

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
v.)
)
KATHRYN KAYE BOGGS-PALMER,)
)
Defendant.)

Case No. CF-2011-4654

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

AUG 23 2011

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

BOSS

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:

KATHRYN KAYE BOGGS-PALMER, in Oklahoma County, State of Oklahoma, on or about November 15, 2010, 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 Amal E. Moorad, M.D., and to injure, defraud, and deceive Sisters of Mercy Health System, 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 July 13, 2005, the Defendant filed a Form 3 filed with the Workers' Compensation Court for benefits for an injury to left leg, left knee, left foot and both hips, which she alleged to have occurred on May 11, 2005, while working for Sisters of Mercy Health

I have examined the facts in this case and recommend that a warrant do issue.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By:


TOMMY HUMPHRIES
Assistant Attorney General

Penalties:

21 O.S. §1663 - not more than 7 years and/or \$10,000

Witnesses:

Carl Reed
Office of Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105

Wanda Clark, Workers' Comp Specialist
Sisters of Mercy Health System
14528 Outer Forty, Suite 100
Chesterfield, MO 63017

Kristen Zakariassen
Winston Services
3550 W. Main, Suite 201
Norman, OK 73072

Amal E. Moorad, M.D.
4221 S. Western, Suite 3010
Oklahoma City, OK 73109

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

THE STATE OF OKLAHOMA,)	
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Plaintiff,)	
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v.)	CASE NO.
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KATHRYN KAYE BOGGS-PALMER,)	
DOB: 07/24/60)	
Defendant.)	

AFFIDAVIT OF PROBABLE CAUSE

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

I, Carl Reed, am employed as an investigator with the Workers' Compensation and Insurance Fraud Unit in the Office of Attorney General. I was assigned to investigate an alleged case of workers' compensation fraud involving Kathryn Boggs-Palmer, DOB: 07/24/60. In the course of my investigation I obtained and reviewed various medical records and Workers' Compensation Court files. I viewed surveillance video, and interviewed witnesses. The claimant filed a Form 3 (Employees First Notice of Accidental Injury and Claim for Compensation) on 7/13/05, listing a date of injuries or last exposure to her left leg, left knee, left foot and both hips on May 11, 2005.

Boggs saw Dr. Amal E. Moorad, 4221 S. Western, Suite 3010, Oklahoma City, Oklahoma 73109, on November 15, 2010, on followup. Dr. Moorad was treating the claimant with failed back and chronic pain syndrome. She was very symptomatic and in a lot of pain. She described her pain level at 7/10. On physical examination, the claimant had diffused tenderness with limited posture, decreased flexibility, decreased range of motion, a lot of guarding, and some limping. He noted that she had a severe antalgic gait and used forearm crutches to walk.

Surveillance was conducted on December 23, and 24, 2010. Surveillance video obtained of Boggs activities on December 23, 2010, showed her pushing and pulling a large washing machine and a refrigerator. She also lifted and pulled several large trash sacks. The private investigator conducting the surveillance overheard Boggs discussing payment for the work with an unknown woman accompanying her. The video also shows Boggs carrying multiple shopping sacks and boxes.

The surveillance video was presented to Dr. Moorad for review and his opinion. Dr. Moorad wrote in his report of April 13, 2011, "After I reviewed this tape, and knowing how Ms. Boggs acts when she comes to my office, the amount of pain she tells me she is having, the fact that she always limps severely, with a limited range of motion, always grimaces with pain and is always asking for injections and adjustment of her medication, this does not appear to be the same person. I am very concerned now that after watching this tape that this patient has not been telling me the truth about her pain. When I looked at her last visit, before the activity I watched in the tape of November 15, 2010,

this patient's gait, physical findings and behavior in my office was totally opposite of what I saw on the tape the following month, in December of 2010."

Additional surveillance was conducted on April 12, 14, 15, 2011. On April 12, 2001, Boggs was seen working for an extended period of time on her front lawn. She bent at the waist multiple times and pulled a water hose across the front lawn. She utilized a broom, a rake, and a fertilizer spreader. She pushed a trash receptacle and sofa ottoman with both hands. She lifted and carried several large trash bags. On April 14, 2011, Boggs traveled as a passenger in a vehicle to the Workers' Compensation Court. On April 15, 2011, Boggs worked on her front lawn for an extended period of time. She bent at the waist and pulled a water hose across the front lawn to various location around her lawn.

Dr. Moorad saw Kathryn Boggs-Palmer on May 16, 2001, on follow up. He confronted Boggs with the surveillance videos and described to her what he saw in detail. Boggs told him that whoever did the videos was videotaping her daughter, and not her because she cannot do any of the things he described, and she would testify to that in Court. Boggs told Dr. Moorad that she and her daughter look absolutely alike and the person in the video was not her, but her daughter.

The April 12, 14, 15, 2011, surveillance videos were presented to Dr. Moorad for his review and opinion. His report dated May 16, 2011, details his viewing of the surveillance videos. After viewing the videos Dr. Moorad came to the conclusion that Boggs had been lying to him especially telling him that the person in the video was not her, but her daughter. He dismissed Boggs from his care because she was not honest with him and not telling him the truth.

Based on the above information, I believe that probable cause exists to show Kathryn Boggs-Palmer committed the crimes of Workers' Compensation Fraud, in violation of 21 O.S. § 1663 (C)(1). Therefore, I request that a warrant be issued for her arrest.

Carl Reed
Carl Reed, AFFIANT

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Subscribed and sworn to before me this 17th day of August, 2011, by Carl Reed.

Tonya L. Laursen

Notary Public
(SEAL)



My Commission Expires: _____