go -- we have access
6 to this data base that we can go and access these claims
7 and pull it down.

8 When you pull all these claims down, you
9 can pull them down for years; and whatever a provider
10 bills, this comes out underneath their provider number.

11 Q. Now, let me ask you this: As far as Anointed
12 Medical, when you ran the BOR, the business objects
13 report, did it show from what time to what time Anointed
14 was billing Medicaid clients?

15 A. It was for the period of March 31st, 2003 through
16 April 6th, 2006.

17 Q. Now, did you note anything about the way Anointed
18 was billing as far as what procedure codes they were
19 using?

20 A. They would bill like extra large pull ons and the
21 underpads and wipes; but then even pediatric size pull
22 ons. No matter what they bill, it was always billed the
23 maximum that we're allowed per policy.

24 Q. Is that unusual?

25 A. Yes.

1 Q. Why?

2 A. Well, based upon my knowledge -- I'm not a
3 doctor; but say like a person that has 300 pull ons, if
4 you bill that per month, that means that that person would
5 need to be changed ten times a day, 'cause that's like
6 300.

7 What I found out was that that's very
8 unlikely for a person to have a pull on or a diaper or
9 something like that changing ten times a day. They would
10 need to be admitted into a hospital.

11 Q. That's just a lot of supplies for one day?

12 A. Yes.

13 Q. And then multiply that for one month, that's just
14 a lot of supplies?

15 A. A lot of supplies.

16 Q. Now, what did you do after you ran the BOR, the
17 business objects report and you determined the owners?
18 What did you do next?

19 A. I went out to the facility.

20 Q. Did you go with anybody?

21 A. Yes.

22 Q. Who did you go with?

23 A. Another investigator, Fairan Jones accompanied
24 me.

25 Q. Okay. Did you go out to that location, was it--

1 did Ms. Jones go with you on that location?

2 A. Yes.

3 Q. To Anointed?

4 A. Yes.

5 Q. All right. So what did you do next? You went
6 out to the facility. What was the address to the facility
7 that you went out to?

8 A. It was 6420 Richmond, Suite 463.

9 Q. Are you familiar with what area of town that is
10 in?

11 A. Yes.

12 Q. And you're familiar with the location of that
13 particular business in the context of where it's located
14 if it was on a map?

15 A. Yes.

16 Q. Let me show you what's been marked as State's
17 Exhibit No. 246. Can you tell us what this is?

18 A. This is the location of Anointed, that Anointed
19 was supposed to be located.

20 Q. And let me ask you this: Does this document
21 fairly and accurately represent the area of town it's in
22 and the specific location of where the particular business
23 should be located?

24 A. Yes.

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

1 offer State's Exhibit No. 246.

2 (State's Exhibit No. 246 was offered into
3 evidence.)

4 MR. MARTIN: Judge, no objection to the map.

5 THE COURT: It's admitted.

6 (State's Exhibit No. 246 was admitted into
7 evidence.)

8 Q. (BY MS. VOLLMAN) Okay. Now, I'm going to ask
9 you, is this location in Harris County, Texas?

10 A. Yes.

11 Q. And was the address for Mr. Wickware's business
12 also in Harris County, Texas?

13 A. Yes.

14 Q. So is this kind of the general area of town
15 that -- and the spot where the little stick is where
16 Anointed's business is supposed to be located according to
17 the records that you have?

18 A. Yes.

19 Q. Now, when you went out there, did you find the
20 business.

21 A. I found the business, but it wasn't Anointed
22 Medical Supply.

23 Q. What business was it?

24 A. It was Anointed Rehabilitation Incorporated.

25 Q. Let me ask you this: Is that a different

1 business entity than what Anointed Medical supply was
2 supposed to be?

3 A. Yes.

4 Q. All right. So what did you do next? Did you
5 find the owner of the Anointed Medical Services?

6 A. She was not present at the facility.

7 Q. So what did you do?

8 A. There was a physical therapist, Gilda Taylor was
9 present.

10 Q. And what did you say to her?

11 A. I told -- I informed her that I was looking for
12 Demetria Boston; and I presented her with the records
13 requests letter.

14 Q. Okay. And did you hand it to her and explain
15 what it was?

16 A. Yes, I did.

17 Q. What did you tell her?

18 A. I asked Ms. Taylor will she contact Ms. Boston to
19 let her know that the Office of Inspector General was
20 there and we were there to conduct an investigation on
21 Anointed Medical Supply.

22 Q. You cannot say what she said in return; but what
23 was the next thing that you told her, if anything?

24 A. I'm sorry. Well, I asked her -- well, I did ask
25 her to get in touch with Ms. Boston for me.

1 Q. And did Ms. Boston at any point in time after
2 your conversation with this woman, call you?

3 A. Yes, she did.

4 Q. Was it the next day, or was it a few days after
5 or when did she call you back?

6 A. It was a few days late gear.

7 Q. And how did you know you were talking to Demetria
8 Boson?

9 A. I asked her to identify herself.

10 Q. And what did she say in return?

11 A. She identified herself, and we discussed the
12 business.

13 Q. Okay. Now, when you spoke with her, what
14 information did you give her? What did you ask her?

15 A. I was -- the other part of the request with the
16 records request letter is a records list.

17 Q. And how many records were you asking for? Were
18 you asking for statistical sample or for all of them?

19 A. For all of the records.

20 Q. Do you remember how many those were?

21 MR. MARTIN: Excuse me. Just just for record
22 purposes, it appears she's referring to a report that's
23 not been admitted into evidence. If she can indicate her
24 memory needs to be refreshed.

25 THE COURT: Sustained.

1 THE WITNESS: My memory needs to be
2 refreshed. Thank you. Thank you.

3 A. There was a universal plan consisting of 2,163
4 recipients.

5 Q. (BY MS. VOLLMAN) How many?

6 A. 2,163.

7 Q. That's a lot of recipients.

8 MR. MARTIN: Objection to the side bar.

9 Q. (BY MS. VOLLMAN) Is that a lot of recipients?

10 A. Yes.

11 Q. All right. Now, when you talked with Ms. Boston,
12 did you tell her you wanted all the records?

13 A. Yes, I did.

14 Q. Did she give you -- say anything to you in
15 response?

16 MR. MARTIN: Objection. Calls for hearsay.

17 THE COURT: Response.

18 MS. VOLLMAN: It's the co-conspirator in
19 furtherance of the conspiracy, and Ms. Boston will be
20 testifying.

21 THE COURT: Objection is overruled.

22 A. Well, she say she had the patient records and
23 they were stored in a electronic file on a disk.

24 Q. (BY MS. VOLLMAN) If they were on a disk, did you
25 ask her for the disk?

1 A. Yes, I did.

2 Q. Did she tell you in that conversation whether or
3 not you could get the disk or not?

4 MR. MARTIN: Excuse me, Judge. Can I have a
5 running objection on this pending later prove up of
6 Ms. Boston testifying?

7 THE COURT: You can.

8 MR. MARTIN: Thank you, Judge.

9 Q. (BY MS. VOLLMAN) Did you ask for the disk?

10 A. Yes.

11 Q. And was she able to say when she would bring you
12 that disk?

13 A. Well, I gave her some time to locate the disk. I
14 gave her to June 23rd, 2006 at 5:00 o'clock to provide me
15 with that disk.

16 Q. And did she, at that time, provide you with that
17 disk?

18 A. No, she did not.

19 Q. Did she give you an explanation why she's not
20 able to give you the disk with the 2,163 patient records
21 that she should be keeping?

22 A. Yes, she did.

23 Q. What did she say?

24 A. She said that she found the disk that contains
25 the patient records; but the heat wrapped it, along with

1 the other disks that she had.

2 Q. Did she have those records in any other place in
3 hard copy form?

4 A. No.

5 Q. Is that what she told you?

6 A. Yes.

7 Q. Now, when she gave you that information and now
8 you have that volume of recipient files that you're
9 supposed to have that you don't have, what action do you
10 take?

