



Office of Inspector General for the U.S. Department of Labor

# OIG Investigations Newsletter

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The Office of Inspector General (OIG) for the U.S. Department of Labor (DOL) is pleased to present the *OIG Investigations Newsletter*, containing a bimonthly summary of selected investigative accomplishments.

The OIG conducts criminal, civil, and administrative investigations into alleged violations of federal laws relating to DOL programs, operations, and personnel. In addition, the OIG conducts criminal investigations to combat the influence of labor racketeering and organized crime in the nation's labor unions in three areas: employee benefit plans, labor-management relations, and internal union affairs.

## **New York Man Sentenced for Conspiring to Commit Extortion and Racketeering Offenses With Members of the Genovese Crime Family**

On June 22, 2020, Frank Giovinco was sentenced to 48 months in prison and was ordered to pay \$135,000 in restitution jointly and severally, as well as a forfeiture of \$5,000.

In December 2019, Giovinco was convicted at trial of conspiring to commit extortion and racketeering offenses with members and associates of the Genovese Crime Family of La Cosa Nostra. The jury found Giovinco responsible for acts involving extortion, honest services fraud, and unlawful kickback payments related to the Genovese Crime Family's control of two local chapters of a labor union. Giovinco extorted a financial adviser and a labor union official for a cut of commissions made from union investments. Giovinco also participated in the long-running extortion of a union president for annual tribute payments of more than \$10,000 and sought a job at the union for the purpose of exerting control over the official and union on behalf of the Genovese Crime Family.

This was a joint investigation with the FBI, New York City Police Department, and Office of Labor Management Standards. *United States v. Frank Giovinco* (S.D. New York)

## **West Virginia Doctor Sentenced to Prison for Illegal Distribution of Methadone**

Muhammed Samer-Nasher-Alneam, a West Virginia-based doctor was sentenced to 63 months in prison and agreed to forfeit more than \$149,000 and a vehicle for writing prescriptions that were not within the bounds of professional medical practice or for legitimate medical purposes. In addition, and as a result of his conviction, Nasher permanently surrendered his medical license and Drug Enforcement Administration (DEA) registration, and agreed to never seek reinstatement of a license to practice as a medical doctor in any other state.

Nasher provided prescriptions for methadone and oxycodone pills to the same patient, did not maintain any medical records for that patient or document any justification as to the purpose of the prescriptions.

This was a joint investigation with the FBI, DEA, U.S. Department of Health and Human Services–OIG, and the West Virginia State Police. *United States v. Muhammed Samer-Nasher-Alneam, M.D.* (S.D. West Virginia)

### **Georgia Commercial Driver License Examiner and Owner of Alabama Commercial Driver License School Sentenced**

On June 11, 2020, Michael Jordan and James Welburn were sentenced for their roles in a conspiracy to falsify U.S. Department of Transportation (DOT) examinations. Jordan was sentenced to 36 months' probation, a \$10,250 fine, a \$100 special assessment, and 100 hours' community service. Welburn was sentenced to 60 months' probation, a \$250,000 fine, and a \$100 special assessment.

Jordan was a third-party commercial driver license (CDL) examiner who operated in Columbus, Georgia. Welburn was the owner and president of American Truck Driving Academy (ATDA), a Workforce Innovation and Opportunity Act and Workforce Investment Act authorized training provider for CDL training located in Opelika, Alabama. In exchange for cash payments from Welburn, Jordan falsified CDL examinations for ATDA students.

This was a joint investigation with the DOT–OIG. *United States v. James F. Welburn; United States v. Michael K. Jordan* (M.D. Alabama)

### **Southern California Chiropractor Sentenced After OIG Uncovers Health Care Fraud**

Ivan Semerdjiev, a San Pedro chiropractor, was sentenced to 6 months in prison and ordered to pay more than \$920,000 in restitution for his involvement in a health care fraud scheme designed to defraud the International Longshore & Warehouse Union–Pacific Maritime Association Welfare Plan. Semerdjiev's co-conspirators, Mahyar Yadidi and Julian Williams, previously pleaded guilty to criminal violations involving the same scheme. Previously, Williams was sentenced to 6 months in prison and ordered to pay more than \$575,000 in restitution. Yadidi awaits sentencing.

The investigation revealed that from July 2016 through October 2018, Semerdjiev, Yadidi (a fellow chiropractor) and Williams (personal fitness trainer), engaged in a scheme to defraud the welfare plan. Specifically, the trio offered kickbacks to patients for visiting the clinic and billed the plan for services not rendered to its patients, services not medically necessary, and services provided by unlicensed and unqualified employees. In total, Yadidi, Semerdjiev, and Williams submitted almost \$5 million in claims to the plan, with the plan paying approximately \$2 million.

This is a joint investigation with the Employee Benefits Security Administration. *United States v. Semerdjiev et al.* (C.D. California)

### **Illinois Woman Pleads Guilty to Labor Trafficking**

On July 28, 2020, Concepcion Malinek pleaded guilty to one count of labor trafficking. Malinek admitted she assisted 10 undocumented Guatemalan immigrants enter the United States illegally from 2009 to 2019. Once they were in the country, Malinek arranged for the immigrants to reside in her home while

they worked at nearby jobs. Malinek threatened to contact United States immigration authorities if the immigrants did not pay her a significant portion of their earnings.

This is a joint investigation with the FBI, U.S. Department of Homeland Security, Cook County Sheriff's Office, and Chicago Police Department. *United States v. Concepcion Malinek* (N.D. Illinois)