

DEF#1\$5,000,000.00SET BY JUDGE MARQUEZ
DEF#2\$50,000.00
DEF#3\$50,000.00
DEF#4\$50,000.00

EXTRADITION
APPROVED/DISAPPROVED

DDA: _____
AGENCY#: DAR2012258005/RDA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

THE PEOPLE OF THE STATE OF CALIFORNIA,

D.A.# 310777

Plaintiff,

CASE NO.

v.

FELONY COMPLAINT

PEYMAN HEIDARY

DOB:08/30/1970

AKA:BRIAN HEIDARY

AKA:THE GODFATHER

AKA:NUMBER ONE

BOOKING # 201434858

OTHER - SPS

CARY DAVID ABRAMOWITZ

DOB:10/20/1956

MICHAEL ANGEL TUOSTO, JR.

DOB:10/05/1951

ERICA TORRES

DOB:06/06/1983

AKA:ERICA LOZA

Defendants.

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendants, PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES, committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including January 1, 2010, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.

COUNT 2

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2010, through and including January 1, 2011, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES, with the intent so to do, took, damaged and destroyed property of a value exceeding \$1,300,000, within the meaning of Penal Code section 12022.6, subdivision (a), subsection (3).

COUNT 3

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2011, through and including January 1, 2012, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.

COUNT 4

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2012, through and including January 1, 2013, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.

COUNT 5

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2013, through and including July 1, 2013, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.

It is further alleged that the said defendants PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES, committed two or more related felonies, a material element of which was fraud or embezzlement, which involved a pattern of related felony conduct, and this pattern of related felony conduct involved the taking of more than five hundred thousand dollars (\$500,000.00) within the meaning of Penal Code section 186.11, subdivision (a), subsection (2).

COUNT 6

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: AMTRUST NORTH AMERICA.

COUNT 7

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: WESTERN STATES.

COUNT 8

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: ZENITH INSURANCE.

COUNT 9

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: AMERICAN ALTERNATIVE INSURANCE.

COUNT 10

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: CALIFORNIA CONTRACTORS NETWORK.

COUNT 11

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: CALIFORNIA RESTAURANT MUTUAL.

COUNT 12

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: EVEREST NATIONAL INSURANCE COMPANY.

COUNT 13

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: LINCOLN GENERAL INSURANCE COMPANY.

COUNT 14

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: MANUFACTURERS ALLIANCE INSURANCE COMPANY.

COUNT 15

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: PENNSYLVANIA MANUFACTURERS ASSOCIATED INSURANCE COMPANY.

COUNT 16

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: PENNSYLVANIA MANUFACTURERS INDEMNITY COMPANY.

COUNT 17

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: TOWER INSURANCE COMPANY.

COUNT 18

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: ZURICH AMERICAN INSURANCE GROUP.

COUNT 19

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: CRUM & FOSTER INSURANCE COMPANY.

COUNT 20

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: ACE USA INSURANCE (TPA ESIS).

COUNT 21

That the above named defendant(s) PEYMAN HEIDARY and CARY DAVID ABRAMOWITZ, committed a violation of Business and Professions Code section 2052, subdivision(a), a felony, in that on or about and between January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully practice and attempt to practice, and advertise and hold themselves out as practicing, a system and mode of treating the sick and afflicted in this state, and diagnosed, treated, operated for, and prescribed for an ailment, blemish, deformity, disease, disfigurement, disorder, injury, and other physical and mental condition of a person, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as provided by the Business & Professions Code and without being authorized to perform the act pursuant to a certificate obtained in accordance with a provision of law.

COUNT 22

That the above named defendant(s) PEYMAN HEIDARY and ERICA TORRES committed a violation of Business and Professions Code section 6126, subsection (b), a felony, in that on or about and between January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they, being a person who was involuntarily enrolled as an inactive member, was suspended from membership, was disbarred, and resigned with charges pending from the State Bar, did wilfully and unlawfully practice and attempt to practice law, and advertise and hold themselves out as practicing law and as being otherwise entitled to practice law.

COUNT 23

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: AIG.

COUNT 24

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, they did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a 12-month consecutive period.
RE: CNA INSURANCE.

COUNT 25

That the above named defendant(s) PEYMAN HEIDARY, CARY DAVID ABRAMOWITZ, MICHAEL ANGEL TUOSTO, JR., and ERICA TORRES committed a violation of Penal Code section 182, subdivision (a), subsection (1), a felony, in that on or about January 1, 2009, through and including July 15, 2014, in the County of Riverside, State of California, , they did willfully and unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of Defrauding the State Compensation Insurance Fund in violation of Penal Code section 550(a)(6), a felony, and that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants thereafter committed the following overt act and acts at and in the County of Riverside:

OVERT ACT NO. 1

Submitted medical billing for non-existent injuries.

MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2a(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2a(a) and (2).

I declare under penalty of perjury upon information and belief under the laws of the State of California that the foregoing is true and correct.

Dated: July 25, 2014

MJM:jsg

Complainant