

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

UNDER SEAL

STATEMENT OF FACTS IN SUPPORT OF ARREST WARRANT

Before me, Berlin A. Solis, a Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, personally appeared Detective Tim Smith of the Miami-Dade Police Department, Arson Squad, who being by me first duly sworn, deposes and says that he has probable cause to arrest Jorge Antonio Espinosa, white male, date of birth June 17, 1977 (hereinafter referred to as defendant Espinosa); Michael Alan Rodriguez, white male, date of birth October 17, 1983; (hereinafter referred to as defendant M. Rodriguez); Camilo Campuzano, white male, date of birth November 2, 1976, (hereinafter referred to as defendant Campuzano); Eduardo Rodriguez, white male, date of birth May 11, 1968 (hereinafter referred to as defendant E. Rodriguez); Ricardo Wildner Borja, white male, date of birth April 23, 1974, (hereinafter referred to as defendant Borja).

Affiant's reasons for the belief that he has probable cause to effectuate such arrests are as follows:

Your Affiant is Detective Tim Smith of the Miami-Dade Police Department, Arson Squad. Your Affiant has been a Police Officer for twenty-three years. On Monday, March 1, 2010, your Affiant was assigned to investigate the facts and circumstances surrounding police case number PD100302091230. As a result of that investigation, your Affiant has determined the following to be true based on information and belief.

On Tuesday, February 23, 2010 at 12:57 p.m., a simple stove fire occurred at a single-family residence located at 16025 SW 79 Street, Miami-Dade County, Florida 33193. The residence is owned by Mr. Norman Frye and Mrs. Angela Frye. Mrs. Frye had been in the process of frying chicken when she left the oil filled frying pan unattended on the burner. The oil in the pan ignited causing minor damage to the kitchen cabinets and microwave oven. Mrs. Frye immediately notified the Miami-Dade Fire Department. When the fire units arrived on the scene, the fire had self-extinguished. After the fire department left the scene, Mrs. Frye began cleaning the kitchen and in the process dropped a ceramic plate on the tile floor. The plate shattered, however it did not cause any damage to the tile floor. Later in the day Mrs. Frye filed a fire loss claim with her homeowner's insurance company, Federated National Insurance Company. Mrs. Frye reported the stove fire damage without any reference to any tile floor damage.

An acquaintance of Mrs. Frye, Mercedes Martinez, recommended that she contact licensed Public Adjuster Jorge Antonio Espinosa to represent her in her insurance claim.

Defendant Espinosa, according to business license filing records, is the manager of Global Adjusters LLC, located at 11401 SW 40 Street, Suite 360, Miami, Florida, 33165. On February 24, 2010 Mrs. Frye contacted defendant Espinosa. Later that same day, defendant Espinosa responded to Ms. Frye's residence to inspect the fire damage along with Michael Alan Rodriguez, who is employed by Global Adjusters LLC, as a claims adjuster. According to Mrs. Frye, defendant M. Rodriguez responded to the scene in a company car that had Global Adjusting painted on it. Defendant M. Rodriguez brought Global Adjusting brochures to the scene at the request of defendant Espinosa. Prior to his arrival, defendant Espinosa had advised Mrs. Frye that defendant M. Rodriguez was his most trusted employee.

