

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

v.

ZEINA KHATIB,

Defendant.

)
) **CF - 2011 - 3458**
)

) Case No. _____
)
)

DISTRICT COURT
FILED

SEP 15 2011

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,

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

gives the court to know and be informed as follows:

ZEINA KHATIB, in Tulsa County, State of Oklahoma, on or about March 29, 2010, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **WORKERS' COMPENSATION FRAUD** in violation of Title 21 O.S. 2001, Section 1663(C)(1), in the manner and form as follows to-wit:

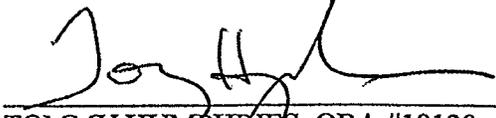
Said defendant, with the intent to deceive attorney Amanda Smallwood, and to defraud and deceive International House of Pancakes and National Fire Insurance Co., with respect to a claim for payment or other benefits pursuant to a contract of insurance, did knowingly, intentionally, and fraudulently present or cause to be presented false, misleading, or incomplete information, specifically as follows:

The Defendant, on February 2, 2010, filed a workers' compensation claim for benefits for injuries to her right fingers, neck, head, left hand/wrist/arm, and knees, which she alleged to have occurred on December 31, 2009, while working for International House of Pancakes. On March 29, 2010, the Defendant, during a deposition in Case Nos. WCC 2010-01064-X and 2010-01165-A before the Workers' Compensation Court,

State of Oklahoma, made statements regarding her work activity since her alleged injury that were false, fraudulent, incomplete, and/or misleading. The Defendant made these statements with the intent to deceive Amanda Smallwood, attorney for International House of Pancakes and National Fire Insurance Co., and to defraud and deceive National Fire Insurance Co.,

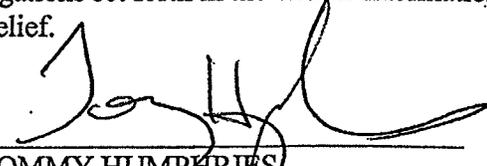
all of which is contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: 
TOMMY HUMPHRIES, OBA #19130
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.


TOMMY HUMPHRIES
Assistant Attorney General

Signed and sworn to before me on the 30th day of August, 2011, by Tommy Humphries.

(SEAL)




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:


TOMMY HUMPHRIES
Assistant Attorney General

Penalties:

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

Witnesses:

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

Bo Basma, Manager
International House of Pancakes (IHOP)
11020 E. 71st Street
Tulsa, OK 74133

Julio Nunez
Continental Casualty Co. (CNA Ins. Group)
675 Placentia Avenue
Brea, CA 92821

Lori Ann Johnson, Claims Adjuster
Continental Casualty Co. (CNA Ins. Group)
P.O. Box 8317
Chicago, IL 60680

Brian Chalkin, D.O.
1809 E. 13th St., Suite 100
Tulsa, OK 74104

Don Hepfer, Area Manager
International House of Pancakes (IHOP)
1901 Hillside Drive
Broken Arrow, OK 74012

Robert Tharp (or Representative)
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, OK 73105

Eric Tackett
HUB Enterprises
1001 E. 53rd Street
Muskogee, OK 74403

Kenneth R. Trinidad, D.O.
River West Medical Clinic
1006 W. 23rd Street
Tulsa, OK 74107

Vicki L. Jones, Court Reporter
Veritext Corporate Services
318 N.W. 13th Street
Oklahoma City, OK 73103

IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 v.)
)
 ZEINA KHATIB,)
 DOB: 11-13-61)
)
 Defendant.)

CF-2011-3458

Case No. CF-2011-_____

**DISTRICT COURT
FILED**

SEP 15 2011

AFFIDAVIT OF PROBABLE CAUSE

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

STATE OF OKLAHOMA,)
) ss.
 COUNTY OF TULSA.)

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 Zeina Khatib, Date of Birth: 11-13-61; Social Security Number: 442-92-0982. In the course of my investigation, I obtained and reviewed documents and surveillance video.

The records of the Oklahoma Workers' Compensation Court reflect that Zeina Khatib filed a Form 3, Employee's First Notice of Accidental Injury and Claim for Compensation, with the Workers' Compensation Court on February 2, 2010. Khatib alleged she injured her right fingers, neck, head, knees, brain, left hand, wrist, arm, and shoulder on December 31, 2009, while employed with International House of Pancakes (IHOP). International House of Pancakes (IHOP) is insured by Continental Casualty Co.

I spoke with and reviewed claim records submitted by Julio Nunez, Investigator with Continental Casualty Co. I learned that Khatib claimed she injured her right fingers, neck, head, knees, brain, left hand, wrist, arm, and shoulder when she tripped over a mat and fell. The records reflected Khatib was paid on April 9, 2010, Temporary Total Disability benefits for the period of March 25, 2010 through April 7, 2010, after which the benefits were discontinued.

