



1141 Catalina Drive #155  
Livermore, CA 94550

PRSR STD  
U S POSTAGE  
PAID  
PERMIT #154  
RANCHO CORDOVA  
CALIFORNIA



Northern California  
**FRAUD INVESTIGATORS  
ASSOCIATION**  
N E W S L E T T E R  
ISSUE 1 WINTER 2006



"Uncle Sam needs you  
to prevent fraud."

**DON'T FORGET  
THE 2006 NCFIA  
CONFERENCE**

**April 12-14, 2006  
Monterey, CA**

**Plan to Attend Now!!**

**SPEAKER'S ANNOUNCEMENT . . .**

At the February 3, 2006 Quarterly Meeting, Mr. Alex Wong will speak on technology and issues involved with vehicle theft deterrent systems; how they work and can be defeated; and what insurance investigators need to be aware of and look for in order to justify deeper claim investigation in vehicle theft claims.

Mr. Wong has a degree in Civil & Environmental Engineering, is a Certified Master Automotive Technician, a Licensed Smog Inspection and Repair Technician and is currently a Professor at Sierra College in Rocklin, CA. ■

**DATES FOR  
QUARTERLY  
MEETINGS . . .**

We have set dates for our quarterly meetings through the next year. All meetings start at 9:00 a.m. The dates are:

- February 3, 2006
- June 2, 2006
- September 8, 2006
- December 1, 2006

Our upcoming meeting on February 3rd will be at:

ZIO FRAEDO'S  
611 Gregory Lane  
Pleasant Hill, CA  
(925) 933-9091

See you there! ■

**IN THIS ISSUE**

Speaker's Announcement . . . . .	1
Dates For Quarterly Meetings . . . . .	1
New Members . . . . .	2
Secretary's Message . . . . .	2
17th Annual NCFIA Conference . . . . .	2
Newsletter Contributions & Ad Renewals . . . . .	2
President's Message . . . . .	3
2006 Conference Exhibitors List . . . . .	3
Should the Claims Representative Be Allowed to Assist the Insured in Small Claims Court? . . . . .	6
2006 Conference Prize Contributions . . . . .	6
NCFIA Annual Conference Sponsors . . . . .	7
Reminder . . . . .	7

**NCFIA OFFICERS &  
BOARD MEMBERS**

**Kevin Traylor - President**  
925.831.2962  
kevin.traylor@thehartford.com

**Peter Meshot - Vice President**  
916.564.9710  
pmeshot@mcdownelllaw.com

**Lea Smith - Secretary**  
925.449.0771  
sherlock@aol.com

**Mike Sloan - Treasurer**  
925.646.2331  
mesloan@aol.com

**Tony Arcado - Sergeant at Arms**  
(appointed by president)  
925.416.5368  
aarcado@aol.com

**Steve Begley - Board Member**  
916.564.1792 ext. 2832  
steven.begley@libertymutual.com

**Jerry Hasser - Board Member**  
707.259.1977  
ghasser@nicb.org

**Dan Stroski - Board Member**  
530.666.8424  
dan.stroski@yolocounty.org

**George Cramer - Board Member**  
925.833.2675  
gdcramer@msn.com

**Eric von Geldern - Board Member**  
510.569.9281  
eric.vongeldern@acgov.org

**Tom Fraysse - Past President**  
510.285.2514  
tef@knoxricksen.com



**ISO ClaimSearch®**

**Key Fraud-Fighting Tools**

- Claim Reporting and Queries
- NetMap® Data Analysis and Visualization
- Public, Criminal, and Medical Records
- Police and Motor Vehicle Reports
- ClaimDirector™ Scoring

For more information, call 1-800-888-4476  
or send e-mail to info.claimsearch@iso.com.



