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STATE OF MONTANA
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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

STATE OF MONTANA, Plaintiff, v. ANTHONY JAMES DUNN, Defendant.	Case No. **MOTION FOR LEAVE TO FILE AN INFORMATION AND AFFIDAVIT IN SUPPORT**

MOTION

Kevin Bratcher, Legal Counsel for the Commissioner of Securities and Insurance, Montana State Auditor, and Special Deputy Lewis and Clark County Attorney, moves the Court for leave to file an Information charging Defendant ANTHONY JAMES DUNN with the following criminal offenses committed in Lewis and Clark County, Montana:

COUNT I – CRIMINAL INSURANCE FRAUD, a felony, as defined in § 33-1-1504(1)(a), MCA.

This motion is made because the undersigned has probable cause to believe the Defendant committed the above-described offenses based on the facts set forth in the following affidavit:

AFFIDAVIT

State of Montana)
:ss
County of Lewis & Clark)

Kevin Bratcher, a competent adult citizen of the State of Montana, being first duly sworn upon his oath, testifies as follows:

1. The Commissioner of Securities and Insurance (CSI) and the affiant as counsel for CSI have a duty pursuant to § 33-1-311, MCA, to investigate and prosecute alleged unlawful activity and violations of the laws of this state, including the Montana Insurance Code, Title 33, MCA.

2. The factual information herein has been provided to the affiant by CSI Investigator Amber Treat, and this Affidavit is based on her investigation into this matter. Only those facts necessary to establish probable cause are set forth.

3. CSI opened its investigation into the Defendant when it received a fraud referral from Progressive Direct Insurance Company (Progressive) reporting that Defendant misrepresented the time of the loss in an attempt to gain coverage when filing a claim on his auto insurance policy for his 2022 Toyota GR86. The referral indicated the Toyota was added to the policy after the loss occurred.

4. After Investigator Treat was assigned to the investigation, she obtained and reviewed Progressive's claims file, and found that the documentation in the file supported the allegations in the referral. Progressive's Special Investigation Unit (SIU) had conducted an investigation, which revealed as follows:

a. Defendant first obtained Progressive policy 95448376-000 on December 28, 2021.
b. Defendant purchased the 2022 Toyota GR86 on March 24, 2022.
c. On June 23, 2022 at 01:51 hours (all times listed are Mountain Time), Defendant added the 2022 Toyota GR86 to policy 954483876-000.
d. On June 23, 2022 at 12:33, Defendant filed a claim on the internet for the Toyota, claiming that he struck a deer. Defendant provided the date of loss as earlier that day at 06:00.

e. On June 24, 2022, Progressive employee Adajah Moore (Moore) took an initial statement from Defendant, who reiterated that he struck a deer and confirmed the date and time of loss. Defendant also advised that at the time of the crash, he was giving his friend Jared Stipek a ride home.

f. Moore also spoke to Jared Stipek (Stipek) on June 24. Stipek could not confirm the date of loss but did corroborate Defendant's statement that Stipek was a passenger in the vehicle at the time of loss.

g. Defendant's claim was assigned to Progressive's Special Investigation Unit (SIU) investigator Erin Kafcsak (Kafcsak). Defendant gave Kafcsak a recorded statement on June 27, 2022, where Defendant again confirmed the date of loss as June 23, 2022, around 06:30. Defendant reiterated again to Kafcsak that his passenger at the time of the crash was Stipek. Defendant told Kafcsak that the police were not called following the loss and that he placed the Toyota "directly into" Stipek's storage unit.

h. On June 28, 2022, Stipek gave a recorded statement to Kafcsak where Stipek confirmed he was a passenger in the vehicle at the time of the loss that occurred after they left Defendant's parents' house at 05:45. Stipek also confirmed that Defendant took the vehicle to Stipek's storage unit the day after the loss.

