

File No. 241073

Committee Item No. 18

Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date November 13, 2024

Board of Supervisors Meeting

Date November 19, 2024

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DAT Statement on Retroactivity 10/2/2024</u> |
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Completed by: Brent Jalipa

Date November 7, 2024

Completed by: Brent Jalipa

Date November 14, 2024

1 [Accept and Expend Grant - Retroactive - California Department of Insurance - Automobile
Insurance Fraud Program - \$318,857]

2

3 **Resolution retroactively authorizing the Office of the District Attorney to accept and**
4 **expend a grant in the amount of \$318,857 from the California Department of**
5 **Insurance for the Automobile Insurance Fraud Program, for the grant period of**
6 **July 1, 2024, through June 30, 2025.**

7

8 WHEREAS, The Administrative Code requires City departments to obtain Board of
9 Supervisors' approval to accept or expend a grant award of \$100,000 or more
10 (Section 10.170-1); and

11 WHEREAS, The Board of Supervisors provided in Section 11.1 of the administrative
12 provisions of the Fiscal Year (FY) 2024-2025 Annual Appropriation Ordinance that approval
13 of recurring grant funds contained in departmental budget submissions and approved in the
14 FY2024-2025 budget are deemed to meet the requirements of the Administrative Code
15 regarding grant approvals, and this grant award from the California Department of
16 Insurance was included in the FY2024-2025 budget submission from the Office of the
17 District Attorney and approved by the Board of Supervisors in the FY2024-2025 budget;
18 and

19 WHEREAS, The Department of Insurance of the State of California, the entity
20 awarding these grant funds to the Office of the District Attorney, requires documentation of
21 the Board of Supervisors' approval of their award of grant funds under Automobile-
22 California Insurance Code, Section 1872.8, and California Code of Regulations, Title 10,
23 Sections 2698.60 et seq.; and

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1 WHEREAS, The Office of the District Attorney applied for funding from the California
2 Department of Insurance for the “Automobile Insurance Fraud Program” and was awarded
3 \$318,857 for FY2024-2025; and

4 WHEREAS, The purpose of the grant is to support enhanced investigation and
5 prosecution of automobile insurance fraud cases, and to support the application and
6 subsequent reporting that the Office of the District Attorney must submit to the state as a
7 condition of receiving these funds, as set forth in the California Insurance Code,
8 Section 1872.8, and California Code of Regulations, Title 10, Section 2698.60s et seq.; and

9 WHEREAS, The grant does not require an amendment to the Annual Salary
10 Ordinance (ASO) Amendment; and

11 WHEREAS, The grant includes indirect costs of \$20,364; now, therefore, be it

12 RESOLVED, That the Board of Supervisors hereby retroactively authorizes the
13 Office of the District Attorney to accept and expend, on behalf of the City and County of
14 San Francisco, a grant from the California Department of Insurance for the Automobile
15 Insurance Fraud Program to be funded in part from funds made available through California
16 Insurance Code, Section 1872.8, California Code of Regulations, Title 10, Sections
17 2698.60 et seq. in the amount of \$318,857 to enhance investigation and prosecution of
18 automobile insurance fraud cases; and, be it

19 FURTHER RESOLVED, That should the Office of the District Attorney receive more
20 or less money than the awarded amount of \$318,857 that the Board of Supervisors hereby
21 approves the acceptance and expenditure by the Office of the District Attorney of the
22 additional or reduced money; and, be it

23 FURTHER RESOLVED, That the District Attorney of the City and County of San
24 Francisco authorized, on the City’s behalf, to submit the proposal, included in the Clerk of
25 the Board’s file for this Resolution, to the California Department of Insurance and is

1 authorized to execute on behalf of the Board of Supervisors the Grant Award Agreement,
2 including any extensions or amendments thereof; and, be it

3 FURTHER RESOLVED, That any liability arising out of the performance of the Grant
4 Award Agreement, including civil court actions for damages, shall be the responsibility of
5 the grant recipient and the authorizing agency, and that the State of California and the
6 California Department of Insurance disclaim responsibility for any such liability; and, be it

7 FURTHER RESOLVED, That the grant funds received hereunder shall not be used
8 to supplant expenditures controlled by the Board of Supervisors.

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1 Recommended:

Approved: _____ /s/ _____

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London N. Breed

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Mayor

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_____ /s/ _____

5 Brooke Jenkins

Approved: _____ /s/ _____

6 District Attorney

Greg Wagner

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Controller

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File Number: 241073
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Automobile Insurance Fraud Program**
2. Department: **Office of the District Attorney**
3. Contact Person: **Lorna Garrido** Telephone: **(628) 652-4035**
4. Grant Approval Status (check one):
 Approved by funding agency Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$318,857**
6. a. Matching Funds Required: **\$0**
b. Source(s) of matching funds (if applicable): **n/a**
7. a. Grant Source Agency: **California Department of Insurance**
b. Grant Pass-Through Agency (if applicable): **n/a**

8. Proposed Grant Project Summary: **To provide enhanced investigation and prosecution of automobile insurance fraud cases, including the application process and subsequent reporting requirements as set forth in the California Insurance Code, Section 1872.8, California Code of Regulations, Title 10, Section 2698.60 et seq.**

9. Grant Project Schedule, as allowed in approval documents, or as proposed:
Start-Date: **July 1, 2024** End-Date: **June 30, 2025**

10. a. Amount budgeted for contractual services: **\$0**
b. Will contractual services be put out to bid? **n/a**
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **n/a**
d. Is this likely to be a one-time or ongoing request for contracting out? **n/a**

11. a. Does the budget include indirect costs?
 Yes No
- b. 1. If yes, how much? **\$20,364**
b. 2. How was the amount calculated? **10% of \$203,644 total salaries = \$20,364**
- c. 1. If no, why are indirect costs not included? **n/a**
 Not allowed by granting agency To maximize use of grant funds on direct services
 Other (please explain):
c. 2. If no indirect costs are included, what would have been the indirect costs? **n/a**

12. Any other significant grant requirements or comments:

We respectfully request an expedited Resolution. The City and County of San Francisco Budget and Appropriation Ordinance includes this recurring grant; however, it does not meet the California Department of Insurance resolution regulation. Thus, a separate resolution is necessary. Grant funds will not be released until the California Department of Insurance receives an original or certified copy of the Resolution. The Resolution must be received by the California Department of Insurance on or before January 2, 2025.

****Disability Access Checklist***(Department must forward a copy of all completed Grant Information Forms to the Mayor’s Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s) | <input checked="" type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s) | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s) |
| <input type="checkbox"/> New Site(s) | <input type="checkbox"/> New Structure(s) | |

14. The Departmental ADA Coordinator or the Mayor’s Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor’s Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor’s Office of Disability Reviewer:

Jessica Geiger
(Name)

Facilities Manager
(Title)

Date Reviewed: Sep 27, 2024

Jessica Geiger
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Eugene Clendinen
(Name)

Chief, Administration and Finance
(Title)

Date Reviewed: Sep 27, 2024

Eugene Clendinen
(Signature Required)

Application Report



Applicant Organization:

San Francisco

Project Name: 24-25.AF.SF

Application ID: App-24-287

Funding Announcement: FY 24-25 Automobile Insurance Fraud Program

Requested Amount: \$336,480.00

Project Summary: SFDA Auto Insurance Fraud Grant

Authorized Certifying Official: Tina Nunes Ober Tina.NunesOber@sfgov.org 628-652-4190

Project Director/Manager: Tina Nunes Ober Tina.NunesOber@sfgov.org 628-652-4190

Case Statistics / Data Reporter: Tina Nunes Ober Tina.NunesOber@sfgov.org 628-652-4190

Compliance/Fiscal Officer: Eugene Clendinen eugene.clendinen@sfgov.org 3283524030

Section Name: Overview Questions

Sub Section Name: General Information

1. Applicant Question: Multi-County Grant

Is this a multi-county grant application request? If Yes, select the additional counties.

Applicant Response:

No

2. Applicant Question: FY 22-23 Audited Unexpended Funds

Excluding interest, what was the amount of your FY 22-23 Audited Unexpended Funds? If none, enter "0".

Applicant Response:

\$15,862.00

3. Applicant Question: FY 22-23 Audited Unexpended Funds Percentage of FY 22-23 Award

Your FY 22-23 Audited Unexpended Funds are what percentage of your FY 22-23 total award? If none, enter "0".

Total Award excludes interest earned and incoming carryover. To calculate percentage, divide your audited unexpended funds by your total award. Round to the nearest whole number.

Example:

FY 22-23 Total Award: \$100,000

FY 22-23 Audited Unexpended Funds: \$23,750

FY 22-23 Audited Unexpended Funds Percentage: 24%

Applicant Response:

5.00%

4. Applicant Question: Contact Updates

Has your county's Admin User updated the Contacts and Users for your Program?

