

TSBPME Case No. 11-047

IN THE MATTER OF
SHANNON L. GALLENTINE, D.P.M. §
BOARD ORDER of §
REVOCATION §
of LICENSE No. 1513 §

BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS
SITTING IN AUSTIN,
TRAVIS COUNTY, TEXAS

BOARD ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Shannon L. Gallentine, DPM. By Order dated March 25, 2013, the Texas State Board of Podiatric Medical Examiners (the "Board") approved an Order of revocation against Gallentine pursuant to Tex. Occ. Code §53.021. The revocation results from Gallentine's felony conviction in USA v. Shannon Gallentine, DPM (Judgment In A Criminal Case; Case No. 4:11CR00071-001).

The Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Gallentine was licensed as a podiatric physician in the State of Texas (License Number 1513) to practice podiatric medicine and was therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act of Texas and the rules of the Board.
2. On May 10, 2012, regarding Case No. 4:11CR71 adjudicated in the United States District Court, for the Eastern District of Texas (Holding Session in Sherman, TX), Gallentine plead guilty to felony Count One (1) and felony Count Twenty-Five (25) of "Health Care Fraud" (18 U.S.C. §1347) and "Willful Failure to File Return" (26 U.S.C. §7203).
3. On January 31, 2013, Gallentine was convicted of felony Count One (1) and felony Count Twenty-Five (25) of "Health Care Fraud" (18 U.S.C. §1347) and "Willful Failure to File Return" (26 U.S.C. §7203), and sentenced to prison and ordered to pay restitution. See a copy of the USA indictment, plea agreement and final judgment/conviction order in "Attachment A."
4. The felony conviction (for "Health Care Fraud") is directly related to the Medicare and Medicaid programs within Gallentine's healthcare provider licensure as a podiatric physician. Restitution attributed to Gallentine's criminal conduct was ordered at \$110,622.59 to the Texas Medicaid Program, at \$254,377.41 to Medicare, at \$26,628.08 to Blue Cross Blue Shield of Texas and at \$407,942.47 to the Internal Revenue Service for a total of \$799,570.55.
5. On February 5, 2013, Gallentine's Judgment In A Criminal Case was final.
6. Gallentine has been committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twenty-four (24) months.

7. Gallentine has surrendered for service of sentence to the United States Bureau of Prisons at a facility to be determined by the United States Bureau of Prisons. Gallentine has been imprisoned; Inmate No. 18573-078. See a copy of evidence of imprisonment in "Attachment B."

CONCLUSIONS OF LAW

1. Texas Occupations Code, §53.021(a)(1) provides that, "a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation."
2. Texas Occupations Code, §53.021(b) provides that, "a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision."
3. The Findings of Fact numbers 1 through 7 establish that Gallentine's felony conviction and subsequent imprisonment subject his license to revocation pursuant to Texas Occupations Code §53.021(b).

ORDER

1. Gallentine's license to practice Podiatric Medicine, license no. 1513, is REVOKED.
2. Gallentine shall return to the Board any certificate or other document evidencing licensure, expired or current. Failure to return such documentation may result in the Board seeking injunctive relief against Gallentine to prevent him from practicing podiatric medicine as it is defined in Tex. Occup. Code Ann., §202.001 et seq.
3. Gallentine's podiatric practice is to remain closed for the purposes of receiving, diagnosing, treating, or consulting with patients, and Gallentine may not participate for income in any professional activity that is related to the diagnosis or treatment of a patient. Gallentine may refer his patients to another practitioner for treatment or consultation during the time that Gallentine is not licensed, but Gallentine shall not derive any income from such referrals.
4. Gallentine shall not represent himself to be a podiatrist and shall not offer and shall not accept to consult with, diagnose or treat a patient.
5. Gallentine shall permit a Board representative or staff member to periodically enter his place of business and/or the facility at which he previously maintained an office, announced or unannounced, during the hours of 8:00 a.m. to 5:00 p.m. on any weekday that is not a federal holiday to ensure compliance with this Order.
6. The terms of this Board Order become effective the date the Order is signed.

T EXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

PHYSICAL ADDRESS: 333 GUADALUPE, TOWER II, SUITE 320, AUSTIN, TEXAS 78701

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ATTACHMENT

“A”



Department of Justice

United States Attorney John M. Bales
Eastern District of Texas

FOR IMMEDIATE RELEASE
March 15, 2011

[HTTP://WWW.USDOJ.GOV/USAO/TXE](http://www.usdoj.gov/usao/txe)

CONTACT: DAVILYN WALSTON
PUBLIC INFORMATION OFFICER
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MAYPEARL PODIATRIST INDICTED FOR HEALTH CARE AND INCOME TAX FRAUD

SHERMAN, Texas — A 45-year-old Maypearl, Texas podiatrist has been indicted and arrested for health care and income tax fraud in the Eastern District of Texas announced U.S. Attorney John M. Bales today.

