The scene at the Soberanes Fire where a bulldozer operator died. Monterey County’s Workers’ Compensation Fraud Unit prevailed against the operator’s employer.

DA Special Unit Brings Justice in Soberanes Fire Death Case

The Soberanes Fire may have been three years ago, but justice in the lone death during this fire was only recently served.

And the results of this verdict are triggering interest from other communities with similar situations in the aftermath of major fires.

Deputy District Attorney John Hubanks carried the case to its conclusion and tells us how the case began, developed and how a District Attorney’s special unit team finally brought justice to one family.
In July 2016, the Soberanes wildfire erupted near Big Sur. Over the next several months, CAL FIRE would rely on the time and effort of over 5,000 firefighters and private equipment owners, costing taxpayers over $260 million. Before it ended, the Soberanes fire consumed 130,000 acres, destroyed 57 homes and claimed the life of a bulldozer operator – Robert Reagan III.

To compound the tragedy of Mr. Reagan’s death, his employer, Ian Czirban, did not have any workers’ compensation insurance, meaning there was no insurance benefit for Mr. Reagan’s two children and their mother. The absence of that insurance led the Monterey County District Attorney’s Workers’ Compensation Fraud Unit to open an intensive, criminal investigation which led to criminal charges against Czirban in April 2017. More than two years later, that case was tried and on September 16, 2019, the Honorable Judge Andrew Liu returned the verdict: Czirban was guilty of three felonies and one misdemeanor.

**Case Origins**

When the Soberanes fire began, Czirban was just one of hundreds of private equipment owners hired by CAL FIRE to help supplement firefighting efforts. Under California law, CAL FIRE is allowed to enter into such agreements. Among other things, these agreements require those private equipment owners to be fully insured. Despite not having workers’ compensation insurance for employees, Czirban hired two workers, including Mr. Reagan, to drive his bulldozer.

**Criminal Investigation**

In the criminal investigation after Mr. Reagan’s death, it quickly became clear that Czirban’s failure to carry insurance was just the tip of the iceberg. During his investigation, District Attorney Investigator George Costa gathered Czirban’s licensing and business records and interviewed numerous witnesses. The evidence showed that Czirban had, in the 5 years before July 2016, numerous license suspensions related to failing to maintain workers’ compensation insurance. Furthermore, Czirban failed to register his business with the California Employment Development, meaning that he was failing to report employee payroll and withhold payroll taxes. Finally, when he approached CAL FIRE about becoming an approved equipment contractor, Czirban knowingly provided that public agency with a fake workers’ compensation insurance certificate. CAL FIRE did not discover that fact until after Mr. Reagan’s death.

**Trial Arguments**

In the criminal trial, Czirban’s attorney argued that his client did not need to carry workers’ compensation insurance since Mr. Reagan was an independent contractor rather than an employee.
The prosecution countered that Czirban was paid by CAL FIRE for a continuous, 24-hour service at various wildfire assignments - which necessarily required the time and effort of at least 2 operators. Additionally, Czirban had no partners and had exclusive control over his business. The Court ultimately agreed with the prosecution’s case theory, finding Czirban guilty of the three felonies (providing a false document to CAL FIRE and payroll tax evasion) and the misdemeanor for not carrying workers’ compensation insurance. Czirban returns to Court on December 13, 2019 to face his criminal sentence. The Court could sentence Czirban to a maximum jail sentence of 4 years, 8 months, impose criminal fines and substantial restitution to Mr. Reagan’s heirs.

The Workers’ Compensation Fraud Unit

The Czirban criminal case is just one of numerous criminal investigations and prosecutions filed each year by the Monterey County District Attorney’s Workers’ Compensation Fraud Unit. Staffed by two full-time investigators and a full-time prosecutor, this team is dedicated to investigating and prosecuting fraud, including “uninsured employer” cases like the Czirban case. Business owners and the public need to be aware that California law requires all employers to secure workers’ compensation insurance for their employees so that there is adequate medical coverage and other benefits for employees for any work-related injuries that may occur.

ITD Staff Puts Knowledge to the Test at Prestigious Security Training

Cyber security requires constant learning. County Information Security and Application teams recently took part in a training on web application security and came away with both knowledge and a coveted winner’s coin!

Staff members attended SANS Network Security training, the most respected Information Security training organization in the world. Each SANS course is a six-day intensive which ends with a “capture the flag” exercise, where participants organize as small teams and exercise their new-found skills in a live competitive cyber ‘range.’

Members of the winning ‘BabyTShark’ team. SANS Security coin (inset).
“These events consist of a series of challenges that vary in their degree of difficulty and require participants to exercise different skillsets to solve,” explains Dan Kern, Chief Security and Privacy Officer. “Once an individual challenge is solved, a ‘flag’ is given to the player and they submit this flag to earn points. Participants get to exercise hands-on offensive and defensive skills that can be applied immediately on the job. The hands-on experience better trains participants to discover, investigate, contain, eradicate and recover from security incidents, as well as to more effectively test their own environments for weaknesses and vulnerabilities.”

At the recent SANS training, the County’s Information Security team put its skills to use in this exercise. The team was made up of Anita Simoni, Bryan Curl and the ITD Application team’s Frank Daniels plus two participants from other organizations. They named their team “BabyTShark” and won it all - taking first place in their event with a perfect score with no hints taken!

Each winning team member received the coveted SANS coin. Congratulations!

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**Giving Campaign Heads to Final Stretch**

The Employee Giving Campaign has offered lots of fun and activities and now the campaign is heading into its final weeks.

Among the fun events this week were an incredible bake sale by the Cannabis Program team. Myles Echenique, Kristina Parson and Joann Iwamoto did some hero-level baking while Norma Aceves, Robert Uribe, Dorothy Priolo (Monterey County Regional Fire District) and others donated to the cause. This sale was a huge success, raising nearly $600.
Also this week, a Loaded Bake Potato sale organized by the Public Defender’s Office. This event was SOLD OUT before it even happened. The final earnings tally isn’t in yet, but a big shout out to the event team: Becky Avila, Caren Anderson, Korina Moreno, Rocio Perez-Garcia, Araceli Godinez, Sara Hernandez, Michelle Wouden, Fabiola Pineda-Nguyen, Betty Marin, Latasha Ellis-Bowers and Department Head Susan Chapman.

The live auction continues with the current round of items closing Friday (today) and a new set of items going up for bid beginning Tuesday, November 12th. Some of the items you’ll see next week include:

- Coastal Adventures Basket
- Soothing & Smoothing Basket
- Concours d’Elegance Tickets
- Disney Treasure Basket
- Vintner’s and Grower’s Winemakers Celebration tickets
- Decadent Wine Basket