

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

04/03/2017
09:17 AM

DAVID H. YAMASAKI, Clerk of the Court
17CF0799

6 THE PEOPLE OF THE STATE OF CALIFORNIA,) FELONY COMPLAINT
7) WARRANT
8 Plaintiff,)
9)
10 vs.) No.
11 ISMAEL SILVA JR 09/17/54) OCDA WC16070011
C2494451) OCDA WC15040015
12 ISMAEL GELI SILVA 11/09/78) OCDA HF12110001
13 D2945698)
14 AKA I GELI SILVA)
ISMAEL GIELI SILVA)
15)
16 Defendant(s)

17 The Orange County District Attorney charges that in Orange
18 County, California, the law was violated as follows:

19 COUNT 1: On or about and between October 01, 2011 and December
20 01, 2014, in violation of Section 550(a)(6) of the Penal Code
21 (CONSPIRACY TO COMMIT MEDICAL INSURANCE FRAUD), a FELONY, ISMAEL
22 SILVA JR and ISMAEL GELI SILVA did unlawfully conspire with
23 Conspired with Tanya Moreland King and Christopher King and
24 other Unknown individuals, with the intent to defraud, to make a
25 false and fraudulent claim to Workers compensation Insurance
26 Carriers in California for payment of a health care benefit in
an amount exceeding nine hundred fifty dollars (\$950). It is
further alleged that pursuant to and for the purpose of carrying
out the objects and purposes of the conspiracy, one and more of
the conspirators committed the following overt acts:

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OVERT ACT 1

On or about October of 2011, Defendants Ismael Silva, Jr., M.D., entered into an agreement with Tanya Moreland King wherein Tanya Moreland King agreed to pay Defendant Silva a kickback in the amount of \$20,000 a month.

OVERT ACT 2

In order to avoid detection as a kickback, Tanya King paid Defendant Ismael Silva Jr. M.D. through his son's company named Starbase Inc,.

OVERT ACT 3

Starbase Inc., was owned by Defendant Ismael Geli Silva, and Defendant Ismael Geli Silva accepted payments from Tanya King, for his father Defendant Ismael Silva Jr., M.D..

OVERT ACT 4

Tanya King made payments to Starbase using the Citibank account ending in 3222 belonging to her company First Meditech between October 20, 2011 and September 1, 2012.

OVERT ACT 5

Tanya King made at least one payment to Starbase using her JP Morgan account ending in 2558 belonging to her company named Preferred Medical on July 16, 2012.

OVERT ACT 6

Tanya King made at least seven payments to Starbase, using her JP Morgan account ending in 5072 belonging to her company named One Source Labs between February 20, 2013 and November 3, 2014.

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OVERT ACT 7

In consideration for these kickback payments, Defendant Ismael Silva Jr., M.D., permitted Tanya King's employees to come to his (8) eight clinics, named Healthpointe, including the ones located in the City of Garden Grove and the City of Anaheim, in the County of Orange, to collect Urine samples from workers' compensation patients.

OVERT ACT 8

Tanya King's employees prepared the necessary paperwork, including the prescription from the physicians, to give the appearance of legitimacy to the Urine Toxicology Tests ordered by the Healthpointe physicians.

OVERT ACT 9

On 12/26/14, Defendant Ismael Geli Silva wrote an email to Christopher King confirming their agreement for payments of \$20,000 and requested payment of the outstanding balance of \$200,000 for 2013 and \$140,000 for 2014.

OVERT ACT 10

Between 10/20/11 and 12/26/14, Tanya Moreland King and Christopher King agreed to and in fact paid Defendants Ismael Geli Silva and Ismael Silva Jr. M.D. in excess of \$685,000.

COUNT 2: On or about and between April 04, 2014 and January 15, 2015, in violation of Section 549 of the Penal Code (FALSE AND FRAUDULENT CLAIM), a FELONY, ISMAEL SILVA JR and ISMAEL GELI SILVA HealthPoint Clinics owned by Dr. Ismael Silva M.D., did unlawfully solicit, accept, and refer business to and from Monarch Medical Group, with the knowledge that, and with reckless disregard for whether Monarch Medical Group intended to violate Penal Code section 550 and Insurance Code section 1871.4.

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1 COUNT 3: On or about April 24, 2014, in violation of Section
2 650 of the Business & Professions Code (REBATES FOR PATIENT
3 REFERRALS), a FELONY, ISMAEL SILVA JR, a person licensed under
4 the Healing Arts Division of this Code and the Chiropractic
5 Initiative Act, did unlawfully offer, deliver, receive, and
6 accept any rebate, refund, commission, preference, patronage
7 dividend, discount, and other consideration as compensation and
8 inducement for referring patients, clients, and customers to
9 TANYA MORELAND KING AND HER BUSINESS ONE SOURCE LABS.

