



GEO-TECH IMAGERY INTL.

February 11, 2008

Hall of Justice  
District Attorney's Office  
330 W. Broadway  
San Diego, CA 92101  
Att: District Attorney Bonnie M. Dumanis

Subject: Continuing Obstructions To Filing A Felony Criminal Complaint.

District Attorney Dumanis,

On January 23, 2008 I wrote your office about the many obstructions I was encountering in the District Attorney's Office, with the filing of a felony criminal complaint against Wawanesa Insurance Company and two of its employees for violations of California State Penal Code Section 550.

In response to that letter, on 1-25-08, Mr. Dave Latuca contacted me. He was courteous and trying to be helpful. We discussed the many difficulties I was having in filing a complaint with the District Attorney's Office, and we briefly discussed the general aspects of the criminal complaint I have been trying to file. Mr. Latuca advised, that his department operated under a special grant system that restricted the type of felony complaints his staff could handle, and that my type of complaint did not meet that criteria, and as such should go to a different department. Mr. Latuca advised he would make enquiries with other departments and forward my letter and contact information to them, with a request to contact me. There has been no follow up contact as of the date of this letter.

Mr. Latuca also recommended that I file the complaint with my local police department for investigation, as that was the best way to get the complaint up to the District Attorney's office for investigation. I advised Mr. Latuca, that as a former police officer, I did not believe that a local police department would be at all familiar with a felony complaint of this type, and that they were very likely to resist even taking a complaint. However, I stated that I would go to the Oceanside Police Department and file a complaint.

I contacted the Oceanside Police Department, Officer Brush, and advised him that I wanted to file a felony complaint against an insurance company and two of its employees for violations of Penal Code Section 550. Officer Brush had no idea what I was talking about, and he did not know anything about Penal Code Section 550. Officer Brush firmly indicated that I should drop this complaint and go away. Initial attempts to explain what this complaint was about were

meet with a full court press from a uniformed police officer to stop wasting the departments time, and go hire an attorney to file suit against the insurance company. He did not know what PC 550 was, nor did he want to review the documentation that I had with me. He knew nothing about the complaint, or the supporting evidence, and did not want to talk to me about something he did not understand. Officer Brush was visibly irritated with me for not accepting his point of view and dropping the complaint. The average victim of a crime, receiving such opposition would have run for cover. The only thing that stopped this obstruction was the notification that I was a former police officer, and that the only reason that I had come to the Oceanside PD was on the recommendation of Dave Lатуca of the District Attorney's Office. Only then did Officer Brush get a copy of the Penal Code and look up Section 550. He took the report, but made it obvious he did not like it. The report is under case #0800 1858.

This is not totally the fault of the police, and should not be viewed as such. I did not agree with Officer Brush's handling of this matter, however, I do understand his skepticism. Neither Officer Brush, nor any of the other police personnel that were present, had ever handled, or even heard of a felony complaint from a homeowner, against an insurance company and it's employees, for violations of PC 550.

We then proceeded with the filing of the complaint. The questions and the process gave me great concerns that the police report would not reflect the evidence that would be important to a Financial Crimes investigator, or the District Attorney to convince them to read and analyze a three inch thick binder of documents. However, this was uncharted reporting territory for Officer Brush, or any other average police officer for that matter.

I had additional difficulties getting the report assigned to an investigator in the Financial Crimes Division. However, on 2-6-08 I meet with Detective Mike Brown. Detective Brown had done a preliminary overview of the documentation and we discussed a number of issues including the following:

1. Detective Brown, as with the earlier desk officers, had never handled, nor was he aware of any other Oceanside police officer that had ever handled a criminal complaint, or investigation, where a homeowner was filing the complaint, and the insurance company was the suspect. He had handled a number of cases where the insurance company was filing the complaint against the policyholder.
2. Detective Brown advised that the existing documentation and level of investigation was far beyond what the Oceanside PD would have done, or could have done, even if the complaint had been originally filed with the Oceanside PD. Detective Brown advised that much of the documentation was outside their expertise, that there did not appear to be anything left for local police to investigate, and he had no reason to doubt the accuracy of the documents.

3. Detective Brown advised with just a preliminary review, he was not sure where civil issues might stop, and criminal issues might start due to the unusual nature of the complaint. However, he advised that the documents were booked into evidence and available to the District Attorney's Office on request under case #0800 1858.
4. Detective Brown also stated that this complaint should have been taken directly to the District Attorney's Office in the first place, and filed with the Insurance Fraud Division, as they were the appropriate agency and would be far better qualified to investigate the complaint.

On 2-7-08, I once again made contact with Mr. Latuca, requesting additional assistance, about who to contact in the Insurance Fraud Division only to be told that his department was the Insurance Fraud Division. The same department I was previously told did not handle this type of complaint. So I have come full circle, back to where I started, with a felony criminal complaint that nobody wants to accept and investigate.

The documentation from a fourteen-month investigation has still not been reviewed or investigated, and the victims and witnesses have not been interviewed relative to the documentation. Mr. Latuca has advised that he will make additional calls to try and determine whom, or what department is responsible for taking criminal complaints from the general public.

I understand that this is an unusual criminal complaint, however that does not make it any less criminal. Has anyone stopped to consider why this type of felony complaint is so unusual? The answer is simple, because it is so difficult for the average homeowner to document a technical insurance claim, much less criminal conduct by an insurance company in the handling of a claim. As I have stated before, the only reason this extensive documentation exist, is that Wawanesa Insurance, its employees, and its consultants, did not expect a homeowner with an expert background and capabilities in claims investigations. So they went about business as usual, with the confident belief that no one would notice, and even if they did, no one would be able, or willing to do anything about it.

All of this resistance and obstruction brings up a question. Has the DA's office ever investigated and prosecuted a complaint from an individual homeowner, against their insurance company, for violating PC 550 or any other felony fraud section? If the answer is no, or seldom, the questions become why? Policyholders are investigated and prosecuted on a regular basis. Penal Code Section 550 was written and authorized to protect homeowners, as well as insurance companies.

Any good attorney knows that insurance companies are in the business of collecting premiums, and like any business they do not like large losses, which is another word for large claims payments. Insurance adjustors are not paid or promoted based on how many large claims they approve for payment. So why is it so hard to believe that an insurance company would not aggressively protect its profits, and that some employees would protect their careers at the expense of

policy holders, they don't even know. Wawanesa Insurance Company and it's employees have literally stolen over \$50,000.00 in insurance benefits from my family, through the illegal handling of an insurance claim investigation. They did not stop at insurance code violations, they stepped right across the line into criminal conduct, and they put it in writing, and signed it. If any prosecutor thinks for a second, that I am the only homeowner that is going through this with an insurance company, then they should consider another line of work.

If I can't even find out what division or individuals in the District Attorney's Office is responsible for taking and investigating a criminal complaint from a citizen like me, then what do you think the chances are for the average citizen? If this is what you promised, as a transparent DA's office accessible to the people of San Diego County, I think there is a few bugs in the system.

The police report has been filed with the Oceanside Police Department as recommended, even though it was obvious they did not quite know what to do with it. The documentation is available to the District Attorney's Office on request under Case #0800 1858. I am available at anytime, to meet with representative of the DA's office, and assist in the investigation and any prosecution related to this complaint. These people attacked my family for money, and I will do everything legally possible to insure that our justice system accomplishes its mandate.

Respectfully Submitted,

Woodrow L. Higdon