Shannon Gallentine was indicted by a federal grand jury on Mar. 9, 2011, and charged with 24 counts of health care fraud and 2 counts of failing to file federal income tax returns. Gallentine was arrested on Mar. 15, 2011 and made an initial appearance before U.S. Magistrate Judge Amos L. Mazzant that afternoon.

According to the indictment, from January 2004 through May 2007, Gallentine, a podiatrist, owned and operated Ambulatory Foot Care in Lancaster, Texas. During this time, Gallentine is alleged to have submitted false and fraudulent claims to Medicare seeking reimbursement for procedures which he did not perform. As a result of these false claims, Gallentine is alleged to have received in excess of \$365,000.00 to which he was not entitled. Additionally, it is alleged that Gallentine willfully failed to file federal income tax returns for calendar years 2004 and 2005.

If convicted, Gallentine faces up to 10 years in federal prison for each count.

This case was investigated by the FBI, U.S. Department of Health and Human Services - Office of the Inspector General (HHS-OIG), IRS, DEA, Texas Office of the Attorney General - Medicaid Fraud Control Unit (OAG-MFCU), and Blue Cross/Blue Shield of Texas and is being prosecuted by Special Assistant U.S. Attorney Howard Blackmon.

An indictment is not evidence of guilt and all defendants are presumed innocent until convicted in a court of law.

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**TEXAS PODIATRIC
MEDICAL EXAMINERS**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 10 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION
BY DAVID J. MALAND, CLERK
DEPUTY _____

UNITED STATES OF AMERICA § SEALED
 §
v. § NO. 4:11CR 71
 § Judge Schell
SHANNON GALLENTINE §
 §
 §

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Introduction

At all times material to this indictment:

The Medicare Program

1. Medicare was a federal program that provided health care benefits to people aged 65 and older and some persons under 65 who are blind or disabled. The program was codified under Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and was administered by the Centers for Medicare & Medicaid Services (CMS), formerly known as the Health Care Financing Administration (HCFA), an agency of the U.S. Department of Health and Human Services.

2. Medicare was a "health care benefit program," as defined by 18 U.S.C. § 24(b).

A TRUE COPY I CERTIFY
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

BY: *[Signature]*

3. There was a voluntary Supplemental Insurance Benefit under Medicare that was known as Part B. Part B pays for the outpatient expenses of physicians, therapists, laboratories, x-rays, and durable medical equipment for use in the home. Medicare beneficiaries pay a monthly premium for Medicare Part B and all services are subject to a 20 percent coinsurance and an annual deductible, which are the responsibility of the Medicare beneficiary. For those beneficiaries that were both Medicare and Medicaid eligible, Medicaid would automatically pay the 20 percent coinsurance not paid by Medicare. Part B paid for certain podiatric services. Part B also paid for evaluation and management (hereinafter E/M) services provided in a physician's office or in an outpatient or other ambulatory facility.

4. CMS supplied eligible Medicare providers with a list of Current Procedural Terminology (CPT) Codes to be used when filing Medicare claims. The CPT code book was published by the American Medical Association and assigned codes to specific types of medical tests and procedures for hospital and office visits by a physician provider.

5. When a doctor of podiatric medicine became a Medicare provider, the provider was furnished a Medicare Part B Handbook for Physicians and Suppliers. The handbook contained Medicare rules and regulations and had a specific section dealing with the billing process, citing examples of how to properly bill Medicare. Providers also received periodic Medicare newsletters and bulletins that often addressed billing issues and the proper use of certain CPT codes.

6. The Omnibus Budget Reconciliation Act of 1989 required all providers and suppliers of Medicare Part B services to submit, within one year from the date of service, claims to Medicare carriers on behalf of Medicare beneficiaries. During this period, providers could file their Medicare Part B claims either electronically or in paper form. Medicare reimbursement to the provider was made by either an electronic funds transfer or by check payable to the provider and delivered by U.S. Mail.

7. In order to obtain reimbursement from Medicare for medical services provided to beneficiaries, providers had to submit claims on a standardized form, commonly referred to as CMS-1500 (formerly known as HCFA-1500 Forms). Providers were paid for their medical services based upon information contained in the CMS-1500 claim forms. Eligible claims were to be submitted to the Medicare carrier on the CMS-1500 electronically. In order to submit claims electronically, a provider must have applied for and received approval from the Medicare carrier. Electronic claims must have included the same data and certifications as those submitted on a paper CMS-1500 form.

