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8
9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**
11

12 **PEOPLE OF THE STATE OF CALIFORNIA,**

13 **Plaintiff,**

Case No.:

COMPLAINT

14 **v.**

15 **MARLENE ZERNA ROBERTSON,**
16 **JOSEMAR ABERIN MERCADO,**
17 **ISIDRA ABACAN AGULTO,**

18 **Defendants.**

[AG Dkt. No. LA2005104367]

19
20 The People of the State of California hereby allege upon information and belief that in
21 the County of Los Angeles, State of California, and elsewhere, and before the making or filing
22 of the complaint, the above-named defendants did commit the following crimes:

23
24 **COUNT I**
25 **CONSPIRACY**

26 For a first and separate cause of action, on or about and between December 23, 2005 and
27 June 1, 2006, in the County of Los Angeles, Defendant MARLENE ZERNA ROBERTSON,
28 Defendant JOSEMAR ABERIN MERCADO and Defendant ISIDRA ABACAN AGULTO did

1.

1 commit a felony, to wit, Conspiracy to Bribe an Executive Officer, violation of Penal Code
2 section 182/67 in that the defendants did unlawfully conspire together and with another person
3 and persons whose identity is unknown to commit the crime of bribery of an executive officer,
4 in violation of Section 67 of the Penal Code, a felony; that pursuant to and for the purpose of
5 carrying out the objectives and purposes of the aforesaid conspiracy, the said defendants
6 committed the following overt act and acts at and in the County of Los Angeles:

7 **FIRST OVERT ACT**

8 On or about December 24, 2005, Defendant ISIDRA ABACAN AGULTO contacted a
9 Confidential Informant, an employee of the County of Los Angeles, Department of Health
10 Services.

11 **SECOND OVERT ACT**

12 On or about December 24, 2005, Defendant ISIDRA ABACAN AGULTO gave the
13 Confidential Informant a Christmas card containing \$500.00.

14 **THIRD OVERT ACT**

15 On or about December 28, 2005, Defendant ISIDRA ABACAN AGULTO arranged a
16 meeting between the Confidential Informant and Defendants MARLENE ZERNA
17 ROBERTSON and JOSEMAR ABERIN MERCADO over dinner.

18 **FOURTH OVERT ACT**

19 On or about December 30, 2005, Defendant ISIDRA ABACAN AGULTO and
20 Defendant MARLENE ZERNA ROBERTSON met with the Confidential Informant.

21 **FIFTH OVERT ACT**

22 On or about December 30, 2005, Defendant MARLENE ZERNA ROBERTSON offered
23 to hire the Confidential Informant as a consultant at the rate of \$100.00 per hour. Defendant
24 MARLENE ZERNA ROBERTSON told the Confidential Informant to not be concerned as
25 nobody would know.

26 **SIXTH OVERT ACT**

27 On or about January 10, 2006, Defendant MARLENE ZERNA ROBERTSON offered
28 the Confidential Informant \$200.00 for a copy of the Los Angeles County Department of Health

1 Services' State Operation Manual.

2 **SEVENTH OVERT ACT**

3 On or about January 23, 2006, Defendant MARLENE ZERNA ROBERTSON,
4 Defendant ISIDRA ABACAN AGULTO and Defendant JOSEMAR ABACAN MERCADO
5 met at a restaurant with the Confidential Informant.

6 **EIGHT OVERT ACT**

7 On or about January 23, 2006, Defendant MARLENE ZERNA ROBERTSON gave the
8 Confidential Informant a designer purse and \$100.00 cash.

9 **NINTH OVERT ACT**

10 On or about February 11, 2006, Defendant MARLENE ZERNA ROBERTSON,
11 Defendant ISIDRA ABACAN AGULTO, and Defendant JOSEMAR ABACAN MERCADO
12 met with the Confidential Informant for the purposes of having the Confidential Informant
13 review patient files.

14 **TENTH OVERT ACT**

15 On or about March 3, 2006, Defendant MARLENE ZERNA ROBERTSON, Defendant
16 ISIDRA ABACAN AGULTO, and Defendant JOSEMAR ABACAN MERCADO met with the
17 Confidential Informant and gave the Confidential Informant a Plan of Correction Report issued
18 by the California Department of Health Services. Defendant JOSEMAR ABACAN
19 MERCADO told the Confidential Informant that she should have the Plan of Correction
20 completed and sent to him by March 10, 2006.

21 **ELEVENTH OVERT ACT**

22 On or about April 4, 2006, Defendant ISIDRA ABACAN AGULTO met with the
23 Confidential Informant and gave the Confidential Informant a check for \$5,700.00 for services
24 rendered as a consultant.

25
26 **COUNT TWO**

27 **BRIBERY OF AN EXECUTIVE OFFICER**

28 For a second and separate cause of action, on or about December 24, 2005, in the County

1 of Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA
2 ABACAN AGULTO did commit a felony, to wit, Bribery of an Executive Officer, violation of
3 Penal Code section 67, in that the defendants did unlawfully and with intent to influence a
4 Confidential Informant in respect to an act, decision, vote, opinion and proceeding of said
5 Confidential Informant, give and offer to give a bribe.

