

AFFIDAVIT FOR ARREST WARRANT

STATE OF FLORIDA)
COUNTY OF DUVAL)

S.A. NO. 14-AC-19105 Case NO. 14-216
DIVISION CRG JUDGE John Moran
ASST. STATE ATTY. Licandro, J.

PLEASE PRINT LEGIBLY – ALL SPACES

Before me, the undersigned Judge of the Fourth Judicial Circuit, in and for Duval County Florida, personally came Detective Paul Robbins, who, being duly sworn deposes and says that he has reason to and does believe that one CYNTHIA JANE PEREZ, described as follows: Last known address: 11263 PRINCESSA LANE, JACKSONVILLE, FL 32218; Race: Hispanic Sex: Female; DOB: 02/17/1969 / Ht 5'8"; Wt: 180 Hair: Brown; Eyes: Brown; Scars, Marks: Unknown; did in Duval County, Florida, from September 2013 to February 2014, commit the crime(s) of (1) False and fraudulent insurance claims (5x), (2) Schemes to Defraud, and (3) Practicing Massage Therapy with an Inactive License contrary to the provisions of Section(s) (1) 817.234 (1)(a)1 (F3), (2) 817.034(4)(a)(3) (F3) and (3) 480.047(1)(a)(2) (MM1) Florida Statutes:

Your Affiant is a Law Enforcement Detective with the Florida Department of Financial Services, Division of Insurance Fraud (DIF). Your Affiant has over 30 years of Law enforcement experience and states:

On February 4, 2014, O [REDACTED] V. [REDACTED] filed a complaint in reference to possible fraudulent billing by Chiropractic Physician STEVEN RHODES. RHODES is the owner of OCEAN VIEW HEALTH, INC, located at 320 North 1st St, Suite 709, Jacksonville Beach, FL 32250. The complaint dates are from September 2013 to January 2014.

V. [REDACTED] said she had expressed concern several times when signing paper work for services that were not rendered. RHODES and his staff personally assured her that the paper work would be submitted correctly to the insurance company, but it was not. V. [REDACTED] sent RHODES correspondence asking him to correct the billing situation but instead he called her asking her to meet to discuss this in person. RHODES told her that he would "make me happy."

On February 18, 2014, another complaint was filed by Kemper Direct Insurance Company, SIU David Kunz. Kunz reported that his insured driver, A [REDACTED] R. [REDACTED] N. [REDACTED] was seeking treatment with RHODES at OVH due to injuries sustained in an automobile accident. Kunz reported that OVH is billing for manual therapy under CPT 97140 but the Subjective, Objective, Assessment, and Plan (SOAP) notes reveal treatment by a massage therapist with an expired massage license.

The investigation revealed that RHODES allowed CYNTHIA PEREZ to provide treatment/therapies to patients knowing that PEREZ had an expired LMT license. In addition, PEREZ provided documented manual therapy treatment that should she was not legally licensed to perform. By doing so, bills were submitted to numerous insurance companies for services that should not have been performed.

PEREZ performed treatment on patients knowing her license was expired. Another employee named MELISSA ROSS told PEREZ her license was expired in September 2013. ROSS also told RHODES in September 2013 that PEREZ had an expired license. RHODES continued to let PEREZ treat patients and submit bills to the insurance companies.

To date, there has been a total of \$1,925.00 billed to State Farm, Esurance, Progressive and Kemper Insurance for the billing of unauthorized services performed by PEREZ.

During the investigation seven (7) patients were interviewed. PEREZ provided, documented, manual therapy on four (4) of the patients.

R [REDACTED] G [REDACTED]

On December 11, 2013, and January 8 & 29, 2014, PEREZ provided two (2) units of manual therapy each day which is a total of six (6) units of treatment. Each unit is \$55.00 per unit.

M [REDACTED] & H [REDACTED] S [REDACTED]

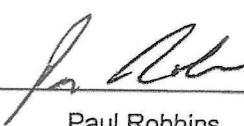
On January 29, 2014 and February 3, 2014, PEREZ performed manual therapy on H [REDACTED] for a total of four (4) units of treatment. Each unit of treatment is \$55.00 per unit.