8. The provider must have stated the following information on the CMS-1500 form:

- a. the beneficiary's name and Health Insurance Claim Number (HICN), as well as the provider's name and Medicare provider number;
- b. a patient's diagnosis identified with a code from the International Classification of Diseases, 9th Revision, Clinical Modification,

commonly referred to as the "ICD-9" (hereafter the diagnosis or diagnosis code);

- c. the date on which the procedure or service was actually performed or provided (hereafter the "date of service");
- d. a medical service or procedure identified with a code from the (CPT) code and;
- e. the provider's signed certification that the services and procedures for which the reimbursement is requested were (1) medically necessary for the health of the patient; (2) actually provided by the medical provider making the claim; and (3) adequately documented in the patient's medical treatment records (the provider certification). A provider may authorize and direct office personnel to use a signature stamp to signify this certification on claims prepared and submitted under the provider's direction.

9. For podiatric services to be covered and therefore compensable by Medicare, the following requirements must have been met:

- a. services must have been medically necessary and reasonable for the condition of the patient;
- b. the written medical record must have documented an appropriate written order by the attending physician, requesting podiatric treatment be provided by a specific podiatrist each time the treatment occurs;

- c. in order to be compensated for CPT code 11721, Medicare coverage determinations required the debridement of six or more toenails. Debridement of nails, whether by electric grinder or manual method, is a temporary reduction in the length and thickness (short of avulsion) of an abnormal nail plate. The debridement code should not be used if the only part of the nail removed is the distal nail border or other portion of nail not attached to the nailbed;
- d. in order to be compensated for an E/M code on the same date of service that the nail debridement was performed, a patient's condition required a significant, separately identifiable E/M service above and beyond the debridement. Billing modifier number "25" would be used to indicate a significant, separately identifiable E/M service.

10. CMS and the CPT designated each specific toe with the modifiers TA through T9.

The Medicaid Program
("Texas Medicaid")

11. The Texas Medicaid program was a state-administered health insurance program funded predominately by the United States Government and administered by the State of Texas. The Texas Medicaid program helped pay for reasonable and necessary medical services and items provided to eligible low-income individuals and families.

Individuals may be dually eligible for Medicare and Texas Medicaid benefits. Among the medical expenses covered by Medicaid are certain podiatric services.

12. The Texas Medicaid program was a "health care benefit program," as defined by 18 U.S.C. § 24(b).

13. The Texas Health and Human Services Commission ("HHSC") was responsible for administering the Medicaid program in the State of Texas. HHSC contracted with the Texas Medicaid and Healthcare Partnership ("TMHP") to receive applications from prospective Medicaid providers, assign Medicaid provider numbers, educate providers as to Medicaid policies and regulations, and to process and pay Medicaid claims.

14. The Texas Medicaid program had substantially the same rules as Medicare, regarding the billing and payment for podiatric services.

The Defendant

15. Shannon Gallentine ("Gallentine"), a podiatrist, owned and operated Ambulatory Foot Care in Lancaster, Texas. Gallentine also maintained an office in Pittsburg, Texas and saw patients throughout the State of Texas, including patients in the Eastern District of Texas. Gallentine was a Medicare and Texas Medicaid provider during 2004 through 2007.

Counts One through Twenty-Four

Violation: 18 U.S.C. § 1347
(Health Care Fraud)

The Scheme and Artifice to Defraud

16. The Grand Jury realleges and incorporates by reference paragraphs 1 through 15 of this Indictment as if fully set forth herein.

17. Beginning on or about January 1, 2004 and continuing thereafter until on or about May 30, 2007, in the Eastern District of Texas and elsewhere throughout the State of Texas, **Gallentine**, aided and abetted by others known and unknown to the Grand Jury, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the control of health care benefit programs, as defined in 18 U.S.C. § 24(b), namely Medicare and Texas Medicaid, in connection with the delivery of and payment for health care benefits, items and services.

18. In execution and attempted execution of the scheme and artifice to defraud, as set forth in Counts One through Thirteen below, **Gallentine** submitted or caused to be submitted materially false and fraudulent claims to Medicare and Texas Medicaid seeking payment for the performance of nail debridements, as specified by CPT procedure code 11721 for six or more toes, purportedly performed by the defendant on the below-referenced beneficiaries, who had a previous foot amputation before the below listed

dates of service. In addition, any purported service Gallentine performed on the below listed beneficiaries and dates of service did not constitute a nail debridement.

