

SUBJECT PROFILE

2022-CF-002118-AXXX



Name: Pilar Garcia, aka Marcela Del Pilar Ortiz Leal

Race: Hispanic

Sex: Female

Date of Birth: 04/16/1983

Address: 2981 Genoa Place
West Palm Beach, FL 33406

Height: 5'2"

Hair: Brown

Eyes: Brown

Florida Driver License: G620-660-83-636-0

Social Security Number: [REDACTED]

Place of Birth: Colombia

JOSEPH ABRUZZO, CLERK
PALM BEACH COUNTY, FL
CRIMINAL

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FILED

CASE PREDICATION

Between March 2019 and September 2021, Pilar Garcia, aka Marcela Del Pilar Ortiz Leal, submitted sixty-three (63) claims for payment to American Family Life Assurance Company (Aflac) in Palm Beach County, Florida. Pilar Garcia was paid a total of \$37,775 for these claims. This investigation revealed that Pilar Garcia was submitting forged medical treatment/progress notes in support of her insurance claims for chemotherapy, radiation, and anti-nausea treatments that never occurred.

SUMMARY OF FACTS**Investigation:**

In June 2017, Pilar Garcia, known then as Marcela Del Pilar Ortiz Leal, took out cancer insurance policy POP7C1P8 with American Family Life Assurance Company (Aflac). Ms. Garcia was then diagnosed with breast cancer in or around October 2017 and began treatments in the same month. Between January 2018 and November 2018, Ms. Garcia filed thirteen (13) claims with Aflac (roughly one every month) for valid cancer-related treatments. Ms. Garcia's last valid claim was received by Aflac on November 8, 2018, after which Ms. Garcia went approximately four months without filing any claims.

Pilar Garcia then resumed filing claims on or around March 5, 2019 and continued to September 14, 2021. During that time period, Pilar Garcia filed a total of sixty-three (63) claims with Aflac (presented together as **EXHIBIT #1**) for cancer-related treatments from Florida Cancer Specialists and 21st Century Oncology, now doing business as Genesis Care. Both facilities are located at Good Samaritan Medical Center at 1309 N. Flagler Drive, West Palm Beach, FL 33401.

In December 2020, Pilar Garcia's name appeared on a list of policyholders who were potentially involved in an "Excessive Radiation Treatment" scheme, according to Aflac Special Investigator Katie Jeppesen's Report of Investigation (**EXHIBIT #2**). Ms. Garcia's inclusion on this list flagged her account for a review of her claims. After speaking to representatives at Florida Cancer Specialists and Genesis Care, Ms. Jeppesen was able to verify that Ms. Garcia's claims were fraudulent.

On October 27, 2021, Aflac Special Investigator Katie Jeppesen sent a letter of restitution to Pilar Garcia, requesting she pay back the \$37,775 that were inappropriately paid to her (**EXHIBIT #3**).

On October 27, 2021, Aflac Special Investigator Katie Jeppesen referred the case to the State of Florida Division of Investigative and Forensic Services' Bureau of Insurance Fraud. The case was then assigned to me, Detective Gregory Rhinehart. As of the date of referral, no restitution had been made.

On November 10, 2021, I received the claim documents from Aflac for Pilar Garcia's fraudulent claims. While reviewing the documents, I noticed that Claim #013299475 appeared to have dates that were altered by handwriting an additional "1" in front of the date 1/9/2018 throughout the document to make it 11/9/2018 (**EXHIBIT #4**). It should be noted that this investigation determined that Ms. Garcia did have a valid treatment on 1/9/2018 but not on 11/9/2018. It should also be noted that this claim was submitted on March 5, 2019 and was the first claim after Ms. Garcia's four-month lapse in filing claims. Pilar Garcia's next three claims (Claims

#013484265, 013361594, 013538589) were all submitted in March 2019 and had handwritten alterations to the dates. Pilar Garcia's next several claims had typed numerals in the dates but appear to have been altered using a copy-and-paste method. Claim #016272263 is a good example of this type of alteration where one can see the misalignment of dates and times as well as different font sizes (**EXHIBIT #5**). Starting with Claim #016790476, submitted on August 21, 2019, Ms. Garcia appears to have altered the heading of the treatment notes entirely so that the alterations are not as apparent (**EXHIBIT #6**). However, when comparing Ms. Garcia's valid records with her forged records, one will notice that the header on the valid records is italicized, while the header on the forged records is not (**EXHIBIT #7**). The remainder of Pilar Garcia's claims have the non-italicized, typed header.