- o **Contacts** are those, such as your elected District Attorney, who need to be identified but do not need access to GMS.
- o **Users** are those individuals who will be entering information/uploading into GMS for the application. **Confidential Users** have access to everything in all your grant applications. **Standard Users** do not have access to the Confidential Sections where Investigation Activity is reported. Typical Standard Users are budget personnel.

Applicant Response:

Yes

5. Applicant Question: Program Contacts

Identify the individuals who will serve as the Program Contacts and your Elected District Attorney. Your Program Contacts must be entered as a User and your Elected District Attorney may be a Contact or User in GMS. Contact your county's Admin User if an individual needs to be added or updated.

On the final submission page, you will link your Program Contacts to the application.

Project Director/Manager is the individual ultimately responsible for the program. This person must be a Confidential User.

Case Statistics/Data Reporter is the individual responsible for entering the statistics into the DAR (District Attorney Program Report). This person should be a Confidential User.

Compliance/Fiscal Officer is the individual responsible for all fiscal matters relating to the program. This person is usually a Standard User.

Elected District Attorney is your county's elected official. This person must be entered as a Contact or a User.

Applicant Response:

Program Contacts	Name
Project Director / Manager	Tina Nunes Ober
Case Statistics / Data Reporter	Tina Nunes Ober
Compliance / Fiscal Officer	Eugene Clendinen
Elected District Attorney	Brooke Jenkins

6. Applicant Question: Statistical Reporting Requirements

Do you acknowledge the County is responsible for separately submitting a Program Report using the CDI website, DA Portal?

To access the DAR webpage on the CDI website: right click on the following link to open a new tab, or copy the URL into your browser.

<http://www.insurance.ca.gov/0300-fraud/0100-fraud-division-overview/10-anti-fraud-prog/dareporting.cfm>

As a reminder, Vertical Prosecutions should not be counted as an Investigation, a Joint Investigation, or an Assist in the DAR.

Applicant Response:

Yes

7. Applicant Question: Required Documents Upload

Have you reviewed the Application Upload List and properly named and uploaded the documents into your Document Library?

To view/download the Application Upload List: go the Announcement, click View, and at the top of the page select Attachments. Items must be uploaded into the Document Library before you can attach them to the upcoming questions.

Applicant Response:

Yes

Sub Section Name: BOS Resolution

1. Applicant Question: BOS Resolution

Have you uploaded a Board of Supervisors (BOS) Resolution to the Document Library and attached it to this question?

A BOS Resolution for the new grant period must be uploaded to GMS to receive funding for the 2024-2025 Fiscal Year. If

the resolution cannot be submitted with the application, it must be uploaded no later than January 2, 2025. There is a sample with instructions located in the Announcement Attachments, 3b.

Applicant Response:

No

2. Applicant Question: Delegated Authority Designation

Choose from the selection who will be the person submitting this application, signing the Grant Award Agreement (GAA) in GMS, and approving any amendments thereof.

The person selected must be a Confidential User, who will attest their authority and link their contact record on the submission page of this application. A sample Designated Authority Letter is located in the Announcement Attachments, 3a. CDI encourages the contact named as Project Director/Manger be the designated authority, should that be your selection.

Applicant Response:

Designated Person named in Attached Letter

Attachment:

24-25.SF.Designated Authority Letter.pdf - PDF FILE

Section Name: County Plan

Sub Section Name: Qualifications and Successes

1. Applicant Question: Successes

What areas of your automobile insurance fraud program were successful and why?

Detail your program's successes for ONLY the 22-23 and 23-24 Fiscal Years. It is not necessary to list every case. If a case is being reported in more than one insurance fraud grant program, clearly identify the component(s) that apply to this program. If you are including any task force cases in your caseload, name the task force and your county personnel's specific involvement/role in the case(s). Information regarding investigations should be given a reference number and details provided only in the Confidential Section, question 1 (County Plan Confidential Investigation Details).

Applicant Response:

SFDA believes that success is built on relationships. We also understand that we cannot succeed if we are not willing to routinely review our systems and procedures with a constant eye toward improving them.

In 2022 we centralized collection and maintenance of all referrals (FD-1"s) from all sources. Our IT staff (unfunded resource) created an e-mail inbox, SFDA-InsuranceFraud@sfgov.org, for the receipt of all FD-1"s and possible referrals from any sources, such as the general public or SIU's. We contacted all the SIU's with whom we work and requested that all referrals be sent to this e-mail address. We did the same with CDI. We put the address on our website, as well. Having all referrals go to one central inbox has made it easier for us to track our referrals. Our paralegal, Valerie Blasi (unfunded contribution), opens up all the e-mails received and forwards them to the program director and the supervising investigator (both unfunded resources).

We streamlined our process by having all FD-1"s go through an initial review by the program director and/or the supervising investigator This has proven to be an efficient system where we are saving time and resources by closing unprovable cases very early in the process. Cases that appear to be provable, at least at the early stages, are promptly assigned to an attorney and an investigator. It also assists the SIU's as they do not have to guess or question to whom they should send a referral and they receive a timely response to their referral. The e-mail address is also on the SFDA website where it can be easily located by anyone needing to send a referral.

Prior to creating the e-mail inbox, SIU's would send their FD-1's to the ADA or Investigator with whom they had previously worked. This made it difficult to know what each attorney or investigator's caseload looked like in terms of how many and what types of cases he or she had. Valerie Blasi, our paralegal, uploads all the referrals into our office's case management database. Our new system also ensures that all referrals are documented, and all decisions are fully and transparently documented in the database. This makes keeping our statistics simpler and ensures greater accuracy.

SFDA also successfully launched a new case management database. E-Prosecutor. E-prosecutor can be specially tailored for our unit when needed. It allows us to better track our cases.

SFDA continues to work on building stronger and better relationships with partnering agencies. We have been meeting in person on a routine basis with our partners at the CDI Golden Gate Regional Office. All the SFDA program attorneys and investigators are expected to attend unless they are in court or on vacation. We have been able to discuss our joint cases as well as any cases CDI will be presenting to us for prosecution. We look forward to continuing our close relationship with the Golden Gate Regional Office.

SFDA also instituted in-house monthly team meetings to discuss FD-1's as well as cases in court. This meeting has proven effective in keeping us on task and up to date on our cases. We also learn from one another and get different viewpoints on cases.

This year we also took advantage of training opportunities. Two attorneys attended the CDAA Fraud Symposium in February of this year. It was a great opportunity for us to learn from our colleagues across the state. It also provided a great opportunity to network with our colleagues across California. These relationships are invaluable. We also sent a paralegal, three attorneys and two investigators to the Anti-Fraud Alliance Conference in April.

We had success in the following cases:

People v. Adam Eatia

SFDA filed charges against Eatia, a peace officer, relating to his purchase of a 2018 Ford Mustang. Another officer helped Eatia purchase the vehicle and insured it under his name through Mercury Insurance. Eatia was not disclosed as a driver anywhere on the application.

After an accident in July 2018, Eatia committed insurance fraud by failing to disclose he was the primary driver of the Mustang and claimed he only occasionally borrowed the vehicle. While Mercury took steps to cancel the policy due to Eatia's unauthorized driving, they still paid out over \$6,000 in claims relating to this accident, including for a rental car used by Eatia.

In March 2019, Eatia obtained another insurance policy through Allstate Insurance Company in his friend's name. Subsequent to obtaining the new Allstate Insurance policy, Eatia lent the car to another friend and this friend totaled the car in an accident. Eatia told the friend that the car was not insured and demanded the friend pay him over \$40,000 for the car. After accepting this payment, Eatia also filed a claim with Allstate under the vehicle owner's name. Through this claim, Allstate paid out more than \$36,000, resulting in an almost double recovery of funds for the defendant.

In this matter, Eatia is charged in a felony information with violations of PC 487(a), a felony; 2 counts of PC 550(b)(1), a felony; 2 counts of PC 550(b)(2), a felony; 2 counts of PC 550(b)(3), a felony; PC 470(a), a felony; and PC 530.5(a). ADA Stephanie Zudekoff conducted a preliminary hearing in this case which is now awaiting trial or resolution. ADA Tony Hernandez is now the assigned attorney.

People v. Daniel Brosch

ADA Rebecca Friedemann Zhong, filed a standard auto fraud case (*People v. Daniel Brosch*, Case No. 22012182) in 2022. While driving his then-girlfriend's Jeep in June 2021, Brosch slammed into another car with such force that he totaled it and left the Jeep inoperable. The driver of the other car was insured by CSAA Insurance and reported the accident that same day. Brosch did not have insurance. Instead of paying out of pocket for the damage he caused, he quickly purchased an insurance policy from Esurance. He waited for the policy to take effect. Then he called Esurance to file a claim for the accident, falsely claiming the date of loss was after the policy took effect rather than when the loss actually occurred. When Esurance investigated Brosch's fraudulent claim, he doubled down on his lies by making false and misleading statements about the date of the accident (among other things), so that Esurance would foot the bill for the damage he caused. Had Brosch's crash-and-buy insurance fraud scheme succeeded, Esurance would have been responsible for the almost \$30,000 in damages that he caused to the other driver.