Count #	Beneficiary	Service	Amount Paid	Date of Service
1	E. C.	11721	\$32.94	June 23, 2006
2	E. C.	11721	\$30.33	August 29, 2006
3	C. H.	11721	\$41.17	June 23, 2006
4	C. H.	11721	\$37.91	August 29, 2006
5	M. J.	11721	\$38.04	July 28, 2005
6	M. J.	11721	\$38.04	November 17, 2005
7	B. M.	11721	\$36.25	April 29, 2004
8	M. R.	11721	\$38.04	April 2, 2005
9	J. R.	11721	\$38.04	July 28, 2005
10	E. R.	11721	\$38.04	June 2, 2005
11	E. R.	11721	\$38.04	August 24, 2005
12	E. R.	11721	\$38.04	December 1, 2005
13	M. S.	11721	\$29.58	May 9, 2007

19. In furtherance of the scheme and artifice to defraud, as set forth in Counts Fourteen through Twenty-four, Gallentine, submitted or caused to be submitted materially false and fraudulent claims to Medicare and Texas Medicaid seeking payment for E/M codes, through the false and fraudulent use of the "25" modifier code, which indicated a significant, separately identifiable E/M service had been provided to the below listed beneficiaries when no such E/M service had been provided.

Count #	Beneficiary	Modifier "25" Service	Amount Paid	Date of Service
14	E. C.	99309	\$65.33	June 23, 2006
15	E. C.	99309	\$61.38	August 29, 2006
16	C. H.	99309	\$81.66	June 23, 2006
17	C. H.	99309	\$76.73	August 29, 2006
18	M. J.	99312	\$54.51	July 28, 2005
19	M. J.	99312	\$54.51	November 17, 2005
20	B. M.	99312	\$60.26	April 29, 2004
21	E. R.	99312	\$54.51	June 2, 2005
22	E. R.	99312	\$54.51	August 24, 2005
23	E. R.	99312	\$54.51	December 1, 2005
24	M. S.	99309	\$56.86	May 9, 2007

20. As the result of submitting or causing to be submitted materially false and fraudulent claims in excess of \$475,000.00 to Medicare and Texas Medicaid, for the purported performance of CPT procedure code 11721, nail debridement, and separate E/M services, Gallentine received payments in excess of \$365,000.00 to which he was not entitled.

Each Count in violation of 18 U.S.C. § 1347.

Count 25

Violation: 26 U.S.C. § 7203
(Willful Failure to File Return)

During the calendar year 2004, Gallentine, a resident of Carrollton, Texas, in the Eastern District of Texas, had and received gross income in excess of \$15,900 (highest minimum filing requirement), and by reason of such gross income, was required by law to make an income tax return on or before April 15, 2005, to the person assigned to receive returns at the Internal Revenue Service ("IRS") or to any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; and that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to the person assigned to receive returns at the local office of the IRS or to any other proper officer of the United States, in violation of 26 U.S.C. § 7203.

Count 26

Violation: 26 U.S.C. § 7203
(Willful Failure to File Return)

During the calendar year 2005, Gallentine a resident of Carrollton, Texas, in the Eastern District of Texas, had and received gross income in excess of \$16,400 (highest minimum filing requirement), and by reason of such gross income, was required by law to make an income tax return on or before April 15, 2006, to the person assigned to receive returns at the IRS or to any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; and

that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to the person assigned to receive returns at the local office of the IRS or to any other proper officer of the United States, in violation of 26 U. S.C. § 7203.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 982(a)(7)

As the result of violating 18 U.S.C. § 1347 as alleged in this Indictment, the defendant shall forfeit to the United States of America pursuant to 18 U.S.C. § 982(a)(7) all property, real or personal, that constitutes or is derived from proceeds traceable to the aforementioned violation, including but not limited to the following:

Cash Proceeds

Approximately \$365,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

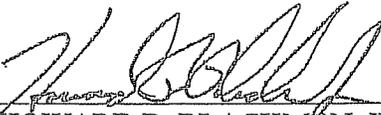
it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendant.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States.

A TRUE BILL

DMC
GRAND JURY FOREPERSON

JOHN M. BALES
UNITED STATES ATTORNEY



HOWARD B. BLACKMON, JR.
Special Assistant United States Attorney
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howard.blackmon@usdoj.gov
Texas Bar # 23958000

3/9/2011
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA § SEALED
 §
v. § NO. 4:11CR _____
 § (Judge _____)
SHANNON GALLENTINE §

NOTICE OF PENALTY

Counts One through Twenty-Four

Violation: 18 U.S.C. § 1347
(Health Care Fraud)

Penalty: Each Count: Not more than 10 years imprisonment;
a fine of not more than \$250,000, or both. A term of
supervised release of not more than three years.

Special
Assessment: \$100.00 per count

Counts Twenty-Five and Twenty-Six

Violation: 26 U.S.C. § 7203
(Willful Failure to File Return)

Penalty: Each Count: A fine of not more than \$100,000,
and/or imprisonment for not more than 1 year,
and a term of supervised release for not
more than 1 year.

Special
Assessment: \$100.00 per count

defendant understands the nature and elements of the crime to which guilt is admitted and agrees that the factual statement the defendant has signed is true and will be submitted as evidence.