11 A. I pursue a payment hold.

12 Q. I'm sorry?

13 A. I pursue a payment hold.

14 Q. And what is the purpose of that?

15 A. That's to stop the money that the provider is
16 billing, 'cause the provider is still billing the State
17 for money. So in order to stop them from receiving
18 anymore money, a payment hold is placed.

19 Q. Okay. Did you have an opportunity, at that point
20 in time, to take any other actions regarding recipients?

21 A. Yes.

22 Q. What did you do?

23 A. I also conducted interviews with recipients.

24 Q. And what's the purpose of conducting interviews
25 of recipients of her company?

1 A. To find out if they have received any of the
2 supplies that were billed.

3 Q. Okay. You're not going to be able to say what
4 the recipients told you; but did you, in fact, call some?

5 A. Yes, I did.

6 Q. How many did you call?

7 A. I called four.

8 Q. And did you talk to them?

9 A. Yes.

10 Q. And did you ask them anything?

11 A. Yes.

12 Q. Did you ask them for? What information did you
13 want to learn?

14 A. I wanted to learn if they actually received the
15 supplies that were billed on their Medicare number. I
16 wanted to know if they have need of those supplies and if
17 they ever heard of the company.

18 Q. Okay. And first off, name the four folks that
19 you talked to?

20 A. I spoke to Bernarda Deplexis, Angela Collier,
21 Bernetta Horez and Anna Jordan.

22 Q. Now, did these ladies answer all your questions?

23 A. Yes, they did.

24 Q. After speaking to them and asking your questions
25 and them answering, did you continue with your

1 investigation?

2 A. That was the end of my investigation on this
3 case.

4 Q. But you didn't stop the investigation? In other
5 words, the investigation continued, not by you but it
6 continued?

7 A. Yes. There's other actions that will be taken
8 'cause it goes to the sanctions department.

9 Q. Okay. And that's on just the sanction or
10 administrative side?

11 A. Yes.

12 Q. Okay. At some point in time, can it then be
13 referred to the Attorney General's Office for a criminal
14 investigation depending on the results of the
15 investigation on the sanction side?

16 A. Yes.

17 Q. Let me direct your attention to the last company,
18 Dreammakers Medical Supply. Now, did you conduct an
19 onsite inspection or a sanction administrative
20 investigation on Dreammakers Medical Supply?

21 A. Yes, I did.

22 Q. Which one?

23 A. Both.

24 Q. Oh, you did both of them?

25 A. Yes.

1 Q. When did you become involve in this particular
2 company?

3 A. November 29th, 2006.

4 Q. Okay. And how did you become involved in that
5 investigation, Dreammakers Medical Supply?

6 A. I went out there to conduct a site inspection
7 only.

8 Q. Okay. And when you went out there, what was the
9 address of the location?

10 A. 505 North Sam Houston Parkway East, Suite 678,
11 Houston, Texas 77060.

12 MS. VOLLMAN: Judge, could I publish, please,
13 122?

14 Q. (BY MS. VOLLMAN) Are you familiar with that
15 location out there on Sam Houston Parkway?

16 A. Yes.

17 Q. In that area of town?

18 A. Yes.

19 Q. Let me show you what's been admitted into
20 evidence as State's Exhibit No. 122. Do you recognize
21 that area?

22 A. Yes.

23 Q. And is that the area where the business for
24 Vincent Walker was located?

25 A. Yes.

1 Q. So it's on that Beltway?

2 A. Yes, it's on the Beltway.

3 Q. And is that location in Harris County, Texas?

4 A. Yes.

5 Q. Now, when you traveled to the business, did you
6 meet with anyone?

7 A. Yes.

8 Q. And who did you meet with?

9 A. Vincent Walker.

10 Q. Okay. Would you recognize him if you saw a
11 picture of him?

12 A. Yes.

13 MS. VOLLMAN: Judge, may I approach the
14 witness?

15 THE COURT: You may.

16 Q. (BY MS. VOLLMAN) Let me show you what's been
17 marked and admitted into evidence as State's Exhibit No.
18 103 and 104. Do you recognize the man in those exhibits?

19 A. Yes, I do.

20 Q. And is that Vincent walker?

21 A. Yes, it is.

22 Q. Okay. Now, when was it -- did you also do an
23 analysis of when his business started?

24 A. Yes.

25 Q. When did it start?

1 A. He enrolled in the Medicaid program January 29th,
2 2007.

3 Q. So we're into the next year, not 2006 but 2007?

4 A. That's correct.

5 Q. Okay. And you went out there on what date?

6 A. November 29th, 2006.

7 Q. So that would have been before he obtained a
8 Medicaid provider number?

9 A. That's correct.

10 Q. And when you go out to do an onsite inspection,
11 it's preacceptance into the program?

12 A. Yes.

13 Q. Now, when you went out to talk to him, did you
14 have your questionnaire with you?

15 A. Yes, I did.

16 Q. And did you ask him the same questions regarding
17 the start up of his business?

18 A. Yes.

19 Q. You can't say what he said, okay? But did you
20 ask him those questions?

21 A. Yes, I did.

22 Q. And without saying what he said, did he provide
23 you with answers?

24 A. Yes, he did.

25 Q. Now, when you went out there, did you also have

1 an opportunity to take some photographs of the business?

2 A. Yes.

3 Q. All right. Let me show you State's Exhibit No.

4 --

5 MS. VOLLMAN: May I approach, Judge?

6 THE COURT: Yes.

7 Q. (BY MS. VOLLMAN) -- state's Exhibit No. 248,
8 249, 250, 251 and 252. Do you recognize those exhibits?

9 A. Yes.

10 Q. And what are those? Not saying specifically what
11 they are; but generically, what are they?

12 A. Durable medical equipment.

13 Q. Do these photographs fairly and accurately
14 represent what is depicted in that, even though they're
15 black and white?

16 A. Yes.

17 MS. VOLLMAN: Judge, at this time, we would
18 offer State's Exhibit 248, 249, 250, 251, 252.

19 (State's Exhibit Nos. 248-252 were offered
20 into evidence.)

21 MR. MARTIN: No objection, Judge, to the
22 photos offered.

23 THE COURT: They're admitted.

24 (State's Exhibit Nos. 248-252 were admitted
25 into evidence.)

1 Q. (BY MS. VOLLMAN) Now, let's take a look at
2 State's Exhibit No. 248. Can you tell us what that --
3 first off, what type of facility did Vincent Walker of
4 Dreammakers have?

5 A. He had an office space; and it was -- I can't see
6 it. I'm sorry.

7 Q. Kind of use the --

8 A. It's an office space where the room was in the
9 front and then you walk through and his office is in the
10 back part.

11 Q. Give us an idea. If this is the store and you're
12 walking in the front door, what would you see?

13 A. Well, when the door -- he had supplies when you
14 walk in.

15 Q. And is that reflected in State's Exhibit No. 248,
16 249?

17 A. Yes.

18 Q. 250?

19 A. Yes.

20 Q. 251?

21 A. Yes.

22 Q. And then 252?

23 A. Yes.

24 Q. And then when you walk further back from these
25 rooms that are reflected in State's exhibits that we've

1 mentioned, 248 and say, for example, 249, then behind that
2 is another office?

3 A. Yes.

4 Q. Okay. When you went to the office, what did you
5 see in the office?

6 A. He had his desk and he had his file cabinet and
7 those are regular office supplies, you know, what you run
8 an office with.

9 Q. Pens, pencils, paper?

10 A. Computer.

11 Q. And you would expect, if a DME provider is going
12 to be billing with a computer electronically, that they
13 would have a computer?

14 A. Yes.

15 Q. And you would expect, because it's part of the
16 requirement, that you have a filing cabinet that's locked?

17 A. That's correct.

18 MS. VOLLMAN: Judge, can we approach?

19 THE COURT: Yes, ma'am.

20 MS. VOLLMAN: Vincent Walker is now currently
21 under indictment.

22 THE COURT: Okay.

23 MS. VOLLMAN: I would like to ask her the
24 questions that she asked and his answers for the
25 questionnaire to get to the -- in furtherance of the

1 conspiracy. You know, I don't want to violate any of your
2 orders, but ask the questions that I would like and it's
3 specifically the highlighted ones.