**LAW OFFICES**

of

**McDowell, Meshot & Shaw**

Over 80 Years of Combined  
Experience Fighting Fraud

www.mcdowelllaw.com

**WALNUT CREEK OFFICE**  
1655 N. Main Street, Suite 370  
Walnut Creek, CA 94596  
(925) 210-1300

**SOUTH BAY OFFICE**  
1250 Oakmead Parkway, Suite 210  
Sunnyvale, CA 94085  
(408) 501-8834

**SACRAMENTO OFFICE**  
2710 Gateway Oaks Drive, Suite 340  
Sacramento, CA 95833  
(916) 564-9710

**FRESNO OFFICE**  
516 W. Shaw Avenue, Suite 200  
Fresno, CA 93704  
(559) 237-7808

## NEW MEMBERS . . .

Gary Barrera.....Knox Rickson  
 Rick Barton.....Butte County DA Office  
 Duane Bradley.....Blue Shield of California  
 Michael Brandt.....Blue Shield of California  
 Christopher Champlin.....Confidential Business Resources  
 Lynn Deroian.....Frasco Inc.  
 Jeff Doerr.....Kings County DA Office  
 Raymond Dzik.....SCIF  
 Randy Ebner.....Kings County DA Office  
 Rich Edwards.....Shasta County DA  
 Michael Finnestad.....CSAA  
 Frank Fleming.....McDowell, Meshot & Shaw  
 Jency Gadd.....Esurance  
 Brian Harrison.....Sedgwick, Detert, Moran & Arnold  
 Mike Houlihan.....State Farm Insurance  
 Tony Hurtado.....Yolo County  
 Phil Pereira.....McDowell, Meshot & Shaw  
 Steven Price.....Blue Shield of California  
 Dan Reed.....State Farm Insurance  
 Vic Sandoval.....California State Medical Board  
 Jim Slone.....McDowell, Meshot & Shaw  
 Dwight Steward.....Permanent General Assurance Corp.  
 Christine Wilson.....Liberty Mutual  
 Jason Wines.....Butte County DA Office ■

## SECRETARY'S MESSAGE . . .

### Election Results:

*President*  
**Peter Meshot**.....McDowell, Meshot & Shaw

*Vice President*  
**Steve Begley**.....Liberty Mutual

*Secretary*  
**Lea Smith**.....Smith & Associates

*Treasurer*  
**Dan Stroski**.....Yolo County DA

*Directors*  
**Vera Villareal**.....DOI  
**Leonard Washington**.....CSAA

The bylaws and code of ethics were both passed and are adopted—they are posted on the web.

*Lea Smith*  
 Executive Secretary,  
 NCFLA ■

## NCFIA ANNUAL CONFERENCE SPONSORS

The following kind and generous sponsors have contributed to our 17th Annual Seminar. Thank you all for your generous support.

### SUSTAINING MEMBERS

*Powers & Miller*  
*Low, Ball & Lynch*  
*Parkers & Sommers*  
*McDowell, Meshot and Shaw*  
*Law Offices of Knox Rickson LLP*  
*Mayall, Hurley, Knutsen, Smith & Green*  
*McCormic, Barstow, Sheppard, Wayte & Carruth*

### GOLD MEMBERS

*Collins, Toschi & Doyle*  
*Kern, Noda, Devine & Segal*  
*Coddington, Hicks & Danforth*  
*Law Office of Dianne D. Peebles*

### SILVER SPONSOR

*Peter Brown & Associates ■*

Add your company's name to the above list . . .

### Why?

"Membership in the Association provides the best in continuing education as well as a forum for anti-fraud professionals to network and is an essential component to the work of any anti-fraud professional in Northern California."

"The Association is better served when members actively participate and contribute to the Association."

As a Sponsor your firm is entitled to receive one complimentary advertisement in the NCFIA website newsletter as well as the printed version to be used at anytime during the year.

Additionally, you are entitled to have your firm's promotional material placed in the registration packets received by all attendees. Please send that material to the Hyatt Regency Monterey, One Old Golf Course Road, Monterey, Ca 93940-4908, attention Rick Gebin, c/o NCFLA, by March 20, 2006.

Contributions to the Northern California Fraud Investigators Association Conference are tax deductible as a business expense as applicable by law, but not a charitable contribution.

