

IN THE DISTRICT COURT OF WAGONER COUNTY  
STATE OF OKLAHOMA

WAGONER COUNTY, OKLA.  
FILED  
IN DISTRICT COURT  
2012 MAY 17 PM 3:46

THE STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
v. )  
)  
WILLIAM R. RICHMOND, )  
)  
Defendant. )

Case No. CF-2012-0191

WAGONER COUNTY  
RHONDA J. VINCENT  
COURT CLERK

INFORMATION

In the name and by the authority of the State of Oklahoma:

E. SCOTT PRUITT, Attorney General of Oklahoma, in and for the State and County aforesaid, gives the court to know and be informed as follows:

**COUNT I**

**WILLIAM R. RICHMOND**, in Wagoner County, State of Oklahoma, on or about July 15, 2009, at and within the said County and State aforesaid, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **WORKERS' COMPENSATION FRAUD**, in violation of Title 21 O.S. § 1663 (C)(1), in the manner and form as follows, to-wit:

Said defendant, with the intent to deceive Kenneth Nelson, and to injure, defraud, and deceive Wackenhut Corporation, and New Hampshire Insurance Company, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently make misstatements concerning facts material to his workers' compensation claim, specifically as follows:

On August 06, 2009, the Defendant filed three (3) separate Form 3's with the Workers' Compensation Court for benefits for an injury to his left knee, right knee, and left shoulder which he alleged to have occurred on July 11, 2009, while working for Wackenhut Corporation. On July 15, 2009, the Defendant, during a telephone conversation with Ken Nelson with Gallagher Bassett Services, a third party administrator for Wackenhut Corporation and New Hampshire Insurance Company, made statements denying any prior problems, treatment, or injury to his left knee. The

Defendant made these statements with the intent to defraud and deceive Wackenhut Corporation, and New Hampshire Insurance Company, as to the physical condition, injuries, and medical treatment to his left knee prior to the date of the alleged injury on July 11, 2009, when he then and there knew that the said statements were false, incomplete or misleading,

all of which is contrary to the law and the statutes, and the peace and dignity of the State of Oklahoma.

## COUNT II

**WILLIAM R. RICHMOND**, in Wagoner County, State of Oklahoma, on or about July 22, 2009, at and within the said County and State aforesaid, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **WORKERS' COMPENSATION FRAUD**, in violation of Title 21 O.S. § 1663 (C)(1), in the manner and form as follows, to-wit:

Said defendant, with the intent to deceive Kenneth Nelson, and to injure, defraud, and deceive Wackenhut Corporation, and New Hampshire Insurance Company, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently make misstatements concerning facts material to his workers' compensation claim, specifically as follows:

On August 06, 2009, the Defendant filed three (3) separate Form 3's with the Workers' Compensation Court for benefits for an injury to his left knee, right knee, and left shoulder which he alleged to have occurred on July 11, 2009, while working for Wackenhut Corporation. On July 22, 2009, the Defendant, during a telephone conversation with Kenneth Nelson with Gallagher Bassett Services, a third party administrator for Wackenhut Corporation and New Hampshire Insurance Company, denied that he had a prior surgery to his left knee. The Defendant made these statements with the intent to defraud and deceive Wackenhut Corporation, and New Hampshire Insurance Company, as to the physical condition, injuries, and medical treatment to his left knee prior to the date of the alleged injury on July 11, 2009, when he then and there knew that the said statements were false, incomplete or misleading,

all of which is contrary to the law and the statutes, and the peace and dignity of the State of Oklahoma.



**Witnesses:**

Jason Nowell  
Office of Attorney General  
907 S. Detroit  
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Jim D. Filosa  
Attorney at Law  
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John W. Hallford, D.O.  
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Tulsa, OK 74107

Kenneth Nelson, Claims Adjuster  
National American Insurance  
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Chandler, OK 74834

Robert Tharp  
Worker's Compensation Court  
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Oklahoma City, OK 73105

R. Jeff Wright, D.O.  
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Broken Arrow, OK 74014

Niki P. Jones, C.S.R.  
440 South Houston, Room 210  
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Mark Whitley, M.D.  
1755 N. Aspen  
Broken Arrow, OK 74012

IN THE DISTRICT COURT OF WAGONER COUNTY  
THE STATE OF OKLAHOMA

WAGONER COUNTY, OKLA  
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DISTRICT COURT  
2012 MAY 17 PM 3:47

THE STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
WILLIAM R. RICHMOND, )  
)  
DOB: 5-27-46, SSN: [REDACTED] )  
)  
Defendant. )

WAGONER COUNTY  
RHONDA J. VINCENT  
COURT CLERK  
Case No.: CF - 2012 - 0191

AFFIDAVIT OF  
PROBABLE CAUSE

The undersigned, being first duly sworn and upon oath, does depose and state as follows:

I, Jason Nowell, am employed as an investigator with the Workers' Compensation Fraud Unit in the Office of Attorney General. I was assigned to investigate an alleged case of workers' compensation fraud involving William R. Richmond, Date of Birth: 5-27-46; Social Security Number: [REDACTED]. In the course of my investigation, I obtained and reviewed documents.

The records reflect that Richmond filed a Form 3, Employee's First Notice of Accidental Injury and Claim for Compensation, with the Workers' Compensation Court on August 6, 2009. Richmond alleged he injured his left knee on July 11, 2009, while employed with Wackenhut security when he slipped off a step and fell. Wackenhut is self-insured and Gallagher Bassett Services is a Third Party Administrator (TPA) for Wackenhut.

