

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma

SEP 15 2011

THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
v.)
)
RAUL OBED OROZCO, a/k/a)
Raul Orozco Cano,)
)
Defendant.)

By LISA S. LAMBERT, Court Clerk Deputy

Case No. CF 2011-570

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

RAUL OBED OROZCO, a/k/a Raul Orozco Cano, in Oklahoma County, State of Oklahoma, on or about August 12, 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 the Oklahoma Workers' Compensation Court, and to injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., with respect to a claim for payment or other benefit pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements material to a workers' compensation claim, specifically as follows:

On August 12, 2010, the Defendant filed a Form 3 filed with the Workers' Compensation Court for benefits for an injury to his back, neck, legs and feet, which he alleged to have occurred on July 8, 2010, and cumulatively, while working for J & J Solutions in Perry, Oklahoma. The Defendant alleged on his Form 3 that he sustained an injury on July 8, 2010 to his back, neck, legs and feet while lifting flamer and co-employee dropped one

side. The Defendant made these statements with the intent to deceive the Oklahoma Workers' Compensation Court, and injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., when he then and there knew that the said statements were false, incomplete, or misleading,

all of which is contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

COUNT II

RAUL OBED OROZCO, a/k/a Raul Orozco Cano, in Tulsa County, State of Oklahoma, on or about November 10, 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 the Gary R. Lee, M.D., and to injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., with respect to a claim for payment or other benefit pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements material to a workers' compensation claim, specifically as follows:

On August 12, 2010, the Defendant filed a Form 3 filed with the Workers' Compensation Court for benefits for an injury to his back, neck, legs and feet, which he alleged to have occurred on July 8, 2010, and cumulatively, while working for J & J Solutions in Perry, Oklahoma. The Defendant was examined by Gary R. Lee, M.D., on November 10, 2010, and he told Dr. Lee that he and a co-worker were loading a flamer/respirator onto a trailer when the co-worker stumbled and started to fall. He sustained injuries to his low back and abdominal region when he had to suddenly bear the entire weight of the flamer/respirator, which reportedly weighed about 60 pounds. The Defendant made these statements with the intent to deceive Dr. Lee, and injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., when he then and there knew that the said statements were false, incomplete, or misleading,

all of which is contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

COUNT III

RAUL OBED OROZCO, a/k/a Raul Orozco Cano, in Payne County, State of Oklahoma, on or about March 9, 2011, 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 the Doug N. Wilsey, M.D., and to injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., with respect to a claim for payment or other benefit pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements material to a workers' compensation claim, specifically as follows:

On August 12, 2010, the Defendant filed a Form 3 filed with the Workers' Compensation Court for benefits for an injury to his back, neck, legs and feet, which he alleged to have occurred on July 8, 2010, and cumulatively, while working for J & J Solutions in Perry, Oklahoma. The Defendant was examined by Doug N. Wilsey, M.D., on March 9, 2011, and he told Dr. Wilsey that he fell off a ramp while carrying a heavy object at work in July 2010. Orozco stated he fell off the ramp and landed on his right shoulder causing shoulder injury. The Defendant made these statements with the intent to deceive Dr. Wilsey, and injure, defraud, and deceive J & J Solutions and New Hampshire Insurance Co., when he then and there knew that the said statements were false, incomplete, or misleading,

all of which is contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

COUNT IV

RAUL OBED OROZCO, a/k/a Raul Orozco Cano, in Payne County, State of Oklahoma, on or between August 12, 2010, and March 9, 2011, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **ENGAGING IN A PATTERN OF CRIMINAL OFFENSES** in violation of Title 21 O.S. 425, in the manner and form as follows to-wit:

On or between August 12, 2010 and March 9, 2011, the Defendant committed two or more criminal offenses that are part of the same plan, scheme or adventure in two or more counties in this State. Those criminal offenses are workers' compensation fraud, committed on or about August 12, 2010, in Oklahoma County, workers' compensation fraud, committed on or about November 10, 2010, in Tulsa County, and workers' compensation fraud, committed on or about March 9, 2011, in Payne County. These criminal offenses were committed with respect to a claim for workers' compensation benefits and are part of a common plan, scheme or adventure to defraud J & J Solutions and New Hampshire Insurance Co.,

all of which is contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Oklahoma.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

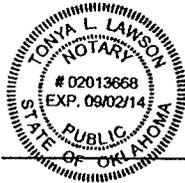
By: [Signature]
TOMMY HUMPHRIES, OBA #19130
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-3403

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss.

