

VA

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

v.

MISTI ROSE DAIGLE,

Defendant.

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CF - 2011 - 4829

Case No. _____

**DISTRICT COURT
FILED**

DEC 20 2011

INFORMATION

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

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:

MISTI ROSE DAIGLE, in Tulsa County, State of Oklahoma, on or about September 12, 2010, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **WORKERS' COMPENSATION FRAUD** in violation of 21 O.S. § 1663 (C)(2), in the manner and form as follows to-wit:

Said Defendant, with the intent to deceive the insurance carrier CompSource Oklahoma and to injure, defraud and deceive Rose Rock Apartments, Lynx Property Management, and CompSource Oklahoma with respect to a claim for payment or workers' compensation benefits and to receive medical treatment paid for by Rose Rock Apartments, Lynx Property Management and CompSource Oklahoma pursuant to a contract for workers' compensation insurance, did knowingly, intentionally, and fraudulently aid, abet, and encourage Christopher Miller to make misstatements concerning facts material to an injury compensable pursuant to said contract, specifically as follows:

On September 12, 2010, the Defendant, with knowledge that it was false, did aid, abet, and encourage Christopher Miller to report to employees of CompSource Oklahoma and medical personnel that the collapsed lung and fractured ribs for which he sought treatment on September 12, 2010, and on succeeding days, was the result of being assaulted by persons unknown while he was at work at the Rose Rock Apartments in Tulsa and during the course of his employment there. The Defendant told CompSource Oklahoma that the collapsed lung and fractured ribs for which Christopher Miller sought treatment on September 12, 2010, and on succeeding days, was the result of being assaulted by persons unknown while he was at work at the Rose Rock Apartments in Tulsa and during the course of his employment there, all of which resulted in Christopher Miller receiving medical care and treatment, and temporary total disability payments paid by CompSource Oklahoma. The Defendant did aid, abet, and encourage Christopher Miller in making these statements with the intent to deceive CompSource Oklahoma, Rose Rock Apartments, and Lynx Property Management and did make her statements to CompSource Oklahoma with the intent to deceive CompSource Oklahoma, Rose Rock Apartments, and Lynx Property Management, as she then and there knew the said statements were false, incomplete, and misleading as to the location and circumstances of Christopher Miller's injuries,

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 Antonioni*
VINCENT ANTONIOLI, OBA #15670
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-3403

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

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 Antonioni
VINCENT ANTONIOLI
Assistant Attorney General

Signed and sworn to before me on the 12th day of December, 2011, by Vincent Antonioli.

(SEAL)



Tonya L. Lawson
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: Vincent Antonioli
VINCENT ANTONIOLI
Assistant Attorney General

Penalties:

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

Witnesses:

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

Don Holman
CompSource Oklahoma
1901 N. Walnut Avenue
P.O. Box 53505
Oklahoma City, OK 73152

Paula Guinn
CompSource Oklahoma
1305 S. Denver Avenue
P.O. Box 50580
Tulsa, OK 74119

Kristin Drake
CompSource Oklahoma
1901 N. Walnut Avenue
P.O. Box 53505
Oklahoma City, OK 73152

Debra L. Green
Lynx Property Management
6869 S. Canton
Tulsa, OK 74138

Christopher Miller
1725 S. Memorial Dr., #7-222
Tulsa, OK 74112

Ken Duke
The Trust
P.O. Box 1826
Broken Arrow, OK 74013-1826

Scott Good
Investigative Concepts, Inc.
1725 S. Memorial Dr., #7
Tulsa, OK 74112

Donald Hahn, D.O.
St. John's Urgent Care
1717 S. Utica Avenue
Tulsa, OK 74104

Patrick Ross
St. John's Medical Center
1923 S. Utica Avenue
Tulsa, OK 74104

Randall Hendricks, M.D.
Central States Orthopedic
P.O. Box 22063
Tulsa, OK 74121-2063

Officer James Dawson #2270
Tulsa Police Department
Mingo Valley Division
10122 E. 11th Street
Tulsa, OK 74128

Custodian of Records
Tulsa Police Department
600 Civic Center
Tulsa, OK 74103

Earl Webb
Lynx Property Management
6869 S. Canton
Tulsa, OK 74138

James Bryan Wesson, A.R.N.P.
St. John's Medical Center
1923 S. Utica Avenue
Tulsa, OK 74104

Gary Goss
Lynx Property Management
6869 S. Canton
Tulsa, OK 74138

IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)

Plaintiff,)

v.)

MISTI ROSE DAIGLE,)

DOB: 11-19-1985, SSN: [REDACTED])

Defendant.)

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Case No.: _____

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**AFFIDAVIT OF
PROBABLE CAUSE**

**SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA: TULSA COUNTY**

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 Christopher Miller, Date of Birth: 10-27-73; Social Security Number: [REDACTED]. In the course of my investigation, I obtained and reviewed documents and interviewed witnesses.

The records of the Oklahoma Workers' Compensation Court reflect that Debra Green, Lynx Property Management filed a Form 2, Employer's First Notice of Injury, on October 1, 2010, indicating that Christopher Miller had reported a work related injury that occurred on September 11, 2010 when Miller was jumped and beaten on Lynx Property Management property. Green completed the Form based on information provided by Misti Daigle, Rose Rock Apartments. Miller reported injuries to his head, neck, back and ribs. Lynx Property Management's workers' compensation insurance is through CompSource Oklahoma.