In the presence of defendant M. Rodriguez, Mrs. Frye, described the fire incident to defendant Espinosa, including informing him that she had dropped a plate on the floor. Mrs. Frye told your Affiant that defendant Espinosa examined the floor closely, but could not locate any damage. Defendant Espinosa explained that the fire loss was minimal and that the monetary loss could be increased if they reported damage to the tile floor. In an attempt to cause damage to the tile floor, defendant Espinosa struck the floor twice with the frying pan, but it did not cause any damage. Defendant Espinosa asked her if she had a hammer. Mrs. Frye directed defendant Espinosa to the garage where he picked up a yellow hammer from the toolbox. Mrs. Frye and defendant Espinosa returned to the kitchen, where defendant Espinosa attempted to hand her the hammer and told her to strike the floor. Mrs. Frye refused and walked away. Mrs. Frye observed defendant Espinosa kneeled on the floor in front of the stove with the hammer in his hand. As she walked out she heard two loud strikes of the hammer on the tile floor. Mrs. Frye immediately returned to kitchen to find defendant Espinosa still kneeling on the floor with the hammer in his hand and observed a hole in the tile floor. At that time, defendant M. Rodriguez was sitting at the counter in the kitchen observing the entire incident. Defendant Espinosa then asked her for a magic marker. Mrs. Frye gave him a marker, which he used to draw a circle around the damage he had caused on the tile floor. Defendant Espinosa told her to tell the insurance company that her tile broke when she dropped the frying pan on the floor. Mrs. Frye told defendant Espinosa that she could not report this since the fire department personnel had placed the pan in the sink. Defendant Espinosa instructed her to say that the damage to the tile floor had been caused by the dropping of a plate and told her to remove the plate fragments from the trash can. Mrs. Frye complied and placed the plate fragments in a plastic bag to present to the insurance company adjuster. Mrs. Frye told defendant Espinosa that she had extra tiles from her floor in her garage, at which time defendant Espinosa instructed her to get rid off any extra tiles. Mrs. Frye subsequently signed a contract commissioning defendant Espinosa and Global Adjuster's company to represent her interest in the fire loss. Mrs. Frye stated that defendant M. Rodriguez was present the entire time, observing and over-hearing the entire conversation.

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On Wednesday, February 24, 2010, Global Adjusters sent a certified letter via U.S. Mail, and a copy via facsimile, to Federated National Insurance advising them that defendant Espinosa was representing Mrs. Frye in her insurance claim. The letter was signed by defendant Espinosa.

Federated National Insurance Company commissioned licensed Private Fire Investigator, Mr. Harvey S. Meshel from HSM Consulting, Inc. to investigate the insurance claim. On Thursday, February 25, 2010, Mr. Meshel responded to Mrs. Frye's residence, where he was met by Mrs. Frye and defendant Espinosa. Mr. Meshel examined the scene and questioned Mrs. Frye

about the events that led to the loss. Mrs. Frye explained how the fire damages had been caused by the unattended pot on the stove and also told Mr. Meshel the agreed upon story about the damage to the tile floor. While on the scene, Mr. Meshel contacted Lieutenant Joseph Schwartz of the Bureau of Fire and Arson Investigations, Division of the State Fire Marshal as he believed that defendant Espinosa had violated the 48 hour rule as described in Chapter 626 (Insurance Field Representatives and Operations) of the Florida State Statute. The 48 hour rule specifies that no public adjuster can establish contact with a claimant within 48 hours of the occurrence.

On February 26, 2010, Lieutenant Joseph Schwartz and Detective Charles Toledo from the Division of the State Fire Marshal, responded to Mrs. Frye's home and questioned her about her insurance claim in particular the broken tile. During questioning, Mrs. Frye admitted the fraudulent claim concerning the broken tile and agreed to cooperate with the investigation. Mrs. Frye related to Lieutenant Schwartz and Detective Toledo her initial encounter with defendant Espinosa and what had transpired during the initial meeting. A joint investigation was launched with the Division of Insurance Fraud, the State Fire Marshalls Office and Miami-Dade Police Department, Arson Squad, lead by your Affiant. As part of the investigation and with consent from Mrs. Frye, the residence was wired for audio and video recording equipment.

On Wednesday, March 3, 2010, your Affiant showed Mrs. Frye two separate photographic line-ups, one containing the photograph of defendant Espinosa and one with the photograph of defendant M. Rodriguez. Mrs. Frye positively and immediately identified both defendant Espinosa and defendant M. Rodriguez as the two Global Adjusters who first responded to her residence the day defendant Espinosa broke the tile floor.

On Monday, March 8, 2010, Mr. Meshel returned to Mrs. Frye's residence with forensic Engineer Mr. Ralph Guerra. Prior to their arrival, defendant Espinosa arrived at Mrs. Frye's home, and told Mrs. Frye to stick to her story inferring to the broken tile story.

