



## **Message from Glenn Cunha** **Chief, Insurance and** **Unemployment Fraud Division** **Office of Attorney General Tom Reilly**

If you've ever watched "CSI" or one of its spinoffs, you would think every criminal leaves behind DNA at the crime scene. "Law and Order" and its many spinoffs solve crimes and typically convict the perpetrator within a hour. That's entertainment and far from the reality that we know. In most insurance fraud cases and other white collar crimes, DNA is not an issue and it always takes more than an hour to solve the crime.



The investigation portion of insurance fraud cases is just one step in the criminal prosecution. It may be months before a prosecutor even gets the file. By then, witnesses have moved, memories have faded and evidence has disappeared. Documenting names, addresses and dates of birth will only make tracking down that key witness that much easier.

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### **Seminar on** **Automobile Insurance Fraud** **"Making the Criminal Case"**

**June 16, 2005**

**Boxborough, MA**

**See page 15 for details**

## **IFB Records 1,000<sup>th</sup> Person** **Charged Due To Fraud** **Investigations**

**BOSTON**– Nearly 14 years after the Insurance Fraud Bureau of Massachusetts (IFB) began conducting criminal investigations of suspected fraudulent insurance claims, the total number of people charged with insurance fraud as a result of its investigations has exceeded 1,000 individuals. These individuals have been charged with a total of 5,442 counts of insurance fraud or related crimes. To date, 473 convictions have resulted and cases against 173 other individuals have been continued without a finding with additional cases pending. Over the years, insurance fraud cases have been prosecuted by the offices of the district attorneys, Attorney General and the United States Attorney.

On April 7, 2005 Lawrence police charged six people in an alleged staged auto accident case investigated by the IFB, pushing the number of individuals charged to more than 1,000 since the IFB began. The Lawrence arrests were part of the ongoing crackdown on insurance fraud in the city by the task force created in October 2003 with the Lawrence police department, the IFB, Attorney General Tom Reilly, Essex County District Attorney Jonathan Blodgett and several insurance companies, following the death of a Lawrence grandmother in a staged accident.

Working with local police departments, insurance company special investigative units, district attorneys and the Attorney General's office, the IFB has since created similar task forces – called Community Insurance Fraud Initiatives, or CIFIs – in Boston, Brockton, Lowell, Lynn, and Springfield/Holyoke. Thus far, IFB investigations have been responsible for 182 people being charged with insurance fraud as part of these initiatives and the Lawrence task force.

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When interviewing a target or witness the more details in the questions the better. All the information that is gathered will be important for the prosecutor when convincing the jury that the defendant committed a crime beyond a reasonable doubt. If there were a car accident, ask the target if he called 911. If the answer is no, follow up with the other individuals involved to see if anyone else might have called the police. Once you can establish a 911 call was made, track down the tape and a police report.

Many times, investigators are the first to interview an insured. If you suspect fraud, an insured will be interviewed many more times. The more details that you ask at the first interview, the more details and lies the target has to keep straight. All the inconsistent statements can be used against the target in the criminal case.

How can we fight fraud and develop more viable criminal cases using the resources already at our disposal? The best way is to start thinking about the criminal prosecution from the onset. For most insurance companies, the primary interest is to process claims. Yet, today fighting insurance fraud must also be a priority. At the first indication of fraud, insurance companies can take actions that will impact the prosecution of the criminal case. What steps can you take? Documentary evidence can be a powerful tool in criminal cases. But keep in mind that documents can also be used by the defense. The target and his attorney will see all of the documents that an investigator collects, including internal memos. The quality of the evidence will dictate whether the documents become a tool for the prosecution or one for the defense. Detective Friday from "Dragnet" always said: "Just the facts."

Personal opinions can hurt a criminal prosecution. When you think someone is lying, it's better to articulate what makes you feel that, rather than to simply state your belief. When you think that someone is not being candid with you, describe what it is that makes you think that they are withholding information. Is the person not looking at you? Is the target changing topics? Document what the person is doing or saying instead of stating your conclusions.

For evidence to assist in the prosecution of a case it must tell a story that is consistent with the theory of the case. Photographs need to show the damage or lack thereof. Appraisal reports should identify any inconsistencies. Collision reconstruction reports need to be detailed and complete.

All of this evidence is a tool that will provide the foundation for a criminal prosecution. Successful prosecution of insurance fraud cases requires a combination of diligence from the insurance companies, the Insurance Fraud Bureau and the prosecutors. Working together will never permit us to solve a crime in an hour but hopefully we can create a success rate comparable to that on TV, when the good guys always win.

*Glenn Cunha, an Assistant Attorney General and Chief of the Insurance and Unemployment Fraud Division in the Office of Attorney General Tom Reilly, is a speaker at the June 16, 2005 Seminar on Automobile Insurance Fraud, "Making the Criminal Case."*

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“Everyone who pays an insurance premium in the Commonwealth of Massachusetts is paying for insurance fraud,” said IFB Executive Director Daniel J. Johnston. “After 14 years of waging the battle against felony insurance fraud, we take pride in knowing that the ‘fraud tax’ included in everyone’s premium is smaller because the insurance industry and government worked together to address the problem.”

The IFB was created in 1990 by an Act of the Massachusetts State Legislature to investigate suspected cases of insurance fraud for criminal prosecution. The IFB is funded by the state’s automobile and workers’ compensation insurers, through the Automobile Insurers Bureau (AIB) and the Workers’ Compensation Rating and Inspection Bureau (WCRIB). While these two lines of insurance account for the majority of the cases handled by the IFB, the Bureau is authorized to investigate all lines of suspected insurance fraud, and has taken cases involving providers, property, disability, marine and life insurance claims.

Started with a handful of investigators, the IFB today has 43 employees, of which 29 are investigators. Of the 41 insurance fraud investigative organizations in the United States, the IFB remains the only privately funded fraud bureau working in cooperation with public law enforcement agencies and prosecutors.

Since 1991, the IFB has received more than 26,800 referrals of suspected insurance fraud which have led to the creation of more than 5,380 cases. While most of the referrals received by the IFB come from insurance company special investigative units, about 35 percent have come in over the Bureau’s fraud consumer hotline – 1-800-32-FRAUD.

