



The United States Attorney's Office

Western District of Virginia

**Operators of Brian Center Health and Rehabilitation Center Indicted  
Avi Klein, Alicia Dietrich, Charles Menten and Vickie Cox All Face Federal Racketeering  
Charges**

FOR IMMEDIATE RELEASE

June 26, 2014

ROANOKE, VIRGINIA – A Federal Grand Jury in the Western District of Virginia in Roanoke has charged four individuals with a variety of Federal crimes, including racketeering [RICO], relating to the operation of a Weber City, Va., skilled nursing facility.

In an indictment returned Tuesday, June 24, 2014, the Grand Jury has charged Avi Klein, 45, of Miami Beach, Fla., Alicia Dietrich, 52, of Lancaster, Ohio, Charles R. Menten, 62, of Wilton Manors, Fla., and Vicki Cox, 46, of Kingsport, Tenn. with various crimes relating to the operation of the nursing facility formerly known as the Brian Center Health and Rehabilitation Center in Weber City, Va.

Klein has been charged with one count of racketeering conspiracy, one count of conspiracy to commit wire, mail and healthcare fraud, ten counts of wire fraud, one count of healthcare fraud, fifty-five counts of mail fraud, one count of obstruction of justice and one count of conspiracy to commit money laundering.

Dietrich has been charged with one count of racketeering conspiracy, one count of conspiracy to commit wire, mail and healthcare fraud, eight counts of wire fraud, one count of healthcare fraud, fifty-four counts of mail fraud, one count of obstruction of justice and one count of conspiracy to make false statements.

Menten has been charged with one count of racketeering conspiracy, one count of conspiracy to commit wire, mail and healthcare fraud, two counts of wire fraud, fifty-five counts of mail fraud and one count of conspiracy to commit money laundering.

Cox has been charged with one count of racketeering conspiracy, one count of conspiracy to commit wire, mail and healthcare fraud, eight counts of wire fraud, one count of healthcare fraud and one count of conspiracy to make false statements.

According to the indictment, the defendants, and their associates, operated the Brian Center, a 90 bed skilled nursing facility in Weber City, Va., to commit a multi-component fraud scheme that included defrauding Medicare and Virginia Medicaid by, among things, causing the facility to operate without sufficient certified nursing assistants and supplies, and in violation of Federal nursing facility requirements. The other components of the fraud scheme included defrauding vendors who supplied goods and services to the facility and defrauding the facility's employees of money withheld from their paychecks for benefits that were not provided.

The indictment alleges that the defendants caused residents to live in unsanitary and unclean conditions, to be without good nutrition and personal and oral hygiene, including but not limited to a lack of bathing, toileting, grooming, cleaning, turning, feeding and meaningful restorative services, and to have neglected and untreated pressure sores.

If convicted the defendants face up to 20 years in federal prison and/or fines of up to \$250,000 for each of the racketeering and fraud counts. The money laundering conspiracy charge carries a maximum of 10 years in prison and/or fines of up to \$250,000, and the conspiracy to make false statements charge has a maximum penalty of 5 years in prison and/or fines of up to \$250,000. Each defendant also faces significant forfeitures for the racketeering, fraud, and money laundering charges.

This case is the result of a cooperative investigation by the Department of Health and Human Services Office of Inspector General, Internal Revenue Service Criminal Investigation, the Virginia Attorney General's Medicaid Fraud Control Unit, and the Department of Labor's Employee Benefits Security Administration. Assistant United States Attorney's Rick Mountcastle and Daniel Bubar and Virginia Assistant Attorney General and Special Assistant United States Attorney Eric Atkinson are prosecuting the case for the United States.

A Grand Jury Indictment is only a charge and not evidence of guilt. These defendants are entitled to a fair trial with the burden on the government to prove guilt beyond a reasonable doubt.