



## Provider Fraud

### Case Update – Pain Management Physician Sentenced to Eight Years in Prison for Health Care Fraud and Money Laundering

Boston—On March 22, 2018 **Fathalla Mashali** was sentenced to eight years in federal prison, three years supervised release and ordered to pay \$8,725,120 in restitution. Mashali pleaded guilty in March 2017 to 27 counts of health care fraud, one count of conspiracy to commit mail fraud and sixteen counts of money laundering in connection with billing the Medicare Program and other health care insurers for services he did not provide to patients. Mashali, a licensed physician in Massachusetts and Rhode Island, was one of the highest prescribers of oxycodone in Massachusetts. He operated New England Wellness & Pain Management, aka New England Pain Associates, aka Greystone Pain Management and aka New England Pain Institute. From approximately October 2010 through March 2013, Mashali falsely billed Medicare for extensive medical services that he did not provide. He treated patients with chronic pain conditions and frequently gave his patients large doses of prescription medications, including powerful opiates. Mashali falsely stated in patients’ medical records and representations to Medicare and private insurance companies that he had seen patients for 25 minutes or longer per appointment, when in fact, Mashali often saw his patients for less than five minutes. In his brief interactions with his patients, Mashali did not perform any physical examinations and barely inquired into the patient’s medical status or history. In addition, he overbooked his patient appointments and arrived to work sometimes as late as four hours after his first scheduled appointment. His scheduling practices caused significant overcrowding at his offices and left him with no meaningful ability to assess each individual patient. Mashali then falsely documented that he conducted extensive physical exams, when he most often did not even touch his patients. As a result of his false statements, he obtained substantial reimbursement from Medicare and private insurance companies.

*The case was investigated by the Drug Enforcement Administration, New England Field Division; Federal Bureau of Investigation, Boston Field Division; U.S. Health and Human Services, Office of the Inspector General; Insurance Fraud Bureau; and Internal Revenue Service’s Criminal Unit. The case was prosecuted by Assistant U.S. Attorneys Maxim Grinberg, Abraham R. George and Doreen Rachal of the Office of United States Attorney Andrew E. Lelling.*

### Quincy-Based Dentist Indicted for Allegedly Defrauding MassHealth

Boston—**Dr. Shahrzad Haghayegh-Askarian** was indicted in Suffolk Superior Court on August 6, 2018 in connection with an alleged scheme to fraudulently bill MassHealth under another dentist’s

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name. Dr. Haghayegh-Askarian, a Quincy-based dentist, was indicted on two counts of Medicaid false claims and two counts of larceny over \$1,200. Dr. Haghayegh-Askarian’s company, **Dazzling Smile Care PC**, was also indicted on the same charges. An audit by the State Auditor’s Office uncovered Medicaid fraud

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Individuals who have been charged and whose names have been publicly disseminated have been identified.

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committed by Dr. Haghayegh-Askarian. Following that audit, Dr. Haghayegh-Askarian agreed to a \$300,000 settlement with the Attorney General's Office in 2015 and was terminated from participating in the MassHealth program. The settlement stipulated that she could only re-enroll with MassHealth if she met standards of compliance and instituted a monitoring program mutually agreed upon by Dr. Haghayegh-Askarian and the AG's Medicaid Fraud Division. Despite her termination from MassHealth, from April 2014 to December 2017, Dr. Haghayegh-Askarian allegedly continued to treat MassHealth patients and billed those services under the name and identification number of another dentist, without his knowledge or authorization. That dentist contacted the Office of the State Auditor to report this alleged fraudulent activity when he learned of it in September 2017.

*The matter was investigated by Assistant Attorneys General Jay McCormack and Kevin Lownds, Investigations Supervisor Lisa Bailey and Investigators April Waterhouse and Deborah ElMajdoubi, all of Attorney General Maura Healey's Medicaid Fraud Division, with assistance from MassHealth, the Insurance Fraud Bureau, the State Auditor's Office, and Massachusetts State Police assigned to the AG's Office.*