### Check [www.ifb.org](http://www.ifb.org) frequently for:

- **News Flashes**
- **Updates on prosecution court activity**
- **Plus**
- **Quarterly IFB statistics**
- **2004 Annual Report**
- **Back issues of *focusFraud* and *e-focusFraud***

## Property Fraud

### “Diamond Ring Keeps Slipping Away” Case Update

**STONEHAM-** The case against **Jessica Vieira** was continued without a finding in Woburn District Court on January 18, 2005. She was ordered to pay \$7,400 in restitution and a \$2,000 fine. Vieira had been charged with two counts of insurance fraud and one count each larceny and attempted larceny. Vieira filed two separate claims for the same diamond ring. In June 2000 Vieira reported she lost her diamond engagement ring while on vacation. She was paid \$5,600 by MetLife on her claim. In September 2000, Vieira had the same ring appraised by a jeweler and then obtained coverage with Chubb Insurance Company. In October of that year, Vieira reported another loss involving the diamond ring, claiming that she lost it while exercising at the gym. An investigation of this claim determined that Vieira had filed a previous claim on the same ring. The second claim was denied. The case was prosecuted by Assistant District Attorney John Ciardi of Middlesex County District Attorney Martha Coakley’s office.

### This Claim is All Wet

**LANESBOROUGH-** Complaints were issued against **Stephen Parzick** on charges of filing a fraudulent insurance claim and attempted larceny on January 4, 2005 in Pittsfield District Court. Parzick filed a homeowner’s claim for alleged water damage to his home and personal property. As a result of the claim, Hartford Insurance Company paid Parzick more than \$13,000 for the alleged loss. Investigation revealed that the insured property was allegedly no longer owned by Parzick and the contents, which were claimed to be personal property, were allegedly inventory of Parzick’s business. Assistant Attorney General John Compton of Attorney General Tom Reilly’s Insurance and Unemployment Fraud Division (IUFD) is prosecuting the case.

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## **Premium Evasion Fraud**

### **Five Charged in \$30 Million Under-the-Table Payroll Fraud**

**BOSTON-** Five individuals were charged on January 27, 2005 in U.S. District Court for their participation in a tax and insurance fraud scheme in connection with their operation of temporary employment agencies. **Daniel W. McElroy** and **Aimee J. King McElroy** were each indicted on three counts of mail fraud, 14 counts of procuring a false tax return and one count of conspiracy. **Xieu Van Son** was indicted on one count each conspiracy and failure to supply tax information. **Charles Wallace** and **Dich Trieu** were both charged in an Information. Wallace was charged with a count of conspiracy. Trieu was charged with a count of willful failure to supply tax information.

Both the Indictment and the Information allege that all of the defendants were involved, at various levels, in the operation of temporary employment agencies that did business under the names Daily A. King Labor, Inc., Pro Temp. Company, Dich Trieu, PTC and Precission (sic) Temp. Corp. Daniel McElroy, his wife Aimee King McElroy and Van Son allegedly committed mail fraud by deceiving workers' compensation insurers regarding the size and payroll of their businesses. It is alleged that from January 1993 through June 2001, in order to avoid employment taxes, such as Social Security and Medicare, and in order to fraudulently reduce the businesses' insurance premiums for workers' compensation insurance, the defendants arranged to pay a large share of the businesses' payroll in cash. It is alleged that in excess of \$30 million in cash was paid out to employees as a result of the scheme. It is also alleged that when filing tax returns, the defendants disclosed only the portion of their payroll that was paid by check, thereby concealing additional millions of dollars in wages that had been paid in cash. Additionally it is alleged that when reporting payroll to Liberty Mutual and Reliance National Insurance Companies, Daniel McElroy and Wallace prepared forged federal tax forms, which showed an even smaller portion of their actual payroll - causing a fraudulent reduction of approximately \$4.6 million in the workers' compensation insurance premiums they were required to pay.

Two defendants pleaded guilty on March 23, 2005. They will be sentenced in August 2005. Cases are still pending on the other individuals. The case was investigated by Special Agents of the U.S. Internal Revenue Service, Criminal Investigation, and the Federal Bureau of Investigation. It is being prosecuted by Assistant U.S. Attorneys Paul G. Levenson and Seth Berman in U.S. Attorney Michael J. Sullivan's Economic Crimes Unit.

### **Shrewsbury Man Pleads Guilty to Larceny**

**SHREWSBURY-** **Paul Santora**, principal of Santora Brothers, Inc., pleaded guilty to a charge of larceny on April 4, 2005 in Westborough District Court. He was placed on probation for one year, ordered to pay restitution of \$14,671 and to perform 50 hours of community service. A charge of workers' compensation fraud was continued without a finding for one year. Santora paid employees in cash thus concealing payroll and the number of employees from Hartford Accident and Indemnity and Granite State Insurance Companies, hiding over \$255,000 in labor costs and evading approximately \$18,000 in premium. Assistant Attorney General Tracey Brown of the Attorney General's Insurance and Unemployment Fraud Division prosecuted the case.

### **Couple Plead Guilty to \$2.9 Million Under-the-Table Payroll Fraud**

**NORTH READING-** On March 29, 2005, husband and wife **Carlos Gomez** and **Mary Gildea** pleaded guilty in U.S. District Court to charges that they paid employees "under-the-table" in order to evade millions of dollars in payroll taxes, workers' compensation insurance premiums and union health and welfare benefits. The couple pleaded guilty to multiple counts of mail fraud and making false statements in records required by the Employee Retirement Income Security Act of 1974 (ERISA). Gildea also pleaded guilty to signing false federal employment tax returns. No sentencing date has been scheduled at this time.

Gomez and Gildea operated a construction service company known as Lanco Scaffolding Inc. which is in the business of supplying, erecting

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and dismantling scaffolding, primarily for use in construction projects. The couple paid many Lanco employees cash "under-the-table", concealing this cash payroll from the IRS. From October 1997 through September 2003, the pair paid Lanco workers at least \$2.9 million in unreported cash. Gomez and Gildea also provided Liberty Mutual and Eastern Casualty Insurance Companies with forged payroll records and forged "copies" of their tax returns, thus reporting even lower payroll figures to the insurers than the already fraudulent numbers reported to the IRS and evading more than \$1.9 million in workers' compensation premiums. Furthermore, Gomez and Gildea submitted false monthly payroll reports to the administrators of two union trust funds, omitting many workers altogether and understating other workers' hours. These reports were backed up with the forged "copies" of Lanco's tax returns.

