

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

Indictment No. 897 A-N-12
DE NOVO INDICTMENT
Grand Jury Term 13E

- A. STEPHEN M. COSTA
- B. SMC DISTRIBUTORS, LLC
- C. FIDELITY WHOLESALE LLC
- D. OPTIMUS WHOLESALE LLC
- E. NULINE PHARMACEUTICALS INC
- F. IRA GROSS
- G. CHAPARRAL SERVICES LTD.
- H. GLENN SCHABEL
- I. GLENN SCHABEL, INC.
- J. HARRY ABOLAFIA
- K. TRANSACT DISTRIBUTION LLC
- L. NEW HOUSE FINANCE CORPORATION a/k/a THE COEUS GROUP CORP
- M. LEGACY ENTERTAINMENT
- N. INTEGRITY TRADE CORP.

Defendants.

-----X
COUNTS

- COUNT 1 PL § 155.42 - GRAND LARCENY IN THE FIRST DEGREE
(Defendants A, B, C, D, E, F, H, and J)
- COUNT 2 PL § 155.42 - GRAND LARCENY IN THE FIRST DEGREE
(Defendant H)
- COUNT 3 PL § 178.25 - CRIMINAL DIVERSION OF PRESCRIPTION
MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE
(Defendants A, B, C, D, E, F, and J)
- COUNT 4 PL § 178.25 - CRIMINAL DIVERSION OF PRESCRIPTION
MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE
(Defendant H)

PLAINTIFFS TRIAL
EXHIBIT
P-04446_00001

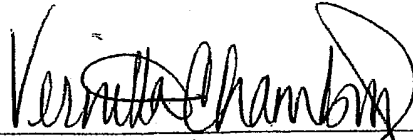
- COUNT 5 PL § 105.10(1) – CONSPIRACY IN THE FOURTH DEGREE
(Defendants A, F, H and J)
- COUNT 6 PL § 110.00/155.42 – ATTEMPTED GRAND LARCENY IN THE
FIRST DEGREE
(Defendants A, E, F, H, and J)
- COUNT 7 PL § 110.00/178.25 – ATTEMPTED CRIMINAL DIVERSION OF
PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE
FIRST DEGREE
(Defendants A, E, F and J)
- COUNT 8 PL § 110.00/178.25 – ATTEMPTED CRIMINAL DIVERSION OF
PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE
FIRST DEGREE
(Defendant H)
- COUNT 9 PL § 470.20(1)(b)(ii)(A)(iii) – MONEY LAUNDERING IN THE FIRST
DEGREE
(Defendants A, B, C, D, M, and N)
- COUNT 10 PL § 470.20(1)(b)(ii)(A)(iii) – MONEY LAUNDERING IN THE FIRST
DEGREE (Defendants A, B, C, D, L, M, and N)
- COUNT 11 PL § 470.20(1)(b)(ii)(A)(iii) – MONEY LAUNDERING IN THE FIRST
DEGREE (Defendants A, B, C, D, F, and G)
- COUNT 12 PL § 470.20(1)(b)(ii)(A)(iii) – MONEY LAUNDERING IN THE FIRST
DEGREE (Defendants A, B, C, D, F, G, H, and I)
- COUNT 13 PL § 470.20(1)(b)(ii)(A)(iii) – MONEY LAUNDERING IN THE FIRST
DEGREE (Defendants A, B, C, D, F, G, J, and K)
- COUNT 14 PL § 470.15(1)(b)(i)(A)(iii) – MONEY LAUNDERING IN THE
SECOND DEGREE (Defendants A, B, C, D, F, G, H, and I)
- COUNT 15 PL § 180.03 – COMMERCIAL BRIBING IN THE FIRST DEGREE
(Defendants A, B, C, D, F, and G)
- COUNT 16 PL § 180.08 – COMMERCIAL BRIBE RECEIVING IN THE FIRST
DEGREE (Defendant H)

COUNTS 17 - 23

PL § 175.35 - OFFERING A FALSE INSTRUMENT FOR FILING IN
THE FIRST DEGREE (Defendant H)

TRUE BILL


GRAND JURY FOREPERSON


Eric T. Schneiderman
Attorney General
By: Vernitta N. Chambers
Special Assistant Attorney General
State of New York
120 Broadway
New York, New York 10271

COUNT ONE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, NULINE PHARMACEUTICALS INC, IRA GROSS, GLENN SCHABEL, HARRY ABOLAFIA, of the crime of GRAND LARCENY IN THE FIRST DEGREE, in violation of section 155.42 of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, NULINE PHARMACEUTICALS INC, and IRA GROSS, and GLENN SCHABEL, and HARRY ABOLAFIA, acting in concert, from on or about September 12, 2008, to on or about January 20, 2012, in the County of Suffolk and elsewhere, stole property from an owner, Allion Healthcare, Inc., whose subsidiaries, MOMS Pharmacy Inc. and MOM Pharmacy of Brooklyn, Inc., were billing providers in the New York Medical Assistance Program ("Medicaid"), and the value of said property exceeded two hundred fifty million dollars.