On December 20, 2021, I received bank records from JP Morgan Chase in response to a subpoena I had previously sent them (**EXHIBIT #8**). The records corresponded to the account listed on Pilar Garcia's Aflac account and showed that Ms. Garcia was listed on the account as Marcela D. Ortiz. The records confirmed that Aflac deposited \$37,775 in Ms. Garcia's bank account between January 2019 and November 2021 for her fraudulent claims. I was also able to confirm that the dates of payment corresponded with the dates of Ms. Garcia's claims.

On January 13, 2022, Detective Frank Sommo and I visited Florida Cancer Specialists, located at Good Samaritan Medical Center at 1309 N. Flagler Drive, West Palm Beach, FL 33401. Senior Office Manager Diana Cabrera was able to verify that Pilar Garcia, aka Marcela Ortiz Leal, did not receive any chemotherapy or anti-nausea treatments at Florida Cancer Specialists on November 9, 2018 or on any date thereafter. Ms. Cabrera explained that Ms. Garcia had received treatments before November 9, 2018, but Ms. Garcia's only office visits after that date were for blood work or doctor's consultations, not for chemotherapy or anti-nausea treatments as stated in Ms. Garcia's claims. Ms. Cabrera verified Ms. Garcia's medical records using both her name and her patient number. I then left a sworn affidavit for Ms. Cabrera to complete verifying that what she told me was true and accurate. She explained that she would have her corporate managers review the affidavit, after which she would sign it and send it to me via email.

On January 18, 2022, I visited Genesis Care, located at Good Samaritan Medical Center at 1309 N. Flagler Drive, West Palm Beach, FL 33401. Center Lead Katie Spano was able to verify that Pilar Garcia, aka Marcela Ortiz Leal, did not receive any radiation treatments at any point on or after January 1, 2019. Ms. Spano explained that Ms. Garcia's last radiation treatment was sometime in 2018. However, Ms. Garcia filed three (3) claims with Aflac for radiation treatments that she claimed happened in 2019 or later. Of the \$37,775 total that Aflac paid Ms. Garcia, these fraudulent radiation claims account for \$14,700. Ms. Spano verified Ms. Garcia's medical records using both of her names and her date of birth. I then left a sworn affidavit for Ms. Spano to complete verifying that what she told me was true and accurate. She explained that her legal department was going to review it, after which she would contact me to coordinate when to pick it up.

On January 24, 2022, I received the sworn affidavit from Genesis Care Center Lead Katie Spano (**EXHIBIT #9**). The document confirms that Ms. Garcia did not receive any radiation treatments at Genesis Care on or after January 1, 2019. Ms. Spano signed the document in my presence.

On February 17, 2022, at approximately 1:15 p.m., Detective Chelsea Roys and I met with Pilar Garcia at the Dunkin' Donuts located at 4607 N. Australian Avenue, West Palm Beach, FL 33407. The sworn, recorded interview was conducted in Spanish (**EXHIBIT #10**). After reading her the Miranda warnings in Spanish, Ms. Garcia said she understood her rights and agreed to speak with us. I started by asking Ms. Garcia if she submitted a series of insurance claims to