**Worcester Chiropractor Indicted in Connection with Insurance Fraud Scheme**

Worcester—On June 21, 2018 **Dr. Kelly H. Cao** was indicted in Worcester Superior Court on 13 counts of motor vehicle insurance fraud, two counts of larceny over \$1,200, and one count of larceny under \$1,200. Cao is a licensed chiropractor and the owner of Healing Hands Chiropractic. She allegedly falsely billed insurance companies for services not rendered and for items not provided to patients. Healing Hands provides chiropractic and massage care to patients with auto insurance coverage, private health care insurance, and those who pay cash. As part of the therapy at Healing Hands, Cao frequently offers to provide patients with a cervical pillow and an exercise packet, which includes resistance bands and a chart explaining exercises for patients to perform at home. She then bills insurance companies for these items. Cao allegedly billed three insurance companies for a total of 13 patients, as a result of automobile accidents, for pillows and packets that the patients never received. In addition to not receiving the items, three of these patients were allegedly not treated by Cao on dates for which she billed their respective insurance companies. In total, Cao allegedly defrauded \$3,455 from GEICO, Plymouth Rock Assurance and Mapfre Insurance Companies.

*The case is being prosecuted by Assistant Attorney General Joshua Pakstis with assistance from Senior Investigator Phil Mantyla, both of AG Healey's Insurance and Unemployment Fraud Unit, Victim Witness Advocate Megan Murphy of AG Healey's Victim Witness Services Division, and investigators at the IFB.*

## ***Workers' Compensation Premium Evasion***

### **Mother and Daughter Indicted for Workers' Compensation Fraud**

Fall River – On May 24, 2018 **Rossy Noriega**, formerly known as Francisca Noriega, was indicted on two counts of workers' compensation fraud and one count of larceny over \$250. **Sendy Noriega** was indicted on four counts of workers' compensation fraud and one count of larceny over \$250. Rossy Noriega was the president and sole owner of New Diamond Work, Inc., a Fall River-based temporary employment agency. Noriega's daughter, Sendy Noriega, worked for New Diamond. The pair allegedly failed to disclose to Travelers Insurance Company the true size of its payroll. Between 2009 and 2014, New Diamond allegedly underreported in insurance company audits the number of employees it had and how much those employees were paid in order to dramatically reduce the insurance premium it would be charged for workers' compensation insurance. As a result, New Diamond allegedly evaded over \$106,000 in insurance premiums. New Diamond Work, Inc. dissolved in 2017. The case is being prosecuted by Assistant Attorney General John Reynolds with assistance from Investigator Michelle Silva of AG Healey's Insurance and Unemployment Fraud Unit and the IFB.

### **Case Update – Owner of Multiple Businesses in Stoughton Ordered to Pay Restitution for Workers' Compensation Fraud**

Stoughton – On March 6, 2018 an Avon man was placed on pre-trial probation for 30 days on two counts of workers' compensation fraud and one count of larceny. He was ordered to pay \$38,805 in restitution within the 30 days to AIG. The Avon man, owner of two Stoughton-based companies, made misleading statements during audits of his workers' compensation policies and failed to disclose the true size of his company payrolls. He avoided paying approximately \$38,000 in workers' compensation insurance premiums. Assistant Attorney General Gabriel Thornton of the AG's Insurance and Unemployment Fraud Unit prosecuted the case.

## ***Automobile Insurance Fraud***

### **Case Update – Registration Plate Left at Scene Identifies Woman in Hit-and-Run Accident**

Salem – On June 7, 2018 a Peabody woman was placed on pre-trial probation for six months on charges of motor vehicle insurance fraud, attempt to commit a crime and false report of a crime. She was ordered to pay \$718 in restitution. The woman reported to police and Safety Insurance Company that her 2005 Audi A6 was allegedly struck while parked on February 28, 2015. The following day, she was notified by police that her vehicle had been involved in a hit-and-run accident on February 28; she alleged she had no knowledge of the incident and that her vehicle must have been stolen. The police report noted that a 2013 Toyota RAV4 was stopped at a red light when it was struck from behind by another vehicle which fled the scene. However, a Massachusetts registration plate found at the scene was registered to the Peabody woman's Audi. When police responded to her report of a hit-while-parked incident, they noted heavy front end damage to her vehicle. A damage analysis of the Audi and Toyota concluded there had been reciprocal contact between the two vehicles. The Peabody woman subsequently admitted that she crashed her vehicle into another car and then drove away. An Essex County Assistant District Attorney prosecuted the case.