### How?

Please give me a call for additional information or if you have any questions. Do it today. Time is of the essence.

**Leonard Washington**  
 NCFLA Sponsorship Committee Chairman  
 (510) 245-7064

**Kevin Traylor**  
 NCFLA President  
 (916) 294-1584



## The Investigative Authority for the Insurance Industry.

### Statewide Coverage For:

- SIU & Anti-Fraud Services
- Surveillance Investigations
- Workers' Comp. Investigations
- Liability Investigations
- Auto Investigations
- Database Investigations

**CAPITAL**  
 claims services

3430 Robin Lane, Suite 8A, Cameron Park, CA 95682  
 P# 22543 • Ph 866.835.8121 • www.cclaims.com

## TRAFFIC COLLISION RECONSTRUCTION

### Rudy Degger & Associates, Inc.

*Experience – Quality – Integrity*

- ♦ Major Collision Reconstruction
- ♦ Low Speed Impacts/Injury Potential
- ♦ Qualified Expert Witness
- ♦ Demonstrative Evidence
- ♦ "Black Box" Crash Data Retrieval and Interpretation
- ♦ Seminars & Courses

*(Ongoing POST/ACTAR courses—see our website)  
 (Customized training to meet your needs)*

**Sacramento Area & Bay Area Offices**  
**Toll Free (877) 944-5903**  
 www.rudydegger.com

*Rudy Degger, ACTAR*  
*Chris Kauderer, BSME, ACTAR*  
*Kent E. Boots, ACTAR*

For WeCARE Products & Education  
 (website: rudydegger.com/wecare)

## REMINDER . . .

**PLEASE SHARE IT WITH YOUR FELLOW MEMBERS.** Do you have an update – a case you are working on – legal updates/information – a new technique you have developed – a new way for folks to perpetrate fraud that you have run across? This is how we stay ahead of the "bad guys." ■

## 17TH ANNUAL NCFIA CONFERENCE

IT'S NOT TOO EARLY TO BOOK HOTEL ROOMS FOR THE 2006 CONFERENCE at the Hyatt Regency Monterey. The Tennis and Golf Events are scheduled for April 11th with the Conference Program being held April 12-14, 2006.

Call (800) 372-1234 and mention NCFIA to get the discounted room rate. Let's get those rooms booked before they're sold out! ■

## NEWSLETTER CONTRIBUTIONS & ADVERTISEMENT RENEWALS . . .

Cutoff for submitting items for publication for the next newsletter is April 2, 2006.

Your contributions of articles, announcements, information, etc. to the newsletter are always welcome and encouraged. As your newsletter editor and committee chair, I want to thank everyone who has supported the effort to keep the newsletter an interesting and viable tool for our association and its membership. Thanks to all who have contributed articles and items for publication, and to those of you who purchased advertisements.

Please contact me at (916) 564-9710 or pmeshot@mcowelllaw.com for further details or any questions. Thanks you for supporting your association!

*Peter Meshot* ■

## Should the Claims Representative Be Allowed to Assist the Insured in Small Claims Court? Absolutely.

By Peter W. Sekelick of Knox Ricksen LLP

Is there anything more frustrating than having to watch your insured appear in small claims court to defend a fraudulent action without the tools necessary to present a defense? Knowing that most insureds are ill equipped to articulate a defense based on fraud, medical necessity or unreasonableness of costs, plaintiffs' attorneys are more frequently turning their clients loose to pursue bodily injury and/or property damage judgments in small claims court. This trend will likely occur more now that the legislature has passed SB 422 which increases the small claims jurisdiction limit to \$7,500 beginning January 1, 2006. Even more maddening is the reluctance of some judges to allow the claims representative to assist the insured at trial. Should you encounter a similar situation, your insured and claims representative should appear for trial armed with the knowledge of the three statutes discussed below.

