

1 MIKE WINSOR
Special Assistant Attorney General
2 Special Deputy Lewis and Clark County Attorney
Office of the Commissioner of Securities and
3 Insurance, Montana State Auditor (CSI)
4 840 Helena Avenue
Helena, MT 59601
5 (406) 444-2040

6 *Attorney for the State of Montana*

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8 **MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY**

9
10 THE STATE OF MONTANA,

11 Plaintiff,

12 v.

13 WADE DARREL LUNNISS,

14 Defendant.

Case No. _____

**MOTION & AFFIDAVIT FOR ORDER
GRANTING LEAVE TO FILE
INFORMATION DIRECTLY IN
DISTRICT COURT**

15
16 STATE OF MONTANA)
17 :ss.
County of Lewis and Clark)

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19 Mike Winsor, being first duly sworn, upon his oath, deposes and states:

20 1. I am a Special Assistant Attorney General by virtue of my employment with the Office of
21 the Commissioner of Securities and Insurance, Montana State Auditor. I am also a duly appointed,
22 qualified, and acting Special Deputy Gallatin County Attorney for the purpose of prosecuting this case.
23 Acting in this capacity, I am familiar with the investigation relating to WADE DARREL LUNNISS
24 (Defendant).

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26 2. I request that the Court determine probable cause exists to allow the State to file an
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1 Information directly in District Court, pursuant to Mont. Code Ann. § 46-11-201, alleging the Defendant
2 committed offenses in Gallatin County based upon information set forth herein that was developed
3 through an investigation conducted by a criminal justice investigator. More specifically, the Information
4 alleges the Defendant committed the following offenses: COUNT I: INSURANCE FRAUD/THEFT,
5 (Common Scheme), a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2), and
6 45-6-301(6)(a).
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8 3. A criminal justice investigator has made a full and careful investigation of all the facts
9 and circumstances surrounding the commission of said offenses, so far as they are known or
10 ascertainable, and your Affiant believes it a proper case for the filing of the Information that
11 accompanies this affidavit.
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13 4. The facts establishing probable cause are as follows:

14 On October 11, 2011, in Bozeman, Montana, the Defendant was a passenger in a car accident.
15 The party at fault was insured by Safeco. Subsequent to the accident, the Defendant obtained legal
16 representation from a Bozeman attorney. On February 13, 2012, through his attorney, the Defendant
17 submitted a claim for lost wages to Safeco for seven days of missing work, allegedly due to injuries
18 sustained in the car accident, at \$500.00 per day and \$60.00 per diem each day for a total claim amount
19 of \$3,920. For his employment, the Defendant purportedly traveled around the country giving financial
20 training to car dealerships.
21

22 Through his attorney, the Defendant provided a loss of income statement allegedly from a David
23 Moore at a company called Finance Insurance Specialists located at 5000 Union Square Two, 601 Union
24 Street, Seattle, Washington 97101. David Moore was purported to be the Defendant's employer. The
25 loss of income statement was not signed by David Moore and did not provide any verifications of
26 authenticity. David Moore and Safeco had multiple e-mail exchanges, but the Safeco investigator was
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1 unable to contact David Moore by telephone because the Seattle telephone number that the man
2 claiming to be David Moore gave to Safeco was disconnected. Additionally, the person purporting to be
3 David Moore, and sending e-mails to Safeco, did not provide any proof of income payment to the
4 Defendant such as an IRS 1099 form, paystubs, or any corroborating evidence; and refused to give
5 Safeco the name of the car dealership that Defendant was supposed to work at during times relevant to
6 his lost wage claim.
7

8 Safeco investigators determined that Finance Insurance Specialists, LLC, the Defendant's
9 purported employer, was an inactive limited liability company since May of 2010, and was organized by
10 the Defendant. Additionally, the purported address of the purported employer was the attorney who set
11 up the limited liability company for the Defendant. Safeco contacted the attorney and was informed that
12 the Defendant was not authorized to use his address as the address of the inactive LLC. David Moore
13 was not listed as a member of the LLC.
14

15 After failing to provide any evidence of the Defendant's employment or income from the LLC,
16 the Defendant's attorney abandoned the Defendant's lost income claims for the purported reason that
17 Safeco was harassing and intimidating the Defendant's employer by asking for information to support
18 the Defendant's insurance claim. Safeco reported the matter to the Office of the Commissioner of
19 Securities and Insurance, Montana State Auditor, as suspected fraud. A State insurance investigator
20 attempted to contact David Moore by email on June 1, 2012, and received no answer. The State's
21 investigation came to the same conclusions as the Safeco investigation and determined that the
22 Defendant, for the purpose of obtaining money from Safeco, fabricated evidence of lost income in
23 violation of Mont. Code Ann. § 33-1-1202(1).
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26 WHEREFORE, the undersigned moves the Court for an Order granting leave to file an
27 Information directly in District Court.
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1 DATED this 24th day of January, 2013.

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5 MIKE WINSOR
6 Special Assistant Attorney General
7 Special Deputy Gallatin County Attorney

8 SUBSCRIBED and SWORN to before me by Mike Winsor this 24th day of
9 January, 2013.

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