3. SENTENCE: The maximum penalties the Court can impose for Count One include:

- a. imprisonment for a period not to exceed ten (10) years;
- b. a fine not to exceed \$250,000, or twice any pecuniary gain to Defendant or gross loss to any victim(s);
- c. a term of supervised release of not more than three (3) years, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates the conditions of supervised release, the consequence could be imprisonment for the entire term of supervised release;
- d. a mandatory special assessment of \$100, which must be paid by cashier's check or money order to the United States District Clerk before sentencing;
- e. forfeiture of property involved or traceable to the criminal offense;
- f. restitution to victims or to the community; and
- g. costs of incarceration and supervision.

The maximum penalties the Court can impose for Count Twenty-Five include:

- a. imprisonment for a period not to exceed one (1) year;
- b. a fine not to exceed \$100,000;
- c. a term of supervised release of not more than one (1) year, which may be mandatory under the law and will follow any term of

imprisonment. If the defendant violates the conditions of supervised release, the consequence could be imprisonment for the entire term of supervised release;

- d. a mandatory special assessment of \$100, which must be paid by cashier's check or money order to the United States District Clerk before sentencing;
- e. forfeiture of property involved or traceable to the criminal offense;
- f. restitution to victims or to the community; and
- g. costs of incarceration and supervision.

4. **COURT'S SENTENCING DISCRETION AND ROLE OF THE GUIDELINES:** The defendant understands that the sentence in this case will be imposed by the Court after consideration of the U.S. SENTENCING GUIDELINES MANUAL (U.S.S.G. or guidelines). The guidelines are not binding on the Court, but are advisory only. The defendant has reviewed the guidelines with defense counsel, but understands that no one can predict with certainty the outcome of the Court's consideration of the guidelines in this case. ~~The defendant will not be allowed to withdraw the plea entered pursuant to this agreement if the sentence is higher than expected, so long as it is within the statutory maximum.~~ The defendant understands that the actual sentence to be imposed is solely in the discretion of the Court.

5. **AGREEMENT PURSUANT TO FED. R. CRIM. P. 11(C)(1)(C):** The parties stipulate to the following factors that affect the appropriate sentencing range:

- a. The base offense level and any specific offense characteristics will be determined by the court.
- b. A reduction of three (3) levels for acceptance of responsibility under U.S.S.G. § 3E1.1 applies; however, this stipulation is subject to recommendation of the United States Probation Office. **If circumstances indicating that the defendant has not accepted responsibility become known after entry of this agreement, this stipulation is void and the defendant may object to the failure of the Presentence Report to recommend the reduction. Additionally, the Government's request to decrease the offense level by one additional level in accordance with U.S.S.G. § 3E1.1(b) is contingent on the defendant clearly demonstrating acceptance of responsibility for the offense conduct.**

The parties agree and stipulate pursuant to FED. R. CRIM. P. 11(C)(1)(C) that the appropriate sentence of imprisonment in this case is a term of 24 months. The parties understand that the Court may decline to accept this agreement to sentence the defendant to a term of 24 months. If the Court does not accept the agreement, the defendant will be given the opportunity to withdraw from the plea.

6. **HEALTH CARE FRAUD RESTITUTION:** The defendant understands that restitution may be ordered by the Court. The defendant agrees that restitution in this case is not limited to the offense of conviction and may include restitution for all losses caused by the defendant's criminal conduct, even if such losses resulted from crimes not charged or admitted by the defendant in the factual statement. The defendant waives any defense or objection to any action to enforce the collection of the financial obligations to be imposed in connection with this prosecution, including, but not limited to, all collection

procedures authorized by 28 U.S.C. § 3001, 18 U.S.C. § 3664(j)(2), or 18 U.S.C. § 3613(f):

7. **TAX RESTITUTION:** The defendant agrees that if the Court determines that restitution is appropriate, the Court may order restitution for all criminal conduct related in any way to the offense of conviction as a condition of supervised release. Specifically for Count Twenty-Five:

- a. The defendant agrees to pay restitution to the Internal Revenue Service in the total amount of \$407,942.47, pursuant to 18 U.S.C. § 3663.
- b. The defendant agrees that the total amount of restitution reflected in this agreement results from defendant's fraudulent conduct.
- c. The total amount of restitution consists of the following:
\$117,647.23 for tax year 2004; \$131,527.44 for tax year 2005; and \$158,767.80 for tax year 2006. Interest that may accrue pursuant to 18 U.S.C. § 3612 has not been calculated by the IRS.
- d. The defendant agrees to pay restitution as ordered by the Court in any restitution order entered pursuant to this plea agreement.
- e. The defendant agrees to sign any IRS forms deemed necessary by the IRS to enable the IRS to make an immediate assessment of that portion of the tax and interest that he agrees to pay as restitution.
The defendant also agrees to sign IRS Form 8821 (Tax Information Authorization).

