

California Department of Insurance

Fraud Division

August 2014 Workers' Compensation Fraud Convictions

Effective January 01, 2005, Assembly Bill 2866 (Frommer) enacted Insurance Code Section 1871.9 requiring the posting of all workers' compensation fraud convictions to the CDI website.

Per section 1871.9, the department shall post all of the following information on its Internet Web site for each person, as defined in Section 19, convicted of a violation of this article (1871.4), Section 11760 or 11880, Section 3700.5 of the Labor Code or Section 487 or 550 of the Penal Code, if the violation involved workers' compensation insurance, services or benefits:

- The name, case number, county or court and other identifying information with respect to the case.
- The full name of the defendant.
- The city and county of the defendant's last known residence or business address.
- The date of conviction.
- A description of the offense.
- The amount of money alleged to have been defrauded.
- A description of the punishment imposed, including the length of any sentence of imprisonment and the amount of any fine imposed.

The information required to be posted under this section shall be maintained on the department Web site for a period of five years from the date of conviction or until the department is notified in writing by the person that the conviction has been reversed or expunged.

Note: If new documentation has been received that in any way affects the conviction information contained herein, please forward that documentation with an explanation to:

Bureau Chief, Workers' Compensation Program
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

A determination to make any changes will be made within sixty (60) days of receipt of the information.

August 2014 Workers' Compensation Fraud Convictions

Court Case Number: SF125099A

CDI Case Number: 111AW011672

County: San Joaquin

Defendant: Jose Bautista

City/County of Residence: Stockton/San Joaquin

Conviction Date: 08/27/14

Offense: 1 Count of IC 11880 (Premium Fraud); 1 Count of IC 11760 (Misrepresent Fact to Obtain Workers' Compensation)

Amount Allegedly Defrauded: \$427,596

Sentence: 4 years County Jail (Court Will Allow Work Furlough, Home Detention, or Alternative Work Program), \$427,596 Restitution, \$300 Civil Fine

CDI Case Number: 12AW006166

County: Sacramento

Defendant: Justin Dean Burns

City/County of Residence: Galt/Sacramento

Conviction Date: 08/19/14

Offense: 1 Count of IC 1871.4(a)(2) (False or Misleading Statement in Support of Claim)

Amount Allegedly Defrauded: \$9,932.45

Sentence: 1 Day County Jail, 3 Years Informal Probation, \$9,932.45 Restitution, \$100 Civil Fine

Court Case Number: BA423463

County: Los Angeles

Defendant: Modesto Campos

City/County of Residence: Not available at this time

Conviction Date: 8/22/14

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation) (Misdemeanor)

Amount Allegedly Defrauded: \$1,509

Sentence: 300 Hours Community Service (Completed), 3 Years Formal Probation (Converted to Unsupervised Probation), \$1,509 Restitution (Paid-In-Full), \$280 Civil Fine

CDI Case Name: Taqueria El Buen Gusto

CDI Case Number: 14JW013283

County: Santa Barbara

Defendant: Jose Ramos Flores

City/County of Residence: Santa Barbara/Santa Barbara

Conviction Date: 08/28/14

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: \$325 Criminal Fine

CDI Case Number: 12HW002101

County: San Bernardino

Defendant: Loreano Gaspar

City/County of Residence: Moreno Valley/Riverside

Conviction Date: 08/18/14

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$19,000

Sentence: 2 Days County Jail, 40 Hours Community Service, 36 Months Supervised Probation, \$19,000 Restitution, \$300 Civil Fine, \$26 Per Month for Probation Supervision Fee

CDI Case Name: Hawk Painting

CDI Case Number: 11GW015568

County: San Mateo

Defendant: James Christopher Hawk

City/County of Residence: Foster City/San Mateo

Conviction Date: 08/13/14

Offense: 1 Count of IC 11880(a) (Premium Fraud) (Misdemeanor)

Amount Allegedly Defrauded: \$20,000

Sentence: 10 Days County Jail, 18 Months Court Probation, \$20,000 Restitution is Paid-In-Full, \$165 Civil Fine

CDI Case Number: 14JW002843

County: Los Angeles

Defendant: Jose Roberto Marroquin

City/County of Residence: Van Nuys/Los Angeles

Conviction Date: 08/22/14

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: 24 Months Summary Probation, \$140 Civil Fine, \$10,000 Criminal Fine (\$8,000 Suspended)

CDI Case Name: Tony's Smoke Shop

CDI Case Number: 14JW000462

County: Los Angeles

Defendant: Faiz Munnassar

City/County of Residence: Lancaster/Los Angeles

Conviction Date: 08/11/14

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: 24 Months Summary Probation, \$150 Civil Fine, \$4,000 Fine To The California Department of Insurance

Case Number: 13EW017768

County: San Diego

Defendant: Liam Smyth

City/County of Residence: Chula Vista/San Diego

Conviction Date: 08/13/14

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$14,657.73

Sentence: 1 Day County Jail, 80 Hours Volunteer Work at a Nonprofit Organization, 3 Years Court Probation, \$14,657.73 Restitution, \$300 Civil Fine, \$820 Criminal Fine

Court Case Number: SCD255307

CDI Case Number: 14EW002445

County: San Diego

Defendant: Lualhati E Yambao

City/County of Residence: San Marcos/San Diego

Conviction Date: 08/01/14

Offense: 1 Count of IC 1871.4(a) (False Claim) (Misdemeanor)

Amount Allegedly Defrauded: \$28,069.63

Sentence: 1 Day County Jail, 3 Years Summary Probation, Restitution has been Paid-In-full, \$245 Criminal Fine

Court Case Number: CRM028492

County: Merced

Defendant: Armando R. Yanez

City/County of Residence: Santa Nella/Merced

Conviction Date: 08/04/14

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: 1 Day County Jail, 3 Years Conditional Probation, \$10,000 Criminal Fine (\$9,000 is Suspended)