Aflac between January 2018 and September 2021. Ms. Garcia said she could not remember the exact dates, but she admitted to submitting several claims on her cancer policy. Ms. Garcia explained that she found out she had cancer in October 2017 and that she received treatment from late 2017 through 2018. Ms. Garcia then admitted that she had stopped treatments some time ago, but she could not remember the dates. Ms. Garcia began crying and insisting that she was not a bad person. She also expressed some concern about talking to us, and I told her again that the decision whether or not to talk to us was ultimately hers to make. Ms. Garcia explained that she did not want to look bad by not talking to us, but she also did not want to hurt herself by talking to us. After some discussion, she decided to continue talking to us. At that point, Ms. Garcia admitted that although she could not remember the exact dates, the last several claims she submitted to Aflac were false. I then showed Ms. Garcia the altered claim documents, and she admitted she altered them. I first showed her Claim #013299475 with the handwritten alterations on the dates of service. She admitted she added the handwritten "1" before the dates. I then showed her Claim #016790476 with the entire header altered. Ms. Garcia admitted to altering the header as well and agreed that the altered header format was what she used to submit the rest of her fraudulent claims. After showing her the altered claims, I asked Ms. Garcia who Felipe Ortiz is because he is listed on Ms. Garcia's bank account as well. She explained that Felipe Ortiz is her brother and that he had nothing to do with submitting the false claims. I also asked Ms. Garcia about her name change from Marcela Del Pilar Ortiz Leal to Pilar Garcia. Ms. Garcia explained that when she got her citizenship, she was married to her ex-husband whose last name was Garcia. Ms. Garcia changed her name because her ex-husband wanted her to do so. Ms. Garcia confirmed that the Marcela Ortiz Leal from her claims was in fact herself.

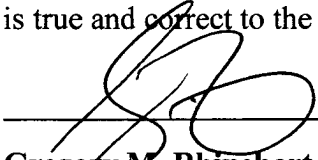
On February 22, 2022, I received the completed sworn affidavit from Florida Cancer Specialists Chief Compliance Officer Valerie Eastwood (**EXHIBIT #11**). The document confirms that Ms. Garcia did not receive any chemotherapy treatments at Florida Cancer Specialists on or after November 9, 2018.

Conclusion:

1. Pilar Garcia, aka Marcela Del Pilar Ortiz Leal, submitted 63 fraudulent cancer insurance claims to Aflac between the approximate dates of March 5, 2019 and September 14, 2021.
2. Pilar Garcia was paid a total of \$37,775 as a result of these 63 fraudulent claims.
3. Medical records custodians at Florida Cancer Specialists and Genesis Care confirmed that Pilar Garcia did not receive any treatments during the time period in question.
4. Pilar Garcia admitted to submitting forged and fraudulent documents in support of her insurance claims.
5. Pilar Garcia engaged in a systematic, ongoing course of conduct with the intent to defraud Aflac over a period of approximately two and a half years.

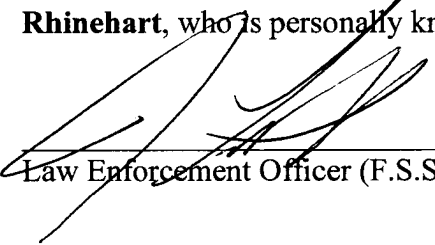
Based on the above facts, there is probable cause to believe that between March 5, 2019 and September 14, 2021, in Palm Beach County, Florida, the defendant, Pilar Garcia, aka Marcela Del Pilar Ortiz Leal, did obtain \$37,775 by presenting false documents in support of sixty-three (63) separate insurance claims, thereby engaging in a systematic, ongoing course of conduct with intent to defraud American Family Life Assurance Company by false or fraudulent pretenses in violation of Florida Statute 817.034 (4a2).

I hereby swear and affirm that the above information did occur in Palm Beach County, Florida and is true and correct to the best of my knowledge and belief.



Gregory M. Rhinehart, DETECTIVE
Florida Department of Financial Services
Division of Investigative and Forensic Services
Bureau of Insurance Fraud

Subscribed to and sworn before me this 25th day of February 2022, by **Gregory M. Rhinehart**, who is personally known to me.



Law Enforcement Officer (F.S.S. 117.10)