COUNT TWO

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of GRAND LARCENY IN THE FIRST DEGREE, in violation of section 155.42 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, from on or about September 1, 2008, to on or about December 31, 2011, in the County of Suffolk and elsewhere, caused MOMS Pharmacy Inc. and MOMS Pharmacy of Brooklyn, Inc., subsidiaries of Allion Healthcare, Inc., to submit to Computer Sciences Corporation, a fiscal agent of the State of New York, false claims for payment under Medicaid, and thereby stole property from an owner, the State of New York, and the value of said property exceeded one hundred million dollars.

COUNT THREE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, NULINE PHARMACEUTICALS INC, IRA GROSS, HARRY ABOLAFIA, of the crime of CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE, in violation of section 178.25 of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, NULINE PHARMACEUTICALS INC, and IRA GROSS, and HARRY ABOLAFIA, acting in concert, from on or about August 28, 2008, to on or about January 20, 2012, in the County of Suffolk and elsewhere, did commit a criminal diversion act, in that the defendants knowingly transferred and delivered, in exchange for anything of pecuniary value, prescription medications and devices with knowledge and reasonable grounds to know that the recipient had no medical need for them, and the value of the benefit exchanged was in excess of two hundred fifty million dollars.

COUNT FOUR

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE, in violation of section 178.25 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, from on or about August 28, 2008, to on or about January 20, 2012, in the County of Suffolk and elsewhere, did commit a criminal diversion act, in that the defendant knowingly received, in exchange for anything of pecuniary value, prescription medications and devices with knowledge and reasonable grounds to know that the seller and transferor was not authorized by law to sell and transfer such prescription medications and devices, and the value of the benefit exchanged was in excess of two hundred fifty million dollars.

COUNT FIVE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, IRA GROSS, GLENN SCHABEL and HARRY ABOLAFIA, of the crime of CONSPIRACY IN THE FOURTH DEGREE, in violation of section 105.10(1) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, IRA GROSS, GLENN SCHABEL and HARRY ABOLAFIA, acting in concert, from on or about August 28, 2008, to on or about February 2, 2012, in the County of Suffolk and elsewhere, with the intent that conduct constituting the felony crime of Criminal Diversion of Prescription Medications and Prescriptions in the First Degree, be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

OVERT ACTS

In furtherance of said conspiracy and in order to effect the object thereof the following overt acts, among others, were committed:

1. On or about March 30, 2010, Glenn Schabel ordered diverted prescription medications for MOMS Pharmacy and Maiman's Pharmacy via an e-mail that he sent from gschabel@momspharmacy.com to smcdistributors@aol.com.
2. On or about December 22, 2010, Harry Abolafia created an invoice for diverted prescription medications that were to be shipped to MOMS Pharmacy that was sent via e-mail from smcdistribution@aol.com to gschabel@momspharmacy.com.

3. On or about April 18, 2011, Stephen M. Costa and Ira Gross discussed on a telephone call the date that diverted prescription medications were to be delivered to MOMS Pharmacy.
4. On or about July 25, 2011, Stephen M. Costa and Ira Gross discussed on a telephone call forging the prescription medication pedigree information to be sent to a customer by reusing the same lot numbers for prescription medications each time the customer requested prescription medication pedigree information.
5. On or about September 12, 2011, Ira Gross and Glenn Schabel discussed on a telephone call the checks that Ira Gross was sending to Glenn Schabel and Harry Abolafia.
6. On or about October 7, 2011, Ira Gross and Harry Abolafia discussed on a telephone call that the business in California will be less profitable until Stephen M. Costa is able to get his diverted prescription medications into California.
7. On or about December 6, 2011, Ira Gross and Glenn Schabel discussed on a telephone call the diverted prescription medications that were delivered to MOMS Pharmacy.
8. On or about December 20, 2011, Ira Gross wrote a check from the Bank of America bank account of Chaparral Services Ltd. to Glenn Schabel, Inc. for \$134,361.44.