4 THE COURT: Okay. Mr. Martin.

5 MR. MARTIN: Response is, one, it's hearsay.
6 'Cause again, I would imagine I would be able to prove up
7 on my voir dire the witness' answers to his questions.

8 Secondly, there has to be proof that
9 it's in furtherance of a conspiracy; and questions to --
10 about formation of a company by itself does not show a
11 conspiracy.

12 THE COURT: These were the questions in order
13 for him to obtain a provider number and they will prove it
14 up at a later time and this was all part of the
15 conspiracy, then you would --

16 MS. VOLLMAN: I really want to --

17 THE COURT: The objection to hearsay is
18 overruled.

19 MR. MARTIN: I'm sorry. I did not hear the
20 last part.

21 THE COURT: The objection to hearsay is
22 overruled. As far as the questions and answers, I don't
23 believe forms admissibility; but certainly his answers are
24 in order to obtain a number.

25 MR. MARTIN: Could we -- would it be possible

1 to have a ruling conditionally except based on later prove
2 up on the --

3 THE COURT: Yes, it's conditional.

4 MR. MARTIN: -- co-conspirator part?

5 THE COURT: Yes. Same ruling, conditionally,
6 overruled. Conditionally admitted with the understanding
7 of the conspiracy, which will be later proven by the
8 State.

9 MS. VOLLMAN: Thanks, Judge.

10 MR. MARTIN: Thank you, Judge.

11 MS. VOLLMAN: Judge, may I approach?

12 THE COURT: You may.

13 Q. (BY MS. VOLLMAN) Do you have your questionnaire
14 with you as far as -- because I'm going to ask specific
15 questions; and I'm going to ask you for answers. Okay.
16 Do you have your copy with you?

17 A. Yes.

18 Q. And when you went out --

19 MR. MARTIN: Excuse me, Ms. Vollman. Just
20 for record purposes, no additional objections to those
21 that have been previously noted for the Court; but may I
22 have a running objection to the question and answer
23 relateing to the form?

24 THE COURT: You may.

25 MR. MARTIN: Thank you, Judge.

1 Q. (BY MS. VOLLMAN) Now, can you tell us is -- what
2 is the purpose of filling or what's the purpose of asking
3 the questions that you ask in your preinspection interview
4 with a DME owner?

5 A. Okay. These questions -- like I said before,
6 these forms are mandated by the State with OIG to go out
7 and to determine whether a business is legitimate. I
8 follow policy and guidelines that's issued by Medicare
9 also by Medicaid.

10 The requirements of the provider should
11 have licenses. They should have a Medicaid number --
12 different requirments. They need to have supplies. They
13 need to show that they're a ligetimate business that will
14 be able to operate and bill the State appropriately, that
15 they do have a way to bill.

16 They have knowledge to operate a
17 business and really that they've not there to steal money
18 from the State.

19 Q. And so when you go out and have this interview,
20 it's before a provider number is issued, correct?

21 A. That's correct.

22 Q. When you went out to talk with the owner of
23 Dreammakers, who specifically were you talking to?

24 A. To Vincent Walker.

25 Q. And what was the date that you went out and asked

1 him the questions, the preinspection questions to get his
2 answers?

3 A. November 29th, 2006.

4 Q. All right. Did you ask him how long he had been
5 at the business?

6 A. Yes.

7 Q. And what did he tell you?

8 A. Since July.

9 Q. Let me preface that. You can't say what he said.
10 I need to know what was his answer. What did he say?

11 A. He said he had been at the business since July --
12 he been there at the location since 2006. He moved 9342
13 North Loop East, Southwest -- North Loop East, Suite 232,
14 Houston, Texas 77029

15 Q. And I don't remember if I asked you this, but was
16 the Dreammakers business in Harris County, Texas?

17 A. Yes.

18 Q. Okay. Now, did you ask Mr. Walker how many
19 employees were going to be working in his business?

20 A. Yes.

21 Q. What did he tell you?

22 A. He said it would be him and he would also have --
23 his mother was listed as a director because he was in the
24 Reserves; and then his fiance' Erica Andrews was going to
25 assist him with billing.

1 Q. Who was going to assist him with the billing?

2 A. Erica Andrews.

3 Q. And did you determine who she was?

4 A. No.

5 Q. Did you ask him whether he would maintain proof
6 of delivery of the supplies?

7 A. Yes.

8 Q. And what was his response?

9 A. He said he would.

10 Q. That he would keep that proof?

11 A. Yes, correct.

12 Q. Did you ask him whether he was going to use a
13 billing service?

14 A. Yes.

15 Q. And what did he say?

16 A. He said he was going to do his own billing.

17 Q. Okay. What was his specific answers as far as do
18 you -- do they provide, his company provide billing
19 service?

20 A. He said no, he wouldn't use a billing service.

21 Q. Now, when you talked with him about the supplies
22 that he was going to deliver, what supplies did he say he
23 was going to deliver?

24 A. He stated walker, canes, crutches, commodes,
25 wheelchairs.

1 Q. Okay. Now, did he make any additional comments
2 about what he planned to provide in the future?

3 A. He also told me he plan to provide diapers,
4 liners, wipes in the future; but he didn't have any onsite
5 at this present time.

6 Q. Did you ask him whether he had any employees
7 other than his mom and Erica, that whether he planned to
8 hire any subcontractors to work for him?

9 A. Well, he told me he didn't have any contractors
10 or subcontractors.

11 Q. Now, was that the end of your interview with
12 Mr. Walker?

13 A. Yes.

14 Q. Okay. Now, from what you were able to see, did
15 it appear to you, based on your conversation with him and
16 with what you saw, that it was going to be run a
17 legitimate business?

18 A. Yes.

19 Q. And based on that assumption on your part, did
20 you then approve of him to get a provider license?

21 A. Yes, I did.

22 Q. Now, was that the last time that you had anything
23 to do with the business of Dreammakers Medical Supply or
24 Vincent Walker?

25 A. No.

1 Q. What happened next? As far as, how did you
2 become involved again with Mr. Walker and Dreammakers
3 Medical Supply?

4 A. Well, the nurse analyst Carol Clunck --

5 Q. You can't say what she said, but did you get a
6 referral from someone?

7 A. Yes.

8 Q. Hang on. Did you get a referral from someone
9 regarding a further investigation of that company?

10 A. Yes.

11 Q. And who did you get that referral from?

12 A. Nurse analyst Carol Klunck.

13 Q. Once you got that referral, what action did you
14 take?

15 A. Then I generate a business objects report.

16 Q. And when you observed the -- when you pulled the
17 business objects report, what did you note?

18 A. That Mr. Walker, for Dreammakers, billed the same
19 incontinent supplies every month.

20 Q. Was that unusual?

21 A. Yes.

22 Q. Why?

23 A. How can you have -- when you're looking at a
24 report and you have -- I'm looking at 600-and-something
25 names and everybody has the same thing -- 300, 150, 2.

1 300 extra large pull ons, 150 underpads, 2 packs of wipes
2 every month.

3 Q. For everybody?

4 A. For everybody.

5 Q. Let me ask you this: How many exact clients did
6 he have; and what time frame are we talking? At the time
7 you got this referral, how many clients did he have over
8 what time period?

9 A. He had 263.

10 Q. All right, 263 folks; and you went out to talk to
11 him on November 29th, 2006, right, when you did your --
12 well, I'm sorry. What was the date you went out for your
13 preinspection?

14 A. That was November 29th, 2006.

15 Q. Okay. So from November 29th, at that time, did
16 you ask him -- at the time you went out and talked to him
17 about this preinspection -- I'm sorry. Let me rephrase
18 this.

19 So on November 29th of 2006, he had not
20 received a Medicaid number yet, correct?

21 A. That's correct.

22 Q. Do you know -- first of all, let me ask you
23 this: Is it permissible to bill prior to getting a
24 provider number?

25 A. You can bill.

1 Q. You can get paid?

2 A. You won't get paid; and then once you get the
3 number, then you have three months you can submit whatever
4 your billings for the previous three months before you
5 received the number.