The case was investigated by Special Agents of the U.S. Internal Revenue Service, Criminal Investigation, the Federal Bureau of Investigation, the U.S. Department of Labor's Office of Labor Racketeering and Fraud Investigations and the U.S. Department of Labor's Employees Benefits Security Administration. It is being prosecuted by Assistant U.S. Attorney Paul G. Levenson in Sullivan's Economic Crimes Unit.

### "Erecting a Case for Fraud" Case Update

**PEABODY-** **Arthur L. Pimental** was sentenced to two years probation and ordered to pay a \$10,000 fine in U.S. District Court on March 11, 2005. Pimental was convicted in October 2002 by a trial jury of two counts of mail fraud. The jury acquitted Pimental's wife, Loretta, who was also on trial. Pimental, who operated a construction business known at various times as Pimental Steel Erectors and A.P.S. Products, Inc., engaged in a scheme to defraud the insurance companies which were providing workers' compensation insurance to his business by falsely representing that he was engaged in concrete construction, when in fact he was primarily engaged in the erection of structural steel, a much riskier type of construction work, and therefore subject to higher workers' compensation insurance premiums. Pimental also underreported the payroll he was paying his employees. Pi-

mental avoided paying at least \$300,000 in workers' compensation insurance premiums to Hartford Accident and Indemnity, Savers Property and Casualty, and Employers Insurance Company of Wausau over a period of five years. The case was investigated by the Federal Bureau of Investigation and the IFB. It was prosecuted by Assistant U.S. Attorney Mark J. Balthazard in Sullivan's Economic Crimes Unit.

The following case stories appeared in the December 2004 issue of *e-focusFraud*.

### Employment Agency Fraud Scheme Uncovered

**BOSTON-** **Binh Nguy** pleaded guilty on June 30, 2004 to eleven indictments including mail fraud, mail fraud conspiracy and money laundering conspiracy. He was sentenced on October 28, 2004 to serve six months in jail followed by two years supervised probation, the first six months which are to be spent in home confinement. A forfeiture money judgment in the amount of \$767,870 was imposed on Nguy and he was also ordered to forfeit his interests in the temporary employment agencies that were involved in the fraud scheme.

Nguy's father-in-law, **Tuyen Vo**, pleaded guilty in June 2004 to one count of mail fraud conspiracy. He was sentenced to three years probation. Both Nguy and Vo were ordered to pay \$20,642 in restitution to Kemper and Lumbermen's Insurance Companies.

Two other co-defendants were sentenced pursuant to previous guilty pleas: Nguy's wife, **April Vo**, was sentenced September 9, 2004 to three years probation and **Tan Ngo** was sentenced on May 14, 2004 to serve two years and one month in federal prison followed by three years of supervised release. Ngo had pled guilty in February to nine counts of mail fraud and one count each of mail fraud conspiracy, money laundering conspiracy, filing a false tax return and aiding a false tax turn.

Binh Nguy and Tan Ngo twice applied for, and obtained, workers' compensation insurance for a Worcester temporary employment agency called Tri-Mark Temporary Service or Tri-Mark Temps

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Service. The Tri-Mark applications for workers' compensation insurance contained false statements misrepresenting the ownership of the business, the number of temporary employees and the types of work they were doing. In a money laundering scheme, Nguy and Ngo set up two bank accounts for Tri-Mark in a manner that concealed Ngo's ownership and control and deposited approximately \$767,870 in mail fraud proceeds into the two accounts. Cash from the accounts was then used to pay Tri-Mark's temporary workers, most of whom were paid under-the-table, without withholding or deducting for federal and state income taxes, unemployment taxes and Social Security.

The case was investigated by the Internal Revenue Service, Criminal Investigation, the Federal Bureau of Investigation, the U.S. Department of Labor's Office of Labor Racketeering and Fraud Investigations, and the Massachusetts State Police, with the assistance of the IFB. It was prosecuted by Special Assistant U.S. Attorney Richard L. Hoffman in U.S. Attorney Michael J. Sullivan's Organized Crime Strike Force Unit.

### **"Drywall Contractor Avoids W/C Premiums" Case Update**

**BROCKTON-** **James H. Dormon** pleaded guilty to 21 indictments, including workers' compensation insurance fraud, larceny, failure to pay unemployment tax contributions and various prevailing wage offenses on September 10, 2004 in Plymouth Superior Court. His company, **Dormon Construction Company, Inc.**, pleaded guilty to 31 similar indictments. Dormon was sentenced to 364 days in the House of Correction with four years of probation. Dormon Construction was ordered to pay \$150,000 in total restitution. Dormon Construction, a drywall installation company, operated as a subcontractor on a number of public and private building projects across Massachusetts. Dormon failed to pay his employees approximately \$82,000 in wages by failing to pay the state minimum prevailing wage to numerous employees who performed various tasks in drywall construction, including framing, hanging and taping drywall. Furthermore, on four separate occasions, Dormon provided CNA Insurance Company auditors

with incomplete accounting data and thus concealed approximately \$1.5 million in payments over four years by excluding certain employees from the company's payroll register. As a result, Dormon avoided additional workers' compensation insurance premiums of at least \$150,000. The company also failed to disclose its complete payroll in quarterly reports to the Division of Employment and Training and as a result evaded unemployment taxes of more than \$37,000. The case was prosecuted by Assistant Attorneys General Christopher Buscaglia and Ian A. McKenny of the AG's Insurance and Unemployment Fraud Division. It was jointly investigated by Greg Reutlinger of the Fair Labor and Business Practices Division and the IFB.