I received and reviewed transcripts of recorded telephone conversations between claims adjuster Ken Nelson with Gallagher Bassett Services and Richmond. Nelson contacted Richmond by placing a telephone call to Richmond at his residence in Catoosa, Oklahoma. He recorded conversations with Richmond on the following dates: July 15, 2009, July 17, 2009 and July 22, 2009. On July 15, 2009 Nelson asked Richmond about prior knee injuries, saying "Just wanted to make sure. Have you ever sought treatment, first off, have you ever injured either one of your knees or sought treatment for either one of your knees in the past." Richmond replied "yes my right leg, um-hum, yeah I had surgery in let's see... I don't remember if it was 2000 or whatever it is. I'm not real sure now exactly when it was."

Richmond was asked again about prior knee injuries on July 17, 2009, referring to Richmond's left knee Nelson asked "And you never had surgery or problems at all with your, this knee before" Richmond replied "no."

On July 22, 2009, Richmond was asked a third time by Nelson about a prior left knee injury and Richmond stated "... I've had surgeries on my right knee but not on my left knee."

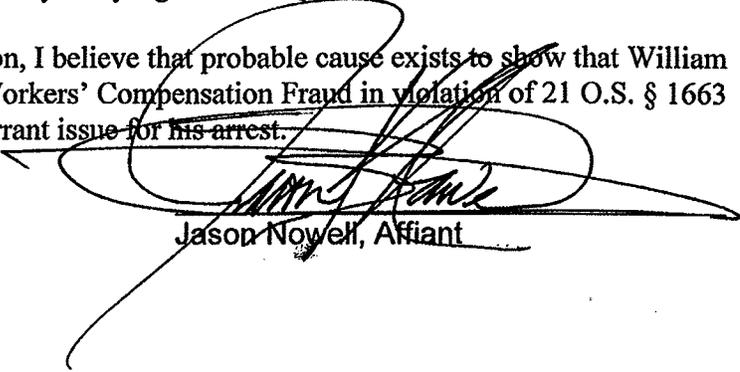
I received and reviewed document from Claims Adjuster Ken Nelson with Gallagher Basstt Services which included a 1995 Form 3, Employee's First Notice of Accidental Injury and Claim for Compensation, Workers' Compensation Court case number 95107675, which indicated that Richmond injured his right knee, leg, and left knee when he jumped off a forklift while employed at Bama Transportation.

I received and reviewed records from Dr. R. Jeff Wright located 5050 E. Kenosha, Broken Arrow, OK showing that Richmond had been seen by Dr. Wright on May 22, 2009 for left knee pain. Richmond was given a treatment plan which consisted of having the left knee x-rayed, getting an MRI of the left knee, and wearing a brace.

I received and reviewed record from Servant Medical Imaging located at 1755 N. Aspen Broken Arrow, OK which consisted of the result of an MRI of the left leg of Richmond taken on June 1, 2009 as recommended by Dr. Wright. The Impression section of the MRI Report states Richmond has a "tear of the medial meniscus." A "small tear in the posterior horn of the lateral meniscus" and a "complete tear of the anterior cruciate ligament."

I received and reviewed the September 24, 2009, deposition of William Richmond regarding Workers' Compensation Court claim number 2009-10049K. Respondent Attorney Jim Filosa read back to Richmond parts of the transcribed conversation between Richmond and Claims Adjuster Ken Nelson in which Richmond denies any prior injuries to his left knee. Richmond indicated that he thought Nelson was asking about prior injuries to Nelson's right knee. On page 48 of the deposition Richmond is asked "Q Do you remember talking to some guy on the phone from the insurance company, calling you and asking about your injuries and treatment and all that kind of stuff? A On which, my left Knee? Q Either one. A yes my right knee. Q How about the left knee? A no."

Based on the above information, I believe that probable cause exists to show that William Richmond committed the crime of Workers' Compensation Fraud in violation of 21 O.S. § 1663 (C)(1). Therefore, I request that a warrant issue for his arrest.

  
Jason Nowell, Affiant

COUNTY OF OKLAHOMA )  
STATE OF OKLAHOMA ) SS:

This affidavit was subscribed and sworn to before me this 14<sup>th</sup> day of May, 2012, by Jason Nowell.

(SEAL)

Carla Oney  
Notary Public

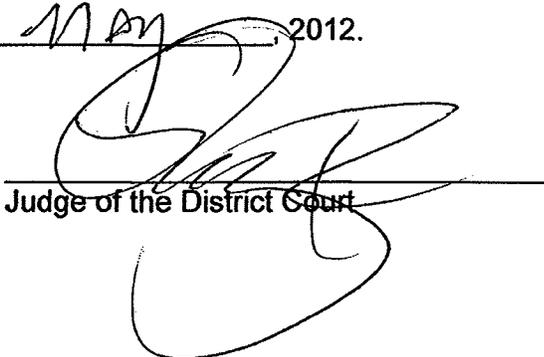
My commission Expires: 3-11-16



**FINDING OF PROBABLE CAUSE**

On the 17, day of May, 2012, the above captioned case came before me, the undersigned Judge of the District Court of Wagoner County, Oklahoma, upon the Affidavit of Probable Cause of Jason Nowell, Investigator with the Office of Attorney General, requesting that a Warrant of Arrest issue for the within named Defendant, William Richmond, that she might be arrested and held to answer for the offenses of Workers' Compensation Fraud. Based upon said Affidavit, I am satisfied and do hereby find that the offenses of Workers' Compensation Fraud had been committed, that there is probable cause to believe the within named Defendant has committed said offenses and that a Warrant of Arrest should issue.

Dated this 17 day of May, 2012.

  
\_\_\_\_\_  
Judge of the District Court