On Thursday, March 11, 2010, Mrs. Frye received an envelope, via U.S. Mail, from Global Adjusters containing the Sworn Proof of Loss form for her signature. The form indicated that it was for the February 23, 2010, claim at her residence for an actual loss and damages valued at \$69,273.94.

On Wednesday, March 17, 2010, Mrs. Frye responded to defendant Espinosa's office, located at 11401 SW 40 Street, Suite 360, Miami, Florida, 33165. She met with Ms. Isabel Tamayo, an employee, who notarized Mrs. Frye's signature and took possession of the form. Ms. Tamayo provided Mrs. Frye with a copy of the form.

On Monday, March 22, 2010, Federated Insurance Company received a Sworn Proof of Loss form, from Global Adjusting, listing the estimated damages to Mrs. Frye's residence. The form was an itemized listing and was in the amount of \$69,273.94, and was signed by defendant Espinosa. The proof of loss was sent via certified U.S. Mail, and a copy was sent via facsimile to their representatives.

On Wednesday, March 31, 2010, at the direction of your Affiant, Mr. Meshel informed defendant Espinosa that he wanted to return to Mrs. Frye's residence to reexamine the scene. Both parties agreed to meet on Wednesday, April 7, 2010, at Mrs. Frye's residence.

On Wednesday, April 7, 2010, at approximately 3:00 p.m., defendant Espinosa arrived at Mrs. Frye's residence. He was accompanied by two other individuals that wore Global Adjusting polo shirts and appeared to be his employees. The two employees would later be identified as Camilo Campuzano and Eduardo Rodriguez. As planned, Mr. Meshel arrived at Mrs. Frye's house at approximately 3:05 p.m. and began his inspection. Also as planned, minutes later Detective Michael Olon from the State Fire Marshal's Office arrived. In front of defendant Espinosa, Detective Olon informed Mrs. Frye that her insurance claim was now under investigation by the Fire Marshal's Office. Detective Olon asked Mrs. Frye if she would agree to a search of her residence and asked her to sign a consent form. Defendant Espinosa advised Mrs. Frye to contact an attorney. Detective Olon was then asked by defendant Espinosa to step outside. Defendant Espinosa and Mrs. Frye discussed the reason for the fire marshal wanting to search the residence. Defendant Espinosa told her that they must be suspicious of the fire. Defendant Espinosa asked her where the hammer was, referring to the hammer used to break the tile. Mrs. Frye told him that it was in the garage. Defendant Espinosa went into the garage sprayed a towel/rag with brake cleaner and then used it to wipe down the hammer. Detective Olon was told that they would contact him later regarding the consent to search and he departed.

Defendant Espinosa, defendant Campuzano, defendant E. Rodriguez and Mrs. Frye stepped outside the residence. While outside they questioned Mrs. Frye and her daughter, Ashley Frye, as to whether the house was "wired." They told Mrs. Frye that they had been told by another client that the house of one of their client's could possibly be wired. Mrs. Frye denied her house was wired, but told them that she was going through a divorce and that since her husband worked for the Secret Service he was capable of wiring the house. She also added that her husband had been in the house recently, as he had come for her daughter's ring ceremony. Defendant Espinosa, defendant Campuzano, and defendant E. Rodriguez began searching the residence. The search was interrupted when detectives from the State Fire Marshal's office and the Department of Insurance responded to the house to check on Mrs. Frye's welfare. While the detectives pretended as if they were continuing their scene investigation, attorney Kenneth Duboff arrived on the scene, with his assistant Mr. Eduardo Paz. The detectives voluntarily stepped outside while Mr. Duboff spoke to defendant Espinosa and Mrs. Frye inside the house. This conversation took place in the presence of defendant Campuzano and defendant E. Rodriguez. After a few minutes of discussion, defendant Espinosa, defendant Campuzano, and defendant E. Rodriguez continued the search the residence for any electronic surveillance devices. At one point, they discovered a video recorder concealed in a kitchen cabinet and subsequently found the camera. Defendant Espinosa took the video tape from the recorder and attempted to erase the tape with a kitchen magnet. Defendant Campuzano took the tape and hid it inside his pants, Mr. Duboff informed them that the tape was evidence and told them to leave it on the scene. Defendant Espinosa, defendant Campuzano, and defendant E. Rodriguez ignored this advice and left the residence with the tape, driving away in Mr. Espinosa's white Mercedes Benz. The detectives outside were unaware of what had transpired inside and did not detain defendant Espinosa, defendant Campuzano, or defendant E.