### **"No Coverage for Victim of Fall" Case Update**

**HOPKINTON-** On September 9, 2004 **Joseph Varrichione** pleaded guilty to filing a false insurance claim, larceny, forgery, attempted larceny and uttering in Framingham District Court. He was fined \$10,000 and placed on probation for one year. Varrichione, as owner of Varrichione Painting, misrepresented to a general contractor that he had "full insurance coverage" even though his most recent workers' compensation policy had expired twelve years earlier. Varrichione forged a certificate of insurance by obtaining a valid certificate from his insurance agent and falsely adding the policy number from his expired workers' compensation policy. Soon thereafter, one of Varrichione's employees fell off a ladder while working on a project and suffered a broken arm that required surgery and a three day hospital stay. Varrichione, knowing he had no workers' compensation insurance, filed a bogus claim with his homeowners' insurance provider, The Andover Companies, and reported that the injured man was a visitor who fell off a ladder while cleaning Varrichione's gutters at his house. Learning of Varrichione's deceit, the insurer denied the claim. Varrichione was also ordered to pay \$12,000 in restitution to the hospital. Assistant Attorney General Ian A. McKenny of the AG's IUFD prosecuted the case.

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## Workers' Compensation Fraud

### "Caught on Tape" Case Update

**LOWELL-** Jerry Enwright collected total disability benefits after reporting an injury while working for a paving and construction company. A private investigator hired by AIG determined Enwright was working on several occasions at a private home as a carpenter for approximately four months and received \$17,750 for the work while collecting almost \$20,000 in insurance benefits. Enwright pleaded guilty to workers' compensation fraud and larceny in Lowell District Court on February 14, 2005. He paid \$10,000 restitution and agreed to close his workers' compensation claim without a settlement. The case was prosecuted by Middlesex County Assistant District Attorney John Ciardi.

### Big Dig Ironworker Hurts Thumb

**EAST SANDWICH-** On March 14, 2005 Jeffrey Peacock pleaded guilty to charges of workers' compensation fraud and larceny in Suffolk Superior Court. He was placed on two years probation, ordered to pay \$10,000 restitution and perform community service. Peacock, employed as an ironworker on the Big Dig project, injured his left thumb in January 2001. He received \$830.89 per week in benefits from National Union Fire. In July 2001 Peacock was released back to work by his treating physician and his disability benefits were terminated. In December 2002 Peacock filed a new claim with the Department of Industrial Accidents (DIA) claiming that he had re-aggravated the thumb injury and had stopped working due to that injury. He was paid a retroactive check and began receiving weekly disability benefit checks of \$880. Investigation revealed that Peacock had been employed on several contracting jobs while receiving \$21,497 in disability checks. Assistant Attorneys General Glenn Cunha and Tracey Brown prosecuted the case.

### Alleged Knee Injury Doesn't Stop This Subcontractor

**PEMBROKE-** Paul Horton pleaded guilty to larceny in Plymouth District Court on April 14, 2005. The case was continued without a finding

for one month and Horton was ordered to pay a \$500 fine. Horton claimed a right knee injury as the result of a fall he incurred while working and began collecting weekly disability benefits from AIG. During Horton's disability, he reported that he was not working and also indicated on an employee earnings report that he had received no earned income during this period. Surveillance found Horton doing home renovations at a residence and investigation confirmed Horton received payment as a subcontractor during the time he collected benefits. Assistant Attorney General John Compton prosecuted the case.

The following case stories appeared in the December 2004 issue of *e-focusFraud*.

### Big Dig Workers Caught Committing Insurance Fraud

**FALL RIVER-** On November 30, 2004, John Garceau pleaded guilty to workers' compensation fraud and larceny in Suffolk Superior Court. He was sentenced to one year in the House of Correction with nine months to serve and the balance suspended. Garceau claimed an injury to his back after just six days on the job as a laborer after lifting and pushing a wheelbarrow. He continued to claim disability and collected benefits of more than \$64,000 from National Union Fire. Investigation revealed that Garceau worked for at least 17 other companies as a laborer while collecting disability benefits.

**CHELSEA-** Horman Carcamo pleaded guilty to workers' compensation fraud and larceny on August 3, 2004. He was sentenced to six months in the House of Correction, suspended for three years, and ordered to pay \$25,000 in restitution. Carcamo reported that he injured his back, chest, legs and arms in a July 2002 accident and collected over \$42,440 from AIG in total disability benefits. Investigation revealed that Carcamo was earning a living as a private contractor renovating homes while collecting benefits.

**HOLBROOK-** Scott Taylor was indicted on charges of workers' compensation fraud and larceny on September 30, 2004. Taylor was employed as a carpenter when he allegedly injured his left thumb. Taylor filed a claim with National Union Fire and was paid \$623.87 per week in

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total disability benefits. Taylor allegedly received total disability payments of \$77,530 while also employed as a contractor performing multiple renovation projects on people's homes.

**TEWKSBURY- Allen Sembler** was indicted on charges of workers' compensation fraud and larceny on September 30, 2004. Sembler was employed as a plumber when he allegedly injured his lower back. His workers' compensation claim with National Union Fire was initially denied but after a subsequent review by the DIA, the insurer paid Sembler a retroactive payment of \$13,995 and continued to pay him workers' compensation benefits of \$822.57 per week. Investigation revealed that Sembler had allegedly been employed as a plumber on numerous contracting jobs in addition to receiving \$65,000 in benefits.

The preceding cases are being prosecuted in Suffolk Superior Court by Assistant Attorneys General Glenn Cunha and Tracey Brown.

### **Construction Worker Improperly Collects Disability Benefits**

**NORWELL-** On September 30, 2004, **John Stanton** was indicted on charges of workers' compensation fraud, larceny and perjury in Suffolk Superior Court. Stanton was employed as a construction worker when he reported being injured on both July 27, 2000 and again on October 28, 2000 and began receiving workers' compensation benefits from National Union Fire. Investigation revealed that Stanton was allegedly working for a construction company from August 12, 2000 through September 9, 2003 while simultaneously collecting \$137,795 in benefits. Stanton's perjury charge results from two occasions in which he stated under oath before the DIA that he was in severe pain, unable to work, and that he had not worked since October 30, 2000. At a subsequent DIA conference Stanton admitted to working for wages while collecting disability payments. The case is being prosecuted by Assistant Attorneys General Glenn Cunha and Tracey Brown.

