

**CASH BOND**  
RECOMMENDED: \$55,000.00  
WARRANT

AGENCY#: DAR2015153002/RDA

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
(Riverside)

**FILED**  
Superior Court of California  
County of Riverside  
**09/09/2016**  
SHAWN FREDIEU

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

ROBERT GOGATZ  
DOB: 05/26/1961

Defendant.

D.A.# 360920

CASE NO.

**RIF1604505**

FELONY COMPLAINT

OTHER - SPS

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendant, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from BERKSHIRE HATHAWAY, 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, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from EMPLOYERS INSURANCE, 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 3

That the above named defendant, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from FARMERS INSURANCE, 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, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from HARTFORD INSURANCE, 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, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from LIBERTY MUTUAL, 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 6

That the above named defendant, ROBERT GOGATZ, committed a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2008, through and including January 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from SCIF, 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 7

That the above named defendant, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from ZENITH, 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 8

That the above named defendant, ROBERT GOGATZ, 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 13, 2016, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from ZURICH, 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 9

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2009, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to BERKSHIRE HATHAWAY for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 10

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2009, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to EMPLOYERS INSURANCE for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 11

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2011, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to FARMERS INSURANCE for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 12

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2011, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to HARTFORD INSURANCE for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 13

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2010, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to LIBERTY MUTUAL for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 14

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2008, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to SCIF for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 15

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2012, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to ZENITH for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## COUNT 16

That the above named defendant, ROBERT GOGATZ, committed a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2009, through and including January 13, 2016, in the County of Riverside, State of California, the defendant did wilfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation to ZURICH for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

## ZAMORA ALLEGATION

It is further alleged that the above offenses were not discovered by the victim(s) until July 1, 2013, when Zenith Insurance opened an investigation into the billing practices of Robert Gogatz.

Zenith Insurance discovered the fraudulent activity during an investigative review of bills submitted by Robert Gogatz that exhibited a pattern of billing including billing for services not rendered and using codes that were mutually exclusive. The earliest date of service identified by Zenith during its initial investigation was for Manuel Arias, date of service January 1, 2013, received by Zenith May 22, 2013.

On April 8, 2015, Zenith insurance referred their findings to the Riverside County District Attorney's office via an FD-1 form. Further investigation by the Riverside County District Attorney uncovered the same pattern of billing beginning as early as 2008 and spanning multiple insurance carriers.

The scheme was not discovered prior to Zenith opening their investigation because although Gogatz consistently billed using the same scheme, he billed each individual insurer inconsistently, thereby masking the pattern of conduct.

## 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.

Michael A. Hestrin  
District Attorney

Dated: September 8, 2016

By: W. Matthew Murray  
Deputy District Attorney

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
FELONY PLEA FORM

MAY 17 2017

J. Castro

JC

People v. Robert Gogatz

Case Number RIF1604505

A. ADVISEMENT OF RIGHTS:

- 1. I have the right to a speedy and public trial by a judge or jury.
- 2. At my trial, I have the right to face and cross-examine any witnesses against me.
- 3. I have the right to ask the court to compel witnesses to attend my trial at no expense to me, and to present evidence in my defense.
- 4. I have the right against self-incrimination. I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
- 5. I have the right to be represented by a lawyer throughout my trial. If I cannot afford one, the court will appoint one to represent me at no cost to me.