Rodriguez. Your Affiant's follow up investigation revealed that, defendant Campuzano and defendant E. Rodriguez played a major role in assisting defendant Espinosa in determining if the residence was actually under surveillance. Both defendant Campuzano and defendant E. Rodriguez took active parts in the interviews of Mrs. Frye and her daughter as to whether or not the residence was under surveillance, and in the searching of the premises for surveillance equipment. They also took an active role in discussing what to do with the surveillance tape once it was located, and then in concealing the tape as they walked passed the three law enforcement officers still waiting outside the residence.

The video tape recorder and video tape belonged to the Miami-Dade Police Department, and was being utilized to gather evidence in this criminal investigation. Futile attempts were made to locate, defendant Espinosa, defendant Campuzano, and defendant E. Rodriguez and to recover the video tape. The video tape has not been recovered.

Det. Toledo and Det. Losada identified both defendant Campuzano and defendant E. Rodriguez through State of Florida Department of Motor Vehicle drivers' license photographs.

During the course of this investigation, your affiant learned that defendant Espinosa was handling a similar fire loss claim, which included tile floor damage, at a single family residence located at 14810 SW 77 Street, Miami, Florida, 33178. On April 7, 2010, your affiant along with Detective Toledo and Detective Carlos Losada, from Division of Insurance Fraud, responded to this residence to interview the homeowners Mercedes and Antonio Martinez. Mr. and Mrs. Martinez admitted that on Thursday, February 18, 2010, at 6:30 p.m., an accidental stove fire occurred at their residence. The fire caused a moderate amount of fire damage to the kitchen and extensive smoke damage to the residence. Mr. Martinez who is an employee at Williamson Cadillac, contacted co-worker Ricardo Wildner Borja, who is a part time public adjuster for defendant Espinosa. On Friday, February 19, 2010, defendant Espinosa and defendant Borja responded to Martinez' residence to inspect the scene. After inspecting the fire damage, defendant Espinosa noticed that the tile floor was damaged. Defendant Espinosa questioned the Martinez' about the damage and they indicated to him that it was preexisting and not related to the fire. Defendant Espinosa told them that he could include the damaged floor into the fire loss claim if Mrs. Martinez reported that the floor damage had occurred during the fire. The Martinez' agreed to go along with the insurance fraud scheme. At one point during their negotiations, defendant Espinosa offered Mr. Martinez \$15,000 in cash as an inducement for them signing the Adjuster Retainer Agreement. The Martinez's hired defendant Espinosa to represent them in the insurance claim and filed an insurance claim with State Farm Insurance, who is their homeowner's carrier. Defendant Borja was present and listening during the entire meeting.

On Sunday, February 21, 2010, Mrs. Martinez contacted defendant Espinosa, via telephone, threatening to cancel his representation of their claim. Defendant Espinosa and defendant Borja responded to the Martinez's residence. Defendant Espinosa told Mr. and Mrs. Martinez about another client he had represented that also had tried to cancel his representation. Defendant Espinosa told them that he responded to the client's residence with two of his friends and met with the client. During that meeting, defendant Espinosa's companions lifted their shirts, in an intimidating manner, to reveal firearms tucked in their waist bands. Defendant Espinosa

Handwritten initials of the affiant and judge. The affiant's initials are written in a cursive style, and the judge's initials are written in a more formal, blocky style. Both sets of initials are written in black ink on a white background.

then told Mr. and Mrs. Martinez's that the client decided to continue to retain him and followed through with his claim. Defendant Espinosa told them that the client was also an employee of Williamson Cadillac. The Martinez's further advised your affiant that defendant Espinosa then told them how he was a former police officer and had killed a juvenile in the line of duty. Mr. and Mrs. Martinez felt that defendant Espinosa told them these stories in an attempt to intimidate them. They agreed not to cancel their contract with defendant Espinosa. Defendant Borja was present and listening during the entire meeting.