### **Fishy Story Teller Collects \$47,000**

**DORCHESTER-** On October 20, 2004 a Dorchester man was indicted by a Suffolk grand jury on charges of workers' compensation insurance

fraud and larceny. The subject claimed temporary total disability in April 2000 as a result of a repetitive hand motion injury during the course of his employment as a fish cutter. He received more than \$47,000 in workers' compensation benefits from TIG Insurance Company over a twenty-month period. Investigation revealed that the subject opened his own business in May 2000 and was allegedly found to be working there, full-time, while claiming to be totally disabled. The case is being prosecuted by Assistant Attorney General Kajal K. Chattopadhyay.

### **"Billerica Man Collects \$50,000 While Painting Houses" Case Update**

**BILLERICA- David B. Perry** pleaded guilty to workers' compensation fraud and larceny in Suffolk Superior Court on August 10, 2004. He was sentenced to six months in the House of Correction, suspended for two years, and ordered to pay \$22,800 in restitution. Perry claimed he injured his hip and leg in a work-related incident when he was crushed between two vehicles while employed as a truck driver. Perry collected total disability benefits of more than \$50,000 from OneBeacon Insurance and claimed to be incapable of working in any capacity. Investigation revealed that Perry had been working as a self-employed house painter and carpenter while collecting benefits. The case was prosecuted by Assistant Attorney General John Compton.

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## ***Commercial Fraud***

### **Running from Police Can be Risky**

**HAVERTHILL-** A Haverhill man was indicted on charges of insurance fraud and attempted larceny on December 22, 2004 in Essex Superior Court. In September 2002, the subject filed a claim to report that upon leaving a Haverhill bar, he allegedly stepped into a hole in the parking lot, twisting and seriously injuring his left knee. However, the insurer, Travelers Insurance Company, discovered that the subject was allegedly arrested in Haverhill the night of the injury and allegedly injured his knee fleeing from police and not from falling in a hole in the parking lot as he reported. The case is being prosecuted by Assistant Attorney General David B. Andrews.

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## Agent/Insider Fraud

The following case stories appeared in the December 2004 issue of *e-focusFraud*.

### “Auto Damage Appraiser Allegedly Inflates Estimates in Kickback Scheme” Case Update

**MANSFIELD-** Karl D. “Dan” Clemmey worked as an independent appraiser in which he inspected vehicles and wrote appraisal reports for use by vehicle owners, lessors and their insurers. In two incidents, Clemmey inflated the estimated damage appraisal on two vehicles. Investigation revealed that in both cases listed repairs were unnecessary. In a third scheme, Clemmey under-wrote an initial appraisal estimating repairs as \$7,259 on a severely damaged Mazda. Had the insurer been correctly informed, it would have paid the insured the actual cash value, approximately \$10,300. By under-writing his appraisal, Clemmey committed the insurer to repair the Mazda, which ultimately cost \$2,400 more than the vehicle’s replacement value. Insurers affected in the schemes are Reliance Insurance Company and Commerce Insurance Company. Clemmey pleaded guilty to three counts of insurance fraud on October 18, 2004 in Quincy District Court. He was sentenced to a one year jail term, suspended for two years, and ordered to pay a fine and restitution. The case was prosecuted by Assistant Attorney General Julie Brady.

### Alleged Theft of Pension Funds by Worcester Agent

**WORCESTER-** Stephen Costello, a Worcester insurance agent, is alleged to have stolen \$144,912 from clients’ pension funds with Allianz Insurance Company. Beginning in February of 1996 and continuing through December 2000, Costello allegedly stole five checks from two different clients’ annuity pension funds and deposited them into his personal accounts. The checks ranged in value from \$20,409 to \$34,697. A Worcester County grand jury indicted Costello on five counts each of larceny, forgery and uttering on September 10, 2004. An assistant district attorney in Worcester County District Attorney John Conte’s office is prosecuting the case.

## Automobile Fraud

### “Lowell Man Loans Vehicle to Unknown Person” Case Update

**LOWELL-** A witness at the scene observed a red truck driven by **Mario Espinosa**, former owner of the now defunct Mario Espinosa Insurance Agency, after a parked vehicle was hit. The witness offered to phone police but Espinosa indicated he would make the call. After observing Espinosa leaving the scene on foot, the witness reported the incident to police. Espinosa notified Premier Insurance Company that he had loaned his vehicle to a person he did not know and it was returned with the damage. Premier denied the claim. The case was continued without a finding for two years on January 19, 2005. Espinosa was ordered to perform 200 hours of community service. He had been charged with insurance fraud, attempted fraud and leaving the scene of a motor vehicle accident after property damage. Assistant Attorney General Kajal K. Chattopadhyay prosecuted the case.

### Auto Theft Cover Up

**BROCKTON-** Michael Moreira was indicted on charges of motor vehicle insurance fraud, attempted larceny, providing a false statement alleging the theft of a motor vehicle and falsely reporting a crime in Plymouth Superior Court on April 22, 2005. In June 2004, Moreira reported to police and Hanover Insurance Company that his 1999 Ford Explorer had been stolen during the night. Police recovered the truck later that day with extensive exterior damage and it was deemed a total loss, valued at more than \$9,000. Investigation revealed that Moreira allegedly paid an individual \$500 to take the vehicle, damage it and make it appear as if it were stolen for the purpose of collecting insurance proceeds. The case is being prosecuted by Assistant Attorney General Kajal K. Chattopadhyay.

### Man Submits Lost Wage Claim While Allegedly Working

**EAST BRIDGEWATER-** Michael Brennick was indicted in Plymouth Superior Court on April 22, 2005 on one count each motor vehicle insurance

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fraud, larceny and being a habitual offender and two counts of common law forgery. Brennick allegedly submitted fraudulent documents to Plymouth Rock Assurance Company in support of a PIP lost wage claim following a July 3, 2003 motor vehicle accident in which Brennick was a passenger. Brennick was paid more than \$6,500 on the lost wage claim. Investigation revealed that Brennick was working as a mechanic and being paid cash wages under-the-table while collecting. The case is being prosecuted by Assistant Attorney General Melissa Gavegnano of the AG's Insurance and Unemployment Fraud Division.

The following case stories appeared in the December 2004 issue of *e-focusFraud*.