California Code of Civil Procedure section 116.540(k) provides that if the court determines a party cannot properly present her claim or defense and needs assistance, the court may in its discretion allow another individual to assist that party. For purposes of small claims fraud trials, the insured should inform the court that she requires the assistance of the claims representative to present her defense because the insurer investigated the plaintiff's claim(s) and is in a better position to present a fraud or damages defense than the insured.

*Peter W. Sekelick is an associate at Knox Ricksen LLP in Oakland and serves as a Judge Pro Tem in the Small Claims Division of the Solano County Superior Court. ■*

If the judge refuses this request, the insured may call the claims representative as a witness. Section 116.520(a) provides that the parties have the right to offer evidence by witnesses at the hearing. Usually the judge will allow narrative testimony. The claims representative should be thoroughly prepared to educate the court with regard to the key defense arguments, including reference to supporting documentation. Evidence is admitted freely in small claims court and we suggest a trial brief be prepared and provided to the judge and plaintiff on the day of trial. The claims representative should reference the exhibits in the trial brief during her testimony.

Finally, section 116.531 provides that nothing in this article [regarding the small claims statutes] shall prevent a representative of an insurer from testifying to facts for which they have personal knowledge. The insured should stress the claims representative is the person most knowledgeable with respect to the claims investigation and that fundamental fairness dictates that the claims representative be permitted to testify or assist in the defense on behalf of the insured.

The claims representative or insured should cite all three statutes if necessary and politely but firmly insist that the claims representative be allowed to assist in the presentation of evidence or testify as a witness at trial.

## PRESIDENT'S MESSAGE . . .



Kevin Traylor

*With the holiday behind us and the promise of a productive, exciting New Year ahead, I am pleased to report that we are well situated for the 17th Annual NCFIA Conference.*

*Through the tireless efforts of the Conference Committee, our dates are set and our agenda in place.*

Mark your calendars and make your reservations now! As always we have a great many programs and speakers to educate and inform. This will likely be my last formal President's Message, as there will be no other publications prior to the conference and the installation of the in-coming Board of Directors. This has been a wonderful year that has seen growth, change and development. With the ratification of the By-Laws, your new Board of Directors will begin serving two years terms. Allowing greater opportunity for the Board to act upon the direction of the NCFIA. We have historically been hampered by our all too brief terms, but now have the time to see our projects completed.

Nonetheless, we have been able to take progressive steps to ensure our association's professional standing throughout California. Marketing efforts are being formalized to showcase NCFIA as the industry leader in the relentless effort to combat fraud. We recognized the need for greater representation to our members in Central California. To that end, President Elect Peter Meshot was able to coordinate a training meeting with the support of Law Offices of McDowell, Meshot and Shaw. Members in the Fresno area will be provided training and networking opportunities to those who might not have accessibility to our quarterly meetings. Allowing us to be well placed for membership growth and increased opportunities to identify trends and patterns throughout the state.

Throughout the year, I have been impressed with the commitment and effort expended by the Board of Directors on your behalf. To ensure that we were able to get things done, I increased the number and frequency of Board meetings. Although this was an imposition to all of us who must balance our jobs with the NCFIA, not a person complained. And I believe that this allowed us to get association business done in an efficient manner. To all of those who stepped up and made the difference over the past year, Thank You!

*Kevin Traylor*  
President ■

### 2006 Annual Conference Prize Contributions

*Thank you to the following people for their CASH contributions*

Steve Toschi	\$500 (paid)
Lea Smith	\$300 (paid)
Fire Cause Analysis	\$250 (paid)
Tom Fraysse	\$250 (possibly more)
Phil Segal	\$200 (paid)
Keith Smothers	\$150 (paid)
Pete Brown	\$150 (paid)
Rudy Degger	\$100 (paid)
George Stavropoulos	\$200
Benchmark Medical	\$100
Bryan Johnson	\$100

*Thank you to the following people for their MERCHANDISE contributions*

Lea Smith	(unknown)
Phil Segal	(Giants tickets)
Kurt Ginter	(9 pairs binoculars)
Brent Harnish	(unknown)
William Jones/Bob Rapp	(unknown)
James Cartright	(unknown/tickets)
Bill Camp	(wine)
Neil Dorfman	(case of wine)
Merlin Information	
Hyatt Regency Monterey	
Quail Lodge	

