

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

04/13/2020
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DAVID H. YAMASAKI, Clerk of the Court
20CF0859

6 THE PEOPLE OF THE STATE OF CALIFORNIA,) FELONY COMPLAINT
7) WARRANT
8 Plaintiff,)
9)
10 vs.) No.
11 MARTHA ALICIA ZAPIEN 01/10/56) OCDA WC18120008
12 C0851651)
13 Defendant(s))

14 The Orange County District Attorney charges that in Orange
15 County, California, the law was violated as follows:

16 COUNT 1: On or about and between January 01, 2016 and November
17 25, 2019, in violation of Section 182(a)(1) of the Penal Code
18 (CONSPIRACY TO COMMIT A CRIME), a FELONY, MARTHA ALICIA ZAPIEN
19 did unlawfully conspire together and with another person, whose
20 identity is unknown, to commit the crime of FAIL TO DISCLOSE OR
21 CONCEAL EVENT AFFECTING RIGHT OR ENTITLEMENT TO AN INSURANCE
22 BENEFIT, in violation of Section 550(b)(3) of the Penal Code.

21 It is further alleged that pursuant to and for the purpose of
22 carrying out the objects and purposes of the conspiracy, one and
23 more of the conspirators committed the following overt acts:

24 OVERT ACT 1

25 On or about October 11, 1994, Defendant Martha Zapien
26 established California Premiere College, a Private Post-
27 Secondary Education provider.

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OVERT ACT 2

Defendant Martha Zapien represented to Workers' Compensation Insurance Carriers that she provided vocational education to injured workers who qualified for the Supplemental Job Displacement Benefit Voucher at California Premiere College.

OVERT ACT 3

On or about, and between January 1, 2016 to November 25, 2019 Martha Zapien submitted claims to Workers' Compensation Insurance carriers for vocational educational services that she did not render.

OVERT ACT 4

Martha Zapien and her company, California Premiere College received in excess of one million dollars (\$1,000,000) from workers' compensation carriers.

OVERT ACT 5

Martha Zapien and her company California Premiere College received at least one payment in the amount of \$6,000 on January 11, 2019 from Berkshire Hathaway Homestate Companies Insurance. (Claim # 55053967).

COUNT 2: On or about and between May 23, 2016 and July 23, 2018, in violation of Section 550(a)(5) of the Penal Code (INSURANCE FRAUD - WRITTEN CLAIM), a FELONY, MARTHA ALICIA ZAPIEN, with the intent to defraud, did knowingly and unlawfully prepare, make, and subscribe a material writing, with the intent to present and use it, and to allow it to be presented to Travelers Property Casualty Company of America, in support of a false and fraudulent claim, and did aid and abet, and solicit another to do the same. (Bates # OCDA002384-OCDA002542)

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1 COUNT 3: On or about and between May 23, 2016 and July 23,
2 2018, in violation of Section 550(b)(3) of the Penal Code
3 (INSURANCE FRAUD), a FELONY, MARTHA ALICIA ZAPIEN, with the
4 intent to defraud, did unlawfully conceal and knowingly fail to
5 disclose, and did knowingly assist with another person to
6 conceal and fail to disclose the occurrence of an event and a
7 fact that affected the initial and continued material right and
8 entitlement of California Premiere College to an insurance
9 benefit and payment, and to the amount of a benefit and payment
10 to which California Premiere College was entitled, namely: The
11 failure to provide over 400 hours of training to enrolled
12 students as claimed, in reality providing 100 or fewer hours to
13 these students. (Travelers Property Casualty Company of America
14 - Bates # OCDA002384-OCDA002542)

11 COUNT 4: On or about January 23, 2018, in violation of Section
12 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
13 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
14 ZAPIEN did unlawfully present and cause to be presented a
15 knowingly false and fraudulent written and oral material
16 statement in support of, and in opposition to, a claim for
17 compensation for the purpose of obtaining compensation, as
18 defined in Labor Code section 3207. (Travelers Property Casualty
19 Company of America - Claim # 480CBE6L9533K)