### **“Pittsfield Couple Allege Injuries from Auto Accident” Case Update**

**PITTSFIELD-** Myriam Mojica and Rafael Hernandez were both found guilty on October 14, 2004 of attempted larceny and insurance fraud after a two-day trial in Pittsfield District Court. Mojica and Hernandez also pleaded guilty to conspiracy to commit insurance fraud and conspiracy to commit larceny. They were each sentenced to six months in the House of Correction, suspended for one year, and ordered to perform 100 hours of community service. The Pittsfield pair was allegedly involved in a December 2000 motor vehicle accident in which Mojica stated that her vehicle was struck from behind. Mojica and Hernandez filed with Mojica's insurance carrier, Safety Insurance Company, for medical expenses, claiming that Mojica was the driver at the time of the accident and that Hernandez was the passenger. Investigation found that Mojica was not in the vehicle at the time of the accident and that the pair gave false statements to Safety in an attempt to obtain payment for medical treatment. Assistant Attorney General John Compton prosecuted the case.

### **“Two Witnesses See No Passenger” Case Update**

**SPRINGFIELD-** A Springfield man pleaded guilty to filing a false motor vehicle insurance claim,

larceny and conspiracy on August 24, 2004 in Springfield District Court. He was sentenced to serve 18 months in the House of Correction. After being involved in an intersection collision, a Springfield woman claimed to Safety Insurance Company that a Springfield man was a backseat passenger in her vehicle at the time of the collision. He submitted a PIP claim alleging injuries and received \$6,373 in benefits for lost wages. The driver was paid \$2,965 in PIP payments. Her bodily injury claim was denied. A witness at the scene and the other driver contend that there were no passengers in the subject's vehicle at the time of the accident. The case against the Springfield woman is pending. Assistant District Attorney Eileen Sears of Hampden County District Attorney William Bennett's office is prosecuting the case.

### **“Don't Say You Weren't Warned!” Case Update**

**LYNN-** The charges against **Khadhim Alaboudi** and **Fawn Madore** were continued without a finding for two years on December 13, 2004 in Lynn District Court. Each had been charged with insurance fraud, attempted larceny and conspiracy. They were each ordered to pay \$1,000 in fines. Police confronted Alaboudi after a witness reported that he observed Alaboudi repeatedly driving his 1995 Cadillac Deville into a cement pole. Even after the warning that he would be committing insurance fraud, Alaboudi reported to Arbella Mutual Insurance Company that his vehicle had been damaged in an auto accident. According to the claim report, Madore borrowed Alaboudi's vehicle and hit a telephone pole. Madore claimed a second accident occurred immediately after striking the telephone pole because she could not maintain control of the vehicle due to the damage sustained in the first collision. She also claimed injuries as a result of the accidents. Alaboudi and Madore stated to Arbella that the vehicle was in good condition before Madore borrowed the vehicle. The case was prosecuted by Assistant District Attorney Michael Sheehan of Essex County District Attorney Jonathan Blodgett's office.

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## ***Community Insurance Fraud Initiatives***

### **Springfield/Holyoke Task Force**

➤ Complaints were issued against **Jose Curet** and **Wanda Natal** on January 11, 2005. Curet reported to Premier Insurance Company that his Toyota was allegedly struck and damaged on the right rear panel by a hit-and-run driver in a white Ford Taurus. Curet and his passenger, Natal, also alleged injuries sustained in the collision. Shortly after the reported accident, Curet's vehicle was photographed and the right taillight was unbroken. Premier subsequently assigned the claim to an outside adjuster who also photographed the damages to the vehicle. The second set of photographs show additional damages inflicted to the vehicle including a broken right taillight. Medical claims for alleged injuries sustained by both Curet and Natal were denied.

➤ Complaints were issued against **Brenda Rodriguez, Selisabel Rosa, Maria Rosa** and **Juanita Rosa** on January 11, 2005. In October 2003, a Honda owned by Juanita Rosa and driven by her sister Selisabel was lightly tapped from behind while stopped at a red light. The driver of that vehicle reported that when the light changed to green his vehicle moved forward and tapped the rear bumper of Rosa's Honda. After examination by both drivers, no damage to either vehicle was noted. Rosa subsequently reported the accident to MetLife and claimed that she and three passengers allegedly sustained injuries in the accident. Inconsistencies in the statements of the four women and the determination by an accident reconstruction that the impact was too low to have caused any physical injuries to any passenger led MetLife to deny the claims.

➤ On February 9, 2005 **Maria Diaz, Pedro Montero** and **Ana Pizarro** were each indicted for motor vehicle insurance fraud. In May 2003 Diaz's Chevrolet Lumina was lightly struck in the rear by a Buick driven by a Springfield woman. Diaz reported to Commerce Insurance Company that her four passengers all sustained alleged injuries in the accident. Conflicting statements regarding the accident given by the passengers led to Commerce denying all claims.

➤ **Johnny Torres** and **Yoselina Ramos** were indicted on February 9, 2005 on charges of motor vehicle insurance fraud. A Mercury Tracer operated by a Springfield woman tapped the rear bumper of a Hyundai owned and operated by Torres. The woman was later notified that Torres and his passenger Ramos alleged injuries from the accident. Torres also claimed property damage to his Hyundai. A Safety insurance adjuster examined the Tracer and noted no damage but examination of the Hyundai showed extensive rear and front damage to the vehicle. An accident reconstruction determined that the damage to the Hyundai was caused from multiple impacts from something other than a motor vehicle and that no bodily injury could have occurred in the accident with the Tracer.

➤ On March 3, 2005 complaints were issued against **William Bednarzyk, Sr.** In October 2003 a parked Nissan Altima was struck and hit by a Honda Accord allegedly driven by Bednarzyk who then allegedly fled the scene of the accident. The driver of the Nissan followed the Honda, obtained the plate number and a look at the driver, and reported this information to Springfield police. Police tracked and located the vehicle parked in the driveway of Bednarzyk's home. After repeated attempts failed to get a response from anyone in the residence, police had the vehicle towed. The same day, Bednarzyk reported to police and Premier Insurance that his Honda was allegedly stolen.