I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

[Signature]
TOMMY HUMPHRIES
Assistant Attorney General

Signed and sworn to before me on the 13th day of Sept, 2011, by Tommy Humphries.



My Commission Expires: _____

[Signature]
Notary Public

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: [Signature]
TOMMY HUMPHRIES
Assistant Attorney General

Penalties:

- Count I: 21 O.S. 1663 - not more than 7 years and/or \$10,000
- Count II: 21 O.S. 1663 - not more than 7 years and/or \$10,000
- Count III: 21 O.S. 1663 - not more than 7 years and/or \$10,000
- Count IV: 21 O.S. 425 - not more than 2 years and/or \$25,000.00

Witnesses:

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

Bobby Canales, Claim Adjuster
Chartis Insurance Company
P.O. Box 25974
Shawnee Mission, KS 66225

Jim Votaw
J & J Solutions
P.O. Box 44
Perry, OK 73077

Jeanne Votaw
J & J Solutions
P.O. Box 44
Perry, OK 73077

Darby Colen
J & J Solutions
P.O. Box 44
Perry, OK 73077

Larry Buffington
J & J Solutions
P.O. Box 44
Perry, OK 73077

Kenna Buffington
J & J Solutions
P.O. Box 44
Perry, OK 73077

Luis Hernandez
137 E. Arveth Street
Realto, CA 92376

Gary Lee, M.D.
5577 S. Lewis Avenue
Tulsa, OK 74105

Michele MacDonnell, M.D.
Warren Clinic
1815 W. 6th Avenue
Stillwater, OK 74074

Jennifer Honn
P.O. Box 690153
Tulsa, OK 74169

Lori Hartman, CSR
P.O. Box 690153
Tulsa, OK 74169

Doug N. Wilsey, M.D.
Stillwater Medical Center
1323 W. Sixth St.
Stillwater, OK 74074

Lloyd B. Moore, M.D.
Stillwater Medical Center
1323 W. Sixth St.
Stillwater, OK 74074

Custodian of Records
Stillwater Medical Center
1323 W. Sixth St.
Stillwater, OK 74074

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STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
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 Plaintiff,)
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 v.)
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 RAUL OBED OROZCO, a/k/a)
 Raul Orozco Cano,)
 DOB: 01/06/61)
 Defendant.)

CASE NO. CF 2011-570

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 Raul Obed Orozco, DOB: 01/06/61. 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.

Raul Obed Orozco's employment with J & J Solutions was terminated on July 23, 2010, after it was determined he had stolen a cell phone belonging to the company's owner, Jim Votaw. Orozco admitted taking the phone. The owners, Jim and Jeanne Votaw agreed to not pursue criminal charges and even agreed to not protest Orozco's application for unemployment insurance. They were surprised to learn that Orozco not only filed for and was receiving unemployment benefits, but that he also filed a workers' compensation claim against the company for an alleged on-the-job injury.

Raul Obed Orozco, filed a Form 3 (Employees First Notice of Accidental Injury and Claim for Compensation) on August 9, 2010, listing a date of injuries or last exposure to his back, neck, legs, and feet on July 8, 2010.

Orozco saw Dr. Michele MacDonnell at the Warren Clinic in Stillwater on July 8, 2010. Orozco's chief complaint was: low abdominal pain for one week that became worse after eating the night before. He did not give a history of being injured on-the-job.

On July 8, 2010, Orozco went from the Warren Clinic to the emergency room of the Stillwater Medical Center located at 1323 W. Sixth Street, Stillwater, Oklahoma. He again reported lower abdomen pain for three days. During his admission to the emergency room, Orozco stated "I just took milk of magnesia last night." He did not give a history of being injured on-the-job.

On July 28, 2010, Orozco filed an application for unemployment benefits with the Oklahoma Employment Security Commission. In his application, he was asked "Do you have any condition or other reason that would limit or restrict your ability to work?" Orozco answered "No."

