

Deason

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 QUINCY ARLO GARFIELD, SR.,)
)
 Defendant.)

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

Case No. JUN 22 2012

PATRICIA PRESLEY, COURT CLERK

by DEPUTY

INFORMATION

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

CF-2012-3908

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

QUINCY ARLO GARFIELD, SR., in Oklahoma County, State of Oklahoma, on or about the 2nd day of March 2011, 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 defraud and deceive Hobby Lobby Stores, Inc., a self-insured employer, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements concerning facts material to his workers' compensation claim, specifically as follows:

On March 2, 2011, the Defendant filed a Form 3 Employee's First Notice of Injury and Claim for Compensation in the Oklahoma Workers' Compensation Court for benefits, alleging an injury that occurred to his left thumb, wrist and hand while he

was working for Hobby Lobby Stores, Inc. on February 4, 2011. The Defendant did present the statements, and/or representations with the intent to defraud and deceive the Workers' Compensation Court and Hobby Lobby Stores, Inc., knowing that said statements were false, incomplete or misleading. The Defendant was examined and evaluated by Michael Kalcich, M.D., on February 18, 2011, for an injury to his left thumb and it was noted that the injury occurred in his home two weeks earlier.

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

QUINCY ARLO GARFIELD, SR., in Oklahoma County, State of Oklahoma, on or about the 2nd day of March 2011, 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 defraud and deceive Lonnie Litchfield, M.D., and Hobby Lobby Stores, Inc., a self-insured employer, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements concerning facts material to his workers' compensation claim, specifically as follows:

The Defendant filed a workers' compensation claim for benefits for an injury which he alleged to have occurred to his left thumb, wrist and hand while he was working for Hobby Lobby Stores, Inc. The Defendant was examined and evaluated by Lonnie Litchfield, M.D., on March 2, 2011. The Defendant represented that he had no prior work related injuries to his left hand. The Defendant did present the statements and/or representations with the intent to defraud and deceive Dr. Litchfield and Hobby Lobby Stores, Inc., and knowing that 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

QUINCY ARLO GARFIELD, SR., in Oklahoma County, State of Oklahoma, on or about the 1st day of April 2011, 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 defraud and deceive Leroy Young, D.O., and Hobby Lobby Stores, Inc., a self-insured employer, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements concerning facts material to his workers' compensation claim, specifically as follows:

The Defendant filed a workers' compensation claim for benefits for an injury which he alleged to have occurred to his left thumb, wrist and hand while he was working for Hobby Lobby Stores, Inc. The Defendant was examined and evaluated by Leroy Young, D.O., on April 1, 2011. The Defendant represented that he had no prior work related injuries to his left hand. The Defendant did present the statements and/or representations with the intent to defraud and deceive Dr. Young and Hobby Lobby Stores, Inc., and knowing that 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

QUINCY ARLO GARFIELD, SR., in Oklahoma County, State of Oklahoma, on or about the 11th day of July 2011, 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 defraud and deceive Workers' Compensation Court, and Hobby Lobby Stores, Inc., a self-insured employer, with respect to a claim for payment or other

workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently present false, misleading or incomplete statements concerning facts material to his workers' compensation claim, specifically as follows:

The Defendant filed a workers' compensation claim for benefits for an injury which he alleged to have occurred to his left thumb, wrist and hand while he was working for Hobby Lobby Stores, Inc. The Defendant was deposed for WCC - 2011-02108, submitted to direct examination conducted on behalf of the respondent, Hobby Lobby Stores, Inc., on July 11, 2011. The Defendant represented that he had no prior work related injuries to his left hand. The Defendant did present the statements, and/or representations with the intent to defraud and deceive the Workers' Compensation Court and Hobby Lobby Stores, Inc., and knowing that 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.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: Vincent Antonioli
Vincent Antonioli, OBA # 15670
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 521-3921

County of Oklahoma)
State of Oklahoma) SS

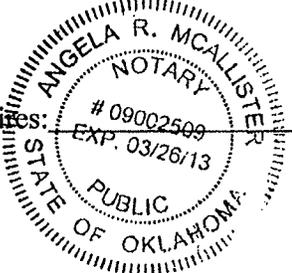
I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

Vincent Antonioli
Vincent Antonioli

Signed and sworn to before me on the 20th day of June, 2012, by Vincent Antonioli.
(SEAL)

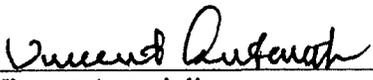
Angela R. McAllister
Notary Public

My Commission Expires: _____
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I have examined the facts in this case and recommend that a warrant do issue.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: 
Vincent Antonioli
Assistant Attorney General

Violation and Penalty:

Each Count - 21 O.S. Section 1663
Not exceeding 7 years and/or
not exceeding \$10,000.00 fine

Witnesses:

David Driscoll, Investigator
Office of the Attorney General, WCFU
313 N.E. 21st
Oklahoma City, OK 73105

Leroy Young, D.O.
1211 North Shartel, Ste. 500
Oklahoma City, OK 73103

Marla J. Cullison, CSR
City Reporters, Inc.
117 Park Avenue
Oklahoma City, OK 73102

Michael Kalcich, M.D.
Midwest Regional Medical Center
Emergency Room Physician
2825 Parklawn Drive
Midwest City, OK 73110

Angela L. Selmon
Midwest Regional Medical Center
Emergency Room Physician
2825 Parklawn Drive
Midwest City, OK 73110

Amanda LNUK
Hobby Lobby #4
1401 Gateway Plaza
Midwest City, OK 73110

Lonnie Litchfield, M.D.
The Broadway Clinic
1801 North Broadway
Oklahoma City, OK 73103

Ricky Muchiri, Manager
Hobby Lobby Store #4
1401 Gateway Plaza
Midwest City, OK 73110

Chrissi Rogers, Claim Examiner
Sedgwick CMS
5400 North Grand Blvd., Ste. 575
Oklahoma City, OK 73112

Custodian of Records
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, OK 73105

Ramona Haskins, Asst. Manager
Hobby Lobby Store #4
1401 Gateway Plaza
Midwest City, OK 73110

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

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
Quincy Garfield)	
DOB: 08/08/1978 SSN: [REDACTED])	
Defendant.)	