### **Somerville Man Charged with Insurance Fraud**

Somerville – A Somerville man was arraigned on May 22, 2018 on charges of motor vehicle insurance fraud and attempt to commit a crime. The man reported to Arbella Mutual Insurance Company that his 2006 Subaru Forester was allegedly struck while parked on March 31, 2016 resulting in damage to the right front corner. A collision analysis concluded the damage to the Subaru was not consistent with a hit-while-parked event but was consistent with the vehicle coming into contact with a yellow pole. The Somerville man maintained that he noticed the damage before taking his son to school and denied that he or his wife caused the damage to the vehicle. Subsequently, he allegedly admitted to striking a pole while attempting to park and stated he was trying to avoid a surcharge on his automobile insurance policy. The Middlesex County District Attorney's Office is prosecuting the case.

## *Property Insurance Fraud*

### **Case Update – Springfield Woman Admits to Insurance Fraud Charges**

Springfield – On July 11, 2018 a Springfield woman admitted to sufficient facts on charges of presenting a false insurance claim and attempt to commit a crime. The case was continued without a finding for one year. She was ordered to pay \$500 in court costs. On February 26, 2016 the woman reported to Springfield police that her apartment had allegedly been broken into and several items, including a gold necklace, were taken. She also filed a claim with Liberty Mutual Insurance Company for the alleged stolen items. Liberty Mutual subsequently settled the claim and issued a check for \$1,618.93 for the reported theft loss claim. On April 5, 2016 the woman contacted Liberty Mutual and disputed the amount she received for the theft loss. She then submitted a handwritten receipt to allegedly substantiate the value of the necklace. The receipt did not show the name of the store; however, the woman provided the name of the jewelry store. Upon inspection of the submitted receipt, the date appeared to be altered, the necklace value was \$1,650 for an 18ct gold necklace, the seller and received by signatures were not legible, and the word “PAID” was written on the receipt. Investigation revealed that the store owners denied the receipt was from their store, they did not sell or stock 18ct gold jewelry, and the signatures on the receipt were unfamiliar to them. A Hampden County Assistant District Attorney prosecuted the case.

### **Case Update – Daughter Insures Missing Ring Using Deceased Mother’s Name**

Feeding Hills – The case against **Debra Armata** was continued without a finding for one year on May 31, 2018 on presenting a false insurance claim and larceny. She was ordered to pay \$1,372 in restitution. On June 27, 2016 Armata sent an electronically signed application for homeowners insurance to Jewelers Mutual Insurance Company allegedly on behalf of her mother. On November 28, 2016, a lost property claim for a missing diamond ring was made in Armata’s mother’s name and the carrier obtained a recorded telephone interview with a woman who alleged she was Armata’s mother. Investigation revealed that Armata’s mother passed away several months prior to the loss claim. Investigation also revealed that Armata filed a claim for a missing diamond ring several months earlier with another carrier. Furthermore, the receipt and appraisals used by Armata to obtain both insurance policies were fraudulent. Armata collected on the lost property claim of a diamond ring with the first carrier, National General Insurance. A prosecutor from the Hampden County District Attorney’s Office prosecuted the case.

## *Other Lines Insurance Fraud*

### **Unlicensed Landscape Contractor Pleads Guilty and is Sentenced to State Prison**

Salem – On June 7, 2018 **Paul Kauranen** pleaded guilty to 16 counts of larceny, two counts of identity fraud, two counts of money laundering and one count each falsely claiming to be a licensed landscape architect, falsely claiming to be an engineer or land surveyor, forgery of check, uttering a false check and common and notorious thief. He was sentenced to 5 ½ - 6 ½ years in state prison for the charge of common and notorious thief and 4-5 years for all other charges, to be served concurrently. He was also ordered to pay \$633,000 in restitution to 18 homeowners from across eastern Massachusetts who had hired him for landscape projects. The victims included homeowners in Middleton, Newburyport, Natick, Westwood, Shrewsbury, Marion, Belmont, Brookline and Newton, as well as businesses in Norwood and Plymouth. One of Kauranen’s scams included frequently demanding as much as 40 percent of the project costs up front and then, after digging up yards and demolishing stairs, driveways and other fixtures, he would disappear and never finish the project. Another scam was for Kauranen to accompany clients to a nursery to pick out shrubbery and trees and take their money to pay for the items. After the homeowner left, Kauranen would pocket the money and leave without ordering the items. The case was investigated by Shrewsbury, Newburyport and Middleton Police Departments as well as the IFB and Division of Professional Licensure. The case was prosecuted by Essex County Assistant District Attorney Philip Mallard.

