

*Handwritten signature*

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUL 17 2012

PATRICIA PHESELEY, COURT CLERK

THE STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
v. )  
)  
TONY AZAR, AKA )  
TONY AZARHOOSHANG, )  
)  
Defendant. )

by \_\_\_\_\_  
DEPUTY  
**CF-2012-4506**

Case No. \_\_\_\_\_

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

TONY AZAR, in Oklahoma County, State of Oklahoma, on or about July 08, 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 Gary D. Schick, M.D., and to injure, defraud, and  
deceive Biltmore Hotel Oklahoma, Inc., and Old Glory 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 November 19, 2009, the Biltmore Hotel Oklahoma, Inc., filed a Form 2 with the  
Workers' Compensation Court regarding an injury to the Defendant's back which he  
alleged to have occurred on October 24, 2009, while working for Biltmore Hotel  
Oklahoma, Inc. Thereafter, the Defendant sought to receive payments and benefits  
pursuant to this Workers' Compensation claim. On July 08, 2010, the Defendant was  
examined by Dr. Gary D. Schick. During said examination, the Defendant stated that

he cannot walk without assistance and that he cannot drive. Furthermore, the Defendant misled Dr. Schick, during this examination, as to his ability to walk in a normal manner by walking very slowly, guarding his movements, and using a quad cane. The Defendant made these statements with the intent to deceive Dr. Schick, and defraud and deceive Biltmore Hotel Oklahoma, Inc., and Old Glory Insurance Company, 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.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

By: *Alvin Jones, Jr.*  
ALVIN JONES, JR., OBA #20255  
Assistant Attorney General  
313 N.E. 21<sup>st</sup> 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.

*Alvin Jones, Jr.*  
ALVIN JONES, JR.  
Assistant Attorney General

Signed and sworn to before me on the 12<sup>th</sup> day of July, 2012, by Alvin Jones, Jr.

(SEAL)



*Angela R. McAllister*  
Notary Public

My Commission Expires

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

By: *Alvin Jones, Jr.*  
ALVIN JONES, JR.  
Assistant Attorney General

**Penalties:**

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

**Witnesses:**

David Driscoll  
Office of Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Randel D. Estep, D.O.  
McBride Clinic  
4901 W. Reno, Suite 500  
Oklahoma City, OK 73127

Gary D. Schick, M.D.  
McBride Clinic  
1110 N. Lee  
Oklahoma City, OK 73103

Gerald Mills, M.D.  
3330 N.W. 56<sup>th</sup> Street, Suite 500  
Oklahoma City, OK 73112

Marcie Jacobsen  
Biltmore Hotel  
401 S. Meridian Avenue  
Oklahoma City, OK 73108

Daniel R. Stough, M.D.  
14100 Parkway Commons Drive, Suite 201  
Oklahoma City, OK 73134

Jan Kester, Claims Adjuster  
Old Glory Insurance  
501 Shelley Drive  
Tyler, TX 75701

Donnie Whaley  
Claims Research Services, Inc.  
903 N. 7<sup>th</sup> Street  
Marlow, OK 73055

Cindy Hudspeth, P.A.  
McBride Clinic  
1110 N. Lee  
Oklahoma City, OK 73103

Robert Tharp  
Worker's Compensation Court  
1915 N. Stiles  
Oklahoma City, OK 73105

Debbie O'Leary  
Biltmore Hotel  
401 S. Meridian Avenue  
Oklahoma City, OK 73108

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
v. )  
)  
TONY AZAR, AKA )  
TONY AZARHOOSHANG )  
DOB: 08/13/1952 SSN: [REDACTED] )  
Defendant. )

Case No. \_\_\_\_\_

**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 Tony Azar, Date of Birth: August 13, 1952, Social Security Number: [REDACTED]. In the course of my investigation, I reviewed documents and records regarding to his workers' compensation case.

I reviewed records of the Oklahoma Workers' Compensation Court, Oklahoma City, Oklahoma which show a Form 2, Employee's First Notice Injury and Claim for Compensation was filed on October 25, 2009, on behalf of Tony Azar. The Form 2 shows Azar's employer as The Biltmore Hotel, 401 South Meridan Avenue, Oklahoma City, Oklahoma County, Oklahoma. The Form 2 shows injury to low back as a result from a slip and fall by the swimming pool, while employed by The Biltmore Hotel. At the time of this incident the Biltmore Hotel was insured with Old Glory Insurance Company.

I reviewed the medical report of Gary Schick, M.D. whose office is located at 1110 North Lee, Oklahoma City, Oklahoma County, Oklahoma, 73103, dated July 8, 2010. Schick examined Azar for ongoing back pain that began October 24, 2009, when he slipped and fell on water by the swimming pool while working at The Biltmore Hotel. Schick noted, "he is a well-developed, well-nourished man who appears very depressed and tearful. Gaits very slowly in the room, guarded and antalgic on the left using a quad cane."

I obtained and reviewed a form labeled "Follow Up Evaluation" completed by Azar. Azar completed the form during the July 8, 2010, re-evaluation at Dr. Schick's office. On the form Azar indicated that he was unable to get in and out of bed without assistance, he was unable to walk without assistance, he cannot use the toilet without assistance and he cannot bathe or dress without some assistance. Azar also reports that he is unable to drive, grocery shop, cook a meal or clean house.

On July 26, 2010, Schick reviewed video surveillance from July 7<sup>th</sup> through 8<sup>th</sup>, 2010, of Azar. Dr. Schick noted, "interestingly, it was the same day as my last visit as well. Overall the video footage shows him with significant degree of mobility and of an affect very discordant with that which he presents in the clinic on our most recent visit. On his most recent visit, he was markedly depressed of affect with slow and very guarded motions secondary to complaint of pain. However, the video of him entering and leaving the clinic appears significantly different than that what I saw in the clinic examination room. The surveillance video shows Azar bending, walking with a quick gait and running in a manner that I would not expect based on his presentation in the clinic." Schick further stated, "Overall at this point I feel that we have done what we can for Mr. Azar. I do feel that we have reached maximum medical improvement and based on the video footage I feel that he is doing relatively well and I would recommend discontinuing treatment at this time."

A private investigative firm, Claim Research Services, was hired by Old Glory Insurance Company, to observe Azar. I have reviewed the surveillance reports and the surveillance videotape made of Azar. The surveillance was conducted July 7<sup>th</sup> through 8<sup>th</sup> 2010. Azar is performing various types of activities for extended periods of time that include walking, driving, bending at the waist and running without the use of a quad cane or any visible support. Azar is seen walking into the McBride Clinic carrying a cane and wandering around the parking lot. Hours later Azar is seen entering a pool hall without the use of a cane or any other visible supports. Azar is seen playing pool using both hands, bending and stretching over the table.

Based on the above information, I believe that probable cause exists to show that Tony Azar 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.

*David Driscoll*

David Driscoll, Affiant

COUNTY OF OKLAHOMA )  
 )  
 STATE OF OKLAHOMA )

ss.

This affidavit was subscribed and sworn to before me this 12<sup>th</sup> day of July, 2012, by David Driscoll.

(SEAL)



*Angela R. McAllister*  
 Notary Public

My commission Expires: \_\_\_\_\_

**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, Tony Azar, AKA: Tony Azarhooshang, 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