I reviewed reports from CompSource Oklahoma Special Investigations Unit which contained a copy of a written statement dated September 17, 2010, which was submitted by Christopher Miller stating that he was assaulted on his way home from checking lights that had been working on the previous day in the parking area of the apartment complex where he lives and works. Miller also indicated in that statement that he did not contact local law enforcement.

CompSource Oklahoma's referral also contains St. John Medical Center records which show Miller was treated at St. John's Medical Center on September 12, 2010, and that he told medical providers he was assaulted at work and was admitted to hospital ICU.

I received and reviewed records from Dr. Randall Hendricks located at 6585 S. Yale, Suite 200, Tulsa, Oklahoma. Dr. Randall Hendricks of Central States Orthopedics evaluated Miller on September 29, 2010 and notes that Miller was attacked while returning from checking lights while on call at work.

I reviewed documents showing CompSource Oklahoma Claims Adjuster Paula Guinn had a recorded telephonic conversation with Miller on September 27, 2010. Miller stated that he was walking home after checking lights and was attacked by individuals he did not know. Again Miller maintained that he did not call the police.

CompSource Oklahoma records show Scott Good, a private investigator with Investigative Concepts interviewed Misty Daigle who is the manager of Rose Rock Apartments where Miller lived and worked. Daigle admitted to Good that she knew Miller's injuries were not work related. Daigle provided a written statement for Good.

I reviewed the statement which was written on February 21, 2011. Daigle stated that Miller told her that his claim was not work related. Daigle said in her statement that Miller told her he was walking home and "got jumped by 3-4 black males."

I interviewed Daigle on August 31, 2011, and she stated that she received a call from the answering service on the night after Miller's alleged work injury. It was a Saturday and Daigle called Miller to ask him to go handle a repair at the apartments. Miller told Daigle that he could not do the repair because he was jumped the night before, between buildings 1 and 7 at the apartments.

Daigle said Miller told her that he was not on call when he was injured. Daigle said she told Miller to say that he was doing a lights check when he was injured. Daigle said she provided Miller with the documentation to indicate he had been conducting a lights check when in fact he had not.

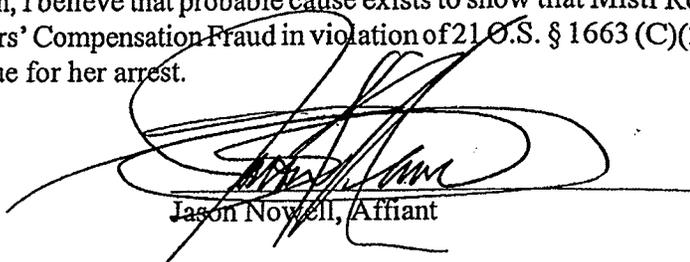
Daigle explained to me that she told Miller to say he was injured checking lights and provided him with forms to do so because she felt bad for Miller. Daigle felt bad for Miller because he had no insurance and she thought that the injury occurred on the Rose Rock property. Daigle further explained to me that the insurance company requested documentation that Miller was actually working when he was injured.

CompSource Oklahoma records contain copies of diagrams of lights which were out, and lights which were fixed, a service request showing the initials MD regarding lights. The adjuster, Paula Guinn made a notation that she received a fax from Misti at Rose Rock Apartments with the aforementioned document indicating the light in question had not been fixed at least by 8/31/10. The documentation and furnished by Misti Daigle was to confirm Miller's assertion that he was working when the incident and injury occurred.

CompSource Oklahoma records show Private Investigator Ken Duke with The Trust discovered that a Tulsa Police Department Officer named James Dawson had made contact with Miller on September 11, 2010 and created a report of that contact.

I received and reviewed the Tulsa Police Department report of Officer Dawson and learned that Dawson received a disturbance call from dispatch at 2:15am on September 12, 2010 involving Karla Ipock, Rachel Tollett, and Christopher Miller. Dawson responded to 1200 S. Memorial Drive, Tulsa, Oklahoma. Dawson's report indicated that he got varying stories from all three parties involved in the disturbance; however, Dawson had been assaulted in the parking lot at 1200 S. Memorial Drive, Tulsa, Oklahoma. The Tulsa Police Department report also indicates that Miller requested and was treated by EMSA.

Based on the above information, I believe that probable cause exists to show that Misti Rose Daigle committed the crimes of Workers' Compensation Fraud in violation of 21 O.S. § 1663 (C)(2). Therefore, I request that a warrant issue for her arrest.


Jason Nowell, Affiant

COUNTY OF TULSA)
) ss.
STATE OF OKLAHOMA)

This affidavit was subscribed and sworn to before me this 15th day of December, 2011, by Jason Nowell.

(SEAL)




Notary Public

My commission Expires: _____

FINDING OF PROBABLE CAUSE

On the _____, day of _____, 2011, the above captioned case came before me, the undersigned Judge of the District Court of Tulsa 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, Misti Roe Daigle, that she might be arrested and held to answer for the offense of 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 _____, 2011.

Judge of the District Court