

California Department of Insurance

Fraud Division

February 2015 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.

February 2015 Workers' Compensation Fraud Convictions

Court Case Number: BA430000

CDI Case Name: Cashing In

County: Los Angeles

Defendant: Rosa Maria Barajas

City/County of Residence: Huntington Park/Los Angeles

Conviction Date: 02/19/15

Offense: 2 Counts of PC 550(b)(3) (Failure to Disclose)

Amount Allegedly Defrauded: \$505,341.63

Sentence: 6 Years State Prison (Suspended), 82 Days County Jail, 5 Years Formal Probation, \$505,341.63 Restitution (\$123,710.21 Has Been Received), \$300 Civil Fine, Defendant to pay Cost of Probation Services As Determined By Probation

Court Case Number: 12CF1646FA

County: Orange

Defendant: Abraham Contreras

City/County of Residence: Santa Ana/Orange

Conviction Date: 02/13/15

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); 1 Count of PC 550(b)(3) (Failure to Disclose) 1 Count of PC664(a)/118(a) (Attempted Perjury)

Amount Allegedly Defrauded: To Be Determined

Sentence: 180 Days County Jail, 3 Years Informal Probation, Restitution to Be Determined, \$240 Civil Fine, \$2,000 Payable to the Worker's Compensation Fraud Assessment Fund

Court Case Number: F14909690

County: Fresno

Defendant: James B. Foster

City/County of Residence: Grover City/San Luis Obispo

Conviction Date: 02/4/15

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: \$6,929

Sentence: 365 Days County Jail (364 Days Suspended), 120 Hours Community Service, 5 Years Conditional Probation, \$6,929 Restitution

Court Case Number: F12907710

CDI Case Name: Floor Care Systems

County: Fresno

Defendant: Fortino Mendoza Galeno

City/County of Residence: Fresno/Fresno

Conviction Date: 02/26/15

Offense: 1 Count of IC 11760(a) (Premium Fraud); 1 Count UIC 2117.5 (Tax Evasion); 1 Count UIC 2118.5 (Tax Evasion); 1 Count PC 487 (Grand Theft)

Amount Allegedly Defrauded: \$782, 221.00

Sentence: 180 Days County Jail, 5 Years Formal Probation, \$535,864.00 Restitution to Employers Comp, \$246,357.75 Restitution Paid to EDD (Joint and Severant)

Court Case Number: 4PY08551
CDI Case Number: 14JW018954
County: Los Angeles
Defendant: Robert Hirschman
City/County of Residence: Encino/Los Angeles
Conviction Date: 02/24/15
Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)
Amount Allegedly Defrauded: N/A
Sentence: Defendant has paid \$4,000 to California Department of Insurance, also showed proof of Workers' Compensation Insurance

CDI Case Number: 13JW026764
County: Los Angeles
Defendant: Anush Kasemyan
City/County of Residence: Glendale/Los Angeles
Conviction Date: 02/18/15
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: TBD
Sentence: 200 Hours Community Service, 2 Years Summary Probation, \$120 Civil Fine (Stayed)

Court Case Number: F12907710
CDI Case Name: Floor Care Systems
County: Fresno
Defendant: Osvaldo Molina
City/County of Residence: Fresno/Fresno
Conviction Date: 02/26/15
Offense: 1 Count IC 11760(a) (Premium Fraud); 1 Count UIC 2118.5 (Failure to Pay Taxes); 1 Count PC 487(a) (Grand Theft)
Amount Allegedly Defrauded: \$782,221.00
Sentence: 180 Days County Jail, 5 Years Formal Probation, \$535,864.00 Restitution to Employers Comp, \$246,357.75 Restitution Paid to EDD (Joint and Severant)

Court Case Number: SCD247321
County: San Diego
Defendant: Mark E. Obney
City/County of Residence: El Cajon/San Diego
Conviction Date: 02/05/15
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: \$12,898.65
Sentence: 1 Day County Jail, 3 Years Formal Probation, \$12,898.65 Restitution, \$280 Civil Fine, \$820 Criminal Fine

CDI Case Number: 13GW005963

County: Santa Clara

Defendant: Jacob Richard Palomino

City/County of Residence: San Jose/Santa Clara

Conviction Date: 02/26/15

Offense: 1 Count of PC 550(b)(3) False or Fraudulent Claim or Statement) (Misdemeanor)

Amount Allegedly Defrauded: TBD

Sentence: 20 Days County Jail, 1 Year Formal Probation, Restitution Amount To Be Determined by Court, \$132 Civil Fine