B [REDACTED] L [REDACTED]

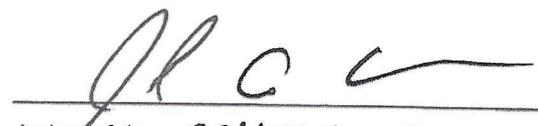
On December 11 & 27, 2013 PEREZ performed two (2) units of manual therapy on L [REDACTED] each day for a total of four (4) units of therapy. Each unit of treatment is \$55.00 each.

A [REDACTED] N [REDACTED]

From December 23, 2013 to January 31, 2014, PEREZ provided eleven (11) documented days of manual therapy on N [REDACTED]. One of those days there was only one (1) unit documented. PEREZ provided a total of twenty one (21) units of therapy to N [REDACTED]. Each unit of therapy is \$55.00 each.


Affiant: Paul Robbins ID No. 895227
Agency: Florida Department of Financial Services – Fraud Division
Duty Section: Jacksonville, Florida
Phone: 904-798-4874

Sworn to and subscribed before me this 7 day of April, 2014, by the aforementioned Affiant
who is personally known to me or who has produced State Police Identification
as identification and who did take an oath.


Judge of the COURT Court of the Fourth
Judicial Circuit in and for Duval County, Florida

ARREST WARRANT

S.A. No. 14-1F-19105 CCR No. 14-216

DIVISION CR-G JUDGE John Moran

ASST.STATE ATTY. J. Licandro

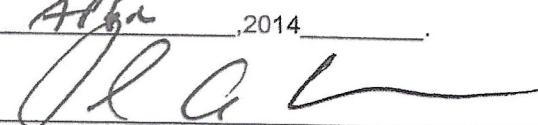
IN THE NAME OF THE STATE OF FLORIDA
TO ALL SINGULAR THE SHERIFFS OR DEPUTY
SHERIFFS OF THE STATE OF FLORIDA

WHÉRÉAS, upon the sworn affidavit, complaint or other sworn testimony of Detective Paul Robbins, the undersigned Judge of the Fourth Judicial Circuit of Florida, in and for Duval County, has found that there exists probable cause to believe that one CYNTHIA JANE PEREZ, did from September 2013 to February 2014 in Duval County, Florida, commit the offense(s) of (1) False and fraudulent insurance claims (5x), (2) Schemes to Defraud, and (3) Practicing Massage Therapy with an Inactive License contrary to the provisions of Section(s) (1) 817.234 (1)(a)1 (F3), (2) 817.034(4)(a)(3) (F3) and (3) 480.047(1)(a)(2)(MM1) Florida Statutes:

You are HEREBY COMMANDED to arrest CYNTHIA JANE PEREZ, described as follows: Last known address: 11263 PRINCESSA LANE, JACKSONVILLE, FL 32218; Race: Hispanic; Sex: Female DOB: 02/17/1969 / Ht 5'8"; Wt: 180; Hair: Brown; Eyes: Brown; Scars, Marks: Unknown; if he/she be found in your county, and safely keep him/her so that you have his/her body before a Judge of the Duval County Circuit Court, at the Courthouse in Jacksonville, instanter, to be dealt with according to law. Appearance bond is fixed at:

Bond Charge#1 10,000 Bond Charge #4 10,000 Bond Charge #7 1,500
Bond Charge#2 10,000 Bond Charge #5 7,500
Bond Charge#3 10,000 Bond Charge #6 7,500

Given under my hand and seal this 3 day of April, 2014.


Judge of the COURT Court of the Fourth
Judicial Circuit in and for Duval County, Florida

Entered in NCIC or FCIC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check <input checked="" type="checkbox"/> One)
If YES, Extradition Code:	C / E / O / S / D (Circle One)
ASA Approval:	<u>W. Collins, Esq.</u>

Received this Arrest Warrant the _____ day of _____, 2014, and executed
it on the _____ day of _____, 2014, by arresting the within named _____
_____, and having him / her now before the Court this _____
day of _____, 2014.