*Seed (GRAND PRIZES) Money: \$6,000*

*GIFT CERTIFICATES towards travel:*

Baja Cruise (1)	\$1,500
Hawaii Flight (2)	\$1,250 each x 2 = \$2,500
Baja Flight (1)	\$1,250 (less \$250 contribution by agent) = \$1,000

*There will be a wide variety of wonderful and interesting door prizes AND several spectacular trips you won't want to miss!*

- \$1,000 to spend
- Local Cruises (i.e. Hornblower)
- Plasma TV
- Napa Wine Train
- Hot Air Balloon
- Spa Treatment
- Tahoe Casinos (room nights)
- Sacramento River (Murder Mystery Dinner Cruise)
- Local Resorts/Hotels (Hyatt nights also) / Mendocino Coast / Sonoma Coast / Napa County ■

### 2006 Conference Exhibitors List

- Argus West Investigations
- Bauer Investigations
- Benchmark Medical Consultants
- Claims Verification Inc.
- Department of Insurance
- Excalibur Investigations
- Fire Cause Analysis
- Ginter Investigations
- Impact General
- ISO
- Lee Cole & Associates
- Lexis/Nexis
- Merlin Information Services
- Probe Information Services
- Stutchman Forensic Laboratory ■

**Smith & Associates**

Lea Smith – Director  
1141 Catalina Dr., #130 in Livermore, CA 94550  
Phone 925.449.0771 or Fax 925.449.0846  
sherlock@aol.com  
Lic. P119158

Specializing In Workers' Compensation Investigative Services For Insurance Firms, Third Party Administrators, Employers and Attorneys.

**HEADING IN THE RIGHT DIRECTION**  
 TAKING THE BEST LOCAL  
 MAKING THE BEST NATIONAL

**WOLIVAR & ASSOCIATES, INC.**  
 SERVING YOU FOR OVER 15 YEARS

PLEASE VISIT US ON THE WEB AT [WWW.CODE5.COM](http://WWW.CODE5.COM) AND REVIEW  
 MIKE WOLIVAR'S ARTICLE AS PUBLISHED IN IASIU MAGAZINE:  
 CHOOSING THE RIGHT PEOPLE: COST EFFECTIVE SURVEILLANCE INVESTIGATIONS

**INSURANCE INVESTIGATIONS**  
**1 · 8 8 8 · 9 6 5 · 4 8 2 7**  
 2312 Mill Creek Drive, Suite 200 · Laguna Hills, CA 92653 · Experts in MEXICO Surveillance  
 Fully bonded & insured in  
 California (91260), Texas, Louisiana (60294-61299), Florida (F2400216) and Arizona (06410601)

THIS SPACE  
 RESERVED FOR  
 YOUR AD.

CALL OR EMAIL  
 Peter Meshot  
 (916) 564-9710  
[pmeshot@mcdowelllaw.com](mailto:pmeshot@mcdowelllaw.com)  
 for details

**PEREZ INVESTIGATIONS, INC.**  
*Serving California Since 1982*

<b>Workers' Compensation Liability</b>	<b>East Bay</b> (Home Office) P. O. Box 1764 Martinez, CA 94553 Telephone (925) 934-5543 Fax (925) 934-6512
<b>Sub-Rosa</b>	
<b>AOE / COE</b>	<b>Sacramento</b> (916) 443-8558
<b>Background Investigations</b>	<b>San Jose</b> (408) 288-6555
<b>Bilingual Investigators</b>	<b>San Francisco</b> (415) 206-1761

Visit us at [PerezInvestigations.com](http://PerezInvestigations.com)  
 California Association of Licensed Investigators  
 CA License # PI 22956