6 Q. Okay. Do you know when you looked at his BOR,
7 was he able to get paid? Did he submit any of those from
8 a previous three month period?

9 A. No.

10 Q. You didn't look at that?

11 A. I didn't look at that.

12 Q. So at the time you ran this BOR, how many clients
13 did he have and that he billed for and got paid for?

14 A. I ran two of them. The first one I ran was a
15 period of January 29th, 2007 through February 19th; and
16 that was only for a period of a few weeks. Then he had
17 263 clients.

18 Then I generated another report on April
19 10th; and I ran that April 10th, 2007 and that one was
20 from January 29th, 2007 through April 10th, 2007; and at
21 that time, there was 693 clients.

22 Q. Let me ask you this: In your experience of
23 reviewing these types of business objects report, is that
24 a lot of clients for a start-up business in just four
25 months or a little less than four months in operation?

1 A. Yes.

2 MR. MARTIN: Objection. Relevance and calls
3 for speculation.

4 THE COURT: Overruled.

5 Q. (BY MS. VOLLMAN) It's a lot?

6 A. Yes, it is.

7 Q. So when you're looking at this 263, what action
8 did you take? You said there were three supplies that he
9 was billing for. Did you see any walkers, canes, those
10 commode seats or anything that he actually had in his
11 business?

12 A. No.

13 Q. Were all the billings strictly the incontinent
14 supplies?

15 A. Yes.

16 Q. Is that unusual?

17 A. Yes.

18 Q. All right. Did you take any action to find out
19 where in the state he was billing these clients?

20 A. Yes, I did.

21 Q. Was it only in Harris County, or was it somewhere
22 else?

23 A. It was all throughout the State of Texas.

24 Q. Is that unusual?

25 A. Yes.

1 Q. Why?

2 A. Because you have other DME companies in different
3 areas like Dallas and Austin and Fort Worth. So why --
4 how would you get clients in other areas? The doctors are
5 here. Their patients are here. So how would you service
6 someone that lives in Dallas and then get to know them --
7 get their provider with the Title 19 to fill this out to
8 send this all the way, fax it or mail it, to Houston so
9 you can provide service way in Dallas? You know, that's
10 --

11 Q. Did it make sense to you?

12 A. No, it really didn't.

13 Q. Did you have an opportunity, when you were
14 looking at the BOR, to determine the number of recipients
15 that were billed daily to find some type of average -- if,
16 in fact, these people were being delivered supplies, how
17 many trips would somebody -- would the provider have to
18 make to make sure that if he's representing that they were
19 serviced on a particular day, they were able to get those
20 supplies serviced?

21 A. Yes.

22 Q. What did you find out?

23 A. On March 22nd, 2007, he billed for 38
24 recipients. So that means he would need to make
25 deliveries to 38 different patients. February 27 and

1 March 27 of 2007, he billed for 31 patients. February 15,
2 2007, he billed for 30 patients. February 26th, March 2nd
3 and March 19th of 2007, he billed for 24 patients.

4 Q. Is that a lot of deliveries in areas across the
5 state?

6 A. Yes.

7 Q. Now, after you ran the business objects report
8 and obtained the information that it provided you, what
9 action did you take?

10 A. Then I generate a records requests letter and a
11 requests list.

12 Q. And when you generated that records requests and
13 that list, what did you do?

14 A. Well, I travel out to the facility to present to
15 the provider the request letter; and also I present the
16 list to say, "Well, I need these records, this list of
17 patients. I want their files."

18 Q. And would you expect, based on the contractual
19 relationship that Vincent Walker had with Health and Human
20 Services Commission, that those records would be available
21 to you when you requested them?

22 A. Yes.

23 Q. And did you go to the location, and what day did
24 you go to the location?

25 A. I went there April 10th, 2007.

1 Q. Okay. April 10th of 2007. Okay. And when you
2 went there, who did you meet with?

3 A. The business was closed.

4 Q. So what did you do?

5 A. I took a picture of the door, and I returned back
6 the next day.

7 Q. So then -- so April 10th, you tried to go and
8 deliver the note, correct? And then on April 11th, is
9 when you actually went out there again. Were you
10 successful in providing the owner with the demand letter
11 for the file?

12 A. Eventually, yes.

13 Q. Okay. On April 11th, did you make contact with
14 Vincent Walker?

15 A. Yes.

16 Q. And what action did you take? Not what he said,
17 but what action did you take in reference to your records
18 letter?

19 A. I presented him the records request letter and
20 also had to present him -- it's access to the patient
21 records. It's a letter from the Inspector General. It's
22 a HIPPA letter.

23 Q. Okay.

24 MS. VOLLMAN: Judge, at this point, can we
25 approach?

1 THE COURT: Yes.

2 MS. VOLLMAN: I'm going to be offering these,
3 not for truth of the matter asserted; but the fact that he
4 got it, because this is what is going to happen. When we
5 executed the search warrant of the Frazier home, that
6 exhibit copy -- not the top one, but the bottom of all
7 that, was there. So that's a link.

8 So I'd like -- and we don't have to show
9 at this point, in the abundance of caution; but that's
10 what we expect the evidence is going to show.

11 THE COURT: Let's talk about this out of the
12 presence of the jury. It's going to take some time.

13 MS. VOLLMAN: Okay.

14 THE COURT: Ladies and gentlemen, it's just
15 about time for our morning break. I'm going to take up a
16 matter outside your presence and let you go with the
17 bailiff to the jury room and take a break.

18 And again, you're free to go to the
19 second floor to get a snack or so. Just remember my
20 earlier instructions, not to discuss the case with anyone
21 or even among yourselves at this time. We will be in our
22 morning recess.

23 (Jury out.)

24 THE COURT: Thank you. Please be seated.

25 MS. VOLLMAN: Judge, if I can find the

1 exhibit from the execution of the search warrant, I think
2 if I show you that, you will see what I'm talking about.

3 THE COURT: So that matches up with State's
4 Exhibit 854? And so your theory on admissibility on 854
5 is that it's not being offered for the truth of the matter
6 asserted? Is that what you said at the Bench?

7 MS. VOLLMAN: That's correct. It's going to
8 be a fact that that's a connection between Vincent Walker
9 and the Fraziers.

10 THE COURT: And what about 255? That's the
11 evidence receipt?

12 MS. VOLLMAN: Here's another thing that I
13 kind of want to give the -- I'm going to get up and I'm
14 trying to be very careful because I don't want to offer a
15 statement, because I can't, obviously, as you know, bring
16 Vincent Walker here to testify.

17 THE COURT: Right.

18 MS. VOLLMAN: I don't necessarily -- in the
19 abundance of caution -- need that. Okay. And just for
20 the -- so I don't get into trouble, I don't want to offer
21 this at this point; but towards the end, could I prove
22 this up as far as, "Was anything provided to you?"

23 And that if I can get it linked up,
24 which I believe I'm going to further down the road with
25 exhibits -- and actually, I might even have one of them

1 already in evidence.

2 What happened was, when she went out to
3 see him on April 11th of 2007, he went to Summit and
4 bought some durable medical goods -- you know, incontinent
5 supplies like \$1500 worth of stuff; and he provided the
6 receipt to her, which kind of shows a sham.

7 THE COURT: Okay. My only concern about this
8 is what he's providing her, is this still in furtherance
9 of the conspiracy when she's going out there now and he
10 already has his provider number?

11 MS. VOLLMAN: Because they now know that the
12 cops are after them and what they're trying to do now is
13 back track and get everything covered.

14 THE COURT: Well, then I think it's
15 admissible as an exception to the hearsay rule because it
16 was still in furtherance of the conspiracy, if it was an
17 attempt to cover the tracks.

18 MR. MARTIN: Judge, my only question --

19 THE COURT: But I don't --

20 MR. MARTIN: I'm sorry. I apologize.

21 THE COURT: I don't think that necessarily
22 applies to her evidence receipt.

23 MS. VOLLMAN: And just in an abundance of
24 caution, I'm not going to do that one; but I'm trying to
25 get this exhibit so that I can show Mr. Martin and you,

1 Judge, that this is -- this is a link that's at that
2 residence.

3 THE COURT: I understand. And I think if it
4 was to cover up what they were doing, then the patient
5 records and the list of the patients was in furtherance of
6 the conspiracy. The case law is clear, that if it was to
7 hide the conspiracy, that's in furtherance of.