ADA Zhong worked with our former Program Inspector John O'Reilly to bring charges against Brosch for felony insurance fraud in violation of Penal Code sections 550(a)(1) and 550(b)(1). On January 10, 2023, Brosch was held to answer on both counts. ADA Zhong negotiated a disposition for a plea to felony insurance fraud. Defendant was sentenced to prison time due to his criminal history and other pending cases.

People v. Gretchko, et al

Through the collaborative efforts of ADA Alex Feigen Fasteau, then Program District Attorney Investigator Pollie Pent, and a Farmers Insurance SIU, the SFDA Program investigated and successfully prosecuted a multi-faceted organized auto insurance fraud enterprise. The case involves a local franchise of Super Shuttle: a private ground transportation company that serviced major cities and airports throughout the world.

Brother and sister franchisees, Sergey and Lyudmila Grechko, together with three passenger vehicle owners insured by Farmers, were charged with submitting multiple fraudulent claims from 2011-2015, resulting from staged shuttle vans versus passenger car collisions. Four of five defendants were arrested and charged with staging accidents between high-end cars and Super Shuttle vans owned by the Grechkos. Vadzim Klimasheuski, the suspect for whom an arrest warrant is outstanding and may be residing in a country from which we cannot extradite, was the capper orchestrating the fraud scheme. The defendants claimed that they acted out of fear of Vadzim Klimasheuski; he intimidated them, and they knew him to be involved in an organized crime ring.

Within the six months leading up to the collisions, defendants Mykhailo Fomin and Illia Suhaka, together with Vadzim Klimasheuski insured their high-end cars, using false or stolen identities. All of the staged collisions occurred in the late night and early morning hours on Treasure Island. In one of them, a driver was injured. In each instance, the defendants claimed that the individual drivers of each passenger vehicle, as opposed to the Shuttle drivers, were at fault in the collisions.

Knowing that the Super Shuttle vans would not be used for business while they were being repaired, the franchise-owning siblings inflated their loss by up to \$20,000 a claim, lying about how much business they had engaged in prior to the collisions. The insurer paid out nearly \$200,000 as a result of this fraud. Together the defendants were charged with a total of seventy-eight counts, including identity-theft, conspiracy, staging automobile collisions, and insurance fraud.

Of particular concern here was the fact that the fraud involved a door-to-door, shared ride airport shuttle service. Given the high volume of passenger activity at San Francisco International Airport (SFO) as well as San Francisco's dense population and high concentration of roadways, the suspects in this case were in contact with many members of the public and traveling on numerous streets and highways in and around our city. SFO is located just 13 miles south of downtown San Francisco and is under the jurisdiction of the City and County of San Francisco. In 2014 alone, SFO enplaned and deplaned a total of 47,074,162 domestic and international passengers, accounting for 70.9 of Bay Area airport market share. Fifty-eight airlines were operating out of SFO at that time, and it continues to be a major international gateway to Asia and Europe.

On September 27, 2023, the four defendants pled guilty. Mr. Suhaka pled guilty to a felony violation of Penal Code 32, Accessory, as a Felony, for 2 years of formal probation and 1 month of jail to be served through electronic monitoring. He also paid \$3,251.95 to Farmers. Sergey Grechko and Lyudmila Grechko pled to 5 counts of PC 550(b)(2), Insurance Fraud, as misdemeanors, for 1 year of formal probation and 6 months of jail that could be served through home detention/ electronic monitoring. As they were jointly and severally liable with one another, they together paid \$165,262.38 in restitution to Farmers. Also, Mr. Fomin pled guilty to felony Penal Code 32, Accessory, for 2 years formal probation and 6

months of county jail that could be served through electronic monitoring/ home detention. He paid \$21,379.15 Farmers. With these guilty pleas, Farmers has now been fully compensated for their losses.

People v. Ahriwar

ADA Rebecca Zhong filed felony insurance fraud charges against the defendant in May 2024. He was arrested in June 2024. On September 13, 2022, the defendant was driving his 2014 Tesla in San Francisco in the Mission District. Another driver was waiting in heavy traffic at a traffic light when the defendant rear ended his car while attempting to go around him into an empty right lane. Both drivers stopped and exchanged information. The other driver did not notice that the defendant's insurance was expired. Defendant told the other driver that he did not want to file a claim and would pay for the damages out of pocket.

Defendant had storage only insurance on his car and had registered it as "Planned Non-Operation." After the accident he paid the auto body shop directly for the over \$7,000 damage he caused to the other driver's 2011 BMW. He also reimbursed the other driver for a rental car for the 4 weeks his car was in the shop. Defendant then changed his coverage twice and gave a false date for the accident when he subsequently made a claim where he fraudulently attempted to get reimbursed for the costs of repair and the rental car for the other driver. The insurance company paid for repair of defendant's car at a loss of over \$8,000. Defendant then contacted the other driver and asked him to lie about the date of the accident. The other driver refused.

2. Applicant Question: Task Forces and Agencies

List the governmental agencies and task forces you have worked with to develop potential automobile insurance fraud cases.

Applicant Response:

- California Department of Insurance (CDI)
- National Insurance Crime Bureau (NICB)
- Department of Motor Vehicles (DMV)
- San Francisco Police Department (SFPD)
- California Highway Patrol (CHP)
- Bureau of Automotive Repair (BAR)

3. Applicant Question: Unfunded Contributions

Specify any unfunded contributions and support (i.e., financial, equipment, personnel, and technology) your county provided in Fiscal Year 23-24 to the automobile insurance fraud program.

Applicant Response:

SFDA program prosecutors are only partially funded by the CDI grant program. The program is supervised by Managing Assistant District Attorney, Tina Nunes Ober. Ms. Nunes Ober's salary is an unfunded contribution. She oversees both CDI grant funded programs (auto and workers compensation). As the program director, Ms. Nunes Ober reviews all FD- 1's which are submitted to the SFDA. She makes the initial decision on whether or not there is sufficient evidence at the early stages to allow SFDA to pursue further investigation on the case. If the case does not appear to be viable, she will close it out. Making these decisions early saves time for the funded program attorneys and investigator.

In addition, Ms. Nunes Ober reviews all search and arrest warrants, conducts regular team meetings, and oversees the prosecution of all auto fraud cases. She is the main contact for our partner agencies and collaborates with them on joint cases.

Lieutenant Molly Braun supervises the program investigator. Her salary is also paid through the SFDA general budget. Lt. Braun assists the program investigator with drafting search and arrest warrants. She also coordinates the execution of search and arrest warrants when it is a large operation requiring assistance from partner agencies such as CDI. Lt. Braun will also do initial reviews of FD-1's with the program director.

SFDA utilizes the skills and talents of its paralegal team to ensure the success of the auto insurance fraud program. They are all unfunded. Paralegal Valerie Blasi monitors the SFDA Insurance Fraud e-mail inbox. She uploads all FD-1's received into the SFDA data management system. Ms. Blasi maintains and assists in reporting all the program statistics. None of SFDA paralegal staff are grant funded. They all assist in drafting pleadings, downloading and discovering evidence (which can be voluminous) and in maintaining our electronic case files. Ms. Blasi attends all of the meetings with CDI Golden Gate Regional Office so that she can keep updated notes on our cases. She is often the main contact for our team. This year, Ms. Blasi planned a roundtable with SIU's and SFDA to discuss FD-1's, investigations and trends in auto fraud. We conducted that training in May 2024.

SFDA employs numerous talented volunteer law students and undergraduate students throughout the year. Our internship program has allowed us the opportunity to work with enthusiastic and bright students from schools throughout the bay area. These students provide assistance on our cases by conducting legal research, drafting pleadings and organizing evidence and data. They are all unfunded contributions to the SFDA program.

SFDA has a well-trained and knowledgeable technology team which is also unfunded. SFDA IT team created the SFDA insurance Fraud email inbox for the collection of referrals to the office. The IT Team assists the program with all technology needs to ensure we are maintaining all of our data and evidence securely. SFDA's Communications Team also coordinates the drafting and dissemination of press releases which allow us to inform and educate the public about our auto insurance fraud cases. They are also an unfunded contribution.

4. Applicant Question: Personnel Continuity

Explain what your county is doing to achieve and preserve automobile fraud institutional knowledge in your grant program. Also detail and explain the turnover or continuity of personnel assigned to your automobile insurance fraud program. Include any rotational policies your county may have.

