



CLERK OF THE COURT

1 **INFM**  
2 **CATHERINE CORTEZ MASTO**  
3 **Attorney General**  
4 **ANDREW SCHULKE**  
5 **Sup. Senior Deputy Attorney General**  
6 **Nevada Bar No. 10218**  
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13 **Attorneys for Plaintiff**  
14 **(I.A. 10/08/2014, 9:30 A.M.)**

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 **STATE OF NEVADA,**

12 **Plaintiff,**

13 **v.**

14 **VICTOR SUTTON,**

15 **Defendant.**

CASE NO.: C14-301193-1

DEPT NO.: XX

17 **INFORMATION**

18 The State of Nevada, by and through legal counsel, CATHERINE CORTEZ MASTO,  
19 Nevada Attorney General, and ANDREW SCHULKE, Sup. Senior Deputy Attorney General,  
20 informs this Honorable Court that VICTOR SUTTON, the Defendant above named, has  
21 committed the offenses of SUBMITTING FALSE CLAIMS, a category D felony violation of  
22 NRS 422.540(1) and NRS 422.540(2)(a), one (1) count; and INTENTIONAL FAILURE TO  
23 MAINTAIN ADEQUATE RECORDS, a gross misdemeanor violation of NRS 422.570(1), one  
24 (1) count, as follows:

25 **COUNT ONE**

26 **SUBMITTING FALSE CLAIMS**

26 **(NRS 422.540(1) and NRS 422.540(2)(a) Felony, Category D)**

27 Defendant, through a scheme or continuous course of conduct, intentionally caused  
28 claims to be made for payment from Medicaid that Defendant knew were false, to wit:

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Las Vegas, NV 89101

1 From on or about January 2013 to February 2014, Defendant did knowingly  
2 create/write fictitious documentation, including progress notes and time and attendance  
3 documents, concerning the Rehabilitative Mental Health (RMH) services he allegedly  
4 provided to the Medicaid Recipients. Defendant intentionally provided the fraudulent  
5 documentation to Assertive knowing it would be used to generate false bills/claims submitted  
6 for reimbursement from Medicaid. The Medicaid Recipients denied that they had received the  
7 amount of services allegedly provided by Defendant. The documentation prepared by  
8 Defendant to substantiate the Medicaid claims was false as many of Defendant's records did  
9 not note the actual dates, times, or services allegedly provided to the Medicaid Recipients.

10 All of which was committed in Clark County, aggregating an amount in excess of  
11 \$650.00, and constitutes a category D felony in violation of NRS 422.540.

12 **COUNT TWO**  
13 **INTENTIONAL FAILURE TO MAINTAIN ADEQUATE RECORDS**  
14 **(NRS 422.570(1) Gross Misdemeanor)**

15 Defendant, upon causing claims to be submitted or payment received pursuant to the  
16 Nevada State Medicaid plan, did knowingly and intentionally fail to maintain such records as  
17 are necessary to disclose fully the nature of the goods or services for which the claims were  
18 submitted or payment was received for at least 5 years after the date on which payment was  
19 received. The actions occurred as part of Defendant's routine business practices/scheme or  
20 continuous course of conduct, to wit:

21 From on or about January 2013 to February 2014, Defendant allegedly provided  
22 Rehabilitative Mental Health (RMH) services to the Medicaid recipients. While allegedly  
23 providing such services, Defendant did knowingly fail to maintain accurate documentation,  
24 including progress notes and time and attendance documents, concerning the RMH services  
25 provided to the Medicaid Recipients. Defendant knew these records were used as a basis for  
26 claims submitted for reimbursement from Medicaid. Defendant subsequently received  
27 payment for such claimed services. Defendant intentionally failed to maintain accurate  
28 records that are necessary to fully disclose the nature of the service for those claims. Many

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1 of Defendant's records did not note the actual dates, times, or services provided to the  
2 Medicaid Recipients.

3 All of which was committed in the County of Clark, and constitutes a gross  
4 misdemeanor violation of NRS 422.570(1).

5 All of which is contrary to the form, force and effect of the statutes in such cases made  
6 and provided, and against the peace and dignity of the State of Nevada. Furthermore,  
7 complainant makes this declaration subject to the penalty of perjury.

8 Dated this 25<sup>th</sup> day of September, 2014.

9 CATHERINE CORTEZ MASTO  
10 Attorney General

11 By: Andrew Schulke  
12 ANDREW SCHULKE  
13 Sup. Senior Deputy Attorney General  
14 Medicaid Fraud Control Unit  
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