- f. The defendant agrees not to file any claim for refund of taxes or interest represented by any amount of restitution paid pursuant to this agreement.
- g. The defendant will receive proper credit for the payments made pursuant to this agreement. Except as set forth in the previous sentence, however, nothing in this agreement shall limit the IRS in its lawful examination, determination, assessment, or collection of any taxes, penalties or interest due from the defendant for the time periods covered by this agreement or any other time period.
- h. The defendant agrees that this agreement, or any judgment, order, release, or satisfaction issued in connection with this agreement, will not satisfy, settle, or compromise the defendant's obligation to pay the balance of any remaining civil liabilities, including tax, additional tax, additions to tax, interest, and penalties, owed to the IRS for the time periods covered by this agreement or any other time period.
- i. The defendant understands that he is not entitled to credit with the IRS for any payment sent to an incorrect address or accompanied by incomplete or inaccurate information, unless and until any payment is actually received by the IRS and identified by it as pertaining to his particular liability.

j. Payment:

- (1) The defendant agrees that, unless the Director of the Administrative Office of the United States Courts directs otherwise, all payments made pursuant to the court's restitution order are to be sent only to the Clerk of the Court.
- (2) With each payment to the Clerk of the Court made pursuant to the District Court's restitution order, the defendant will provide the following information: (i) Defendant's name and Social Security number; (ii) the District Court docket number assigned to this case; (iii) the tax years or periods for which restitution has been ordered; and (iv) a statement that the payment is being submitted pursuant to the District Court's restitution order.
- (3) The defendant agrees to include a request that the Clerk of the Court send the information, along with defendant's payments, to the appropriate office of the Internal Revenue Service.
- (4) The defendant also agrees to send a notice of any payments made pursuant to this agreement, including the information listed in the previous paragraph, to the IRS at the following address: Internal Revenue Service, Attn: MPU, STOP 151 (Restitution), P.O. Box 47-421, Doraville, GA 30362.

8. **FORFEITURE:** The defendant agrees to immediately forfeit to the United States all of his right, title and interest to the following property pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c):

- A. Approximately \$365,000.00 in United States currency and all interest and proceeds traceable thereto.
- B. Substitute assets, if any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –
 - (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with a third person;
 - (c) has been placed beyond the jurisdiction of the court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be subdivided without difficulty.

The defendant agrees that the above described property is subject to forfeiture to the government pursuant to the aforementioned statute. The defendant agrees to fully assist the government in the forfeiture of the listed property and to take whatever steps are necessary to pass clear title to the United States, including but not limited to surrender of title and execution of any documents necessary to transfer the defendant's interest in any of the above property to the United States, and take whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden or otherwise made unavailable for forfeiture. The defendant agrees not to file a claim to the listed property in any civil proceeding, administrative or judicial, which may be initiated. The defendant agrees to waive the right to notice of any forfeiture proceeding involving the above described property, and agrees not to file a claim or assist others in filing a claim in

that forfeiture proceeding. The defendant knowingly and voluntarily waives the right to a jury trial on the forfeiture of assets. The defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses to the forfeiture of these assets in any proceeding. The defendant agrees to waive any claim or defense under the Eighth Amendment to the United States Constitution, including any claim of excessive fine, to the forfeiture of assets by the United States or its subdivisions. Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to the forfeiture. The defendant waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

9. **DEFENDANT'S COOPERATION:** The defendant shall give truthful and complete information and/or testimony concerning the defendant's participation in the offense of conviction and knowledge of other criminal activities. The defendant shall not take any actions that would obstruct the government's investigation into the offense of conviction or the other criminal activities of which the defendant has knowledge. The defendant understands that intentionally providing false information or testimony to implicate an innocent person in the commission of a crime, or to protect a guilty person, and/or exaggerating the involvement of any person in a crime in order to appear cooperative, will be a material violation of this agreement. Upon request, the defendant shall submit a personal financial statement under oath and submit to interviews by the government and

the United States Probation Office regarding the defendant's capacity to satisfy any fines or restitution. The defendant also agrees to comply with all relevant orders and rules of the Court. The government will advise the Court of the extent of the defendant's cooperation. Failure to comply with this section can result in prosecution for the charges identified in paragraph 2 above and for any other federal offenses that the defendant may have committed. Additionally, upon such failure, the government may use any of the defendant's statements or leads derived therefrom against the defendant in any proceeding.

10. **GOVERNMENT'S AGREEMENT:** The United States Attorney for the Eastern District of Texas agrees not to prosecute the defendant for any additional non-tax related criminal charges based upon the conduct underlying and related to the defendant's plea of guilty. After sentencing, the government will dismiss any remaining criminal charges against this defendant.

11. **VIOLATION OF AGREEMENT:** The defendant understands that upon violation of any provision of this agreement or any Court order or rule, or if the guilty plea pursuant to this agreement is vacated or withdrawn, the government will be free from its obligations under this agreement and may prosecute the defendant for all offenses of which it has knowledge. In such event, the defendant waives any objections based upon delay in prosecution.