6
7 **COUNT THREE**

8 **BRIBERY OF AN EXECUTIVE OFFICER**

9 For a third and separate cause of action, on or about December 30, 2005, in the County
10 of Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA
11 ABACAN AGULTO did commit a felony, to wit, Bribery of an Executive Officer, violation of
12 Penal Code section 67, in that the defendants did unlawfully and with intent to influence a
13 Confidential Informant in respect to an act, decision, vote, opinion and proceeding of said
14 Confidential Informant, give and offer to give a bribe.

15
16 **COUNT FOUR**

17 **BRIBERY OF AN EXECUTIVE OFFICER**

18 For a fourth and separate cause of action, on or about January 23, 2006, in the County of
19 Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA ABACAN
20 AGULTO did commit a felony, to wit, Bribery of an Executive Officer, violation of Penal Code
21 section 67, in that the defendants did unlawfully and with intent to influence a Confidential
22 Informant in respect to an act, decision, vote, opinion and proceeding of said Confidential
23 Informant, give and offer to give a bribe.

24
25 **COUNT FIVE**

26 **BRIBERY OF AN EXECUTIVE OFFICER**

27 For a fifth and separate cause of action, on or about February 11, 2006, in the County of
28 Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA ABACAN

1 AGULTO did commit a felony, to wit, Bribery of an Executive Officer, violation of Penal Code
2 section 67, in that the defendants did unlawfully and with intent to influence a Confidential
3 Informant in respect to an act, decision, vote, opinion and proceeding of said Confidential
4 Informant, give and offer to give a bribe.

5 **COUNT SIX**

6 **BRIBERY OF AN EXECUTIVE OFFICER**

7 For a sixth and separate cause of action, on or about April 4, 2006, in the County of Los
8 Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA ABACAN
9 AGULTO did commit a felony, to wit, Bribery of an Executive Officer, violation of Penal Code
10 section 67, in that the defendants did unlawfully and with intent to influence a Confidential
11 Informant in respect to an act, decision, vote, opinion and proceeding of said Confidential
12 Informant, give and offer to give a bribe.

13
14 **COUNT SEVEN**

15 **CONSPIRACY**

16 For a seventh and separate cause of action, on or about and between December 23, 2005
17 and June 1, 2006, in the County of Los Angeles, Defendant MARLENE ZERNA
18 ROBERTSON, Defendant JOSEMAR ABERIN MERCADO and Defendant ISIDRA
19 ABACAN AGULTO did commit a felony, to wit, Conspiracy to Bribe a Ministerial Officer,
20 violation of Penal Code section 182/67.5 in that the defendants did unlawfully conspire together
21 and with another person and persons whose identity is unknown to commit the crime of bribery
22 of a ministerial officer, in violation of Section 67.5 of the Penal Code, a felony; that pursuant to
23 and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the
24 said defendants committed the following overt act and acts at and in the County of Los Angeles:

25 **FIRST OVERT ACT**

26 On or about December 24, 2005, Defendant ISIDRA ABACAN AGULTO contacted a
27 Confidential Informant, an employee of the County of Los Angeles, Department of Health
28 Services.

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SECOND OVERT ACT

On or about December 24, 2005, Defendant ISIDRA ABACAN AGULTO gave the Confidential Informant a Christmas card containing \$500.00.

THIRD OVERT ACT

On or about December 28, 2005, Defendant ISIDRA ABACAN AGULTO arranged a meeting between the Confidential Informant and Defendants MARLENE ZERNA ROBERTSON and JOSEMAR ABERIN MERCADO over dinner.

FOURTH OVERT ACT

On or about December 30, 2005, Defendant ISIDRA ABACAN AGULTO and Defendant MARLENE ZERNA ROBERTSON met with the Confidential Informant.

FIFTH OVERT ACT

On or about December 30, 2005, Defendant MARLENE ZERNA ROBERTSON offered to hire the Confidential Informant as a consultant at the rate of \$100.00 per hour. Defendant MARLENE ZERNA ROBERTSON told the Confidential Informant to not be concerned as nobody would know.

SIXTH OVERT ACT

On or about January 10, 2006, Defendant MARLENE ZERNA ROBERTSON offered the Confidential Informant \$200.00 for a copy of the Los Angeles County Department of Health Services' State Operation Manual.

SEVENTH OVERT ACT

On or about January 23, 2006, Defendant MARLENE ZERNA ROBERTSON, Defendant ISIDRA ABACAN AGULTO and Defendant JOSEMAR ABACAN MERCADO met at a restaurant with the Confidential Informant.

EIGHT OVERT ACT

On or about January 23, 2006, Defendant MARLENE ZERNA ROBERTSON gave the Confidential Informant a designer purse and \$100.00 cash.

NINTH OVERT ACT

On or about February 11, 2006, Defendant MARLENE ZERNA ROBERTSON,

1 Defendant ISIDRA ABACAN AGULTO, and Defendant JOSEMAR ABACAN MERCADO
2 met with the Confidential Informant for the purposes of having the Confidential Informant
3 review patient files.