COUNT SIX

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, NULINE PHARMACEUTICALS INC, IRA GROSS, GLENN SCHABEL and HARRY ABOLAFIA, of the crime of ATTEMPTED GRAND LARCENY IN THE FIRST DEGREE, in violation of sections 110.00 and 155.42 of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendant, NULINE PHARMACEUTICALS INC, and IRA GROSS, and GLENN SCHABEL and HARRY ABOLAFIA, acting in concert, on or about February 2, 2012, in the County of Suffolk and elsewhere, attempted to steal property from an owner, Allion Healthcare, Inc., whose subsidiaries, MOMS Pharmacy Inc. and MOM Pharmacy of Brooklyn, Inc., were billing providers in the New York Medical Assistance Program ("Medicaid"), and the value of said property exceeded one million dollars.

COUNT SEVEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, NULINE PHARMACEUTICALS INC, IRA GROSS, and HARRY ABOLAFIA, of the crime of ATTEMPTED CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE, in violation of sections 110.00 and 178.25 of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendant, NULINE PHARMACEUTICALS INC, and IRA GROSS, and HARRY ABOLAFIA, acting in concert, on or about February 2, 2012, in the County of Suffolk and elsewhere, attempted to commit a criminal diversion act, in that the defendants knowingly attempted to transfer and deliver, in exchange for anything of pecuniary value, prescription medications and devices with knowledge and reasonable grounds to know that the recipient had no medical need for them, and the value of the benefit to be exchanged was in excess of one million dollars.

COUNT EIGHT

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of ATTEMPTED CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS IN THE FIRST DEGREE, in violation of sections 110.00 and 178.25 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about February 2, 2012, in the County of Suffolk and elsewhere, attempted to commit a criminal diversion act, in that the defendant knowingly attempted to receive in exchange for anything of pecuniary value, prescription medications and devices with knowledge and reasonable grounds to know that the seller and transferor was not authorized by law to sell and transfer such prescription medications and devices, and the value of the benefit to be exchanged was in excess of one million dollars.

COUNT NINE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, LEGACY ENTERTAINMENT and INTEGRITY TRADE CORP., of the crime of MONEY LAUNDERING IN THE FIRST DEGREE, in violation of section 470.20(1)(b)(ii)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, LEGACY ENTERTAINMENT, and INTEGRITY TRADE CORP., acting in concert, from on or about September 15, 2008, to on or about December 31, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of a class B and C felony, conducted one or more financial transactions, which in fact involved the proceeds of a class B and C felony transmitted to various foreign countries, knowing that such transactions in whole or in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one million dollars.

COUNT TEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, NEW HOUSE FINANCE CORPORATION a/k/a THE COEUS GROUP CORP, LEGACY ENTERTAINMENT, and INTEGRITY TRADE CORP., of the crime of MONEY LAUNDERING IN THE FIRST DEGREE, in violation of section 470.20(1)(b)(ii)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, NEW HOUSE FINANCE CORPORATION a/k/a THE COEUS GROUP CORP, LEGACY ENTERTAINMENT, and INTEGRITY TRADE CORP., acting in concert, from on or about September 15, 2008, to on or about December 31, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of a class B and C felony, conducted one or more financial transactions, which in fact involved the proceeds of a class B and C felony, knowing that such transactions in whole or in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one million dollars.

COUNT ELEVEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, IRA GROSS and CHAPARRAL SERVICES LTD., of the crime of MONEY LAUNDERING IN THE FIRST DEGREE, in violation of section 470.20(1)(b)(ii)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, and IRA GROSS, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant CHAPARRAL SERVICES LTD., acting in concert, from on or about September 12, 2008, to on or about December 31, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of a class B and C felony, conducted one or more financial transactions, which in fact involved the proceeds of a class B and C felony, knowing that such transactions in whole or in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one million dollars.

COUNT TWELVE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, OPTIMUS WHOLESale LLC, IRA GROSS, CHAPARRAL SERVICES LTD., GLENN SCHABEL and GLENN SCHABEL, INC., of the crime of MONEY LAUNDERING IN THE FIRST DEGREE, in violation of section 470.20(1)(b)(ii)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESale LLC, and OPTIMUS WHOLESale LLC, and IRA GROSS, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant CHAPARRAL SERVICES LTD., and GLENN SCHABEL, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant GLENN SCHABEL, INC., acting in concert, from on or about September 12, 2008, to on or about December 26, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of a class B and C felony, conducted one or more financial transactions, which in fact involved the proceeds of a class B and C felony, knowing that such transactions in whole or in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one million dollars.