Applicant Response:

The San Francisco District Attorney's Office does not have a formal rotations practice although personnel rotations are not uncommon. However, the Office understands the importance of continuity when investigating and prosecuting

complex automobile insurance fraud cases. Maintaining control over investigations and fostering relationships with outside agencies such as CDI, NICB and carrier SIUs is crucial to our Program's success, which is why the San Francisco District Attorney's Office strives to ensure that experienced law enforcement professionals are assigned to the Program.

Assistant District Attorney Alex Fasteau served as a Program prosecutor from March 2016 through May 2024. ADA Fasteau worked for the San Francisco Attorney's Office for 20 years. ADA Fasteau is a very experienced attorney who has had 45 jury trials during their 20 years as a prosecutor. They previously worked at the Solano County District Attorney's Office. ADA Fasteau has spent most of their career in the following specialized units: Economic Crimes, Child Abduction, Child Abuse and Sexual Assault, Public Integrity, and Domestic Violence. They have tried complex cases involving charges of premeditated attempted murder, aggravated mayhem, torture, stalking, domestic violence, criminal threats, possession and distribution of child pornography, child molestation, and child endangerment resulting in death. As a member of the Economic Crimes Unit, they prosecuted cases involving workers' compensation insurance fraud, medical provider fraud, life insurance and annuity fraud, and major fraud/embezzlement. ADA Fasteau graduated, Phi Beta Kappa in Economics, from the University of California, Berkeley, where they also attended law school. They speak Spanish fluently. ADA Fasteau left SFDA shortly before this application was submitted. Their position has already been filled by an experienced prosecutor who was specifically recruited for this position and is scheduled to start on July 8, 2024.

Assistant District Attorney Stephanie Zudekoff was with the program for close to 6 years. She received her Bachelor of Arts from the University of Georgia and her law degree from Georgia State University, College of Law. Ms. Zudekoff practiced law for several years in Georgia, including with the Georgia Attorney General's Office. Since joining the SFDA Economic Crimes Unit, she has successfully litigated and resolved automobile insurance fraud cases, she has also prosecuted workers' compensation insurance fraud and public assistance fraud. ADA Zudekoff was reassigned to SFDA's Organized Retail Theft Grant unit in October 2023.

Assistant District Attorney Rebecca Zhong has been with the program for two years. Ms. Zhong joined the Economic Crimes Unit after completing a rotation in the SFDA's General Felonies Unit where she obtained courtroom experience. ADA Zhong came to SFDA from private practice at a large law firm where she handled white collar defense. She is a 2018 graduate of the University of California, Davis, School of Law and received her undergraduate degree from the University of Pennsylvania. She is proficient in Spanish. ADA Zhong has taken on many challenges in her first two years on the team. She completed an auto insurance crash and buy preliminary hearing and then settled the case prior to trial. In an effort to obtain jury trial experience, she took a hand-off trial from a departing attorney in our White-Collar Division. Ms. Zhong successfully prosecuted the case and secured a felony conviction. Completing her first jury trial was a milestone in her career and will serve to make her a better and stronger program prosecutor.

Assistant District Attorney Antonio Hernandez replaced ADA Zudekoff when she was reassigned. ADA Hernandez has been a prosecutor for 26 years. He has prosecuted a variety of crimes. Prior to moving to insurance fraud prosecutions, he was handling real estate and public assistance fraud and asset forfeiture for 10 years. ADA Hernandez is a graduate of the University of California, San Diego and the University of California, San Francisco, School of Law. ADA Hernandez took over ADA Zudekoff's caseload.

Managing Assistant District Attorney Tina Nunes Ober has been the Program Director since March 2022. She continues to work on ways to expand SFDA's caseloads and maintain staffing levels while learning more about all types of insurance fraud schemes. Ms. Nunes Ober is a 30-year career prosecutor with experience in prosecuting a variety of crime, both criminally and civilly. She has worked at three District Attorney's Offices across the state of California and is a cum laude graduate of Boston University and Suffolk University Law School.

District Attorney Inspector Lessa Vivian joined the auto fraud program in May of last year. Inspector Vivian has been with the SFDA Investigations since March of 2018 where she has worked in the Trial Preparation Unit, the Special Investigations Unit and the Child Assault and Sexual Assault Unit, as well as the Child Abduction and Recovery Unit. Inspector Vivian has a Bachelor of Arts from Sonoma State University. She joined the Mill Valley Police Department after graduating from the Police Academy in 2000. While a peace officer at the Mill Valley Police Department, Inspector Vivian worked in Patrol and Investigations. Inspector Vivian will be returning to the sexual assault unit this summer.

SFDA recently hired Investigator George Koutsoubus to join the auto insurance fraud program. Investigator Koutsoubus has 21 years of law enforcement experience, including 10.5 years with the Alameda Police Department and prior to that he worked with the Mariposa County and the Contra Costa County Sheriffs' Departments. He has wide ranging experience in all types of investigations. SFDA looks forward to working with Investigator Koutsoubus.

Lieutenant Molly Braun has been the supervising investigator for the Economic Crimes Unit for 4 years. Prior to joining SFDA Investigations, she was a peace officer with the San Francisco Police Department. Lt. Braun has investigated many types of crimes, including sexual assaults and child abduction.

5. Applicant Question: Frozen Assets Distribution

Were any frozen assets distributed in the current reporting period?

If yes, please describe. Assets may have been frozen in previous years.

Applicant Response:

No

Sub Section Name: Staffing

1. Applicant Question: Staffing List

Complete the chart and list the individuals working the program. Include prosecutor(s), investigator(s), support staff, and any vacant positions to be filled.

All staff listed in your application budget must be included in the chart.

For each person, list the percentage of time dedicated to the program and the start and end dates the individual is in the program. The entry in the "% Time" field must be a whole number, i.e. an employee who dedicates 80% of their time to the program but is only billed 20% to the program, would be entered as "80" in the "% time Dedicated to the Program".

Applicant Response:

Name	Role	Start Date	End Date (leave blank if N/A)	% Time Dedicated to the Program
Antonio Hernandez	Assistant District Attorney	01/20/2023		15
Rebecca Zhong	Assistant District Attorney	07/01/2022		15
TBD	Assistant District Attorney			22
Lessa Vivian	Investigator	05/01/2023		50

Applicant Comment:

Investigator Vivian will be transitioning off the team in the summer and Investigator Koutsoubus will be the sole investigator on the grant.

2. Applicant Question: FTE and Position Count

The staff and FTE included in the chart below MUST MATCH the staff and FTE listed in your application budget. Do not include unfunded personnel.

The "# of Positions" field represents people and must be entered in whole numbers. The "FTE" field must be entered as a decimal and represents the Full Time Equivalent (FTE) for all budgeted personnel in that position.

E.g. Two Attorneys who are billed to the program at 80% each would be entered as "2" in the # of Positions field and "1.60" in the FTE field.

Reminder: This chart MUST match your application budget.

Applicant Response:

Salary by Position	# of Positions (whole numbers)	FTE (1.00 = 2080 hours/year)
Supervising Attorneys		
Attorneys	3	.52
Supervising Investigators		
Investigators (Sworn)	1	.50
Investigators (Non-Sworn)		
Investigative Assistants		
Forensic Accountant/Auditor		
Support Staff Supervisor		
Paralegal/Analyst/Legal Assistant/etc.		
Clerical Staff		
Student Assistants		
Over Time: Investigators		
Over Time: Other Staff		
Salary by Position, other		
	Total: 4.00	Total: 1.02

3. Applicant Question: Organizational Chart

Upload and attach to this question an Organizational Chart; label it "24-25 AUTO (county name) Org Chart".

The organizational chart should outline:

- *Personnel assigned to the program. Identify their position, title, and placement in the lines of authority to the elected district attorney.*
- *The placement of the program staff and their program responsibility.*

Applicant Response:

24-25.WC.SF.Org Chart.pptx - POWERPOINT PRESENTATION

Sub Section Name: Problem Statement & Program Strategy

1. Applicant Question: Problem Statement

Describe the types and magnitude of automobile insurance fraud (e.g., applicant, medical/legal provider, staged collisions, insider fraud, fraud ring, capping, and economic car theft) relative to the extent of the problem specific to your county.

Use local data or other evidence to support your description.

Applicant Response:

Automobile insurance fraud is generally motivated by greed and the prospect of financial gain. The fraud can exist whether it is an uninsured driver who is seeking coverage after an accident, or a body shop owner looking to make money, by deceiving an insured or a carrier, that a car was repaired as estimated when in reality, substandard replacement parts were used or the repair itself was substandard. Basic greed appears to motivate each offender, whether small- or large scale fraud is involved.

Opportunities present themselves when first-time uninsured offenders look to capitalize on a single, quick and easy fraudulent claim to pay for damages or injuries. On the other hand, repeat offenders—encouraged by past success—continue to defraud insurance carriers on either subsequent claims or large scale scams carried out in a more sophisticated manner.