8 MS. VOLLMAN: Yep.

9 MR. MARTIN: My only question with regard to
10 854, Judge, the patient list, is that the proper witness
11 for proving this up would appear to be the officer that
12 executed the search warrant.

13 MS. VOLLMAN: And we'll get him. He's on the
14 list.

15 THE COURT: Well, I think that's a
16 different -- same document --

17 MS. VOLLMAN: It's different.

18 THE COURT: -- but another version of it.

19 MS. VOLLMAN: Can I show it to you? I just
20 really want to be careful that we don't have any problem
21 with this, because I can't bring him to trial. So that's
22 why I want to kind of show you everything I've got so that
23 you're comfortable making the ruling that you're making
24 and it's all going to tie together.

25 THE COURT: Are you asking me whether or not

1 I will find that this list is testimonial? No, I don't
2 believe it's testimonial.

3 MS. VOLLMAN: Okay.

4 THE COURT: And I do believe, as to the
5 hearsay objection, it falls within the exception to
6 hearsay; but I will sustain his objection to the
7 handwritten document from the witness.

8 MS. VOLLMAN: Because one thing I'm hoping
9 is, if I show you the documents that I believe we have --
10 it's been so long that I've done this. I'm pretty sure
11 that I have this.

12 The April 11th business record from UPS
13 shows that he went out to purchase and purchase supplies
14 on April 11th; and I believe it's -- have I offered those
15 yet, the UPS records? They should have been around 62 or
16 63, 64 or something like that? I know I have some. I
17 don't know if I offered them yet.

18 THE COURT: I seem to remember UPS records.
19 Yes.

20 MS. VOLLMAN: And how about Summit? Did I
21 offer the Summit ones yet? I think those are right above
22 it. Did I offer those?

23 THE COURT: You have business records of
24 Dreammakers doing business as Summit. That was 62.

25 MS. VOLLMAN: Let me ask you this: If I

1 can -- if those records are already in evidence, at that
2 point, can I then offer the four 11 slips that he gave
3 her.

4 THE COURT: Yes. My concern is not about
5 what any of the co-conspirators gave her. It's her little
6 handwritten document.

7 MS. VOLLMAN: Yeah, and I'm fine with that.

8 THE COURT: All right. We're in recess.

9 (Off the record.)

10 (Jury present.)

11 THE COURT: Ms. Vollman, you may proceed.

12 Q. (BY MS. VOLLMAN) Ms. Sam, you're the same
13 Ms. Sam that was testifying before the break, correct?

14 A. Yes.

15 Q. I think we were talking about April 11th, 2007.
16 You said you traveled back to Dreammakers Medical Supply,
17 which is located at 505 North Sam Houston Parkway, to the
18 office, correct?

19 A. That's correct.

20 Q. And at that point in time, did you meet with
21 Mr. Walker?

22 A. Yes, I did.

23 Q. And did you present him with your request for the
24 documents?

25 A. Yes, I did.

1 Q. And at that point in time, without saying what he
2 said, did you get the records?

3 A. No.

4 Q. Did you leave at that time from Dreammakers
5 Medical Supply, leave the office?

6 A. Yes.

7 Q. All right. And at another point in time, did you
8 return?

9 A. Yes.

10 Q. And when you returned, who did you meet with?

11 A. Mr. Vincent Walker.

12 Q. All right. And at that point in time, were you
13 provided with -- what was the total number of records you
14 should have received?

15 A. 693.

16 Q. And at that point in time, were you given 693
17 records from Mr. Walker?

18 A. No.

19 Q. All right. Did you -- at another point in time,
20 did you leave on that day?

21 A. Yes.

22 Q. And did you, again, try at a different time to
23 get the records, the patience records, the 693 records
24 from Mr. Walker?

25 A. Yes.

1 Q. Can you tell us when was the next time that you
2 met with Mr. Walker to try to get the patient records?

3 A. It was on April 12th.

4 Q. So it was the next day?

5 A. Yes.

6 Q. All right. And did you go to the office of
7 Dreammakers Medical Supply on Sam Houston Parkway?

8 A. Yes, I did.

9 Q. And again, did you meet with Mr. Walker?

10 A. Yes.

11 Q. And at that point in time, did you -- were you
12 able to get the patient records -- pursuant to your
13 request for the records, were you able to get them at that
14 time?

15 A. Yes.

16 Q. And how many records did he provide?

17 A. 329.

18 Q. And that would have been 329 out of the 693?

19 A. Yes.

20 Q. Let me show you what's been marked as --

21 MS. VOLLMAN: Judge, I'm not going to go
22 through these one by one.

23 THE COURT: I understand.

24 Q. (BY MS. VOLLMAN) Let me show you what's been
25 marked as State's Exhibit No. 258A and the files; and

1 you've seen this before, correct?

2 A. Yes, I have.

3 Q. Let me show you what's been marked from State's
4 Exhibit No. 258 through 586. Do you recognize those?

5 A. Yes, I do.

6 Q. And are those the records that Vincent Walker
7 provided to you in response to your request for the
8 records?

9 A. Yes.

10 Q. Now, at the time -- let me show you what's been
11 marked as 854 and 255. When you obtain evidence like
12 this, do you give a receipt back for the records?

13 A. Yes, I do.

14 Q. And when you provided Mr. Walker with the demand
15 letter, did you have a list of all the records that you
16 wanted back, that you wanted, the 693?

17 A. Yes, I did provide it to him.

18 Q. Let me show you what's been marked as State's
19 Exhibit No. 854. Take a look at that, and can you tell us
20 what that is?

21 A. This is the patient record list up to 693
22 patients.

23 Q. Okay. You can't go into it more. Let me
24 authenticate it for you a little bit. So this is what you
25 got back. There are Xs on it and initials. Can you tell

1 us what they are?

2 A. The Xs indicate the records -- the record that I
3 received, the patient record; and the initials are Vincent
4 Walker's initials?

5 MS. VOLLMAN: Judge, at this time, we would
6 offer State's Exhibit No. 854.

7 (State's Exhibit No. 854 was offered into
8 evidence.)

9 MR. MARTIN: No additional objections other
10 than those previous I mentioned, Judge.

11 THE COURT: Same ruling.

12 (State's Exhibit No. 854 was admitted into
13 evidence.)

14 Q. (BY MS. VOLLMAN) Can you explain to us, who put
15 the Xs here?

16 A. I did.

17 Q. And was that after you verified that, in fact,
18 that file was here?

19 A. That's correct.

20 Q. And then you gave him a receipt for the records,
21 correct?

22 A. That's right.

23 Q. Now, as far as these records, did you have an
24 opportunity to go through them?

25 A. Yes, I reviewed each one.

1 Q. And did they have, in each of the files, the
2 Title 19, the prescription form, did they have the
3 delivery slip signed by the person who was getting it?
4 First off, those two questions first.

5 MR. MARTIN: Objection. It appears to be a
6 compound question, Judge.

7 MS. VOLLMAN: I'll ask one at a time, Judge.

8 Q. (BY MS. VOLLMAN) First off, did you have a
9 prescription, a Title 19, a prescription in each one of
10 the files?

11 A. No.

12 Q. Did you have a document that appears to be an
13 invoice with a signature on it?

14 A. Not in all of them.

15 Q. Okay. In some of them?

16 A. Yes.

17 Q. Let me show you what's been marked as 258B, and
18 I'll show you that just for discussions purposes. Is that
19 the type of records that you found in the majority of
20 these files?

21 A. No, not in the majority; but most of them.

22 Q. Okay. Now, as far as that, does it appear to
23 have the name of the person who was getting the supplies?

24 Q. Okay. And it has a sale's representative there,
25 correct? And it has the number of diapers and the number

1 of wipes and briefs, correct?

