

1 INFM  
2 ADAM PAUL LAXALT  
3 Attorney General  
4 Andrew Schulke (Bar. No. 10218)  
5 Sup. Senior Deputy Attorney General  
6 State of Nevada  
7 Office of the Attorney General  
8 555 East Washington Avenue #3900  
9 Las Vegas, NV 89101  
10 (702) 486-3420 (phone)  
11 (702) 486-3768 (fax)  
12 ASchulke@ag.ng.gov  
13 Attorneys for State of Nevada  
14 (I.A. 01/26/2018, 10:00 A.M.)

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 DAVID HAROLD BENKE  
14 aka DAVID BENKE  
15 ID #2744131,

16 Defendant(s).

Case No. C18-329247-1

Dept. No. XXIII

16 CRIMINAL INFORMATION

17 The State of Nevada, by and through legal counsel, ADAM PAUL LAXALT, Nevada  
18 Attorney General, and ANDREW SCHULKE, Sup. Senior Deputy Attorney General,  
19 informs this Honorable Court that DAVID HAROLD BENKE aka DAVID BENKE, the  
20 Defendant above named, has committed the offense of: INTENTIONAL FAILURE TO  
21 MAINTAIN ADEQUATE RECORDS, a gross misdemeanor violation of NRS 422.570(1),  
22 one (1) count, in Clark County, State of Nevada as follows:

23 **COUNT ONE**  
24 **INTENTIONAL FAILURE TO MAINTAIN ADEQUATE RECORDS**  
**(NRS 422.570(1) – Gross Misdemeanor)**

25 Defendant, upon causing claims to be submitted or payment received pursuant to  
26 the Nevada State Medicaid plan, did knowingly and intentionally fail to maintain such  
27 records as are necessary to disclose fully the nature of the goods or services for which the  
28 claims were submitted or payment was received for at least 5 years after the date on which

1 payment was received. The actions occurred as part of Defendant's routine business  
2 practices/scheme or continuous course of conduct, to wit:


3 On or about January 2014 through April 2015, Defendant was employed as a  
4 personal care attendant by Advanced Personal Care Solutions (Advanced). During times  
5 stated herein, Advanced was located at 8290 West Sahara Avenue, Suite 260, Las Vegas,  
6 Nevada in Clark County. While so employed, Defendant did knowingly fail to maintain  
7 accurate documentation, including time and attendance documents, concerning the home  
8 care actually provided to a Medicaid recipient. Defendant knew these records were used as  
9 a basis for claims submitted for reimbursement from Medicaid. Defendant intentionally  
10 failed to maintain accurate records that are necessary to fully disclose the nature of the  
11 service for those claims. Many of Defendant's records did not note accurate or true dates,  
12 times or length of services provided.

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

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

18 DATED this 21 day of January, 2018.

19 ADAM PAUL LAXALT  
20 Attorney General

21 By:   
22 Andrew Schulke (Bar. No. 10218)  
23 Sup. Senior Deputy Attorney General  
24  
25  
26  
27  
28