ALB  
MAY 18 2017

B. CONSEQUENCES OF PLEA (1 through 5 apply to everyone):

- 1. As a convicted felon, I will not be able to own or possess any firearm. I will be ordered to pay restitution to the victim(s) if the victim(s) suffered economic harm. I agree that the amount of victim restitution is attached. If the parties do not agree, the probation department will determine the amount. If I disagree with the amount, I must promptly request a hearing.
- 2. Charges and/or enhancements may have been dismissed as part of this negotiated disposition with the District Attorney's Office. I agree that I will be ordered to pay restitution to the victim(s) of the dismissed charges and/or enhancements if the victim(s) suffered economic harm.
- 3. I will be ordered to pay a restitution fine of at least \$240 and not more than \$10,000. There are several other fines and fees that will be imposed as a result of this guilty plea.
- 4. If I am not a citizen of the United States, I understand that this conviction may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- 5. If I receive a state prison term, I will be placed on parole or local community supervision after completing the term. Parole or local community supervision will be for the term specified by law. Generally, parole is for up to five years and local community supervision is for up to three years. If my term of imprisonment is life, and I am ever granted parole, it may be for life. If I violate any of the terms of parole, I could be returned to state prison for up to one year per violation. If I violate any of the terms of local community supervision, I could be incarcerated in county jail for up to 180 days per violation.
- 6. If I am sentenced to county jail, a portion of my term may be suspended and, upon release from jail, I may be placed on mandatory supervision. If I violate any of the terms and conditions of my mandatory supervision, I could be returned to county jail for up to the remainder of my suspended jail term.
- 7. I will be required to give a DNA sample.
- 8. My driving privileges will be suspended or revoked by the Department of Motor Vehicles.
- 9. I understand that because I am pleading guilty to a qualifying offense, I will be ordered to register with law enforcement as a(n) \_\_\_\_\_ and that if I fail to register or to keep my registration current for any reason, new criminal charges may be filed against me. I understand that registration as a sex offender is a life long requirement.
- 10. I will be required to undergo AIDS testing.
- 11. Being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.
- 12. Other \_\_\_\_\_

N/A

N/A

N/A

N/A

N/A

C. DEFENDANT'S STATEMENT:

- 1. All the promises made to me are written on this form, or stated in open court.
- 2. No one has made any threats to me or anyone close to me, or placed any pressure of any kind on me in order to make me plead guilty.

- 3. I understand that if I violate any of my probation terms, I could be sentenced to the maximum custody term possible under these charges as set forth under "Plea Agreement", Item 2.
- 4. I have had adequate time to discuss with my attorney (1) my constitutional rights, (2) the consequences of any guilty plea, and (3) any defenses I may have to the charges against me.
- 5. As part of this plea, I (circle one) do ~~do not~~ waive any right to appeal that I may have.
- 6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

**D. PLEA AGREEMENT:**

1. I will enter a guilty plea to the following charges and enhancements:  
 Count 1: PC 550(a)(6), Count 15: Insurance Code 1871.4(a), admit Zamora allegation, Harvey waiver

The Prosecutor will dismiss any charges and enhancements that I do not admit.

2. The maximum possible custody commitment for the admitted charges and enhancements is: 4 years prison

3. My guilty pleas are conditional on receiving the following considerations as to sentence:

a) Formal probation will (circle one) be 1) denied; 2) granted; 3) decided by the court. If granted, the length of formal probation may be up to five years. If probation is granted, a suspended state prison sentence or felony county jail term (circle one) will/will not be imposed. A suspended felony county jail term may include a period of mandatory supervision for up to the remainder of the suspended jail term. The following legal restrictions apply to a decision to grant probation in this case:

b) The custody term will be 3 years probation, PS 180 work release (slip)  
 The custody term shall not be more than \_\_\_\_\_ (top)  
 The custody term shall not be less than \_\_\_\_\_ (floor)

c) Fines: \_\_\_\_\_

d) Other: Term of Probation: Defendant to dismiss all liens related to this case including those related to dismissed count

e) Credit for time served will be \_\_\_\_\_ days actual; \_\_\_\_\_ days  4019  2933; \_\_\_\_\_ total.

**E. SIGNATURES**

**District Attorney:** The above is a correct statement of the Plea Agreement between defense and prosecution.

5/17/17 Murray [Signature]  
 Date Print Name Sign Name

**Defendant:** I have read and understand this entire document. I waive and give up all of the rights that I have initiated. I accept this Plea Agreement.

5-17-17 Robert Gogatz [Signature]  
 Date Print Name Sign Name

**Defense Attorney:** I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understand that a guilty plea would be a waiver of these rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charges; and (3) the defendant understands the consequences of his/her guilty plea. I join in the decision of the defendant to enter a guilty plea.

5.17.17 Sharon Cosgrove [Signature]  
 Date Print Name Sign Name

**Interpreter:** Having been duly sworn, I have translated this form to the defendant in the \_\_\_\_\_ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

\_\_\_\_\_  
 Date Print Name Sign Name