17 COUNT 5: On or about and between January 23, 2018 and December
18 31, 2018, in violation of Section 550(b)(3) of the Penal Code
19 (INSURANCE FRAUD), a FELONY, MARTHA ALICIA ZAPIEN, with the
20 intent to defraud, did unlawfully conceal and knowingly fail to
21 disclose, and did knowingly assist with another person to
22 conceal and fail to disclose the occurrence of an event and a
23 fact that affected the initial and continued material right and
24 entitlement of California Premiere College to an insurance
25 benefit and payment, and to the amount of a benefit and payment
26 to which California Premiere College was entitled, namely: The
27 fact that Pedro G. terminated participation in the California
28 Premiere College program after completing approximately 30 of
600 hours of training. (Travelers Property Casualty Company of
America - Claim # 480CBE6L9533K)

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1 COUNT 6: On or about May 21, 2016, in violation of Section
2 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
3 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
4 be made a knowingly false and fraudulent material statement and
5 material representation for the purpose of obtaining and denying
6 compensation as defined in Section 3207 of the Labor Code. The
7 statement and representation at issue: Defendant substantially
8 misrepresented the location of and extent of vocational training
9 being provided to Jose M., indicating 480 hours of training to
10 be provided at the California Premiere College Campus, but in
11 reality, providing less than 40 hours of training, at the home
12 of Jose M. ((Travelers Property Casualty Company of America -
13 Claim # 095 CB E1M. (OCDA002410-OCDA002421; OCDA002053-
14 OCDA002073))

15 COUNT 7: On or about and between February 10, 2017 and December
16 31, 2017, in violation of Section 550(b)(3) of the Penal Code
17 (INSURANCE FRAUD), a FELONY, MARTHA ALICIA ZAPIEN, with the
18 intent to defraud, did unlawfully conceal and knowingly fail to
19 disclose, and did knowingly assist with another person to
20 conceal and fail to disclose the occurrence of an event and a
21 fact that affected the initial and continued material right and
22 entitlement of California Premiere College to an insurance
23 benefit and payment, and to the amount of a benefit and payment
24 to which California Premiere College was entitled, namely: The
25 fact that Natalie M. terminated participation in the California
26 Premiere College program after completing approximately 10 of
27 480 hours of training. (Travelers Property Casualty Company of
28 America - Claim # 152-CB-EWJ-1824-F)

29 COUNT 8: On or about December 20, 2016, in violation of Section
30 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
31 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
32 ZAPIEN did unlawfully present and cause to be presented a
33 knowingly false and fraudulent written and oral material
34 statement in support of, and in opposition to, a claim for
35 compensation for the purpose of obtaining compensation, as
36 defined in Labor Code section 3207. (Travelers Property Casualty
37 Company of America - Virginia M. Traveler?s Claim # 152-CB-
38 EYJ2789-A)

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1 COUNT 9: On or about and between May 03, 2016 and October 08,
2 2018, in violation of Section 550(a)(5) of the Penal Code
3 (INSURANCE FRAUD - WRITTEN CLAIM), a FELONY, MARTHA ALICIA
4 ZAPIEN, with the intent to defraud, did knowingly and unlawfully
5 prepare, make, and subscribe a material writing, with the intent
6 to present and use it, and to allow it to be presented to
7 Berkshire Hathaway Homestate Companies Insurance, in support of
8 a false and fraudulent claim, and did aid and abet, and solicit
9 another to do the same. (Bates # OCDA002245-OCDA002335)

10 COUNT 10: On or about and between May 03, 2016 and December 31,
11 2016, in violation of Section 550(b)(3) of the Penal Code
12 (INSURANCE FRAUD), a FELONY, MARTHA ALICIA ZAPIEN, with the
13 intent to defraud, did unlawfully conceal and knowingly fail to
14 disclose, and did knowingly assist with another person to
15 conceal and fail to disclose the occurrence of an event and a
16 fact that affected the initial and continued material right and
17 entitlement of California Premiere College to an insurance
18 benefit and payment, and to the amount of a benefit and payment
19 to which California Premiere College was entitled, namely: The
20 fact that Abel A. terminated participation in the California
21 Premiere College program after completing 10 or less hours of
22 480 hours of training. (Berkshire Hathaway Homestate Companies
23 Insurance - Bates # OCDA 002249-OCDA002259; OCDA000330-
24 OCDA000362)

25 COUNT 11: On or about May 03, 2016, in violation of Section
26 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
27 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
28 be made a knowingly false and fraudulent material statement and
material representation for the purpose of obtaining and denying
compensation as defined in Section 3207 of the Labor Code. The
statement and representation at issue: Defendant falsely
represented the location of training to be provided to Abel A.,
claiming to provide it at the California Premiere College
Campus, but in reality, intending to provide training at a
location outside of the California Premiere College Campus.
(Berkshire Hathaway Homestate Insurance Company - Claim #
33051598)