**WORKERS' COMPENSATION**  
**· LIABILITY · DISABILITY ·**

Celebrating  
 40 Years of  
 Service

**FRASCO**<sup>®</sup>  
**Investigative Services**  
 A Full-Service Investigation Corporation

**NORTHERN CALIFORNIA  
 LOCAL BRANCH OFFICES**

**Call Toll Free: (888) 451-2009**

<b>OAKLAND</b>	(510) 562-2587
<b>SACRAMENTO</b>	(916) 856-5788
<b>FRESNO</b>	(559) 221-1200
<b>SAN JOAQUIN VALLEY</b>	(209) 472-0272

Visit us at [www.frasco.com](http://www.frasco.com)  
 to assign online or to contact our other branch locations

**Serving California, Arizona and Nevada**  
 CA License PI 6277 • AZ License 0007003 • NV License 1026

**George Cramer Investigations**

P.O. Box 2298  
 Dublin, CA 94568  
 Phone: (925) 833-2675  
 Fax: (925) 803-0620  
[gcramer@gcinvestigations.com](mailto:gcramer@gcinvestigations.com)  
[www.gcinvestigations.com](http://www.gcinvestigations.com)

**Professional . . .  
 Confidential . . .**

*A Full Service Investigative Agency Serving  
 Attorneys, Corporations and Insurance Firms.*

**COLLISION  
 RECONSTRUCTION  
 ENGINEERS, INC.**

**SPECIALIZED SERVICES**

- ▶ Major Collision Investigation
- ▶ Low-Speed Collision and Injury Potential Analyses
- ▶ Damage Consistency Analyses
- ▶ Scene and Vehicle Measurements and Diagrams
- ▶ 3D Physics-Based Computer Simulations
- ▶ 3D Animations and Video Re-enactments
- ▶ SDM (black box) Data Retrieval and Interpretation
- ▶ Engineering and Roadway Design Analyses
- ▶ Research and Crash Testing
- ▶ Court Qualified Expert Witnesses
- ▶ Courses and Seminars (POST, ACTAR & MCLE)

Registered Professional Engineers  
 ACTAR Certified

Toby L. Gloekler, P.E.  
 toll free 866-272-7274  
[www.CREngineers.com](http://www.CREngineers.com)

**KERN, NODA, DEVINE & SEGAL  
 A LAW CORPORATION**

**SPECIALIZING IN INSURANCE FRAUD DEFENSE**

- ♦ AV rated insurance defense firm
- ♦ Specializing in personal injury defense
- ♦ Handling cases from Monterey to Sacramento
- ♦ Emphasis on Special Investigation Unit (SIU) case.

*Since 1974, large insurance companies and self-insureds alike have looked to the firm for its expertise in the fight against fraud. Kern, Noda, Devine & Segal is dedicated to the innovative and aggressive defense of SIU-type cases while simultaneously controlling costs for our clients.*

FOR MORE INFORMATION CONTACT  
 Philip Segal (415) 474-1900

SUTTER PLAZA, SUITE 600  
 1388 SUTTER STREET  
 SAN FRANCISCO, CA 94109  
 TEL (415) 474-1900  
 FAX (415) 474-0302

Building relationships through service for more than 50 years.

**EXPERIENCE COUNTS.**

McCormick Barstow LLP is one of the region's most experienced law firms. The combined talents and expertise of more than 80 attorneys create a multi-faceted civil law firm capable of handling all of your needs.

Our various practice areas include:

- 1st and 3rd party
- SIU
- Opinions
- Litigation
- Bad faith
- Medical payments coverage

**MCCORMICK  
 BARSTOW LLP  
 ATTORNEYS AT LAW**  
 FRESNO • MODESTO • LAS VEGAS

<b>Fresno Office</b> 5 River Park Place East Fresno, CA 93720 (559) 433-1300 (559) 433-2000 fax	<b>Modesto Office</b> Centre Plaza Office Tower 1150 North Street, Suite 1200 Modesto, CA 95364 (209) 524-1100 (209) 524-1188 fax	<b>Las Vegas Office</b> 3000 Paradise Road, Suite 201 Las Vegas, NV 89109 (702) 948-1100 (702) 948-1101 fax
---	--	---