On November 10, 2010, Orozco saw Gary R. Lee, MD, 5577 S. Lewis, Tulsa, Oklahoma, and gave a history of injuries, which were said to have occurred while an employee of J & J Solutions on July 8, 2010. Orozco reported to Dr. Lee that he and a co-worker were loading a flamer/respirator onto a trailer when the co-worker stumbled and started to fall. He sustained injuries to his low back and abdominal region when he had to suddenly bear the entire weight of the flamer/respirator, which reportedly weighed about 60 pounds.

Orozco testified in deposition before Jennifer Honn, Certified Shorthand Reporter, 1502 S. Boulder, Suite 204, Tulsa, Oklahoma on December 6, 2010. He testified to loading a flamer onto a flat bed trailer with the assistance of a co-worker, whose first name is Luis. He testified to Luis falling, leaving him to hold the flamer by himself, and having immediate pain from his neck down through his back and into his legs.

Luis Hernandez was identified as the co-worker that Orozco was allegedly working with when the accident occurred. Hernandez was interviewed on June 8, 2011. Hernandez said it did not happen. He worked with Orozco for most of a year and during the time, he never knew of Orozco being injured and especially on July 8, 2010, as Orozco claimed.

On March 9, 2011, Orozco returned to the emergency room of the Stillwater Medical Center, 1323 W. Sixth Street, Stillwater, Oklahoma. Orozco was examined by Doug N. Wilsey, M.D. He again reported abdomen pain since July 2010. Orozco stated he fell off a ramp while carrying a heavy object at work in July 2010. Orozco stated he fell off the ramp and landed on his right shoulder.

Darby Colen, Operations Manager for J & J Solutions was interviewed on June 1, 2011. He advised Orozco had been complaining of a stomach pain for a couple weeks. On the morning of July 8, 2010, Orozco said he was sick to his stomach and thought it may have been something he ate. He asked the company secretary, Kenna Buffington to get an appointment for Orozco to see a doctor. This was not for a job related injury.

Kenna Buffington, Office Manager for J & J Solutions was interviewed on June 3, 2011. She was asked to get Orozco an appointment to see a doctor for stomachache. She advised the doctors in and around Perry do not take walk-in patients, so she had to wait until office opened at the Warren Clinic in Stillwater to make the appointment. Orozco did not leave the office area until he left for the doctor's appointment, shortly after 9:00 a.m.

Larry Buffington, Production Manager for J & J Solutions was interviewed on June 3, 2011. He explained the employees at J & J Solutions have a short meeting each morning to discuss the daily activities and make assignment. On the morning of July 8, 2010, Orozco mentioned that he had a stomachache. Orozco did not leave the office until it came time to leave for the doctor's office. Orozco did not work that day.

Based on the above information, I believe that probable cause exists to show Raul Obed Orozco committed the crimes of Workers' Compensation Fraud, in violation of 21 O.S. § 1663 and Engaging in a Pattern of Criminal Offenses, in violation of 21 O.S. § 425. Therefore, I request that a warrant be issued for his arrest.

Carl Reed

Carl Reed, AFFIANT

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Subscribed and sworn to before me this 13th day of Sept., 2011, by
Carl Reed.



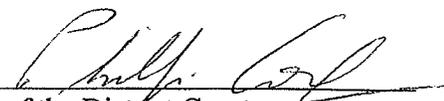
Tonya L. Lawson
Notary Public

My Commission Expires: _____

FINDING OF PROBABLE CAUSE

On this 15 day of Sept, 2011, the above-styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court of Payne County, Oklahoma, upon the Affidavit of Carl Reed, Investigator with the Oklahoma Attorney General's office, requesting that a warrant of arrest be issued for the within named Defendant, that he might be arrested and held to answer for the offenses of three (3) counts of Workers' Compensation Fraud, and one (1) count of Engaging in a Pattern of Criminal Offenses. Based upon said Affidavit, I am satisfied and do hereby find that the offenses of Workers' Compensation Fraud (Count I, Count II, and Count III), and Engaging in a Pattern of Criminal Offenses (Count IV), have been committed and 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 15 day of Sept, 2011.



Judge of the District Court