On Thursday, February 25, 2010, Global Adjusters mailed a certified letter of representation, via the U.S. Mail, to State Farm Insurance Company advising that they were representing the Martinez's in their insurance claim. The letter was signed by defendant Espinosa. On Monday, March 8, 2010, the same letter of representation was sent via facsimile to State Farm Insurance Company. On Thursday, March 25, 2010, Global Adjusting mailed a Sworn Proof of Loss Form, thorough the U.S. Mail, to the Martinez alleging \$79,689.05, in structural damages. There was a pink post-it note, from Ms. Isabel Tamayo, attached to the form requesting the Martinez to sign, notarize, and return the original form back to Global Adjusting.

On Thursday, April 8, 2010, the Honorable Judge Bertila Soto in the Circuit Court of the Eleventh Judicial Circuit of Florida signed a search warrant for your Affiant to search the office of Global Adjusters, located at 11401 SW 40 Street, Suite 360, Miami, Florida. The search warrant was served by your Affiant on the same day. The search revealed files for both Mrs. Frye's and the Martinez' insurance claims. Inside the Martinez file, your Affiant found an itemized Proof of Loss Form alleging \$79,689.05, in structural damage including the broken tile. Also inside Mrs. Frye's file was an itemized Proof of Loss Form for the amount of \$69,273.94, including tile flooring.

Based on the above facts your Affiant believes that probable cause exists to arrest

1) JORGE ANTONIO ESPINOSA

Florida Statute 817.034(4) (A) 1 & 777.04; Organized Scheme to Defraud, \$50,000 or More/Conspiracy, TWO (2) COUNTS

Florida Statute 812.014 (2) (b) & 777.04: Grand Theft 2ND Degree/Conspiracy, TWO (2) COUNTS

Florida Statute 812.014 (2) (b); Grand Theft 2nd Degree, TWO (2) COUNTS

Florida Statute 817.234 (1); Insurance Claims/False/Fraud, TWO (2) COUNTS

Florida Statute 817.034(4) (B) (1); Communication Fraud/\$300 or more, EIGHT (8) COUNTS

Florida Statute 918.13(1) (a); Tampering With or Fabricating Physical Evidence

Florida Statute 918.13(1) (a) & 777.04; Tampering or Fabricating Physical Evidence/Conspiracy

2) MICHAEL ALAN RODRIGUEZ

Florida Statute 817.034(4) (A) 1 & 777.04; Organized Scheme to Defraud, \$50,000 or More/Conspiracy

Florida Statute 812.014 (2) (b) & 777.04: Grand Theft 2ND Degree/Conspiracy

3) CAMILO CAMPUZANO

Florida Statute 918.13(1) (a); Tampering With or Fabricating Physical Evidence
Florida Statute 918.13(1) (a) & 777.04; Tampering or Fabricating Physical Evidence/Conspiracy

4) EDUARDO RODRIGUEZ

Florida Statute 918.13(1) (a); Tampering With or Fabricating Physical Evidence
Florida Statute 918.13(1) (a) & 777.04; Tampering or Fabricating Physical Evidence/Conspiracy

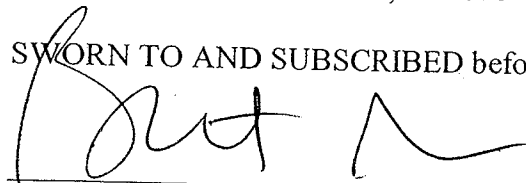
5) RICARDO WILDNER BORJA

Florida Statute 817.034(4) (A) 1 & 777.04; Organized Scheme to Defraud, \$50,000 or
More/Conspiracy
Florida Statute 812.014 (2) (b) & 777.04: Grand Theft 2ND Degree/Conspiracy



Affiant/Detective Tim Smith, 30-2670

SWORN TO AND SUBSCRIBED before me on this 10 day of May, 2010.



Judge of the Circuit Court
Of the Eleventh Judicial
Circuit of Florida