

## **White Collar Crimes**

White-collar crimes such as health care fraud, embezzlement, tax evasion, identity theft, insurance fraud, Ponzi schemes and related crimes have become an increasing focus for state and federal law enforcement agencies. In some cases, individuals convicted of a pattern of white collar crimes are receiving sentences similar to those who commit violence criminal offenses. Even the specter of fraud allegations can damage your career, professional reputation and financial future. If you are the subject of a law enforcement investigation into white-collar financial crimes, you should decline to answer any questions and seek immediate legal advice.

Experienced Santa Barbara white-collar criminal defense attorneys Sanford and Christy Horowitz have the knowledge and skill required to defend clients in cases involving voluminous documents and complex financial transactions. Because a pattern of fraud crimes or other financial malfeasance can result in many years of incarceration in state prison, seeking immediate legal advice is imperative.

Aggressively attacking law enforcement investigative procedures including searches of your financial records and computer might result in discovery of an unlawful search and seizure. Exclusion of these records can cripple the prosecutor's case. Sanford & Christi Horowitz Criminal Defense brings extensive experience handling all types of criminal matters along with significant trial experience.

### **Health Care Fraud**

Health care fraud has become an increasing focus for law enforcement authorities in recent years because of the media spotlight on the rising cost of health care. Law enforcement agencies throughout Southern California have been provided with grants from the government to facilitate increased investigation and prosecution of cases involving false or misleading insurance billing practices.

Health care fraud cases often involve a litany of charges depending on the facts and circumstances. Many cases involve charges under Insurance Code Section 1871.4 and Penal Code Section 550. These sections apply to cases when the person submitting the insurance claim makes false statement to obtain or deny insurance benefits. Since false statements are used to obtain the health insurance benefits, the accused also frequently faces a Penal Code Section 118 charge for perjury. Perjury is legally defined as the intentional act of swearing a false oath or of falsifying an affirmation to tell the truth, whether spoken or in writing, concerning matters material to an official proceeding.

Because insurance companies are paying less for health care service, a growing number of doctors and other health care professionals are being charged with fraudulent billings. This may involve practices of miscoding for a more expensive service, billing for services not provided, billings for more tests than performed and similar false billing practices.

### **Embezzlement (Penal Code Section 503)**

The California crime of embezzlement refers to fraudulently appropriating the property of someone else that has been entrusted to you. While some embezzlement cases involve

substantial sums of money controlled by financial advisors and executives, this crime can be charged against individuals across the socio-economic spectrum. There is no requirement that the accused embezzle a significant sum of money to be charged with this offense. Embezzlement is treated like either grand theft or petty theft depending on the circumstances, so it is punished as a grand theft or petty theft offense.

### **Insurance Fraud**

Insurance companies are analyzing insurance claims more closely than in the past. Sometimes insurance companies pursue law firms for staging accidents or the illegal use of “cappers” who recruit people to make fraudulent insurance claims. When investigating these offenses, law enforcement agencies may execute search warrant on law firms and their bank accounts.

### **Identity Theft (PC Section 530.5(a))**

An individual can be charged with identity theft if he or she intentionally and unlawfully acquires and retains the identity documents and information of another person. In most cases, this offense involves obtaining personal information by electronic means or the alleged victim’s mail. This information can be used to open bank accounts, make purchases, apply for loans and obtain credit cards. Each count of identity theft can be charged as a felony and exposes the accused to 3 years in prison, mandatory restitution and more.

### **Credit Card Fraud**

Southern California law enforcement agencies have focused more manpower and resources on the prevention and prosecution of credit card theft in recent years. This offense is usually charged based on allegations that the accused stole or used a lost credit card. In some case, the accused also might be accused of using identity theft to obtain the card. A conviction constitutes a felony that can result in incarceration and the obligation to pay restitution to the alleged victim and/or financial institution. Examples of charges that might be brought in a case involving credit card fraud include:

- Mail Theft (PC Section 530.5(e))
- Perjury (PC Section 118)
- Identity Theft (PC Section 530.5(a))
- Unlawful Access Card Activity (PC Section 484i(c))
- False Financial Statement (PC Section 532(a)(1))
- Receipt of Stolen Property (PC Section 496(a))

### **Forgery (PC Section 470)**

Forgery can be used in a variety of ways to obtain money or property that belongs to someone else. Forgery is defined under California law as “making or altering a false writing with intent to defraud.” Examples include:

- Signing another person’s name
- Altering, faking or presenting a document as a genuine original to obtain money, finances or property;
- Modifying or falsifying a legal document