➤ Complaints were issued against **Tomas Nieves Jr.** and **Alexis Maldonado** on March 22, 2005. A collision occurred in a Springfield parking lot when an individual backing his Dodge Intrepid out of a parking space collided with an Acura Legend owned and driven by Nieves. Police were called to the scene and noted no apparent injuries to individuals involved in the collision. Both Nieves and Maldonado filed injury claims with Arbella Mutual. In addition, the vehicle that was appraised for damage from the accident was a Honda Accord and allegedly not the vehicle that was involved in the accident. Both the Acura and Honda are registered to Nieves.

Springfield task force cases are being prosecuted by Assistant District Attorney Timothy Rogers of Hampden County District Attorney William M. Bennett's office.

## Lynn Task Force

➤ On January 13, 2005 complaints were issued against **April Loftman** who claimed her Buick Regal broke down while returning home from her job on June 9, 2004. The vehicle was towed to a Lynn auto body shop where it was determined that the vehicle's engine had seized. Loftman, unable to make payment on the repairs, chose not to have the repair work done and the Buick was allegedly left at the auto body shop for nine days. On the night of June 19, 2004, minutes after police observed a female sitting in the Buick, the vehicle was engulfed in flames. The next day Loftman filed an alleged fraudulent stolen motor vehicle report and reported the theft to her insurer, National Grange.

Lynn task force cases are being prosecuted by Assistant District Attorney Matthew Feeney of Essex County District Attorney Jonathan Blodgett's office.

## Lawrence Task Force

➤ Arrest warrants were issued April 7, 2005 for seven individuals for their roles in an alleged August 6, 2003 staged automobile accident in Lawrence. **Santo Gabin, Fiodaliza Espinosa, Fre-mia Avalo, Ernestora Burgos, Janey Steakman, Patria Sosa** and **Jose Beltre** were all charged with insurance fraud-related charges. Gabin was operating his cousin's Honda Accord, insured by Arbella Mutual, with passengers Burgos and Avalo. Beltre allegedly loaned his Jeep, insured by OneBeacon, to his "friend" Espinosa who was driving at the time of the alleged intersection accident. Passengers in the Espinosa vehicle were Sosa, Steakman and one other individual.

➤ **Luz Vazquez** pleaded guilty on March 29, 2005 to charges of false statements alleging theft and knowing or intentional false report of a crime. She was sentenced to six months in the House of Correction, suspended, and ordered to pay a \$2,000 fine. Vazquez filed a false report of a stolen vehicle in June 2004 claiming that she last saw her BMW outside her boyfriend's Lawrence apartment. It was later discovered that the vehicle had been impounded in Chicago after it had been illegally parked for seven days.

Chicago police ordered the vehicle destroyed after Vazquez failed to claim the BMW within 15 days after she was notified to claim it. An Amica Mutual investigation also revealed that Vasquez filed a false insurance claim two months prior to reporting the vehicle stolen when the BMW, driven by Vazquez's boyfriend, was in an accident in Chicago. Vazquez reported that she was the driver of the vehicle even though she was not in the city at the time of the accident.

➤ Arrest warrants on insurance fraud-related charges were issued for **Elpidio Henriquez, Pascual Garcia, Luis Torres, Carmen Baez, Wilfredo Baez** and **Janet Paulino** on February 1, 2005. Summonses were issued for **Maricela Torres** and **Jenny Henriquez**. Elpidio Henriquez was driving his Honda, insured by Liberty Mutual, when he was allegedly involved in a collision with a Dodge Caravan, insured by One-Beacon, and driven and owned by Luis Torres. At the time of the collision Jenny Henriquez and Janet Paulino were listed as passengers in the Henriquez vehicle. Maricela Torres, Wilfredo Baez and Carmen Baez were listed as passengers in the Torres vehicle. Five of the individuals involved in the alleged staged collision filed personal injury claims. All claims were denied by the insurance carriers.

➤ **Maria Figueroa** and **Herlin Jovany Romero** were arrested on February 22, 2005 on insurance fraud-related charges. The pair reported to Liberty Mutual that their GMC Envoy was allegedly stolen from in front of their Lawrence home. The vehicle was recovered the next day in Chelsea. A forensic analysis of the ignition determined that the ignition had not been defeated and that the only way the vehicle could have been driven to the recovery location was with the correct ignition key.

➤ Eight Lawrence subjects were charged on March 8, 2005 for their roles in an alleged July 2003 staged auto accident involving a Dodge Ram van and a Geo Prizm. **William Silvestre, Pascual Garcia, Daniel Perez, Ruth Hernandez, Kelvin Rivera** and **Ildia Gombs** were charged with motor vehicle insurance fraud, attempted larceny and conspiracy to commit insurance fraud. **Luis Garcia** and **Cesaro Brea** were

(Continued from page 12)

charged with motor vehicle insurance fraud, larceny and conspiracy to commit insurance fraud. Eight passengers allegedly claimed to be in the van, insured by Plymouth Rock Assurance, at the time of the collision and two in the Prizm, insured by Amica Mutual. An accident reconstruction determined that the vehicles never came into contact with each other.

Lawrence task force cases are being prosecuted by Assistant District Attorneys Greg Friedholm, Jay Gubitose and Michael Patten of Essex County District Attorney Jonathan Blodgett's office.

### **Brockton Task Force**

➤ On February 3, 2005, two Brockton subjects were arraigned on insurance fraud charges. The driver reported to Liberty Mutual that in August 2003 her Mazda Millennia was allegedly struck by a tractor trailer when the tractor trailer merged into her travel lane. The force of the impact allegedly pushed the Mazda into a guardrail. An accident reconstruction determined that the damage to the front end of the Mazda was not consistent with contact to a tractor trailer and the damage across the left front side of the vehicle did not occur during a collision with a guardrail.

➤ The case against **John McLane** was continued without a finding on February 11, 2005 for one year. In October 2002 McLane purchased a 1998 Cadillac Eldorado. In April 2004, McLane reported to police that the vehicle was stolen while he was inside a nearby restaurant. McLane claimed that he was in possession of the only set of keys and the vehicle was locked. Hanover paid out \$9,475 on the theft claim. In June 2004, Hanover was notified that the vehicle was recovered in West Bridgewater. A forensic analysis concluded the security features of the vehicle were not defeated and that the vehicle was equipped with a VATS security system that required the correct key to operate the vehicle.

