

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL COURT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA)
)
BROWARD COUNTY)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

1. BEFORE MEE E. KOLLRA, Judge of the Circuit Court, in and for Broward County, Florida, personally appeared Janice Cundy, Law Enforcement Lieutenant, with the Medicaid Fraud Control Unit of the Office of the Attorney General of Florida, who being first duly sworn, deposes and says that she has probable cause to believe that certain laws of the State of Florida have been violated, in particular: **Medicaid Fraud**, \$50,000 or more, Florida State Statute 409.920(2)(a)1 and (2)(b)1c, and **Grand Theft** over \$100,000 Florida State Statute 812.014(1) and (2)(a)1, by Lorna Abigail Dukes in Broward County and Leon County for the Judicial Circuits of the Seventeenth and Second. The said offenses occurred in two or more judicial circuits in the State of Florida as part of related transactions and/or were connected with an organized criminal conspiracy affecting two or more judicial circuits in the State of Florida.

DEFENDANT’S IDENTIFICATION

2. **Lorna Abigail Dukes:** B/F; HGT 6’0”; DOB: 12/12/1967; [REDACTED]; L.K.A. 7437 NW Greenspring Street, Port St Lucie, Florida 34987.

AFFIANT TRAINING AND EXPERIENCE

3. Your Affiant is currently employed as a Law Enforcement Lieutenant with the Office of the Attorney General, Medicaid Fraud Control Unit (hereinafter referred to as MFCU), since February 15, 2013. During that time, your Affiant has investigated and or participated in many investigations, search warrants, and/or arrests of individuals violating the Medicaid Fraud laws of the State of Florida. Prior to being employed with MFCU, your Affiant was a Police Officer with the Miami-Dade Police Department for 10-1/2 years, the Orange County Sheriff’s Office for 11 years, and the Mecklenburg County Police Department for 5 years. Your Affiant has conducted and/or participated in all types of criminal investigations including Homicides, Robberies, Sexual Batteries, Burglaries, Thefts, Fraud, Domestic Violence, Narcotics, Child Abuse, and Exploitation and Abuse of the Elderly.

DEFINITIONS

4. **MEDICAID** is the federal and state funded medical assistance program that provides access to health care for low-income families and individuals. The Medicaid program is authorized by Title XIX of the Social Security Act. In Florida, the Medicaid program is authorized by Chapter 409, Florida State Statutes and Chapter 59G, Florida Administrative Code.

5. **AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA)** is the State of Florida Agency that oversees the Medicaid Program.

6. FMMIS is an acronym for the *Florida Medicaid Management Information System*. FMMIS is a databank managed by AHCA/HP for obtaining provider information, claims information, recipient information, and other data points that may be pertinent to an investigation.

7. **DSS** is an acronym for Decision Support System. DSS is an interactive software-based system intended to help decision makers compile useful information from a combination of raw data, documents, and personal knowledge from FMMIS to formulate information that is then used as an investigative tool.

8. **HOME AND COMMUNITY BASED SERVICES (HCBS)** are types of person-centered care delivered in the home and community rather than institutions or to a facility for care. A variety of health and human services can be provided such as Respite Care, Life Skills Development, Companion Care, and Supported Living Coaching.

9. **DXC TECHNOLOGY** is the fiscal agent for the State of Florida that administers program funds to Medicaid providers. DXC Technology also provides claims data used to review claims submitted by providers to the Medicaid Program, and payments made to providers from the Medicaid Program. Current business practice is that all Medicaid billing is done electronically, i.e., computer transmittal.

The Defendant and Related Company

10. 3D Living & Home Services Inc., was a Florida corporation with a principal address in Coral Springs, Broward County, Florida.

11. Lorna Abigail Dukes, a resident of Saint Lucie County and was the Registered Agent, Chief Executive Officer and President of 3D Living & Home Services Inc.

DETAILS OF THE INVESTIGATION

12. 3D Living & Home Service Inc., was enrolled as a Medicaid Provider on August 18, 2014, under provider number 011818900. 3D Living & Home Services Inc., was specifically authorized as a provider of Home and Community Based Services (HCBS). The provider was responsible for the correct billing and certification of the authorized service. Lorna Abigail Dukes was listed as the Registered Agent, Chief Executive Officer and President, as well as the owner and operator of 3D Living & Home Services, Inc.

13. Lorna Abigail Dukes, as enrollee in the Medicaid Program, was responsible for the Rules and Regulations of the Medicaid Program through the Medicaid Provider Handbook, Home Health Services Coverage and Limitations Handbook, and the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook.