2 A. That's correct.

3 Q. Okay. And when you saw those documents, those
4 type of documents, what was your assessment of that?

5 A. Okay. You have diapers, 300. What kind of --
6 what size diapers? Everybody isn't the same size. And
7 you also have briefs, which is like pull ons. Diapers you
8 think about like baby diapers. That's what this is and
9 then you have 150.

10 So that's exceeding the quantity,
11 because you cannot have a combination of diapers and
12 briefs over 300. That's the maximum allowed per month for
13 a combination of say the diapers, briefs like that.

14 Q. And let me ask you this: In that particular
15 file, is there a prior authorization to have over the
16 limit?

17 A. No.

18 Q. There's no size. There's no prescription. Is
19 there a diagnosis anywhere on this exhibit to show what
20 the doctor diagnosed what the patient is having and why
21 they they needed these particular supplies?

22 A. No.

23 Q. Is that something that should be here?

24 A. That would be on the Title 19.

25 Q. And that should be here?

1 A. Yes.

2 Q. And in any of these files, did you see a Title
3 19?

4 A. No.

5 Q. Now, as far as any of these recipients, are these
6 any of the ones that you called?

7 A. Yes.

8 Q. When you talked any of those individuals, did the
9 -- did you receive an adequate explanation?

10 MR. MARTIN: Objection, Judge, vagueness as
11 to adequate explanation.

12 THE COURT: Overruled.

13 Q. (BY MS. VOLLMAN) Did you find -- did you have an
14 adequate explanation as to the supplies that Dreammakers
15 was billing for the ones that you talked to?

16 MR. MARTIN: Objection. Calls for
17 speculation and relevance.

18 THE COURT: Overruled.

19 Q. (BY MS. VOLLMAN) When you talked to them, what
20 were you trying to find out?

21 A. I was trying to find out whether they received
22 the supplies, whether they were medically necessary and if
23 they heard of the company.

24 Q. And did they answer your questions?

25 A. Yes.

1 Q. And the explanation that they gave you, was it
2 adequate to explain the document that you found in their
3 file?

4 Q. No.

5 MS. VOLLMAN: Judge, can I just have a
6 minute?

7 THE COURT: Yes.

8 Q. (BY MS. VOLLMAN) At any point in time, did you
9 get the remaining files that you should have gotten when
10 you requested the 693?

11 A. No.

12 Q. Now, after you did your analysis of the files
13 that Mr. Walker gave you, what action did you take?

14 A. I pursued a payment hold against Dreammakers.

15 Q. And was a payment hold put in place?

16 A. Yes, it was.

17 Q. Let me ask you this: Did Mr. Walker ever give
18 you billing records?

19 A. No.

20 Q. In any of the other documents that you had
21 requested, did you get any documents other than what is
22 represented in 258A, the box of patient records?

23 A. Well, along with requesting patient records, I
24 asked for contracts. I asked for invoices. I need the
25 vendor invoices. Show me whether what was actually

1 billed, did he actually purchased these supplies. I asked
2 for stuff like that, everything that pertains to the
3 operation of a business.

4 MS. VOLLMAN: Judge, at this time, can we
5 approach?

6 THE COURT: Yes.

7 MS. VOLLMAN: Judge, at this time, I think
8 that this document would be relevant in furtherance of
9 conspiracy. When you look at the date the purchase was
10 for, the before she got these records as to what
11 additional stuff was purchased and what he provided her to
12 show invoices; but I don't want it to be testimonial. I
13 think it's in furtherance -- it's an action by a
14 co-defendant in furtherance of a conspiracy.

15 THE COURT: This is still part of and she was
16 requesting him to maintain --

17 MS. VOLLMAN: Yes.

18 THE COURT: -- in furtherance of the
19 conspiracy. Please show that to Mr. Martin.

20 MS. VOLLMAN: I'm sorry?

21 THE COURT: Have you shown that to
22 Mr. Martin, or has he already seen that?

23 MS. VOLLMAN: Have you seen this one?

24 MR. MARTIN: Yes.

25 Q. (BY MS. VOLLMAN) Now, in response to -- you were

1 asking for invoices. Let me show you State's Exhibit No.
2 257. Do you recognize these?

3 A. Yes, I do.

4 Q. And where did you get those?

5 A. From Vincent Walker.

6 Q. Now, did you ask him for all his receipts
7 regarding invoices and what he purchased?

8 A. Yes, I did.

9 MS. VOLLMAN: Judge, can we approach one more
10 time?

11 THE COURT: Yes.

12 MS. VOLLMAN: I think these are the same.
13 The dates are different, but those are all the invoices of
14 what he purchased.

15 THE COURT: Okay.

16 MR. MARTIN: It does not show that those
17 items were ever sent to him. It also doesn't show that he
18 actually may have later submitted or resold those items
19 out to people. There's no connection between the two.

20 THE COURT: And are those documents going to
21 show that these were in furtherance of the conspiracy?

22 MS. VOLLMAN: Well, this one, I don't want to
23 push. That one I do. I think this is because this is all
24 the stuff he ever said he purchased. You know, when you
25 bill for 693 patients and you hand over these as your

1 proof that you purchased them, there's no other purchase.

2 We need a request. Those records are to
3 show, in fact, that's how much that company receipts for
4 Dreammakers, that kind of shows that there isn't anymore
5 and these were all the supplies.

6 THE COURT: Same ruling.

7 Q. (BY MS. VOLLMAN) Now, in addition to State's
8 Exhibit No. 257, did he provide you with any additional
9 documents?

10 A. Yes, he did.

11 Q. Now, when you asked him -- when you gave him that
12 demand letter and the demand letter said you want to get
13 all the invoices, were scope were you asking for those
14 invoices?

15 A. From January 29th, 2007 through April 10th, 2007.

16 Q. So that would have been the time he started, the
17 bill and being paid and ended it, correct?

18 A. Well, April 10th.

19 Q. That's true. Until you gave him the letter,
20 'cause it contiuned past that, correct?

21 A. Yes, that's correct.

22 Q. Do you remember when the payment hold was put in
23 effect?

24 A. April 18th, 2007.

25 Q. Okay. Do you remember when the last paid payment

1 was made by Medicaid to Dreammakers and Mr. Walker?

2 A. I don't have that information.

3 Q. Okay. So as far as the request and the demand
4 for invoices to show what he, in fact, purchased, you had
5 asked for all those invoices, correct?

6 A. Within that time period of my investigation.

7 Q. Okay. Let me show you what's been marked as
8 256. Do you recognize those documents?

9 A. Yes.

10 Q. Are these documents -- what are these documents?
11 Where did you get them?

12 A. From Vincent Walker.

13 Q. Okay. Without saying what he said, what was your
14 understanding of what these two documents encompassed?

15 A. Okay. For your supplies, you should have
16 invoices to reflect what you purchased. So if you billed
17 this quantity -- say, if we have ten patients and ten
18 patients you billing 300 per month, so 10 times 300,
19 that's 3,000. So you should have an invoice for showing
20 that you purchased 3,000 extra large.

21 You should have -- the underpants was
22 150; and you should have invoices to reflect that you
23 purchased this quantity, the same thing for the wipes. So
24 that's what the invoices should show me for that time
25 period.

1 admitted.

2 (State's Exhibit Nos. 256 and 257 were
3 admitted into evidence.)

4 MS. VOLLMAN: Can we publish those, Judge?

5 THE COURT: You may.

6 MS. VOLLMAN: Can you highlight what is
7 purchased and see if we can see the quantity and amounts?

8 Q. (BY MS. VOLLMAN) Do you even know what that's
9 for?

10 A. No. It's some numbers. That could be anything.

11 Q. Okay.

12 A. It's not very descriptive.

13 Q. And let me --

14 A. It just say two for the quantity. So if I look
15 at it, it could be two boxes, two items.

16 Q. And in this 256A -- as far as 256, what we're
17 seeing on the display are the two invoices -- the 641, 636
18 invoice that's on 256, correct?