## Community Insurance Fraud Initiatives Highlights

### **Boston CIFI**

A Malden woman received pre-trial diversion for three months on March 18, 2018 on charges of motor vehicle insurance fraud and attempt to commit a crime. She was ordered to perform 12 hours of community service. On March 24, 2016 the woman reported to MetLife Auto & Home that her 2013 Honda Accord was allegedly parked in Jamaica Plain when it was struck by an unknown vehicle resulting in damages to the passenger side of the vehicle. An expert examination of the damages found fragments of a tree branch trapped in the damaged portion of the right front wheel well indicating the Honda had struck a tree. There was no evidence of tire rub off or paint transfer from another vehicle. Additionally, the right front park lamp filament was slightly distorted, indicating that it had been exposed to an impact as it was illuminated. The woman denied hitting anything with the Honda and stated there was no prior damage before the alleged incident.

On June 5, 2018 a Quincy man was placed on pre-trial probation for one year on charges of motor vehicle insurance fraud and attempt to commit a crime. The man reported to Mapfre Insurance that on August 12, 2015 he parked his 2006 BMW 530I in Boston and the following morning allegedly observed that the vehicle was vandalized. He described the damages as key and scratch marks and broken taillights. The Quincy man stated there was no pre-existing damage to the BMW prior to his vandalism claim. He did not report the alleged incident to police. Investigation revealed that the previous owner of the BMW made a vandalism claim on April 5, 2015 and photos depicted the same damages as the Quincy man alleged occurred on August 12, 2015. He subsequently admitted that the vandalism damages were pre-existing and had occurred prior to his purchase of the vehicle.

*The Boston task force is assisted by Boston Police Det. Frank McLaughlin. Community Insurance Fraud Initiative (CIFI) cases are prosecuted by the Offices of Suffolk County District Attorney Daniel F. Conley and the Massachusetts Attorney General's Insurance and Unemployment Fraud Division.*

### **Brockton CIFI**

On April 6, 2018 a Brockton woman was placed on pre-trial probation for six months on a charge of motor vehicle insurance fraud. She was ordered to pay \$655 in court costs. The woman reported to Allstate Insurance Company that while operating her 2002 Chevrolet Malibu on November 17, 2015 she allegedly struck a deer causing damage to the vehicle's hood, grille and bumper. A vehicle analysis concluded that the Chevrolet was not struck by a deer but had damage consistent with rear ending another vehicle. The woman maintained that she hit a deer while operating the vehicle and was not involved in a rear end collision.

A Brockton woman was placed on pre-trial probation on July 23, 2018 for six months on charges of motor vehicle insurance fraud and attempt to commit a crime. She was ordered to pay \$632 in restitution. The woman reported to MetLife Auto & Home that on November 14, 2016 her 2014 Toyota Camry was allegedly parked and unoccupied in front of her home when it was struck by an unknown vehicle resulting in damages to the passenger side. A damage analysis concluded that the damage was not consistent with a hit-while-parked event but was consistent with the Toyota striking a brick or concrete wall. Deposits of concrete and brick mortar were found embedded within the damaged area. The woman stated she had possession of all keys to the vehicle and that no one else operated the Toyota.

*Brockton CIFI cases are prosecuted by the Office of Plymouth County District Attorney Timothy J. Cruz.*

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### **Lawrence/Lowell CIFIs**

On April 10, 2018 the case against a Lawrence woman was continued without a finding for six months on a charge of motor vehicle insurance fraud. She was ordered to pay \$550 in restitution. The Lawrence woman reported to Arbella Insurance that on January 20, 2016 her 2009 Honda Pilot was allegedly damaged while parked resulting in damage to the right rear corner of the vehicle. There were no witnesses to the alleged incident and police were not notified. A forensic examination concluded that the vehicle struck a fixed object with yellow paint while in reverse motion. The paint transfer was not consistent with automotive paint. The woman stated she had all keys to the vehicle in her possession and denied causing the damage to the vehicle.

A Lawrence couple each received a general continuance for six months on March 2, 2018. The husband had been charged with false report of a crime, motor vehicle insurance fraud and attempt to commit a crime. The wife had been charged with motor vehicle insurance fraud. They were ordered to pay \$699, joint and several, in restitution. The husband reported to Allstate Insurance Company and police that on May 6, 2015 his 2012 Toyota Highlander was allegedly hit-while-parked resulting in damages to the driver side front door. There were no known witnesses to the alleged incident. He reported that his wife was visiting friends when the alleged incident occurred. The wife denied causing the damage and maintained that no one else had access to the vehicle when the loss occurred. A forensic collision analysis of the vehicle concluded that the damage was inconsistent with a hit-while-parked incident but was consistent with the vehicle hitting a fixed object while in motion.