14. The investigation disclosed Lorna Abigail Dukes, d/b/a 3D Living & Homes Services, Inc., submitted falsified claims for services not rendered to several Medicaid recipients and received payment from the Florida Medicaid Program based on those falsified claims. The investigation of these allegations revealed that 3D Living & Homes Services, Inc. was not providing HCBS as frequently as their billing indicated, and not providing any services at all to some of the recipients for whom they billed.

15. As an enrolled Medicaid Provider, Lorna Abigail Dukes was required to designate and identify an Electronic Funds Transfer Account (EFT). The account designated originally was TD

Bank business checking account. The EFT Account switched to Capital One, N.A. business checking account. Both accounts showed the business address of 7857 W. Sample Road, #159, Coral Springs, Broward County, Florida 33065.

16. Individual witnesses (Medicaid recipients and their parents) provided sworn recorded statements to Lt. Janice Cundy and LEI Thomas West regarding services billed by 3D Living & Home Services, Inc. In addition, an analysis was conducted by Auditor Gabrielle Horne to determine whether services were received from 3D Living & Home Services, Inc. for each recipient. If no services were received from 3D Living & Home Services, Inc., based on sworn statements, zero credit was provided toward the fraud calculations and the total amount billed was considered fraud. If services were stated as being rendered, credit was provided towards the calculation of fraud.

17. Based on the sworn testimony of Medicaid recipients, Waiver Support Coordinators for Medicaid recipients, parents and/or guardians of Medicaid recipients, and review of DSS downloads and bank records, it was determined that between on or about January 1, 2017 through and including July 31, 2019, defendant Lorna Abigail Dukes caused the Medicaid program to pay approximately **\$204,022 for a total of 2,038 fraudulent claims for HCBS services neither she nor her company rendered.**

18. The sworn testimony of [REDACTED], **the mother of Medicaid recipient [REDACTED]**, showed, rather than providing HCBS services, defendant Lorna Abigail Dukes paid [REDACTED] a total of \$2,050 (eleven checks) for completing times sheets and providing them to 3D Living & Home Services, Inc., falsely showing HCBS services being provided by Lorna Abigail Dukes and/or employees of 3D Living & Home Services, Inc. Using these false and fraudulent time sheets, Lorna Abigail Dukes submitted 434 falsified claims for a total of **\$17,887.99 to the Medicaid Program for services neither she nor her company rendered to [REDACTED]**

19. The sworn testimony of [REDACTED], **the mother of Medicaid recipient [REDACTED]**, also showed, rather than providing HCBS services to the recipient, defendant Lorna Abigail Dukes paid [REDACTED] \$30,650 (fifty-five checks) for completing time sheets and submitting them to 3D Living & Home Services, Inc., falsely showing HCBS services being provided by Lorna Abigail Dukes and/or employees of 3D Living & Home Services, Inc. Using these false and fraudulent time sheets, Lorna Abigail Dukes submitted 546 falsified claims for a total of **\$59,526.14 to the Medicaid Program for services neither she nor her company rendered to [REDACTED]**.

20. The sworn testimony of [REDACTED], **the mother of Medicaid recipient [REDACTED]**, showed [REDACTED] has never received services during the time period of January 2017 through July 2019 from 3D Living & Home Services. [REDACTED] stated she was instructed by Lorna Abigail Dukes to complete and sign time sheets and forward them to her. In return, [REDACTED] received (fifty-two checks) totaling \$31,903.00 from Lorna Abigail Dukes to provide services to [REDACTED]. [REDACTED] stated either she provided services to [REDACTED] or another son provided services to [REDACTED]. Lorna Abigail Dukes fraudulently submitted 934 claims for a total of **\$116, 875.30 to the Medicaid Program for services neither she nor her company rendered to [REDACTED]**.

21. The sworn testimony of [REDACTED], **the mother of Medicaid recipient [REDACTED]**, showed rather than providing HCBS services, defendant Lorna Abigail Dukes paid [REDACTED] a total of \$1500 (one check) for completing time sheets and providing them to 3D Living & Home Services, Inc., falsely showing HCBS services being provided by Lorna Abigail Dukes and/or employees of 3D Living & Home Services, Inc. Using these false and fraudulent time sheets, Lorna Abigail Dukes

submitted 76 falsified claims for a total of \$6,482.62 to the Medicaid Program for services neither she nor her company rendered to [REDACTED].