10 COUNT 4: On or about July 21, 2014, in violation of Section 650
11 of the Business & Professions Code (REBATES FOR PATIENT
12 REFERRALS), a FELONY, ISMAEL SILVA JR, a person licensed under
13 the Healing Arts Division of this Code and the Chiropractic
14 Initiative Act, did unlawfully offer, deliver, receive, and
15 accept any rebate, refund, commission, preference, patronage
16 dividend, discount, and other consideration as compensation and
17 inducement for referring patients, clients, and customers to
18 TANYA MORELAND KING AND HER BUSINESS ONE SOURCE LABS.

19 COUNT 5: On or about August 28, 2014, in violation of Section
20 650 of the Business & Professions Code (REBATES FOR PATIENT
21 REFERRALS), a FELONY, ISMAEL SILVA JR, a person licensed under
22 the Healing Arts Division of this Code and the Chiropractic
23 Initiative Act, did unlawfully offer, deliver, receive, and
24 accept any rebate, refund, commission, preference, patronage
25 dividend, discount, and other consideration as compensation and
26 inducement for referring patients, clients, and customers to
27 TANYA MORELAND KING AND HER BUSINESS ONE SOURCE LABS.

28 COUNT 6: On or about November 03, 2014, in violation of Section
650 of the Business & Professions Code (REBATES FOR PATIENT
REFERRALS), a FELONY, ISMAEL SILVA JR, a person licensed under
the Healing Arts Division of this Code and the Chiropractic
Initiative Act, did unlawfully offer, deliver, receive, and
accept any rebate, refund, commission, preference, patronage
dividend, discount, and other consideration as compensation and
inducement for referring patients, clients, and customers to
TANYA MORELAND KING AND HER BUSINESS ONE SOURCE LABS.

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1 COUNT 7: On or about April 24, 2014, in violation of Section
2 3215 of the Labor Code (REFERRAL OF CLIENTS FOR COMPENSATION), a
3 FELONY, ISMAEL SILVA JR and ISMAEL GELI SILVA did unlawfully
4 offer, deliver, receive, and accept a rebate, refund,
5 commission, preference, patronage, dividend, discount and other
6 consideration, as compensation and inducement for referring
clients and patients to perform and obtain services and
benefits.

7 COUNT 8: On or about July 21, 2014, in violation of Section 3215
8 of the Labor Code (REFERRAL OF CLIENTS FOR COMPENSATION), a
9 FELONY, ISMAEL SILVA JR and ISMAEL GELI SILVA did unlawfully
10 offer, deliver, receive, and accept a rebate, refund,
11 commission, preference, patronage, dividend, discount and other
12 consideration, as compensation and inducement for referring
clients and patients to perform and obtain services and
benefits.

13 COUNT 9: On or about August 28, 2014, in violation of Section
14 3215 of the Labor Code (REFERRAL OF CLIENTS FOR COMPENSATION), a
15 FELONY, ISMAEL SILVA JR and ISMAEL GELI SILVA did unlawfully
16 offer, deliver, receive, and accept a rebate, refund,
17 commission, preference, patronage, dividend, discount and other
18 consideration, as compensation and inducement for referring
clients and patients to perform and obtain services and
benefits.

19 COUNT 10: On or about November 03, 2014, in violation of Section
20 3215 of the Labor Code (REFERRAL OF CLIENTS FOR COMPENSATION), a
21 FELONY, ISMAEL SILVA JR and ISMAEL GELI SILVA did unlawfully
22 offer, deliver, receive, and accept a rebate, refund,
23 commission, preference, patronage, dividend, discount and other
24 consideration, as compensation and inducement for referring
clients and patients to perform and obtain services and
benefits.

25 ENHANCEMENT(S)

26 As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, it is further
27 alleged pursuant to Penal Code section 12022.6(a)(2) (PROPERTY
28 LOSS OVER \$200,000), that ISMAEL SILVA JR and ISMAEL GELI SILVA
intentionally took, damaged, and destroyed property valued in
excess of two hundred thousand dollars (\$200,000) during the
commission and attempted commission of the above offense.

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2 I declare under penalty of perjury, on information and belief,
3 that the foregoing is true and correct.

4 Dated 04-03-2017 at Orange County, California.
5 KS/AC 17F00352

6 TONY RACKAUCKAS, DISTRICT ATTORNEY

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8 by: /s/ SHADDI KAMIABIPOUR
9 SHADDI KAMIABIPOUR, Deputy District Attorney

10 RESTITUTION CLAIMED

11 [] None
12 [] \$ _____
13 [X] To be determined

14 BAIL RECOMMENDATION:

15 ISMAEL SILVA JR - \$ 200,000.00
16 ISMAEL GELI SILVA - \$ 200,000.00

17 NOTICES:

18 The People request that defendant and counsel disclose, within
19 15 days, all of the materials and information described in Penal
20 Code section 1054.3, and continue to provide any later-acquired
21 materials and information subject to disclosure, and without
22 further request or order.

23 Pursuant to Welfare & Institutions Code §827 and California Rule
24 of Court 5.552, notice is hereby given that the People will seek
25 a court order to disseminate the juvenile case file of the
26 defendant/minor, if any exists, to all parties in this action,
27 through their respective attorneys of record, in the prosecution
28 of this case.