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2011 JAN 12 PM 3:26

8 *Attorneys for State of Montana*

9 MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

10 STATE OF MONTANA,) Cause No. DC-11-015B
11)
12 Plaintiff,)
13 vs.) **INFORMATION**
14 RICHARD "RICK" JOHN SCHAEFFER,) KATHERINE R. CURTIS
15 Defendant.)

16 The State of Montana, by and through the Flathead County Attorney's Office, having first
17 obtained leave of the Court, files this information accusing the Defendant, RICHARD "RICK"
18 SCHAEFFER, of having committed the following offense:

19 **COUNT ONE**

20 That on or about May 8, 2008, in Flathead County, Montana, the Defendant committed the
21 offense of THEFT by INSURANCE FRAUD, a FELONY, in violation of Mont. Code Ann. §§ 33-1-
22 1202 and 45-6-301(6)(a).
23

24 The facts constituting this offense are as follows:

25 That at the time and place mentioned above, the Defendant, with the purpose to obtain
26 money from an insurer, gave oral statements containing false, incomplete and misleading
27 information in support of his claim for payment on contractor Schweigert Roofing's workmanship.
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Specifically, the Defendant told the insurance adjuster employed by Penn American Insurance Co. that his roof had not leaked prior to work done on it by Schweigert Roofing. This assertion was false. Furthermore, the Defendant failed to disclose the work he had done on the roof himself. This assertion was misleading.

Penn American Insurance Co. relied on this information and settled its claim with the Defendant on behalf of Schweigert Roofing. Had the Defendant correctly informed Penn American Insurance Co. of these facts, Adjuster Muzzanna would not have suggested Penn American Insurance Co. settle the claim. The claim was settled for \$25,079.97 in November of 2008 and the Defendant has not returned the money.

Pursuant to Mont. Code Ann. §§ 33-1-1202 and 45-6-301(6)(a), the offense is punishable by a fine not to exceed \$50,000 and/or imprisonment in the state prison for a term not to exceed ten years.

DATED this 4th day of JANUARY, 2011.



BRETT O'NEIL
Special Deputy Flathead County Attorney

SUBSCRIBED and SWORN to before me this 4th day of JANUARY, 2011, by Brett O'Neil.