22. Furthermore, the sworn testimony of [REDACTED], Medicaid recipient, also showed, rather than providing HCBS services to the recipient, Lorna Abigail Dukes falsely submitted billing of forty-eight claims for a total of \$3,250.75 to the Medicaid Program for services neither she nor her company rendered to [REDACTED].

23. All four mothers of Medicaid recipients mentioned above positively identified the defendant Lorna Abigail Dukes as the person who paid them funds in exchange for providing falsified time sheets.

24. The relevant claims mentioned in this Affidavit were electronically submitted to AHCA by the defendant for processing and payment from the defendant's office located in Broward County, Florida. Funds from the Medicaid program are dispersed through an AHCA agent, DXE, out of Tallahassee, Leon County, Florida to the defendant via Electronic Funds Transfer to a bank account designated by the defendant.

CRIMINAL CHARGES

Based on the forgoing, your Affiant has probable cause to believe and does believe that beginning on or about January 1, 2017 through and including July 31, 2019 the following violations were committed by defendant Lorna Abigail Dukes:

COUNT 1: Medicaid Fraud, over \$50,000, 1st Degree Felony, F.S. 409.920(2)(a) and (2)(b)1c. Defendant Lorna Abigail Dukes, did knowingly make, cause to be made, or aid, and abet in the making of any false statement or false misrepresentation of a material fact, by commission or omission, in any claim submitted to the Agency for Health Care Administration or its fiscal agent, or a managed care plan for payment, and received or endeavored to receive anything of value more than \$50,000 or more.

COUNT 2: Grand Theft, over \$100,000, 1st Degree Felony, F.S. 812.014(1) and (2)(a)1. Defendant Lorna Abigail Dukes did knowingly obtain or use, or endeavor to obtain or use U.S. currency of a value of \$100,000 or more, which was the property of the State of Florida, or its fiscal agent, or the State Medicaid Program, or any other person not the defendant of the property or benefit there from or to appropriate the property to the use of Lorna Abigail Dukes or to the use of any person not entitled thereto.

Your Affiant requests that a warrant be issued for Lorna Abigail Dukes, commanding all Sheriff's and Police Chief's of the State of Florida and elsewhere, or any duly authorized officer or deputies, to arrest this subject and bring her before the Court so that she may be dealt with according to law.

Jessica G. Curdy
Affiant

Sworn to and subscribed before me this the
23 day of June, 2020.

Ernest Kellra
JUDGE, CIRCUIT COURT



WARRANT TO ARREST

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Vs.

LORNA ABIGAIL DUKES

IN THE NAME OF THE STATE OF FLORIDA TO AN ALL SINGULAR the sheriffs and police chiefs of this state; and the Director of the Florida Attorney General's Office, Medicaid Fraud Control Unit and her duly constituted Law Enforcement Investigators.

WHEREAS, Law Enforcement Lieutenant Janice Cundy, Office of the Attorney General, State of Florida has this day made oath to me that between January 1, 2017 and July 31, 2019, in County foresaid, **LORNA ABIGAIL DUKES** did and then there unlawfully commit:

LORNA ABIGAIL DUKES

B/F, DOB: 12/12/1967, [REDACTED] FL DL [REDACTED]

COUNT 1: Medicaid Fraud/Filing a False Claim over \$50,000, 1st Degree Felony, F.S. 409.920(2)(a) and (2)(b)1c.

Defendant Lorna Abigail Dukes, did knowingly make, cause to be made, or aid, and abet in the making of any false statement or false misrepresentation of a material fact, by commission or omission, in any claim submitted to the Agency for Health Care Administration or its fiscal agent, or a managed care plan for payment, and received or endeavored to receive anything of value more than \$50,000 or more.

COUNT 2: Grand Theft over \$100,000, 1st Degree Felony, F.S. 812.014(1) and (2)(a).

Defendant Lorna Abigail Dukes did knowingly obtain or use, or endeavor to obtain or use U.S. currency of a value of \$100,000 or more, which was the property of the State of Florida, or its fiscal agent, or the State Medicaid Program, or any other person not the defendant of the property or benefit there from or to appropriate the property to the use of Lorna Abigail Dukes or to the use of any person not entitled thereto.

The offenses set forth in this warrant are contrary to the statutes in such case made and provided, and against the peace and dignity of the State of Florida. Attached hereto and made part hereof by incorporation is this affidavit, executed by Law Enforcement Janice Cundy, Affiant.

THESE ARE, THEREFORE, to command you forthwith to arrest **LORNA ABIGAIL DUKES**, and bring her before me to be dealt with according to law.

Given under my hand and seal this 13 day of June, 2020, at Broward County, Florida.