12. **VOLUNTARY PLEA:** This plea of guilty is freely and voluntarily made and is not the result of force, threats, or promises other than those set forth in this agreement.

13. WAIVER OF RIGHT TO APPEAL OR OTHERWISE CHALLENGE SENTENCE:

Except as otherwise provided herein, the defendant expressly waives the right to appeal the conviction, sentence, fine and/or order of restitution or forfeiture in this case on all grounds. The defendant further agrees not to contest the conviction, sentence, fine and/or order of restitution or forfeiture in any post-conviction proceeding, including, but not limited to a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the right to appeal the following: (a) any punishment imposed in excess of the statutory maximum, and (b) a claim of ineffective assistance of counsel that affects the validity of the waiver or the plea itself.

14. WAIVER OF RIGHT TO RECORDS: The defendant hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

15. REPRESENTATION OF COUNSEL: The defendant has thoroughly reviewed all legal and factual aspects of this case with defense counsel and is fully satisfied with defense counsel's legal representation. The defendant has received satisfactory explanations from defense counsel concerning each paragraph of this plea agreement, each of the defendant's rights affected thereby, and the alternatives to entering a guilty plea. After conferring with counsel, the defendant concedes guilt and has concluded that it is in the defendant's best interest to enter this agreement rather than proceeding to trial.

16. **LIMITATIONS ON THIS AGREEMENT:** This agreement is only binding on the United States Attorney's Office for the Eastern District of Texas and does not bind any other federal, state, or local prosecuting authority. Nothing in this agreement shall be construed to release the defendant from possible related or consequential civil liability to any individual, legal entity, or the United States.

17. **ENTIRETY OF AGREEMENT:** The defendant, the defendant's attorney, and the government acknowledge that this is a complete statement of the parties' agreement in this case. It supersedes all other plea agreements and may not be modified unless the modification is in writing and signed by all parties. No other promises have been made or implied.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

Dated: 5-8-2012



JAMES E. PEACOCK
Assistant United States Attorney

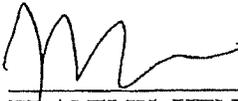
I have read or had read to me this plea agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.

Dated: 5/7/12


SHANNON GALLENTINE
Defendant

I am counsel for the defendant. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge and belief, my client's decision to enter into this plea agreement is an informed and voluntary one.

Dated: 5/7/12


FRANK W. HENDERSON
Attorney for Defendant



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FOR IMMEDIATE RELEASE

February 01, 2013

Maypearl Podiatrist Sentenced For Health Care/Tax Fraud

SHERMAN, Texas — A 46-year-old Maypearl, Texas podiatrist has been sentenced to federal prison for health care and income tax fraud in the Eastern District of Texas, announced U.S. Attorney John M. Bales today.

Shannon Gallentine pleaded guilty on May 10, 2012, to one count of health care fraud and one count of failing to file an income tax return and was sentenced to 24 months in federal prison on Jan. 31, 2013, by U.S. District Judge Thad Heartfield. Gallentine was also ordered to pay health care fraud restitution of \$391,628.08 and \$407,942.47 to the Internal Revenue Service. Of the restitution, \$254,377.41 will be paid to Medicare, \$110,622.59 to Medicaid, and \$26,628.08 to Blue Cross Blue Shield.

According to information presented in court, from January 2004 through May 2007, Gallentine, a podiatrist, owned and operated Ambulatory Foot Care in Lancaster, Texas. During this time, Gallentine submitted false and fraudulent claims to Medicare seeking reimbursement for procedures which he did not perform. As a result of these false claims, Gallentine received in excess of \$365,000.00 to which he was not entitled. Additionally, Gallentine willfully failed to file federal income tax returns for calendar years 2004 and 2005. Gallentine was indicted by a federal grand jury on Mar. 9, 2011, and charged with federal violations.

Gallentine will report to the U.S. Marshals Service on Mar. 18, 2013 to be transported to federal prison.

This case was investigated by the FBI, U.S. Department of Health and Human Services - Office of the Inspector General (HHS-OIG), IRS, DEA, Texas Office of the Attorney General - Medicaid Fraud Control Unit (OAG-MFCU), and Blue Cross/Blue Shield of Texas and was prosecuted by Assistant U.S. Attorney James Peacock.

####

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**TEXAS PODIATRIC
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United States District Court

EASTERN DISTRICT OF TEXAS

Sherman

UNITED STATES OF AMERICA

V.