SFDA continues to review referrals, open investigations, and prosecute cases involving fraud perpetrated by those who orchestrate or stage accidents, as well as insurance insiders who abuse their positions to cheat victim carriers, We also pursued dishonest repair facilities, medical providers, and anyone else who seeks to capitalize on the claims process by defrauding the system.

Automobile insurance fraud presents obvious costs to the insurance industry at large, as carriers are faced with absorbing the cost of fraudulent claims, costs of internal investigations and costs associated with assisting law enforcement and testifying in court proceedings. Fraud also costs law-abiding consumers who diligently pay their auto insurance premiums as they face increased prices when carriers must raise rates to cover costs associated with losses suffered as a result of criminal activity. Fraud also presents costs to law enforcement agencies such as District Attorney's Offices, the Enforcement Branch of CDI, and local police agencies, tasked with investigating and prosecuting auto fraud cases. Moreover, successful, unrestrained fraudsters invite others to follow their lead.

A unique aspect of San Francisco is its dense population and high concentration of roadways, indicating the prevalent role of cars in the city. According to 2022 data from the US Census, San Francisco has a population of 808,451 people over a small geographic space (49 square miles). And according to a 2018 report from San Francisco Municipal Transit Authority (SFMTA), 450,000 cars enter San Francisco daily. And while those numbers went down significantly during the pandemic, the traffic has steadily returned.

Even though San Francisco has lost residents, it is still very densely populated with an estimated population density of 18,629.1 people per square mile of land. The City and County of San Francisco (CCSF) has 1,088 total miles of roads, 59 of which are freeway, including off ramps and on ramps and freeway to freeway exchanges. Both Highway 1 and Route 101 run through San Francisco on surface streets, 19th Avenue and Van Ness Avenue, respectively. In all San Francisco has 19,500,000 square feet of paved street area and an estimated 7,200 intersections. San Francisco's street pattern is much more grid-like than the more suburban communities that surround CCSF. These statistics emphasize the role that cars play in San Francisco.

According to recent statistics from SFMTA, the annual total fatal vehicle collisions in CCSF was 20 in 2017, 23 in 2018, 29 in 2019, 30 in 2020, 27 in 2021 and 39 in 2022, 26 in 2023 and 12, as of March 2024. Vision Zero SF identified San Francisco as the city with the most factors that contribute to dangerous driving conditions in California. The study took into account collision rates, injury rates, alcohol-related crash rates, speed-related crash rates, hit and run rates, and population density.

San Francisco is densely populated and has a high number of streets and intersections for a city of its geographical size. Judging by the large number of injury accidents, it is safe to assume that San Francisco experiences an even greater number of property-only accidents than a jurisdiction with lower population density, longer distances between intersections and freeways that are separated from surface streets. Property only accidents are not documented in police reports which makes it easier for auto body shops to overestimate or exaggerate damages. Additionally, many property-only collisions occur at slower speeds due to traffic patterns and shorter distances between intersections. Smaller claims receive less scrutiny from auto insurance carriers which in turn provides opportunities for fraudulent claims.

San Francisco has a large population of residents who are foreign-born and whose primary language is not English. US Census statistics from 2021 show that 34.3% of San Francisco residents were foreign-born and 44% spoke a language other than English in their homes. The corresponding losses due to fraud flow in two directions; 1) The individual whose primary language is not English is more likely to be defrauded by way of poor-quality repairs; and 2) The insurance carrier is defrauded by way of paying for substandard work.

Insurance fraud in San Francisco is driven by a combination of the above-referenced factors and unique demographics that contribute to creating an environment for local autobody and repair shops to defraud insurance carriers and customers. Fraudsters can exploit the language barriers.

One example is a complex case, *People v Kenneth Jones*. This case involves an owner and employees of a large autobody shop (Bee Automotive). The autobody shop runs a towing storage company, a vehicle rental company, and an auto insurance company. Affiliates are suspected of staging collisions or filing claims for pre-existing damages and falsifying circumstances of collisions that never occurred, oftentimes using their own vehicles. The body shop then seeks coverage for fraudulent tow fees and inordinately high vehicle storage fees. In some cases, the shop uses substandard parts to repair at a lower cost than what they fraudulently billed the insurance companies. There were complaints from 9 carriers related to this one shop. Claims go back over a 13-year period. In this case, the defendant also fraudulently issued a fake auto policy to a victim, while he pretended to be an insurance agent. The victim thought she had purchased insurance. Mr. Jones used a Mandarin speaking individual at the dealership, where the victim bought her car, to conduct the transaction while the victim was still at the dealership. The victim paid over \$2,300 in what she was told was the premium. Jones issued a fake insurance card. Only when the victim was involved in an accident did she learn that she really had no insurance.

The SFDA filed a five-co-defendant case, *People v Grechko et al*. This case involves the staging of five accidents between SuperShuttle airport transportation vans and high value older model vehicles and the filing of false insurance claims. It highlights San Francisco as a world-wide tourist destination where airport transportation is a big business. Two of the five defendants, the Grechko siblings, owned a SuperShuttle franchise and staged collisions on Treasure Island, an isolated area of the city, during late night and early morning hours. To obtain automobile insurance from Farmers Insurance company, on the older model, high value vehicles that would be used in the staged collisions, three of the co-defendants used fake names and International Driver's License numbers, or on one occasion, a stolen identity. The Grechkos further inflated their claimed damages by altering their SuperShuttle franchisee receipts to falsely reflect greater earnings prior to the collisions, thereby claiming artificially inflated "Loss of Use" insurance benefits. The financial loss to Farmers Insurance is approximately \$190,854.52. Four of the five co-defendants' cases

are currently in court and they are claiming they were mere pawns in a Russian crime ring, afraid of the fifth co-defendant who roped them into it and for whom arrest warrants remain outstanding. This case settled in 2023 and full restitution was obtained.

Insurance fraudsters can take advantage of individuals who do not speak English as their first language and are isolated due to cultural and language barriers. Insurance insiders can use those barriers to defraud innocent victims. A victim may feel more comfortable doing business with someone from the same background or who speaks their first language or with someone whom a family member or a friend has referred. In two of our cases, *People v Rios and Prado* and *People v Jones*, this is the type of fraud that occurred.

Another area of concern is towing companies and fraudulent and predatory towing practices. As described earlier, CCSF is very congested with both people and cars. There are many opportunities for those with fraudulent intent to take advantage of carriers and consumers. SFDA is currently investigating a towing company and partner autobody shop. We have received multiple FD-1's about these two businesses as well as consumer complaints through our Consumer Mediation Unit and from law enforcement partners at SFPD and CHP. Case #WCC-23-40551 involves a San Francisco based towing company. The owner first came to our unit's attention after an informational meeting with officers from SFPD's towing permits department and CHP's towing rotation department. The officers in these units regularly receive citizen complaints regarding this company and their towing operators. Those complaints suggest that this company could be engaging in a variety of fraud schemes, including, but not limited to: (1) charging baseless fees, (2) "fishing" for vehicles, (3) "scoop and swipes", and (4) fraudulent insurance company invoice submissions, to name a few.

Upon receiving this information, we reached out to our agency partners at CDI and NICB to see if any insurance companies had ever submitted FD-1s for this company or its owner. We received 22 FD-1s filed related to this individual and/or company going back to 2019. Thanks to our NICB partners, we connected with an SIU from CSAA who alerted us to approximately 23 incidents involving this individual and the towing company.

So far, our investigation has revealed that not only is the owner possibly engaging in multiple fraudulent schemes, but that he is utilizing other businesses to further his schemes. This individual either owns or operates a San Francisco-based body shop, which comes up frequently in the citizen complaints and FD-1s we have reviewed. Additionally, we have discovered information that this suspect could be underreporting his payroll to his workers' compensation insurance carrier, SCIF. We believe this investigation will likely be a very complex fraud investigation. We believe this investigation may lead to the discovery of not only auto fraud, but workers' compensation premium fraud, as well as charges relating to theft by false pretenses and vehicle code violations for charging unauthorized fees.

At this time, this is not a joint investigation. However, our program investigator and program prosecutors, Rebecca Zhong and Tony Hernandez, are continuing to work with SFPD, CHP, CDI and NICB during the course of this investigation. We are still in the beginning stages of this ongoing investigation. However, we believe this case has implications for carriers and the public and we intend to devote sufficient resources to fully investigate the suspected wrongdoing by this suspect and the towing company and associated auto body shop.

2. Applicant Question: Problem Resolution Plan

Explain how your county plans to resolve the problem described in your problem statement. Include improvements in your program.

Information regarding investigations should be given a reference number and details provided only in the Confidential Section, question 1 (County Plan Confidential Investigation Details).

Specify how the district attorney will address the automobile insurance fraud problem, defined in the Problem Statement, through the use of program funds. The discussion should include the steps that will be taken to address the problem, as well as the estimated time frame(s) to achieve program objectives and activities.