Arresting Officer: _____ ID No. _____
Agency: _____
Duty Section: _____

JAIL DOCKET NO: _____

OFFICE OF THE STATE ATTORNEY
FOURTH JUDICIAL CIRCUIT OF FLORIDA
WWW.SAO4TH.COM



220 EAST BAY STREET
JACKSONVILLE, FLORIDA 32202-3429
TEL: (904) 630-2400
FAX: (904) 630-1848

**ANGELA B. COREY
STATE ATTORNEY**

August 15, 2014

ESURANCE INSURANCE COMPANY
P. O. BOX 20666
TAMPA, FLORIDA 33622

RE: STATE v. CYNTHIA JANE PEREZ
S.A. CASE NO.: 14CF019105AD
DIVISION: CRG
CCR NO.: 2014-216

Dear Sir Or Madam:

This is to advise you that the above-named Defendant pled guilty to Practicing Massage Therapy Without A License in Circuit Court on August 13, 2014.

The Honorable James H. Daniel sentenced this Defendant to 4 days County Jail, with credit for 4 days' time served, \$100.00 cost of prosecution, court costs and \$3,500.00 Investigative Cost (Law Enforcement).

Thank you for your cooperation concerning this matter.

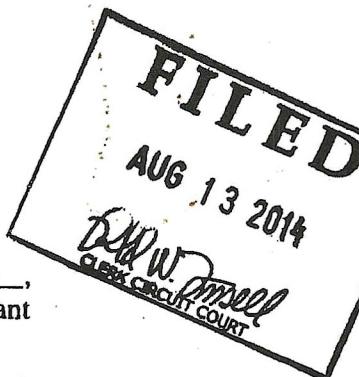
Sincerely,

Joseph Rudolph Licandro
Assistant State Attorney

STATE OF FLORIDA

vs.

Cynthia Jane Perez,
Defendant



IN THE CIRCUIT COURT,
FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY,
FLORIDA

CASE #: 16 - 2014 - CF - 3173

DIVISION: CR - G

PLEA OF GUILTY AND NEGOTIATED SENTENCE

I hereby enter my plea of guilty because I am guilty. Before entering such plea of guilty, I was advised of the nature of all the charges against me, the statutory offenses included within such charges, the range of maximum allowable punishments for each charge, all the possible defenses to each charge, and all circumstances in mitigation of such charges. I have been advised of all other facts essential to a full and complete understanding of all offenses with which I have been charged, and of all offenses to which I am entering this plea. I have been advised of all direct consequences of the sentence to be imposed.

Specific Terms of Negotiated Sentence:

My sentence has been negotiated in this case, and I understand that it is as follows:

Defendant pleads guilty to Count 6 (Practicing Message Therapy Without a License) a 1° MM with the understanding she will be adjudicated guilty and sentenced to 4 days Duval County Jail with credit for 4 days time served. Additionally, the defendant is to pay \$423 court costs and agrees to a restitution order to Division of Insurance Fraud in the amount of \$350.00. The State will nolle prosequi counts 1, 2, 3, 4, ~~7, 8, 9~~ + 5.

I consider this negotiated sentence to be to my advantage, and I have freely and voluntarily entered my plea of guilty. I have not been offered any hope of reward, better treatment, or certain type of sentence to get me to enter this plea, other than the sentence set forth above. I have not been promised by anyone, including my attorney, that I would actually serve any less time than set forth above, and I understand that any early release of any sort is not a part of this plea agreement and is entirely within the discretion of governmental agencies other than this Court. I have not been threatened, coerced, or intimidated by any person, including my attorney, in any way in order to get me to enter this plea.