I reviewed the medical records produced by Dr. Brian Chalkin, who examined Khatib at his office located at 1809 E. 13th Street, Suite 100, Tulsa, Tulsa County, Oklahoma. In the March 24, 2010 report, Dr. Brian Chalkin stated on page one (1) in the History of Illness section referring to Zeina Khatib that "she is not currently working. Her last date of employment was January 23, 2010. She is currently unemployed and was referred today for evaluation and management." Dr. Chalkin

recommended an EMG nerve study of the left upper extremity, and provided a steroid injection. He allowed her to work regular duty and prescribed a cock up wrist splint.

I reviewed the medical records of Randall Hendricks, M.D., Central States Orthopedic Specialists, who examined Khatib at his office located at 6585 S. Yale Ave., #200, Tulsa, Tulsa County, Oklahoma. A report of Initial Evaluation dated March 22, 2010, is included in those records and documents his examination and evaluation of Zeina Khatib. Dr. Hendricks stated in his report that Khatib's chief complaint at that time was neck pain with headaches and dizziness and as a secondary complaint she complained of very specific left wrist pain. He reported she had not worked since January 23, 2010. Dr. Hendricks recommended she see a hand surgeon or general orthopedist to better evaluate the wrist. He stated he gave the patient the consideration of the doubt and kept her off work.

Dr. Hendricks was later asked by respondent attorney in the workers' compensation claim to review and comment regarding surveillance of Khatib. He responded by letter dated June 21, 2010, in which he stated he did not find the patient had any operative problem. He said she did not appear to have any substantial difficulties. He said she has some preexisting cervical spondylotic changes. She sustained a cervical strain that has now healed. He released her from care with no specific restrictions.

I reviewed the transcript of a March 29, 2010, deposition of Zeina Khatib, which was conducted in Tulsa, Tulsa County, Oklahoma. On page ten (10) lines 13 through 22, Zeina Khatib is asked about working at her restaurant and states the following:

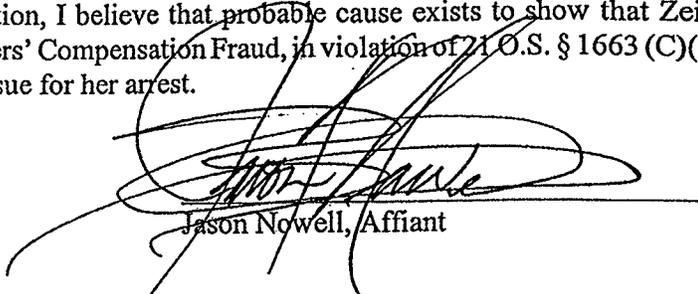
- Q Okay. And so when was the last time you worked at for Aunt Bea's Café?
A Right before I work for IHOP.
Q And since you left IHOP, which you said was on February 4th, 2010, have you worked at your husband's café?
A No, ma'am.
Q And I understand that you're not currently working is that correct?
A Yes, ma'am."

Later in the March 29, 2010, deposition of Zeina Khatib on page thirty one (31) lines 1 through 3, Zeina Khatib is again asked about working and states the following:

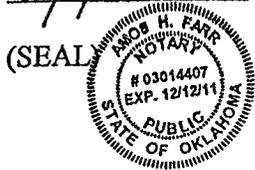
- Q Do you go in there and help your husband out on occasion, you know, doing anything like that?
A No ma'am."

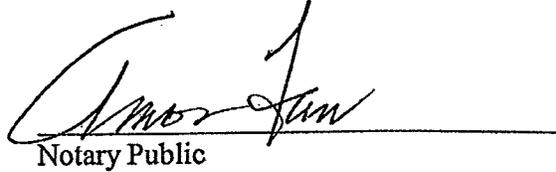
I reviewed surveillance video obtained of Zeina Khatib performing physical activity on March 13, 2010, March 14, 2010, and March 27, 2010. Zeina Khatib was observed working at Aunt Bea's Café in Glenpool, Oklahoma on March 13, 2010, March 14, 2010, and March 27, 2010. Zeina Khatib was observed taking food orders, delivering food orders, pouring coffee, bussing tables, running the cash register, answered the phone, walking an order out to a customer's car, and operating a microwave.

Based on the above information, I believe that probable cause exists to show that Zeina Khatib committed the crime of Workers' Compensation Fraud, in violation of 21 O.S. § 1663 (C)(1). Therefore, I request that a warrant issue for her arrest.


Jason Nowell, Affiant

This affidavit was subscribed and sworn to before me this 7th day of September, 2011, by Jason Nowell.




Notary Public

My Commission Expires:

12/12/2011

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, Zeina Khatib, 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