The response should describe:

- The manner in which the district attorney will develop his or her caseload;
- The sources for referrals of cases; and
- A description of how the district attorney will coordinate various sectors involved, including insurers, medical and legal providers, CDI, public agencies such as California Highway Patrol, Bureau of Automotive Repairs, U.S. Customs, and local law enforcement agencies.

Applicant Response:

The SFDA Program will continue to investigate and prosecute automobile insurance fraud through our renewed outreach efforts and the prosecution of viable cases.

We maintain close contact with CD I's Golden Gate Regional Office regarding case referrals and the status and direction of open investigations, to ensure that time and resources are allocated appropriately. Our frequent communications with CDI detectives ensure: (1) a collaborative working relationship; (2) the securing of all relevant, probative, and exculpatory evidence for prosecution; (3) the expedited filing of cases in court; and (3) the prompt closure of cases not viable for prosecution.

In addition, the managing attorney, the assigned Program prosecutors, and the assigned Program investigators continue to promote open lines of communication with SIUs from all different companies. We have always reached out to victim carriers, whether large or small, to help them improve upon their investigations and fraud referrals. We also regularly contact those insurance company witnesses who were involved in identifying the suspected criminal activity.

SFDA keeps up with the constant flow of FD-1's, reviewing them as they come in, to determine if they are provable cases. We continue to work with CDI to uncover fraud and build a larger caseload, as we know the fraud exists. With the shared goal of deterring budding fraudsters looking to prey on our community, together we can make a difference. This year we saw an increase in referrals.

SFDA is also forging a collaborative partnership with the National Insurance Crime Bureau (NICB). We have attended their auto fraud task force meetings in San Jose. We look forward to attending NICB trainings and learning more about how to investigate and successfully prosecute auto insurance fraud by using the vast data that NICB possesses and maintains.

Because resources are in limited supply, we are learning to do more with less and tapping into data and using that data efficiently and effectively can greatly assist in successfully investigating and prosecuting large, complex cases.

Despite some unexpected challenges in the last two years, SFDA has maintained stability in the auto fraud program. With the hiring of a very experienced investigator who is solely dedicated to investigating auto insurance fraud and the hiring of an experienced prosecutor to replace ADA Fasteau, SFDA will have long term stability in staffing.

We also updated our database, changing it to e-Prosecutor. E-Prosecutor has improved our office's case tracking, statistics keeping, record keeping, case charging, witness subpoenaing, and overall operations.

3. Applicant Question: Plans to Meet IC Goals**What are your plans to meet the announced goals of the Insurance Commissioner?**

If these goals are not realistic for your county, please state why they are not, and what goals you can achieve. Include your strategic plan to accomplish these goals. *Copies of the Goals can be found in the Announcement Attachments, 4f.*

Applicant Response:

The SFDA program attorneys and investigators maintain a balanced caseload and are constantly working on a variety of auto fraud cases. We have seen an increase in referrals of auto cases in the last fiscal year. This is a result of renewing and continuing to build a strong relationship with our partners at CDI, Golden Gate Regional Office. We meet with CDI on a regular basis to discuss cases. This collaboration has resulted in better communication with CDI and more cases being investigated.

We have maintained our staffing levels and all of our staff have been with the program for at least one year. And Investigator Vivian will continue with the program as Investigator Koutsoubus is learning the ropes in San Francisco.

We plan to work closely with all our law enforcement and SIU partners to provide training and outreach as well as to receive more training for our own staff. We are planning on attending CDAA's fraud training, AFA's Annual Anti-Fraud training, local task force meetings with NICB, as well as the NICB National Prosecutors Training in the fall.

SFDA has many opportunities to interact with the public at various street fairs and parades that occur throughout CCSF during the year. We can have information available to the public. We will also use social media to alert the public to scams and how to report them and how to avoid becoming a victim. We already use press releases to publicize convictions obtained after a jury trial and to announce arraignments of defendants charged with complex insurance fraud schemes. Publicizing our cases acts as a deterrent to budding fraudsters, warning them that there are consequences for committing these types of crimes.

4. Applicant Question: Multi-Year Goals

What specific goals do you have that require more than a single year to accomplish?

Applicant Response:

Education and outreach is a multi-year goal because it is difficult to reach all individuals who need to have the information in a single year. It is a multi-staged effort. We need to constantly work on methods to reach the public, the SIU's and law enforcement.

The SFDA Program prosecutors and investigators have begun to meet with SFPD and CHP officers to share information regarding auto fraud schemes, as well as to learn about auto fraud offenders and schemes from the officers who encounter them. Auto insurance fraud is a consumer protection issue and it is important for officers to understand how fraudsters and scammers operate so they can conduct the appropriate investigations and/or submit appropriate fraud referrals to our team. This outreach and collaboration resulted in the beginning of an investigation into a towing company. We plan to capitalize on this success and build upon this outreach effort by continuing to meet regularly with our law enforcement partners to educate and learn about auto fraud in our jurisdiction. These meetings have led to increased visibility and connections within the law enforcement community.

Despite this outreach success, we recognize that we can increase our outreach efforts. We plan to use San Francisco public events where the DA's office has an information booth or table to distribute information and educate our community on auto insurance fraud. We will also utilize social media to educate the public about auto insurance fraud scams. When we achieve successes in the courtroom on major cases, we always issue a press release as a means of education and deterrence for any budding scammer who thinks that there are no adverse consequences to breaking the laws.

Because auto insurance fraud is a consumer protection issue, it is also very important for the public to understand how fraudsters and scammers operate so they can avoid being victimized as well as know how to report suspected fraud. We have a large and diverse population whose first language is not English. We will therefore create materials in Mandarin, Spanish and English. We will also continue to seek out and take advantage of opportunities to meet with and provide training to SIUs.

We will continue to collaborate and work closely with partnering agencies, like NICB and CDI to develop cases and to learn from each other.

5. Applicant Question: Restitution and Fines

Describe the county's efforts and the district attorney's plan to obtain restitution and fines imposed by the court to the Automobile Fraud Account.

Applicant Response:

The SFDA Program actively seeks restitution in each prosecution involving automobile insurance fraud. Whenever feasible, we require that each defendant- as part of his/her plea agreement- make full and complete restitution on or before the date of sentencing. Included in the restitution calculations is the cost the carrier expended in investigating the claim. We require all restitution payments be made either by cashier's check or money order. Then, we notify the local representative of the victim carrier to attend the sentencing hearing. Restitution is received by the carrier in one of two ways: (1) the representative either personally receives the check or (2) the check is mailed by our office via certified mail to an address provided by the carrier.

In cases where full and complete restitution cannot be paid by the defendant prior to sentencing, the SFDA Program ensures that the defendant stipulates to the restitution amount in the disposition. The SFDA Program ensures the sentencing court reserves jurisdiction over the issue of restitution for purposes of collection during the defendant's probationary period. Further, the SFDA Program files a Judicial Council CR-111 "Abstract of Judgment- Restitution" and ensures that the sentencing judge signs a Judicial Council CR-110 "Order for Victim Restitution". These forms specify the amount of restitution and enable the victim to obtain a civil judgment should the defendant not make their required restitution payments.

A good example was the Super Shuttle case referenced in successes section of the application. We obtained over \$200,000 in restitution to fully reimburse Farmers Insurance at the time of sentencing. This is SFDA's goal in all cases.

6. Applicant Question: Restitution Numbers

Provide the amount of restitution ordered and collected for the past five fiscal years.

If this information is not available, provide an explanation.

Applicant Response:

Fiscal Year	Restitution Ordered	Restitution Collected
2023-24	\$189,893.48	\$189,893.48
2022-23	\$45,077.54	\$17,472.72
2021-22	\$23,715.23	\$0.00
2020-21	\$0.00	\$606.19
2019-20	\$4,346.41	\$4,346.41
Total:	\$263,032.66	\$212,318.80

7. Applicant Question: Utilization Plan Related to Unexpended Funds

If you had unexpended funds from FY 22-23 (Overview Questions 2 & 3) that were 10% or more, address the below question(s). If your unexpended funds from FY 22-23 were under 10% of your FY 22-23 award, mark N/A.

- 1) You must address if you are on track to expend all of your FY 23-24 grant funding.
- 2) If you are not on track to expend all your funds and you are not asking for a corresponding reduction in your grant request, please explain.

Applicant Response:

Not Applicable

Applicant Comment:

Not Applicable

8. Applicant Question: Utilization Plan

Your budget provides the amount of funds requested for Fiscal Year 24-25.

Provide a brief narrative description of your utilization plan for the Fiscal Year 24-25 requested funds.

If an increase is being requested, please provide a justification. Any information regarding investigations should be given a reference number and details provided only in the Confidential Section, question 1 (County Plan Confidential Investigation Details).

Applicant Response:

The funds requested primarily cover salaries. We are not requesting an increase.

Sub Section Name: Training and Outreach

1. Applicant Question: Training Received

List the insurance fraud training received by each county staff member in the automobile fraud unit during Fiscal Year 23-24.