Ernest Kellie
HONORABLE
Judge of the Circuit Court

RECEIVED THIS WARRANT THE _____ day of _____, 2020 and executed same on the _____ day of _____, 2020 by arresting the above-named Defendant and having her now before the court.

- ARREST
- RETURN
- MILEAGE
- COMMITMENT
- RECOMMITMENT
- RELEASE

By Law Enforcement Agency _____

Bond is hereby affixed at:

Count 1: 50,000.00 *Nebbia Requirement*

Count 2: 50,000.00 *Nebbia Requirement*

RETURN DATE ON THIS Warrant to be not later than the 23 day of June, ~~2020~~ ²⁰²¹.

Ernest Kellie
JUDGE

A TRUE COPY
Circuit Court Seal

WARRANT TO ARREST

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Vs.

LORNA ABIGAIL DUKES

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B/F, DOB: 12/12/1967, SSN #549-81-5460, FL DL #D220-521-67-952-0

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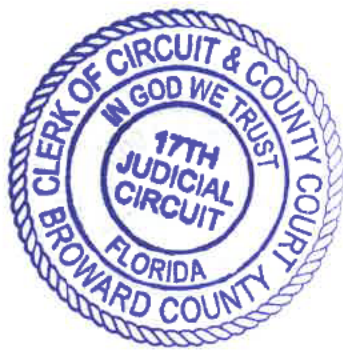
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2. **Lorna Abigail Dukes: B/F; HGT 6'0"; DOB: 12/12/1967;** [REDACTED]; L.K.A. 7437 NW Greenspring Street, Port St Lucie, Florida 34987.

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- 12. 3D Living & Home Service Inc., was enrolled as a Medicaid Provider on August 18, 2014, under provider number 011818900. 3D Living & Home Services Inc., was specifically authorized as a provider of Home and Community Based Services (HCBS). The provider was responsible for the correct billing and certification of the authorized service. Lorna Abigail Dukes was listed as the Registered Agent, Chief Executive Officer and President, as well as the owner and operator of 3D Living & Home Services, Inc.
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Bank business checking account. The EFT Account switched to Capital One, N.A. business checking account. Both accounts showed the business address of 7857 W. Sample Road, #159, Coral Springs, Broward County, Florida 33065.

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18. The sworn testimony of [REDACTED], **the mother of Medicaid recipient [REDACTED]**, showed, rather than providing HCBS services, defendant Lorna Abigail Dukes paid [REDACTED], a total of \$2,050 (eleven checks) for completing times sheets and providing them to 3D Living & Home Services, Inc., falsely showing HCBS services being provided by Lorna Abigail Dukes and/or employees of 3D Living & Home Services, Inc. Using these false and fraudulent time sheets, Lorna Abigail Dukes submitted 434 falsified claims for a total of **\$17,887.99 to the Medicaid Program for services neither she nor her company rendered to [REDACTED]**

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submitted 76 falsified claims for a total of \$6,482.62 to the Medicaid Program for services neither she nor her company rendered to [REDACTED].

22. Furthermore, the sworn testimony of [REDACTED], Medicaid recipient, also showed, rather than providing HCBS services to the recipient, Lorna Abigail Dukes falsely submitted billing of forty-eight claims for a total of \$3,250.75 to the Medicaid Program for services neither she nor her company rendered to [REDACTED].

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24. The relevant claims mentioned in this Affidavit were electronically submitted to AHCA by the defendant for processing and payment from the defendant's office located in Broward County, Florida. Funds from the Medicaid program are dispersed through an AHCA agent, DXE, out of Tallahassee, Leon County, Florida to the defendant via Electronic Funds Transfer to a bank account designated by the defendant.

CRIMINAL CHARGES

Based on the forgoing, your Affiant has probable cause to believe and does believe that beginning on or about January 1, 2017 through and including July 31, 2019 the following violations were committed by defendant Lorna Abigail Dukes:

COUNT 1: Medicaid Fraud, over \$50,000, 1st Degree Felony, F.S. 409.920(2)(a) and (2)(b)1c. Defendant Lorna Abigail Dukes, did knowingly make, cause to be made, or aid, and abet in the making of any false statement or false misrepresentation of a material fact, by commission or omission, in any claim submitted to the Agency for Health Care Administration or its fiscal agent, or a managed care plan for payment, and received or endeavored to receive anything of value more than \$50,000 or more.

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Jessica G. Curdy
Affiant

Sworn to and subscribed before me this the
23 day of June, 2020.

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JUDGE, CIRCUIT COURT