Advice of Rights:

I understand that by pleading guilty I give up the following constitutional rights: the right to trial by judge or jury (including, if I am charged with a capital offense, the right to a jury of twelve persons), the right to be represented by counsel at trial, the right to have counsel appointed to represent me if I cannot afford to retain counsel, the right to present witnesses in my own behalf and to compel the attendance of those witnesses, the right to confront the witnesses against me, the right to require the State to prove its case against me beyond a reasonable doubt and, for purposes of this plea hearing, my right against self-incrimination. I further understand that if I am not a citizen of the United States that this plea may subject me to deportation. I also understand that by entering this plea I give up the right to appeal all matters relating to the judgement, including the issue of guilt or innocence.

Consultation with Attorney:

I have had ample time to discuss this agreement with my attorney. My attorney and I have read this agreement regarding my guilty plea together in private, and my attorney has explained all portions of this agreement to my complete understanding and satisfaction. We have fully discussed all aspects of the case, including all possible defenses to all charges, including self-defense and any defense based upon any disability, disease, insanity, or intoxication. My attorney has given me the opportunity to ask questions and has answered all of my questions fully and completely. My attorney has taken all actions requested by me, or has explained to my satisfaction and agreement why such actions should not be taken, and I concur with my attorney's decisions in that regard. I am completely satisfied with the services rendered by my attorney on my behalf in this case.

Time for Consideration and Reflection:

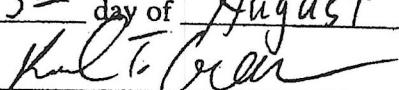
I have had sufficient time to consider all charges against me, all possible defenses and circumstances in mitigation, the advice of my attorney, the constitutional rights forfeited by entering into this plea agreement, and the potential consequences that the plea of guilty may have upon me. I have been provided with the opportunity for additional time to consider and reflect upon these matters, and I specifically state that I do not require any additional time to do so. I wish to proceed with the entry of my guilty plea.

Acknowledged in Open Court:

In open court I have under oath acknowledged to the Judge of this Court that:

- A. I have read and understood this entire plea agreement, including the rights I am giving up by entering into it;
- B. I am not under the influence of any substance, drug or condition (physical, mental, or emotional), which interferes with my appreciation of the entire plea agreement into which I am entering and all consequences thereof;
- C. I have not been deprived of, and am properly taking, any medication which is essential to my full, complete and unimpaired understanding of the plea agreement and these proceedings;
- D. I have entered into and signed this plea of guilty and negotiated sentence freely and voluntarily;
- E. This plea of guilty and negotiated sentence form is true and correct in all respects; and
- F. This form represents the sole and complete agreement between myself and the State. No other agreements, representations, or promises have been made by myself, my attorney, the Court, or any representative of the State.

Both my attorney and I have signed this plea agreement in open Court at Jacksonville, Duval County, Florida, this 13th day of August, 2014.



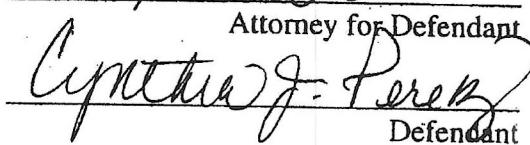
Kurt C. Oean

Attorney for Defendant



Jennifer W. Walker

Assistant State Attorney



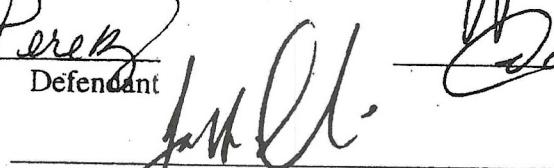
Cynthia J. Perez

Defendant



Daniel C. Clark

Witness, Deputy Clerk



Circuit Judge

My signature as Judge of this court is certification that I have discussed this plea agreement with Defendant and Defendant's attorney in open court on this date and have asked Defendant questions, considered Defendant's responses, and observed Defendant's demeanor. I find that Defendant has the intelligence to comprehend these constitutional rights, the terms of this plea agreement, the contents of this written agreement, and these proceedings. I further find that Defendant has entered this plea freely and voluntarily and is not under the influence of any disability, substance, drug or condition which would interfere with Defendant's ability to understand and appreciate the terms of this plea agreement and its consequences.