If it is a multiple day training/conference (e.g. CDAA, AFA, etc.), only one entry is required; enter the first day for the "Training Date" field.

For the "Hours Credit" field, enter the combined total hours of credit for all attendees.

Applicant Response:

Number of Personnel	Training Date	Provider	Location	Topic	Hours Credit (combined total)
2	01/30/2024	CDAA	Newport Beach, CA	Various	37
6	04/09/2024	AFA	Monterey, CA	Various	111

2. Applicant Question: Training and Outreach Provided

Upload and attach the Training and Outreach Provided form in Excel; label it "24-25 AUTO (county name) Training and Outreach Provided"

Do not include training *received*; only list training and outreach provided during FY 23-24 as outlined in the outreach definition below.

- For the number of Attendees / Contacts list only **numbers**; no other characters. Estimate the number as best you can. The data provided on this Excel sheet is compiled and presented to the Insurance Commissioner as Outreach is a focus of the Commissioner's Goals & Objectives.
- For the purposes of the insurance fraud grant programs, "outreach" is defined as: Any activity undertaken by a grant awardee to inform and educate the public on the nature and consequences of insurance fraud and the training and sharing of best practices with industry stakeholders and allied law enforcement agencies. The results will be crime prevention, the generation of quality referrals from the public, business community, insurance industry, and law enforcement, and improved strategies for the investigation and prosecution of insurance fraud.
- If, in the form, you listed any "Other, Specify" provide a brief explanation here; other additional comments are optional. The blank form is located in the Announcement Attachments, 1a.

Applicant Response:

Label attachment "24-25 AUTO (county) Training and Outreach"

Attachment:

24-25 AUTO San Francisco Training and Outreach Provided.xlsx – EXCEL DOCUMENT

3. Applicant Question: Future Training and Outreach

Describe what kind of training/outreach you plan to provide in Fiscal Year 24-25.

Applicant Response:

On May 22, 2024, SFDA conducted an auto insurance fraud roundtable with our SIU partners. DA Investigator Marisa Sullivan and ADA Rebecca Zhong did a power point presentation on an auto fraud case. We discussed FD-1's and the drafting of an effective FD-1. Paralegal Valerie Blasi developed the training and organized it. We held it remotely over teams and it was well-received. We plan to have these on a regular basis so that we can build stronger collaborative relationships with SIU's, Over the years, SFDA has noticed that while we are receiving many more FDF-1's, the quality of many makes it difficult for us to investigate further. We would like to have these meeting regularly in order to educate and to also learn from the SIU's, who have a wealth of knowledge and experience they can share with us and other SIU's.

SFDA will continue to use social media and press releases to educate the public about auto fraud and its consequences. Informing the public also acts as a deterrent to any budding scammers. One area we would like to focus our attention on is towing scams/predatory towing. We have seen in one big investigation of a towing company that is connected with an auto body shop, that towing is an area ripe with fraud here in San Francisco. We are developing a public education campaign on towing and consumer rights and knowledge about towing and various fraudulent practices. We are exploring creating a video that can be played in DMV waiting areas at San Francisco DMV offices.

Sub Section Name: Joint Plan

1. Applicant Question: Joint Plan

Upload your AUTO Joint Plan and label it "24-25 AUTO (county name) Joint Plan".

Each County is required to develop a Joint Plan with their CDI Regional Office, to be signed and dated by the Regional Office Captain and the Prosecutor in Charge of the Grant Program. Additional information is in the Announcement Attachments, 3c, and also copied into the attached instructions to this question.

Applicant Response:

Confirm signed and dated by all parties.

Attachment:

24-25.SF.Jont Plan.pdf - PDF FILE

Section Name: Investigation Case Reporting

Sub Section Name: Investigation Case Information Relating to Questions

1. Applicant Question: County Plan Confidential Investigation Details

If you discussed any confidential cases throughout the County Plan section and provided a reference number, please include additional confidential details on an attachment uploaded here.

The reference number/citation used in the County Plan narrative responses should be repeated in your document upload. Task Force cases should specifically name the task force and your county personnel's specific involvement / role in the case.

*Upload your own attachment and label it "24-25 AUTO (county name) County Plan Confidential Investigation Details" **upload and mark confidential**, then attach to this question. If no investigation information was*

referenced, mark the N/A response.

Applicant Response:

Not Applicable

Applicant Comment:

Not Applicable

Sub Section Name: Reporting on All Investigations

1. Applicant Question: Investigation Case Activity Report (ICAR)

Upload, mark Confidential, and attach the completed 24-25 AUTO (county name) ICAR. This document requires information regarding each investigation case that was reported in the DAR, Section III C (Investigations). Two of the three reporting components ask for case counts only. The total of the case counts in Part 1 and Part 2, along with the number of case entries in Part 3, should equal your total investigation case count reported in the DAR section III (Investigations). The blank form is located in the Announcement Attachments, 1bii.

Do NOT substitute descriptions in Part 3 in lieu of case counts for Part 1 and Part 2.

Reminders:

1. The total of the case counts in the ICAR Parts 1, 2, and 3, should equal your total investigation case count reported in the DAR Section III.
2. Vertical Prosecutions should not be counted as an Investigation or a Joint Investigation.

Click the "SHOW INSTRUCTIONS" link above to view directions on how to properly complete the report.

Applicant Response:

24-25 AUTO San Francisco Investigation Case Activity Report .docx - WORD DOCUMENT

Sub Section Name: New Investigation Information for Cases in Court

1. Applicant Question: Cases in Court - Investigation Case Activity

Do you have NEW Investigation Information for cases that started the year in prosecution that you want to include? This report is optional.

If you do have cases to report, download Announcement Attachment 1c, label it "**24-25 AUTO (county name) Cases in Court Investigation Case Activity**" **upload and mark confidential, then attach to this question.** Provide only investigation information for case(s) that started the fiscal year in prosecution, but required additional investigation during the reporting period. **Other than current status, no prosecution case information should be included.**

Applicant Response:

No

FY 24-25 Modified Budget # 1

COUNTY NAME: SAN FRANCISCO

PROGRAM: AUTOMOBILE INSURANCE FRAUD

Salary by Position	Total \$ for line item	# of Positions	FTE
Supervising Attorneys			
Attorneys	\$ 116,133	3	0.49
Supervising Investigators			
Investigators (Sworn)	\$ 87,511	2	0.50
Investigators (Non-Sworn)			
Investigative Assistants			
Forensic Accountant/Auditor			
Support Staff Supervisor			
Paralegal/Analyst/Legal Assistant/etc.			
Clerical Staff			
Student Assistants			
Over Time: Investigators			
Over Time: Other Staff			
Salary by Position, other (auto-generated) *Do not use			
Salary Total	\$ 203,644		

Benefits	\$ 58,964		
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Personnel Services Total	\$ 262,608
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FY 24-25 Modified Budget # 1

COUNTY NAME: SAN FRANCISCO

PROGRAM: AUTOMOBILE INSURANCE FRAUD

Operating Expenses, General	Total \$ for line item
Grant Indirect Costs - 10% method; plan must be on file and made available to CDI upon request (<i>choose only 1 indirect cost method</i>)	\$ 20,364
Grant Indirect Costs - 5% method; plan must be on file and made available to CDI upon request (<i>choose only 1 indirect cost method</i>)	
Outreach	
Audit	\$ 4,766
Forensic Accounting Services	
Transcription Services, Interpreter Services, Records Requests	
Expert Consultant Fees	
Witness Fees/Litigation Fees	
Undercover Operation Expenses	
Office Supplies	
Office Space/Facility Fees	\$ 27,312
IT Services	
Communications (<i>phone, etc.</i>)	
Membership Dues/Publications	
Operating Expenses, General, other (<i>auto-generated</i>) <i>*Do not use</i>	
Operating Expenses, General Sub-Total	\$ 52,442

Operating Expenses, Detailed	Total \$ for line item
Insurance (i.e., General Liability, etc.; identify in narrative)	
<i>Narrative:</i>	
Motor Pool/Fleet Services (cannot include reserve fund for future purchases; identify number of vehicles and usage fee breakdown in narrative)	
<i># of Vehicles:</i>	
Vehicle Fuel and Maintenance for grant purchased vehicles (identify number of vehicles in narrative)	
<i># of Vehicles:</i>	
Vehicle Mileage (not to exceed federal standard mileage rate; not allowed for grant purchased or motor pool/fleet vehicles; identify number of vehicles in narrative)	
<i># of Vehicles:</i>	
Vehicle Parking (identify number of vehicles in narrative)	
<i># of Vehicles:</i>	
Software Renewal (identify in narrative)	
<i>Narrative:</i>	
Software Purchase (identify and provide justification in narrative)	
<i>Narrative:</i>	
Minor Equipment as defined in instructions (identify in narrative IF over \$1,000 combined total)	
<i>Narrative:</i>	
Equipment Lease/Maintenance (identify in narrative)	
<i>Narrative:</i>	
Operating Expenses, Detailed, other (auto-generated) *Do not use	
<i>Narrative:</i>	
Sub-Total	\$ -