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1 COUNT 12: On or about October 03, 2018, in violation of Section
2 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
3 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
4 be made a knowingly false and fraudulent material statement and
5 material representation for the purpose of obtaining and denying
6 compensation as defined in Section 3207 of the Labor Code. The
7 statement and representation at issue: Defendant falsely
8 represented the extent of and location of vocational training
9 being provided to Pilar S., claiming to provide training for 5
and a half hours per day, 5 days per week at the California
Premiere College Campus, and in reality, providing less than 2
hours of training once a week at a public library. (Berkshire
Hathaway Homestate Insurance Company - Claim # 55053967)

10 COUNT 13: On or about September 30, 2016, in violation of
11 Section 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT
12 STATEMENT), a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make
13 and cause to be made a knowingly false and fraudulent material
14 statement and material representation for the purpose of
15 obtaining and denying compensation as defined in Section 3207 of
16 the Labor Code. The statement and representation at issue:
17 Martha Zapien sought payment of a workers' compensation
18 claimant's supplemental job displacement voucher by submitting
19 documents claiming to provide 480 hours of training, 5 days per
week for 5 and a half hours per day, to Sara F., when in reality
she failed to provide training pursuant to that schedule, and
less than 200 hours of training to Sara F. (Sedgwick Insurance
Company - Claim # 30131377716-001)

20 COUNT 14: On or about September 30, 2016, in violation of
21 Section 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT
22 MATERIAL STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA
23 ALICIA ZAPIEN did unlawfully present and cause to be presented a
24 knowingly false and fraudulent written and oral material
25 statement in support of, and in opposition to, a claim for
26 compensation for the purpose of obtaining compensation, as
27 defined in Labor Code section 3207. (Sedgwick Insurance Company
28 - Sara F. Claim # 30131377716-001)

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1 COUNT 15: On or about July 20, 2017, in violation of Section
2 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
3 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
4 be made a knowingly false and fraudulent material statement and
5 material representation for the purpose of obtaining and denying
6 compensation as defined in Section 3207 of the Labor Code. The
7 statement and representation at issue: Defendant falsely
8 represented the extent of and location of vocational training
9 being provided to Sheila P., claiming to provide training for 5
10 and a half hours per day, 5 days per week at the California
11 Premiere College Campus, and in reality, providing training one
12 to two times a week at Sheila P.'s home via internet
13 communication. (Sedgwick Insurance Company - Claim
14 #30131277351-001)

11 COUNT 16: On or about July 20, 2017, in violation of Section
12 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
13 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
14 ZAPIEN did unlawfully present and cause to be presented a
15 knowingly false and fraudulent written and oral material
16 statement in support of, and in opposition to, a claim for
17 compensation for the purpose of obtaining compensation, as
18 defined in Labor Code section 3207. (Sedgwick Insurance Company
19 - Sheila P. Claim #30131277351-001)

17 COUNT 17: On or about July 11, 2017, in violation of Section
18 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
19 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
20 be made a knowingly false and fraudulent material statement and
21 material representation for the purpose of obtaining and denying
22 compensation as defined in Section 3207 of the Labor Code. The
23 statement and representation at issue: Defendant claimed that
24 she would provide in excess of 300 hours of training and tools
25 to Jose B.. but in reality provided neither training nor tools
26 to Jose B. (American Claims Management - Claim # 08009534)

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1 COUNT 18: On or about July 11, 2017, in violation of Section
2 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
3 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
4 ZAPIEN did unlawfully present and cause to be presented a
5 knowingly false and fraudulent written and oral material
6 statement in support of, and in opposition to, a claim for
7 compensation for the purpose of obtaining compensation, as
8 defined in Labor Code section 3207. (American Claims Management
9 - Jose B. Claim # 08009534)

10 COUNT 19: On or about August 16, 2017, in violation of Section
11 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
12 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
13 be made a knowingly false and fraudulent material statement and
14 material representation for the purpose of obtaining and denying
15 compensation as defined in Section 3207 of the Labor Code. The
16 statement and representation at issue: Defendant claimed that
17 she provided in excess of 300 hours of training to Maria B. but
18 in reality, she provided less than 50 hours of training to Maria
19 B. (Insurance Company of the West (ICW) - Claim # CL
20 1010-15-05174)