SHANNON GALLENTINE

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:11CR00071-001

USM Number: 18573-078

Frank Henderson

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 and 25 of the indictment

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1347	Health Care Fraud	06/23/2006	1
26 USC § 7203	Willful Failure to File Return	04/15/2005	25

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

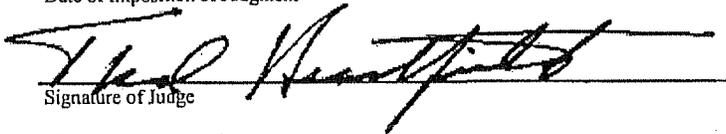
The defendant has been found not guilty on count(s) _____

Count(s) 2-24 and 26 of the indictment is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/31/2013

Date of Imposition of Judgment



Signature of Judge

Thad Heartfield

United States District Judge

Name and Title of Judge

2/5/13

Date

A TRUE COPY I CERTIFY
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

By: K. Manning

DEFENDANT: SHANNON GALLENTINE
CASE NUMBER: 4:11CR00071-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **24 Months**

The term consists of 24 months as to Count 1 and 12 months as to Count 25, to be served concurrently.

The court makes the following recommendations to the Bureau of Prisons:

SEE CONTINUATION SHEET

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on 3/18/2013

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: SHANNON GALLETINE
CASE NUMBER: 4:11CR00071-001

Continuation page

While incarcerated, it is recommended that the defendant participate in the Inmate Financial Responsibility Program at a rate determined by Bureau of Prisons staff in accordance with the requirements of the Inmate Financial Responsibility Program.

The Court recommends that the defendant be incarcerated at the Federal Camp in Seagoville, Texas, if eligible.

DEFENDANT: SHANNON GALLENINE
CASE NUMBER: 4:11CR00071-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :3 Years

This term consists of three years on Count 1 and one year on Count 25, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SHANNON GALLENINE
CASE NUMBER: 4:11CR00071-001

SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall pay any financial penalty that is imposed by this judgment.
- 2) The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring fine/restitution payments and employment.
- 3) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full.
- 4) The defendant shall not participate in any form of gambling unless payment of any financial obligation ordered by the Court has been paid in full.

DEFENDANT: SHANNON GALLENINE
 CASE NUMBER: 4:11CR00071-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 125.00	\$ 0.00	\$ 799,570.55

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TEXAS MEDICAID	\$110,622.59	\$110,622.59	0%
MEDICARE	\$254,377.41	\$254,377.41	0%
BLUE CROSS BLUE SHIELD OF TEXAS	\$26,628.08	\$26,628.08	0%
INTERNAL REVENUE SERVICE	\$407,942.47	\$407,942.47	0%

TOTALS \$ 799,570.55 \$ 799,570.55

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SHANNON GALLENINE
CASE NUMBER: 4:11CR00071-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 125.00 due immediately, balance due
- not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

The Court orders the restitution payments to begin immediately. Any amount that remains unpaid when the defendant's supervision commences is to be paid on a monthly basis at a rate of at least 10% of the defendant's gross income, to be changed during supervision, if needed, based on the defendant's changed circumstances, pursuant to 18 U.S.C. § 3664(k). Additionally, at least 50% of receipts received from gifts, tax returns, inheritances, bonuses, lawsuit awards, and any other receipt of money (to include, but not limited to, gambling proceeds, lottery winnings, and found money) must be paid toward the unpaid restitution balance within 5 days of receipt.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to: the U.S. District Court. Fine & Restitution. 1910 E SE Loop 323 No 287. Tvlr. TX 75701

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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Name	Register #	Age-Race-Sex	Release Date <small>Actual or Projected</small>	Location
1. SHANNON GALLENTINE	18573-078	47-White-M	UNKNOWN	POLLOCK USP

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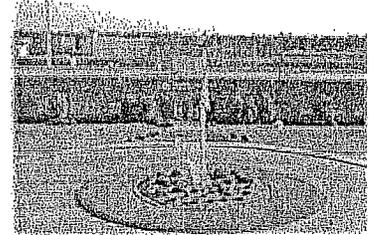
USP Pollock

The United States Penitentiary (USP) in Pollock, Louisiana, is a high security institution housing male offenders. This institution is part of the [Federal Correctional Complex \(FCC\) Pollock](#). An adjacent satellite prison camp houses minimum security male offenders.

FCC Pollock is located in central Louisiana and is surrounded by the Kisatchie National Forest in southeastern Grant Parish, Louisiana. The facility is situated approximately 15 miles north of Alexandria, Louisiana.

Judicial District: Western Louisiana

Hiring: See [USAJOBS](#) for current BOP vacancies.



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USP Pollock Admissions & Orientation (A&O) Handbook	Type: PDF Size: 2.66 MB
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FCC Pollock Commissary List	Type: PDF Size: 233 KB
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Legal Activities, Inmate	Type: PDF Size: 127.33 KB
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USP Pollock Visiting Regulations	Type: PDF Size: 768 KB
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