4 **TENTH OVERT ACT**

5 On or about March 3, 2006, Defendant MARLENE ZERNA ROBERTSON, Defendant
6 ISIDRA ABACAN AGULTO, and Defendant JOSEMAR ABACAN MERCADO met with the
7 Confidential Informant and gave the Confidential Informant a Plan of Correction Report issued
8 by the California Department of Health Services. Defendant JOSEMAR ABACAN
9 MERCADO told the Confidential Informant that she should have the Plan of Correction
10 completed and sent to him by March 10, 2006.

11 **ELEVENTH OVERT ACT**

12 On or about April 4, 2006, Defendant ISIDRA ABACAN AGULTO met with the
13 Confidential Informant and gave the Confidential Informant a check for \$5,700.00 for services
14 rendered as a consultant.

15
16 **COUNT EIGHT**

17 **BRIBERY OF A MINISTERIAL OFFICER**

18 For an eighth and separate cause of action, on or about December 24, 2005, in the
19 County of Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA
20 ABACAN AGULTO did commit a felony, to wit, Bribery of a Ministerial Officer, violation of
21 Penal Code section 67.5(b), in that the defendants did unlawfully and with intent to influence a
22 Confidential Informant, give and offer to give a bribe.

23
24 **COUNT NINE**

25 **BRIBERY OF A MINISTERIAL OFFICER**

26 For a ninth and separate cause of action, on or about December 30, 2005, in the County
27 of Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA
28 ABACAN AGULTO did commit a felony, to wit, Bribery of a Ministerial Officer, violation of

1 Penal Code section 67.5(b), in that the defendants did unlawfully and with intent to influence a
2 Confidential Informant, give and offer to give a bribe.

3
4 **COUNT TEN**

5 **BRIBERY OF A MINISTERIAL OFFICER**

6 For a tenth and separate cause of action, on or about January 23, 2006, in the County of
7 Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA ABACAN
8 AGULTO did commit a felony, to wit, Bribery of a Ministerial Officer, violation of Penal Code
9 section 67.5(b), in that the defendants did unlawfully and with intent to influence a Confidential
10 Informant, give and offer to give a bribe.

11
12 **COUNT ELEVEN**

13 **BRIBERY OF A MINISTERIAL OFFICER**

14 For an eleventh and separate cause of action, on or about February 11, 2006, in the
15 County of Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA
16 ABACAN AGULTO did commit a felony, to wit, Bribery of a Ministerial Officer, violation of
17 Penal Code section 67.5(b), in that the defendants did unlawfully and with intent to influence a
18 Confidential Informant, give and offer to give a bribe.

19
20 **COUNT TWELVE**

21 **BRIBERY OF A MINISTERIAL OFFICER**

22 For a twelfth and separate cause of action, on or about April 4, 2006, in the County of
23 Los Angeles, Defendant MARLENE ZERNA ROBERTSON and Defendant ISIDRA ABACAN
24 AGULTO did commit a felony, to wit, Bribery of a Ministerial Officer, violation of Penal Code
25 section 67.5(b), in that the defendants did unlawfully and with intent to influence a Confidential

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1 Informant, give and offer to give a bribe.

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3 DATED: June 1, 2006

Respectfully submitted,

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BILL LOCKYER
Attorney General of the State of California

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By _____
ARTHUR E. SHIN
Deputy Attorney General
California Department of Justice
Bureau of Medi-Cal Fraud & Elder Abuse

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Agency: California Department of Justice
Bureau of Medi-Cal Fraud and Elder Abuse
Law Enforcement Agency Number 0132

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Preliminary Hearing Time Estimate: One Day

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1 **REQUEST FOR DISCOVERY**

2 Pursuant to Penal Code section 1054.5(b), the People request from all defense counsel
3 all materials and information required to be disclosed to the prosecution by the defense under
4 the authority of Penal Code section 1054.3, including the following:

5 1. The names and addresses of persons, other than the defendants, whom the defendants
6 intend to call as witnesses at trial. [Penal Code § 1054.3(a).]

7 2. Any relevant written or recorded statements of persons whom the defendants intend
8 to call as witnesses at trial. [Penal Code § 1054.3(a).]

9 3. Any reports of the statements of persons whom the defendants intend to call as
10 witnesses at trial. [Penal Code § 1054.3(a).]

11 4. Any reports or statements of experts made in connection with the case. [Penal Code
12 § 1054.3(a).]

13 5. Any results of physical or mental examinations, scientific tests, experiments, or
14 comparisons which the defendants intend to offer in evidence at the trial. [Penal Code §
15 1054.3(a).]

16 6. The opportunity to view “[a]ny real evidence which the defendant intends to offer in
17 evidence at the trial.” [Penal Code § 1054.3(b).]

18 This is a continuing request for the above information. If the information becomes
19 available at a future time, the prosecution by this request asks that it be immediately disclosed to
20 the prosecution.