



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

May 17, 2012

PRESS RELEASE

On Thursday, May 17, 2012, in the Martinez Judicial District of the Superior Court, Veola Gaines, a resident of Antioch, was found guilty by a jury of a felony charge of Grand Theft under section 487(a) of the Penal Code. It was alleged that Gaines had defrauded the Contra Costa County Employment and Human Services Department (EHSD) through their In-Home Support Services (IHSS) program. Under this state and county program, individuals who meet certain low income levels and suffer severe ailments may receive a personal caretaker paid in whole, or in part, with public funds through this program. The caretakers may be friends, family members, or professional providers that are registered with EHSD. The reasoning behind the program is that it would be more cost effective to the county, and beneficial to the patient, if he/she could stay in their home rather than being placed in a skilled live-in facility.

The prosecution alleged that Veola Gaines and two of her providers falsified time cards submitted to the IHSS program for payment; misrepresented that she lived in Contra Costa County when she, in fact, lived in Alameda County; and exaggerated the extent of her disability in order to qualify for the benefits.

During the trial, evidence was presented that in 2005, Gaines was fully stricken with multiple sclerosis, a disease that affects the nerve cells. Medical testimony explained that it affects individuals differently, and that the symptoms may range from mild to severe. Family members testified that they observed Gaines to gradually lose energy and strength, and eventually was hospitalized. After leaving the hospital, her symptoms would vary; she needed the use of a wheelchair, and even went through physical therapy at one point. Gaines sat in a wheel chair throughout the trial.

After being stricken with the disease, Gaines began to apply for SSI, General Assistance, and IHSSs with federal and Contra Costa County agencies. Upon winning an appeal with Social Security, Gaines was accepted into the County's IHSS program. In 2006, without the knowledge of Contra Costa County, Gaines applied for subsidized housing with the Oakland Housing Authority under their Section 8 Program. Neither agency knew about Gaines applying or receiving benefits from each of their respective programs.

From November 2005 through February 2008, time cards were submitted by Gaines and her first caretaker to EHSD, and payment was made to him based upon the information in the Contra Costa County application and time cards. From March 2008 through September 2008, a second caretaker took over and she was paid in the same manner.

The prosecution argued that Gaines lied about living in Contra Costa County. Instead, it believed that she lived in Oakland, and was being taken care of by her sister and not the first caretaker. Although it was conceded that Gaines did have multiple sclerosis, the prosecution argued that her symptoms were not as severe to the extent that she was entitled to benefits. Thus, no payments should have been made to either the first or the second caretaker. Evidence during the trial showed that at one point, Gaines was able to drive a car.

Family members testified that after being released from the hospital, Gaines lived with them in Contra Costa County, and would often switch between households. They contradicted the Prosecution's theory by testifying that the first caretaker did in fact provide care for Gaines.

The Prosecution presented further evidence allegedly showing that in 2008, after the second caretaker started, Gaines presented to her Social Worker a counterfeit letter from Kaiser Hospital purporting to recommend that 24-hour care be given. The Social Worker testified that Gaines gave her the letter during a home visit, and asked for more paid hours for her care. She also testified that Gaines identified another person as her caretaker rather than the one that currently enrolled with EHSD, and who was then being paid. The Prosecution argued again, that the second caretaker did not provide any services, as represented by Gaines, so as to have earned payments; that Gaines did not qualify for the benefits because her symptoms were not as severe; and that she did not live in Contra Costa County.

The first caretaker was tried along with Gaines and was found not guilty.

Gaines is scheduled to be sentenced on July 6, 2012 before the Honorable Leslie Landau, Judge of the Contra Costa County Superior Court.

The Contra Costa County District Attorney's Public Assistance Fraud Unit is part of the office's Special Operations Unit. Any suspected public assistance fraud can be reported to the District Attorney Office at (925) 957-8604.