19 A. Yes.

20 Q. And we're also looking at 641468, correct?

21 A. Yes.

22 Q. Now, the next one would be invoice number what?

23 A. 401137.

24 Q. And what is reflected there as far as...

25 A. He purchased something for \$35. It was one.

1 Q. Let's see.

2 MS. VOLLMAN: Go down a little bit more,
3 please.

4 Q. (BY MS. VOLLMAN) So paid cash. Looks like what
5 amount?

6 A. For \$35.

7 Q. And then let's go to the bigger invoices.

8 A. Okay. This one shows like the quantity. This
9 has a little bit more description of what this is, what
10 item number. So he purchased -- like, the first Line 8,
11 the Item No. 570A, the unit price was \$26.

12 Q. And it is a completely form than just a receipt
13 that is handwritten, correct?

14 A. That's correct.

15 Q. And your next exhibit is another invoice, and
16 what's the top line as far as purchase to make sure we're
17 looking at the same one?

18 A. One each 200 L/BL. I'm not familiar with that.
19 19-inch lightweight companion chair, fixed arm, foot rests
20 blue. He purchased one for \$95.

21 Q. And when you look --

22 MS. VOLLMAN: Can you highlight all the
23 supplies, please?

24 Q. (BY MS. VOLLMAN) So those are -- are those a lot
25 of the type of supplies that you saw when you first

1 conducted your inspection?

2 A. Yes.

3 Q. Can you show us the date -- what is the date on
4 that exhibit?

5 A. The invoice date is August 3rd, 2006.

6 Q. Okay. And what's the next exhibit after that?
7 And that's going to be a different date, correct?

8 A. Yes, February 2nd, 2007.

9 Q. And what is being purchased there?

10 A. A toilet safety frame.

11 Q. Okay. And the total amount of the invoice is how
12 much?

13 A. \$17.

14 Q. The next one?

15 A. He purchased two transfer benches, a bathtub with
16 padded seat and back.

17 Q. And what was the total, and what was the date?

18 A. The total -- well, for that was \$80.

19 Q. \$86?

20 A. The total of the invoice was 86.

21 Q. And then the date?

22 A. The date, February 27th, 2007.

23 Q. Okay. And the next one?

24 A. He purchased one transfer bench with a plastic
25 seat and back for \$89, and the date was February 27, 2007.

1 Q. Okay. And the last one on that exhibit?

2 A. He purchased one raised toilet seat with safety
3 arms, \$25. The total of -- he purchased four items on
4 that particular invoice for a total of 125 and invoice
5 date is 3-27-07.

6 Q. And then let me show you that other exhibit. On
7 State's Exhibit No. 257, can you tell us what date is
8 reflected -- now, you told us that you went out and made a
9 demand for the records, all the 693 of them. What date
10 was that did you go out again?

11 A. April the 11th, 2007.

12 Q. Did you go in the morning, afternoon?

13 A. In the morning.

14 Q. And did you receive any of the information that
15 you were requesting at that time?

16 A. No.

17 Q. And could you show us what was purchased on April
18 11th of 2007?

19 A. He purchased 19 boxes of protective underwear, 80
20 in a case. So that's rely medium value underwear. Then
21 he purchased 19 boxes again or rely large value and then
22 five boxes of extra large, rely underwear.

23 Q. And okay. And what was the total price on just
24 those? And those were not the adult extra large? They
25 were medium.

1 A. It's \$1,268.50.

2 Q. Do you see that?

3 MS. VOLLMAN: Judge, could you have the
4 bailiff to just show this around? It's real difficult to
5 see the total.

6 Q. (BY MS. VOLLMAN) And on the next exhibit --

7 MS. VOLLMAN: Let's go to the next one.

8 Q. (BY MS. VOLLMAN) It's a very similar type of
9 purchase, is it not?

10 A. Yes.

11 Q. What's the date on that?

12 A. March 7th, 2007.

13 Q. Okay. And let's look and see what's ordered.

14 A. He ordered 14 boxes of the rely medium, 14 boxes
15 of the rely large, 15 underpads, boxes of underpads and 28
16 tubs of washcloths.

17 Q. And we're talking what was billed was for wipes,
18 extra large adult size pull ons or diaper?

19 A. Pull ons.

20 Q. And as far as the bed pads, underpads, did you
21 see any of those being purchased? Those are the
22 underpads, right?

23 A. No.

24 Q. The underpad is on that 15.

25 A. I'm looking at a 37.

1 A. That's underwear, underpads. He purchased 15
2 underpads.

3 Q. Okay. And the number that he billed for, do you
4 know if it would be the 150 times 693?

5 A. I mean, you only getting ten bags. You have
6 green, 150 to a case; and that's not close.

7 Q. To the total, correct?

8 A. And then this date is March 7th, 2007; and that
9 was March 7th and my period was through April 10th --
10 April 10th, 2007. So through that time period just for
11 from March 7th, that's a little over a month. That's not
12 enough to even cover anything; but no, that's not enough.

13 Q. Clearly, does State's Exhibit No. 256 and 257
14 represent the amount of supplies that were billed to
15 Medicaid and paid by Medicaid?

16 A. No.

17 MS. VOLLMAN: Pass the witness, Judge.

18 THE COURT: Mr. Martin, you may proceed.

19 MR. MARTIN: Thank you, Judge.

20 CROSS-EXAMINATION

21 BY MR. MARTIN:

22 Q. Good afternoon, ma'am.

23 A. Good afternoon.

24 Q. I have some questions for you. Your involvement
25 is relating to three companies, correct, Anointed,

1 Wickware and Dreammakers?

2 A. That's correct.

3 Q. You went -- first, let's talk about Wickware.

4 A. Okay.

5 Q. I'm focused just on Wickware.

6 A. All right.

7 Q. When you went out and spoke with Mr. Wickware,
8 you are not aware of Marcus Jefferson at that time,
9 correct?

10 A. That's correct.

11 Q. And you asked no questions of Mr. Wickware
12 regarding Marcus Jefferson, correct?

13 A. That's correct.

14 Q. And no answers that you received from
15 Mr. Wickware gave rise to any concern about Marcus
16 Jefferson, correct?

17 A. That's correct.

18 Q. Now, you made a comment relating to Mr. Wickware
19 and his business that you found it that it was unusual not
20 to supply recipients across multiple product lines. Do
21 you remember that direct testimony with Ms. Vollman?

22 A. Yeah, by going different state lines.

23 Q. No, ma'am. I apologize if I asked a vague
24 question. That's my fault.

25 A. All right.

1 Q. I'm going to paraphrase what I recall your
2 testimony to be, and please let me know if I'm on target
3 or if I'm off target; but I recall your testimony in
4 direct examination to be, was that you noticed Wickware
5 was focused on solely on incontinent supplies in terms of
6 Medicaid billing. They weren't billing for anything
7 else?

8 A. Okay. Wickware, when I did that, was an
9 inspection. So at that time, he didn't have a Medicaid
10 number. So he could not bill Medicaid. So are you
11 referring to Dreammakers?

12 Q. No. I'm referring to Wickware; and was he -- in
13 a conversation with Wickware, or Mr. Wickware, he was
14 either had billing at that time or indicated he wanted to
15 get into incontinent supplies?

16 A. You're talking about once he get his Medicaid
17 number?

18 Q. Yes, ma'am. I apologize for being vague.

19 A. I'm trying to answer you.

20 Q. You're doing fine, ma'am.

21 A. Okay.

22 Q. He wants to get into incontinent supplies.

23 A. Okay.

24 Q. You found that to be unusual that he only wanted
25 to get into that one product line; is that correct? Was

1 that your testimony?

2 A. Yeah. Because just to do incontinent supplies,
3 to just focus on that, that is unusual.

4 Q. That's not illegal, though?

5 A. No, it's not illegal.

6 Q. And there's no Medicaid rule federal, state
7 prohibition against selling only in one product group or
8 product line?

9 A. No, it's not.

10 Q. Switching hats now to Anointed.

11 A. Okay.

12 Q. You indicate that had Demetria Boston was listed
13 on some forms as the owner of Anointed Medical. You
14 remember that testimony?