Operating Expenses, Travel and Training	Total \$ for line item
Travel - In CA (Include costs such as hotel, airfare, and rental car associated with investigation and/or training. <i>In narrative identify purpose, number of staff, and FTE</i>).	\$ 2,387
<i>Narrative:</i> Travel costs to attend Annual Anti-Fraud conference (6 staff, 1.21 FTE) and CDAA Fraud Symposium (6 staff, 1.21 FTE)	
Travel - Out of CA (Include costs such as hotel, airfare, and rental car for out of state travel associated with investigation and/or training. <i>In narrative identify state, purpose, number of staff, and FTE</i>).	
<i>Narrative:</i>	
Training - In CA (Include registration fees. <i>In narrative identify purpose, number of staff, and FTE</i>).	\$ 1,420
<i>Narrative:</i> Registration fees to attend the Anti-Fraud Conference (6 staff, 1.21 FTE) and the CDAA Fraud Symposium(6 staff, 1.21 FTE).	
Training - Out of CA (Include registration fees. <i>In narrative identify state, purpose, number of staff, and FTE</i>).	
<i>Narrative:</i>	
Operating Expenses, Travel and Training, other (auto-generated) <i>*Do not use</i>	
<i>Narrative:</i>	
Sub-Total	\$ 3,807
Operating Expense Total (General + Detailed + Travel & Training)	\$ 56,249

FY 24-25 Modified Budget # 1

COUNTY NAME: SAN FRANCISCO

PROGRAM: AUTOMOBILE INSURANCE FRAUD

Equipment	Total \$ for line item	% Billed to Program
Computers (provide justification and % billed to each program in narrative)		
<i>Narrative:</i>		
Printers/Scanners (provide justification and % billed to each program in narrative)		
<i>Narrative:</i>		
Vehicles (provide justification and % billed to each program in narrative)		
<i>Narrative:</i>		
Vehicle Code 3 Equipment (provide number and % billed to each program in narrative)		
<i>Narrative:</i>		
Equipment, other (auto-generated) *Do not use without speaking to LAU first		
<i>Narrative:</i>		
Equipment Total	\$ -	

Program Budget Total	\$ 318,857
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RICARDO LARA
CALIFORNIA INSURANCE COMMISSIONER

September 6, 2024

The Honorable Brooke Jenkins
District Attorney
San Francisco County District Attorney's Office
350 Rhode Island Street North Building, Suite 400N
San Francisco, CA 94103

RE: Grant Award for Automobile Insurance Fraud Program Fiscal Year 2024-25

Dear District Attorney Jenkins:

I am very pleased to report that, for Fiscal Year 2024-25, \$15,259,000 is available in Automobile Insurance Fraud Program grant funds to distribute to 34 District Attorney Offices, of which **San Francisco County** has been awarded **\$318,857** for this important Program. This grant award shall be used for the investigation and prosecution of automobile insurance fraud.

The appropriation for this Program is based on projected revenues, including the amount of restitution collected. Grant disbursements are contingent on actual revenues; therefore, if the amount of revenue collected is less than the projected amount, grant disbursements to counties will be adjusted accordingly.

It is my continuing intent that these funds be used effectively to pursue and investigate automobile insurance fraud across California. It is also important to focus these finite resources on combating fraud committed by individuals, businesses, providers, and others who prey upon the system. Additionally, a coordinated and aggressive outreach program to all communities by your office, including to diverse and underserved communities, with measurable outcomes remains a priority of mine.

Please feel free to contact Victoria Martinez, CDI Deputy Chief, Fraud Division, at (323) 278-5000 should you have any questions regarding your award. The Local Assistance Unit will reach out to you regarding your budget approvals in the post award system.

Thank you for submitting your application for grant funding and, moreover, congratulations on your award. I look forward to working together with you in our continuing pursuit against automobile insurance fraud.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricardo Lara", with a stylized flourish at the end.

RICARDO LARA
Insurance Commissioner

cc: Tina Nunes Ober, Managing Attorney/Program Director

PROTECT • PREVENT • PRESERVE
300 CAPITOL MALL, 17TH FLOOR
SACRAMENTO, CALIFORNIA 95814
TEL: (916) 492-3500 • FAX: (916) 445-5280
COMMISSIONERLARA@INSURANCE.CA.GOV



Brooke Jenkins
District Attorney

October 2, 2024

Connie Chan
Chair, Budget and Finance Committee
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Chair Chan:

Attached please find a copy of the proposed Resolution for the Board of Supervisors approval, which retroactively authorizes the Office of the District Attorney to accept and expend a grant in the amount of \$318,857 from the California Department of Insurance for the Automobile Insurance Fraud Program for the purposes of providing enhanced investigation and prosecution of automobile insurance fraud cases for the grant period July 1, 2024, through June 30, 2025.

The “retroactive” request is administrative in nature. The Department has met the City’s requirement to appropriate grant funding prior to beginning any grant activities. The California Department of Insurance Automobile Insurance Fraud grant is a recurring grant with a start date of July 1st. This recurring grant was included in the annual department budget submission and approved as part of the Annual Appropriation Ordinance. As such we have met the City’s requirements for appropriating grant funds. Although we are not required to obtain a separate Board of Supervisors Resolution under Admin Code 10.170, the funding agency, the California Department of Insurance requires a separate copy of a Board of Supervisors Resolution. The purpose of the grant is to provide enhanced investigation and prosecution of automobile insurance fraud cases, including the application process and subsequent reporting requirements as set forth in the Automobile-California Insurance Code, Section 1872.8, California Code of Regulations, Title 10, Section 2698.60 et seq.

The following is a list of accompanying documents:

- Grant Information Form
- Grant Budget
- Grant Application
- Grant Award Letter



Brooke Jenkins
District Attorney

We respectfully request review and approval of this resolution. The City and County of San Francisco's FY 2024-25 and FY 2025-2026 Budget and Appropriation Ordinance includes this recurring grant; however, that does not meet the California Department of Insurance resolution requirements, thus, a separate resolution is necessary.

If you have any questions, please contact Tina Nunes Ober at tina.nunesober@sfgov.org.

Brooke Jenkins
District Attorney

A handwritten signature in blue ink, appearing to read "Eugene Clendinen".

Eugene Clendinen
Chief, Administration &
Finance

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lorna Garrido, Grants and Contracts Manager
DATE: October 2, 2024
SUBJECT: Accept and Expend Resolution for Subject Grant
GRANT TITLE: Automobile Insurance Fraud Program

Attached please find the following documents:

- Proposed grant resolution; original* signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant application
- Grant award letter from funding agency
- Ethics Form 126 (if applicable)
- Contracts, Leases/Agreements (if applicable)
- Other (Explain): statement on retroactivity

Special Timeline Requirements:

Please schedule at the earliest available date. The Resolution must be received by the California Department of Insurance on or before **January 2, 2025**.

Departmental representative to receive a copy of the adopted resolution:

Name: Lorna Garrido

Phone: (628) 652-4035

Interoffice Mail Address: DAT, 350 Rhode Island Street, North Building, Suite 400N

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

From: [Trejo, Sara \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Garrido, Lorna \(DAT\)](#); [Clendinen, Eugene \(DAT\)](#); [Arcelona, Sheila \(DAT\)](#); [NunesOber, Tina \(DAT\)](#); [Xie, Sally \(DAT\)](#)
Subject: Mayor -- Resolution -- Automobile Insurance Fraud Program A&EA
Date: Tuesday, October 29, 2024 2:33:39 PM
Attachments: [00 FY 24-25 Automobile Insurance Fraud Checklist.pdf](#)
[01 FY 24-25 Automobile Insurance Fraud Resolution.doc](#)
[01 FY 24-25 Automobile Insurance Fraud Resolution Signed 10.17.24.pdf](#)
[02 FY 24-25 Auto Grant Resolution Information Form.pdf](#)
[03 FY 24-25 Automobile Insurance Fraud Budget.pdf](#)
[04 FY 24-25 Automobile Insurance Fraud Application.pdf](#)
[05 FY 24-25 Automobile Insurance Fraud Award Letter.pdf](#)
[06 FY 24-25 Automobile Insurance Fraud Grant Retroactivity Statement.pdf](#)
[FW DAT AE for Review - Automobile Insurance Fraud grant.msg](#)

Hello Clerks,

Attached is a Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$318,857 from the California Department of Insurance for the Automobile Insurance Fraud Program, for the grant period of July 1, 2024, through June 30, 2025.

Best regards,

Sara Trejo

Legislative Aide

Office of the Mayor

City and County of San Francisco