COUNT THIRTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, IRA GROSS, CHAPARRAL SERVICES LTD., HARRY ABOLAFIA and TRANSACT DISTRIBUTION LLC of the crime of MONEY LAUNDERING IN THE FIRST DEGREE, in violation of section 470.20(1)(b)(ii)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, and IRA GROSS, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant CHAPARRAL SERVICES LTD., and HARRY ABOLAFIA, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant TRANSACT DISTRIBUTION LLC, acting in concert, from on or about August 10, 2009, to on or about December 20, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of a class B and C felony, conducted one or more financial transactions, which in fact involved the proceeds of a class B and C felony, knowing that such transactions in whole or in part were designed to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one million dollars.

COUNT FOURTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, IRA GROSS, CHAPARRAL SERVICES LTD., GLENN SCHABEL and GLENN SCHABEL INC., of the crime of MONEY LAUNDERING IN THE SECOND DEGREE, in violation of section 470.15(1)(b)(i)(A)(iii) of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, and IRA GROSS, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant CHAPARRAL SERVICES LTD., and GLENN SCHABEL, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant GLENN SCHABEL INC., acting in concert, from on or about September 12, 2008, to on or about December 26, 2011, in the County of Suffolk and elsewhere, knowing that property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more financial transactions, which in fact involved the proceeds of the specified criminal conduct, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one hundred thousand dollars.

COUNT FIFTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendants, STEPHEN M. COSTA, SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, IRA GROSS, and CHAPARRAL SERVICES LTD., of the crime of COMMERCIAL BRIBING IN THE FIRST DEGREE, in violation of section 180.03 of the Penal Law, committed as follows:

The defendants, STEPHEN M. COSTA, individually and as a high managerial agent acting within the scope of his employment and in behalf of corporate defendants: SMC DISTRIBUTORS, LLC, FIDELITY WHOLESALE LLC, OPTIMUS WHOLESALE LLC, and IRA GROSS, individually and as a high managerial agent acting within the scope of his employment and in behalf of defendant CHAPARRAL SERVICES LTD., acting in concert, from on or about September 22, 2008, to on or about December 26, 2011, in the County of Suffolk and elsewhere, conferred, offered, agreed to confer, any benefit upon an employee, agent, and fiduciary, to wit, Glenn Schabel, without the consent of the latter's employer, Allion Healthcare Inc., with intent to influence his conduct in relation to his employer's, and the value of the benefit conferred, offered, and agreed to be conferred exceeded one thousand dollars and caused economic harm to the employer in an amount exceeding two hundred fifty dollars.

COUNT SIXTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of COMMERCIAL BRIBE RECEIVING IN THE FIRST DEGREE, in violation of section 180.08 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, from on or about September 22, 2008, to on or about December 26, 2011, in the County of Suffolk and elsewhere, as an employee, agent and fiduciary of Allion Healthcare Inc., when without consent of his employer and principal, he solicited, accepted, and agreed to accept a benefit from another person upon an agreement and understanding that such benefit would influence his conduct in relation to his employer's affairs, and the value of the benefit solicited, accepted and agreed to be accepted exceeded one thousand dollars and caused economic harm to the employer in an amount exceeding two hundred fifty dollars.

COUNT SEVENTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about November 10, 2008, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT EIGHTEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about November 12, 2009, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT NINETEEN

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about November 10, 2011, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy, Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT TWENTY

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about November 14, 2008, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy of Brooklyn, Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT TWENTY-ONE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about November 16, 2009, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy of Brooklyn, Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT TWENTY-TWO

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this Indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about March 17, 2010, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy of Brooklyn, Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.

COUNT TWENTY-THREE

THE GRAND JURY OF THE COUNTY OF SUFFOLK, by this indictment, accuses the defendant, GLENN SCHABEL, of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, in violation of section 175.35 of the Penal Law, committed as follows:

The defendant, GLENN SCHABEL, on or about February 7, 2011, in County of Suffolk and elsewhere, knowing that a written instrument, the New York State Certification Statement for Provider Billing Medicaid for MOMS Pharmacy of Brooklyn, Inc., contained a false statement and false information, and with intent to defraud the State of New York, offered and presented it to a public office with the knowledge and belief that it would be filed with, registered and recorded in, and otherwise become a part of the records of such public office.