15 A. Yes.

16 Q. You then indicated you accessed other documents
17 and you found out or uncovered that a person with the last
18 name of Johnson and a person with the last name of Goodson
19 were also owners of Anointed Medical; is that correct?

20 A. That's correct.

21 Q. Your research of government documents and
22 Medicaid documents showed no ownership interest in
23 Anointed by Marcus Jefferson, correct?

24 A. That's correct.

25 Q. You then did a BOR, or you pulled a BOR for the

1 March, April time period -- March of '03 to April of '06?

2 A. That's for Anointed.

3 Q. I'm sorry.

4 A. For Anointed?

5 Q. Yes, ma'am. I'm focused right now on Anointed?

6 A. Okay.

7 Q. And in your review of the BOR, there was nothing
8 on the BOR or any information on the BOR related to Marcus
9 Jefferson, correct?

10 A. That's correct. I'll answer you like that.

11 Q. Now, you also indicated that Ms. Boston shared
12 with you that when you had requested records and you had
13 requested 2,163 records and she came up with a reason or
14 an excuse on not provided the disk. Do you remember that?

15 A. Yes.

16 Q. I'm paraphrasing here that she -- she told you
17 the heat warped the disk. You remember that testimony?

18 A. Yes.

19 Q. Ms. Boston didn't say anything to you about
20 Marcus Jefferson, did she?

21 A. No.

22 Q. Now, you also testified that you had conducted
23 interviews with four recipients or alleged recipients of
24 Anointed. Do you remember that?

25 A. Yes.

1 Q. And you asked them questions?

2 A. That's correct.

3 Q. And you received answers back?

4 A. Yes.

5 Q. And it is fair to say you asked them no questions
6 about Marcus Jefferson?

7 A. That's correct.

8 Q. Because you were not aware of him at that time?

9 A. That's correct.

10 Q. And certainly no answer you got back caused you
11 concern about Marcus Jefferson 'cause you didn't know
12 about him?

13 A. That's right.

14 Q. Switching now to Dreammakers.

15 A. Okay.

16 Q. Okay. You provided a -- or you had an interview
17 with Mr. Walker?

18 A. Yes.

19 Q. And you provided him questions off of a
20 questionnaire?

21 A. Yes.

22 Q. A state agency form?

23 A. Yes.

24 Q. And you took down, you said, his answers?

25 A. That's right.

1 Q. No questions on that form related to Marcus
2 Jefferson?

3 A. No questions related to him.

4 Q. And no answers you received back from Mr. Walker
5 related to Marcus Jefferson?

6 A. That's correct.

7 Q. Also, when you did the BOR and you pulled up
8 initially 263 clients and later 693 clients, there was
9 nothing about that BOR related to Marcus Jefferson?

10 A. That's correct.

11 Q. You then went ahead and you asked for a records
12 request letter and a records list and presented that to
13 Mr. Walker?

14 A. That's right.

15 Q. Nothing on that records request letter referenced
16 Mr. Jefferson, did it?

17 A. No.

18 Q. Now, you indicated that you ultimately received
19 329 records out of the 693 that you requested?

20 A. Yes.

21 Q. And we're talking about the records in that box?

22 A. Yes.

23 Q. And you've had an opportunity to go through each
24 one of those records, correct?

25 A. Yes.

1 Q. Okay. Marcus Jefferson is not listed on any of
2 those records by name, is he?

3 A. No.

4 Q. And to your knowledge, Marcus Jefferson did not
5 prepare or complete any of those records, did he?

6 A. Yes.

7 Q. Yes, he did or?

8 A. No.

9 Q. To your knowledge, he did not?

10 A. To my knowledge, no.

11 Q. Okay.

12 A. Okay.

13 Q. Now, the State, at the end of your direct
14 examination, started introducing some invoices. Do you
15 remember those various invoices?

16 A. Yes.

17 Q. I'm not going to be asking you questions about
18 the individual invoices, just the overall invoicing.
19 Okay?

20 A. Okay.

21 Q. Now, to your knowledge, was Marcus Jefferson
22 involved in ordering the supplies as evidenced on those
23 invoices, to your knowledge?

24 A. No.

25 Q. Now, did you actually check in the inventory of

1 Dreammakers whether those items had actually been received
2 by Dreammakers?

3 A. No.

4 Q. Did you check the inventory what they still had
5 in storage to see whether those items were still in
6 inventory or whether they had already been shipped out to
7 customers?

8 A. Yes, I can say yes to that.

9 Q. And how did you go about doing that, ma'am?

10 A. Because he told me all his supplies --

11 MS. VOLLMAN: Objection.

12 Q. (BY MR. MARTIN) It's not what Mr. Walker shared
13 with you.

14 A. By my observation of the supplies that were on
15 site at the facility.

16 Q. Did you specifically check the product numbers
17 off of the invoice and compare it to the product numbers
18 in the patient files to determine that those specific
19 items actually left the shop or the storage floor and went
20 to patients?

21 A. Okay. Because there's no product numbers on the
22 delivery slips.

23 Q. Let me ask the question another way.

24 A. All right.

25 MR. MARTIN: May I approach the witness,

1 Judge?

2 THE COURT: You may.

3 Q. (BY MR. MARTIN) I'm going to use the Kleenex box
4 as a demonstrative aid. So if you could hand me the
5 Kleenex box, I'd appreciate it. As an example, let's say
6 this Kleenex box is one of the items that's on the
7 invoices that you reviewed.

8 A. All right.

9 Q. Okay. Did you physically track this Kleenex box,
10 assuming that it was one of the items on the invoices,
11 from the supplier to Dreammakers and ultimately to the
12 customer so that you can state to this jury you know that
13 this box was purchased, was received and was sent out?

14 A. No.

15 Q. You made the comment, ma'am, that Dreammakers
16 billed more -- or billed Medicaid for more products than
17 they ordered as evidenced by those supply invoices. Do
18 you remember that direct testimony?

19 A. Yes.

20 Q. Is it fair to say that the partial -- that you
21 looked at partial invoices? You don't know whether there
22 were more invoices or not? You just didn't see more
23 invoices?

24 A. No. That's incorrect.

25 Q. How is that incorrect exactly?

1 A. Because according to my request letter,
2 everything that I asked you for within that time period to
3 operate your business, you need to provide to me. After
4 you give me, the patient records, the invoices, I also ask
5 the question, "Do you have any other patient records? Do
6 you have any other invoices? What else can you give to
7 me?"

8 And the answer is, "I don't have
9 anything."

10 Q. Again, that answer --

11 A. I can say that there was no other invoices or
12 patient records provided to me.

13 Q. So is it fair to say that the assumption that
14 you're making, since there were no other records provided
15 to you, that means there were no other supplies purchased?

16 A. That's correct.

17 Q. That that's your assumption?

18 A. That's fact.

19 Q. Now, you understand that Mr. Walker is not on
20 trial in this case? Do you understand that?

21 A. Yes.

22 Q. You understand Mr. Jefferson is on trial on this
23 case?

24 A. Yes.

25 Q. And to your knowledge, Mr. Jefferson has no

1 ownership interest at all in Dreammakers?

2 A. That's correct.

3 Q. And would you expect Mr. Jefferson to have
4 invoices to support Dreammakers sales to its Medicaid?

5 MS. VOLLMAN: Judge, I'm going to object. It
6 calls for her to speculate as to what Mr. Jefferson would
7 or would not have.

8 THE COURT: Sustained.

9 Q. (BY MR. MARTIN) Are you aware that Mr. Jefferson
10 has any such invoices?

11 A. No.

12 MR. MARTIN: Pass.

13 MS. VOLLMAN: Nothing further, Judge.

14 THE COURT: May this witness be excused?

15 MS. VOLLMAN: Yes, please.

16 THE COURT: Go ahead and call your next
17 witness. However, we may not get through them before
18 breaking for lunch.

19 MS. VOLLMAN: Anthony Williams.

20 THE COURT: Okay.

21 ANTHONY WILLIAMS,
22 having first been duly sworn, testified as followed:

23 DIRECT EXAMINATION

24 BY MS. VOLLMAN:

25 Q. Mr. Williams, could you please introduce yourself