➤ A Brockton man was arraigned on insurance fraud-related charges on December 14, 2004. The subject bought a used 2000 Ford Explorer in January 2003 for \$28,203 and was to make monthly payments of \$362 for 60 months. On June 6, 2004, he reported to police that his Explorer was stolen from his home and completed

and signed a Stolen/Recovered Motor Vehicle Report. The subject provided inconsistent statements to Hanover about the time and date of theft of his vehicle. In addition, a forensic examination of the vehicle determined that the security features of the steering column were not defeated and that the vehicle could not be operated without the correct key.

➤ A Brockton woman was arraigned on April 7, 2005 on insurance fraud-related charges. The Brockton Fire Department responded to a motor vehicle fire and discovered a Mazda 626, which was owned by the subject, engulfed in flames. She submitted reports to Safety Insurance, Brockton police and Brockton fire departments alleging that the vehicle had been stolen and then burned. A forensic analysis of the Mazda revealed that the vehicle could only have been operated with the correct key.

➤ A Brockton man was arraigned on charges of motor vehicle insurance fraud and attempted larceny on April 28, 2005. The subject claimed that in June 2004 he had parked his Mercedes Benz in a store parking lot and discovered after returning home that the right side of the vehicle had sustained collision damage. The subject reported the alleged hit-and-run accident to Pilgrim Insurance and police. An accident analysis of the vehicle concluded that the damage was the result of an impact with a fixed vertical object.

➤ A Brockton woman was arraigned on March 31, 2005 on insurance fraud-related charges. In October 2004, the subject's son reported to police that his mother's Toyota Corolla had been stolen from a parking lot and claimed that the last time she saw the vehicle was the evening before the alleged theft. The vehicle was recovered with heavy front end collision damage and air bag deployment by police soon after the vehicle was reported stolen. Vehicle analysis determined a correct key was needed to drive the car.

➤ Complaints were issued against a Brockton woman on April 13, 2005 on insurance fraud-related charges. In September 2004 the woman reported to police that her Audi was stolen from her residence. The Audi was recovered the same day with damage to the interior including ignition damage and a broken rear window. The woman alleged that the vehicle was in excellent

(Continued on page 14)

(Continued from page 13)

condition at the time of the theft and that she was in possession of all keys. An examination of the vehicle revealed that the damage to the vehicle's ignition was cosmetic and that a key was needed to drive the car. A mechanical analysis of the vehicle revealed that the vehicle was equipped with a functioning anti-theft device, was leaking engine oil and others repairs were needed. Arbella Mutual insured the vehicle.

Assistant District Attorney Tara Cappola of Plymouth County District Attorney Timothy J. Cruz's office is prosecuting Brockton Task Force cases.

### **Boston Task Force**

➤Complaints were issued against **Amos Todman** on March 8, 2005 on insurance fraud-related charges. On three separate occasions, Todman claimed to Liberty Mutual that his 1998 Acura CL allegedly was broken into and a DVD/CD stereo system was stolen. Investigation revealed that receipts provided by Todman in support of his theft claims were allegedly fraudulent.

➤Complaints were issued against **Isaurinda Cabral** on insurance fraud charges on March 8, 2005. Cabral alleged to Safety that her Mercury Villager was struck by an Infinity in November 2003. Investigation revealed that the Infinity had been involved in an accident in October 2003 and due to that collision the vehicle had been deemed a total loss. A reconstruction analysis of the alleged November accident determined that the collision damages to the Infinity and the Mercury Villager could not have occurred as described in Cabral's report.

➤In April 2005, complaints were issued against a Dorchester man on insurance fraud-related charges. The subject filed a stolen motor vehicle claim with police and Fireman's Fund in February 2004 alleging his Acura RL was stolen while parked outside his home. When the subject reported the alleged theft he was informed that the vehicle had been recovered with the interior stripped and the ignition popped. An ignition and security feature analysis was conducted on the vehicle and it was determined that the vehicle's active transponder security system was not defeated and the correct key was needed to drive

the vehicle. Furthermore, investigation revealed that on the day of the alleged theft, the subject had the vehicle serviced and was told that repairs to the Acura would cost approximately \$2,000 and the vehicle was unsafe to drive. The subject elected not to repair the vehicle.

➤Complaints were issued against **Parnel Joseph** on April 7, 2005 on charges of motor vehicle insurance fraud, filing a false police report and attempt to commit a crime. Joseph claimed to Liberty Mutual that on June 19, 2004 his 1997 Nissan Pathfinder was allegedly struck while parked. An accident reconstruction determined that the vehicle was not struck while parked but rather was backed into a solid white abrasive object while the vehicle was in motion.

➤Complaints were issued in April 2005 against a Dorchester man on charges of motor vehicle insurance fraud, attempted larceny and filing a false police report. The subject alleged to Hanover and police that his Chrysler Sebring was stolen from outside his apartment on June 6, 2004. In a recorded statement, the subject stated that he allegedly lost a key to his vehicle the month before the alleged theft but he had a remaining key in his possession. A vehicle analysis of the recovered Sebring determined that the steering column and ignition lock were not damaged and that the correct key was used to operate the vehicle.

Boston task force cases are being prosecuted by assistant district attorneys of Suffolk County District Attorney Daniel Conley's office and assistant attorneys general from the AG's Insurance and Unemployment Fraud Division.

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Check the IFB website, [www.ifb.org](http://www.ifb.org), for updated seminar information.

- DATE:** **Thursday, June 16, 2005**
- TIME:** **8:15 a.m. - 3:00 p.m. (registration 7:30 - 8:15)**
- LOCATION:** **Boxborough Woods Holiday Inn**  
**242 Adams Place**  
**Boxborough, MA 01719**  
**[Exit 28 off Route 495 (Route 111)]**  
**(978) 263-8701**
- PRICE:** **\$50.00 per person (includes continental breakfast and buffet lunch)**  
*Fees for late registration and registration at the door are \$60.00.*
- REGISTRATION:** Registration form, with payment, must be received by **Friday, June 10, 2005**. Please use the registration form found on the back page of this newsletter.

For further information, contact Deborah Terry  
 Telephone (617) 439-0439 \* Fax (617) 439-0404 \* [dterry@ifb.org](mailto:dterry@ifb.org)

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June 16, 2005**

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Registration Form (Please fill out a separate form for each person attending) and  
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