AFFIDAVIT OF PROBABLE CAUSE

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

I, David Driscoll, am employed as an Investigator with the Workers' Compensation and Insurance Fraud Unit, Oklahoma Attorney General's Office. I was assigned an alleged case of Workers' Compensation Fraud involving Quincy Garfield, Date of Birth: August 8, 1978, [REDACTED]. In the course of my investigation, I reviewed documents and records regarding his workers' compensation case.

I reviewed records of the Oklahoma Workers' Compensation Court, Oklahoma City, Oklahoma which show a Form 3, Employee's First Notice of Injury and Claim for Compensation, was filed on March 2, 2011, on behalf of Quincy Garfield. The Form 3 shows Garfield's employer as Hobby Lobby, 1401 Gateway Plaza, Midwest City, Oklahoma County, Oklahoma. The Form 3 shows injury to Left thumb, wrist and hand as a result from a slip and fall in the parking lot, while employed by Hobby Lobby. At the time of this incident, Hobby Lobby was insured at their own risk. Hobby Lobby hired Sedgwick Claims Management Services as a third party administrator to handle the claim process. On August 2, 2011, Judge William Foster denied the claim. Judge Foster wrote: "The court finds that claimant was not a credible witness. Moreover, the medical evidence established that claimant was injured as a result of a fall from home. Claimant did not sustain an accidental personal injury arising out of and in the course of claimant's employment with the above named respondent."

I reviewed Oklahoma Workers' Compensation case 2004-000055A. Garfield injured his left and right hands on December 12, 2003, while working for Wendy's restaurant. The case was settled with Joint Petition before Judge Tom Leonard on June 2, 2005, for disfigurement. The disfigurement award was five thousand dollars (\$5,000.00). At the Workers' Compensation Court I located another claim, WC-1999-06285F, filed against Express Services Incorporated for injuries to arm, back and shoulders.

I reviewed the transcript of a deposition taken on July 11, 2011, in Oklahoma City, Oklahoma County, Oklahoma in which Garfield was deposed under oath in his workers' compensation case in Oklahoma. After being sworn, Garfield answered questions that included the following:

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Q Have you ever had a workers' comp claim before this one?

A Yes.

Q How many others have you had?

A Carl's Jr. I was in a car accident.

Q Who?

A Carl's Jr., one or two

Q Against Carl's Jr.?

A Yes.

Q What part of your body did those involve?

A Back.

Q Anything else besides your back?

A No, sir.

Q Have you ever had a workers' compensation claim in the past involving your hands, either hand?

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A No, I don't recall.

Q I'm going to stop you from saying that because you're the only person that knows. And when you say I can't recall, are you-

A I'm saying I don't remember. I don't remember my hurting my hand before. Otherwise if it was hurting, I would remember.

Q Okay. That's right. Have you been to a doctor in the past for your left hand, for any reason, before this accident?

A I broke one of my pinkies when I was a kid. But I don't remember which hand it was.

I reviewed emergency room records of Midwest Regional Medical Center, 2825 Parklawn Drive, Midwest City, Oklahoma, from February 18, 2011. Garfield self-admitted himself to the hospital after he slipped and fell two (2) weeks prior to the emergency room visit, he injured his left finger during the fall. In the examination report submitted by Dr. Michael Kalchich, he wrote: "injury occurred in patient's home." Garfield was treated with a soft cast and instructed to obtain follow-up care within five (5) days.

I reviewed the records of Lonnie Litchfield, M.D., The Broadway Clinic, located at 1801 North Broadway Avenue, Oklahoma City, Oklahoma. He saw Garfield on March 2, 2011, after being referred by his attorney Ed Bonzie. Garfield was seen for injuries sustained to his left arm, elbow, hand and wrist during a slip and fall while employed by Hobby Lobby. Dr. Litchfield wrote: "Mr. Garfield denies any previous work related or non-work related injury to his left arm/elbow or left hand/wrist." The Workers' Compensation record of 2004-000055A contradicts the statement made by Garfield during the medical evaluation.

I reviewed the records of LeRoy Young, M.D., located at 1211 North Shartel, Suite 500, Oklahoma City, Oklahoma. Dr. Young evaluated Garfield on April 1, 2011, for injuries that occurred to his left arm and hand on February 4, 2011. In the medical evaluation report Young wrote:

He states he called the orthopedic specialist's office to schedule an appointment and "he was told he did not have insurance and it would cost him \$500.00" and he did not go. He states on

FINDING OF PROBABLE CAUSE

On the _____, day of _____, 2012, the above captioned case came before me, the undersigned Judge of the District Court of Oklahoma County, Oklahoma, upon the Affidavit of Probable Cause of David Driscoll, Investigator with the Office of Attorney General, requesting that a Warrant of Arrest issue for the within named Defendant, Quincy Garfield, that he might be arrested and held to answer for the offense Workers' Compensation Fraud. Based upon said Affidavit, I am satisfied and do hereby find that the offense of Workers' Compensation Fraud has been committed, that there is probable cause to believe the within named Defendant has committed said offense and that a Warrant of Arrest should issue.

Dated this _____ day of _____, 2012.

Judge of the District Court