i. Stipek submitted multiple invoices to Progressive for business expenses/loss income resulting from storing Dunn's vehicle in his storage unit at a rate of $2,500 per day. On July 21, 2022, Stipek submitted updated invoice #072 to Progressive Accounts Payable via email for 27 days of storage totaling $67,513.50. During a July 22, 2022, call with SIU Investigator Shelly Stewart (Stewart), Stipek advised he runs a business from the storage unit he was allowing Defendant to use and he is unable to work as long as the vehicle was present. Stipek told Stewart the charge was for business operating expenses.

j. On September 22, 2022, Stipek contacted Stewart via phone and told her he was, in fact, not the passenger in Defendant's vehicle at the time of the loss. Stipek said that Defendant was intoxicated when he collided with a deer and called Stipek, threatening to harm him if he didn't help. Stipek said the actual passenger's name was Zach Rosebluff (Rosebluff). Stipek confirmed he was keeping the Toyota in his storage unit, which is his business space.

k. On October 4, 2022, Stewart took a statement from Rosebluff who confirmed he was the passenger in Defendant's car on June 22, 2022, and estimated the time of loss as between 23:30 (June 22) and 01:00 (June 23).

l. Also on October 4, 2022, Stewart contacted Defendant via phone to address the statements from Stipek and Rosebluff. When Stewart asked Defendant why he reported Stipek as the passenger and not Rosebluff, Defendant replied, "I don't even know anymore." Defendant admitted to Stewart he was intoxicated at the time of the loss, and that he was "very drunk." Defendant also admitted the time of loss was 01:00 or 01:30 hours.

m. On October 7, 2022, Progressive sent Defendant a letter denying the claim.

5. On February 14, 2023, Investigator Treat took a recorded statement from Defendant who admitted to lying about the time of the crash and the passenger present in the vehicle with him. Defendant admitted that the crash occurred between 23:00 and 01:00 on June 22 into June 23, 2022, and that the Toyota was added to the policy about an hour after the crash. Defendant stated he did not trust Rosebluff with the fact of the loss, and instead asked Stipek to lie for him. Defendant denied threatening to harm Stipek in any way, and told Investigator Treat that he was in Helena when he made the claim.

6. On February 15, 2022, Investigator Treat spoke to Stipek, who stated that he was not a passenger in Defendant's vehicle when it collided with the deer. Stipek told Treat that Defendant held him at gunpoint until Stipek agreed to lie about the crash. Stipek stated that Defendant was present when Stipek talked to Progressive and again threatened Stipek if he did not take the call.

7. With regard to the storage invoices, Stipek initially declined submitting them to Progressive, but then said that the amount was a mistake, and he sent inflated invoices in an attempt to get Progressive to speed up the claims process so he could remove the Toyota from his storage unit.

8. Stipek also gave multiple loss amounts before eventually admitting to Treat that the business listed on the invoice was not a fully-functioning company at the time of the invoice. Stipek said he experienced $0 in loss as a result of storing Defendant's vehicle.

9. Stipek later that day emailed Investigator Treat addressing the fraudulent invoice, asserting that Defendant threatened harm if Stipek did not submit the exaggerated invoice to Progressive.

10. The loss exposure on the initial referral from Progressive was $634. Investigator Treat Confirmed with Progressive SIU Manager Yashica Oliver-Logans that this was only a preliminary estimate. On August 9, 2022, Defendant obtained a complete estimate from Hjelm's Body Shop in the amount of $22,116.15.

11. Based on the foregoing, the affiant believes there is probable cause that Defendant has committed the above-described offenses.

VENUE

Venue is proper in Lewis and Clark County under Mont. Code Ann. §§ 46-3-110(1), 46-3-112, and 46-3-114, because Defendant resides, made his misrepresentations and committed his acts in Lewis and Clark County, Montana.

CONCLUSION

Based on these facts, the State respectfully requests that this Court find probable cause to charge Defendant, ANTHONY JAMES DUNN, with the felony outlined above.

DATED this 13 day of November, 2023.

KEVIN BRATCHER
Special Deputy Lewis and Clark County Attorney
Counsel for the State of Montana

SUBSCRIBED and SWORN to before me by Kevin Bratcher this 13 day of November 2023.

BRANDY MORRISON
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
August 17, 2026

Notary Public