21 COUNT 20: On or about August 16, 2017, in violation of Section
22 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
23 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
24 ZAPIEN did unlawfully present and cause to be presented a
25 knowingly false and fraudulent written and oral material
26 statement in support of, and in opposition to, a claim for
27 compensation for the purpose of obtaining compensation, as
28 defined in Labor Code section 3207. (Insurance Company of the
West (ICW) - Maria B. Claim # CL 1010-15-05174)

COUNT 21: On or about and between June 20, 2016 and September
14, 2018, in violation of Section 550(a)(5) of the Penal Code
(INSURANCE FRAUD - WRITTEN CLAIM), a FELONY, MARTHA ALICIA
ZAPIEN, with the intent to defraud, did knowingly and unlawfully
prepare, make, and subscribe a material writing, with the intent
to present and use it, and to allow it to be presented to State
Compensation Insurance Fund (SCIF), in support of a false and
fraudulent claim, and did aid and abet, and solicit another to
do the same. (Bates # OCDA002730-OCDA002917)

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1 COUNT 22: On or about August 16, 2016, in violation of Section
2 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
3 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
4 be made a knowingly false and fraudulent material statement and
5 material representation for the purpose of obtaining and denying
6 compensation as defined in Section 3207 of the Labor Code. The
7 statement and representation at issue: Defendant claimed that
8 she would provide 600 hours of training to Bertha C. but in
9 reality provided less than 200 hours of training to Bertha C.
10 (State Compensation Insurance Fund (SCIF) - Claim # 05656524)

11 COUNT 23: On or about August 16, 2016, in violation of Section
12 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
13 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
14 ZAPIEN did unlawfully present and cause to be presented a
15 knowingly false and fraudulent written and oral material
16 statement in support of, and in opposition to, a claim for
17 compensation for the purpose of obtaining compensation, as
18 defined in Labor Code section 3207. (State Compensation
19 Insurance Fund (SCIF) - Bertha C. Claim # 05656524)

20 COUNT 24: On or about August 15, 2017, in violation of Section
21 1871.4(a)(1) of the Insurance Code (MAKE FRAUDULENT STATEMENT),
22 a FELONY, MARTHA ALICIA ZAPIEN did unlawfully make and cause to
23 be made a knowingly false and fraudulent material statement and
24 material representation for the purpose of obtaining and denying
25 compensation as defined in Section 3207 of the Labor Code. The
26 statement and representation at issue: Defendant falsely claimed
27 that she would provide 600 hours of Electricity Technician
28 training to Joseph G., but in reality has provided no training
to Joseph G. (State Compensation Insurance Fund (SCIF) - Claim #
05698560)

29 COUNT 25: On or about August 15, 2017, in violation of Section
30 1871.4(a)(2) of the Insurance Code (PRESENT FRAUDULENT MATERIAL
31 STATEMENT TO OBTAIN COMPENSATION), a FELONY, MARTHA ALICIA
32 ZAPIEN did unlawfully present and cause to be presented a
33 knowingly false and fraudulent written and oral material
34 statement in support of, and in opposition to, a claim for
35 compensation for the purpose of obtaining compensation, as
36 defined in Labor Code section 3207. (State Compensation
37 Insurance Fund (SCIF) - Joseph G. Claim # 05698560)

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ENHANCEMENT(S)

It is further alleged pursuant to Penal Code section 186.11(a) (1)/(2) (AGGRAVATED WHITE COLLAR CRIME - OVER \$500,000), that as to counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, defendant MARTHA ALICIA ZAPIEN engaged in a pattern of related fraudulent felony conduct involving the taking of more than five hundred thousand dollars (\$500,000).

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 04-13-2020 at Orange County, California.
RD/AC 20F05150

TODD SPITZER, DISTRICT ATTORNEY

by: /s/ RAYMUND DIAZ
RAYMUND DIAZ, Deputy District Attorney

RESTITUTION CLAIMED

- None
- \$ _____
- To be determined

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Pursuant to Welfare & Institutions Code §827 and California Rule of Court 5.552, notice is hereby given that the People will seek a court order to disseminate the juvenile case file of the defendant/minor, if any exists, to all parties in this action, through their respective attorneys of record, in the prosecution of this case.