*The Lawrence CIFI task force is assisted by detectives from Lawrence and other area police departments. CIFI cases are prosecuted by Essex County Assistant District Attorney Francis Cannone. Lowell CIFI cases are prosecuted by Middlesex County Assistant District Attorney Kristen Noto.*

### **Lynn CIFI**

On April 3, 2018 a Lynn man admitted to sufficient facts on a charge of motor vehicle insurance fraud. The case was continued without a finding for six months. He was ordered to perform 20 hours of community service. The Lynn man initially reported to GEICO Insurance that on March 23, 2016 he was operating his parent's 2005 Honda Civic when it was struck by an unknown vehicle which fled the accident scene. He reported damages to the driver side front fender and front end. The alleged incident was not reported to police. The man later stated a deer allegedly struck the vehicle causing him to lose control and strike a wall. He subsequently admitted to reporting a false motor vehicle insurance claim regarding striking a deer because the vehicle did not carry collision coverage which would have covered the loss.

*The Lynn task force is assisted by Lynn Police Sgt. Ned Shinnick. Lynn CIFI cases are prosecuted by Essex County Assistant District Attorney Erin McAndrews.*

### **New Bedford/Fall River CIFI**

On June 18, 2018 a Fall River woman admitted to sufficient facts on a charge of motor vehicle insurance fraud. The case was continued without a finding for six months. She was ordered to pay \$915 in restitution. The woman reported to Mapfre Insurance that her 2007 Kia Sedona was allegedly hit-while-parked on November 18, 2015 in the parking lot of her place of employment. She reported damage to the passenger side of the vehicle. A vehicle analysis concluded the Kia was not hit-while-parked but had struck the rear corner of her residence. The woman stated the vehicle had no prior

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damage when she parked the Kia, no one else used the vehicle while she was at work, she had possession of all keys, and she observed the damage when approaching the parked vehicle after work.

On April 10, 2018 a Fall River man admitted to sufficient facts on a charge of motor vehicle insurance fraud. The case was continued without a finding for six months. He was ordered to pay \$510 in restitution. On April 3, 2012 the Fall River man reported to Arbella Mutual Insurance Company that his 2001 GMC Sierra was allegedly hit-while-parked by an unknown vehicle resulting in damage to the passenger side. There were no known witnesses to the alleged incident and the man did not notify police. An expert accident analysis concluded the damage pattern on the GMC indicated the truck was in motion when it struck something other than another vehicle. On June 21, 2018 the same Fall River man admitted to sufficient facts on a charge of motor vehicle insurance fraud. The case was continued without a finding for one year. He was ordered to pay \$545 in restitution. On May 14, 2013 he reported to Arbella that his 2001 GMC pickup truck was allegedly hit-while-parked by an unknown vehicle resulting in damage to the front left fender and bumper. An accident reconstruction concluded the damages were not consistent with a hit-while-parked incident. The vehicle's left front fender had a cylindrical impression with a rough abraded surface not found on any type of motor vehicle. In addition there was no paint transfer from another vehicle. The damage was consistent with the GMC striking an abraded pole-like object while in motion.

*The New Bedford/Fall River task force is assisted by New Bedford Police Officer Greg Sirois, Fall River Police Lt. Paul Bernier and State Police assigned to the Bristol County District Attorney's Office. CIFI cases are prosecuted by the Office of Bristol County District Attorney Thomas M. Quinn III.*

### **Randolph CIFI**

On April 19, 2018 the case against a Quincy man was continued without a finding for nine months on a charge of larceny. He was ordered to pay \$14,845 in restitution. On January 3, 2014 the Quincy man reported to Arbella Mutual Insurance Company that his 2003 Ford Super Duty Crew pickup had allegedly sustained an electrical fire in the engine. He stated he put the fire out with a fire extinguisher but did not notify police or the fire department at the time of the alleged incident. The truck was deemed a total loss based on extensive fire damage to the engine and the man was paid approximately \$16,207 for the loss. Witnesses subsequently reported to Arbella that they observed the Quincy man intentionally setting the engine on fire and then extinguishing the fire. An expert vehicle fire analysis of the torched engine determined there were eight separate areas of fire origin and the cause of the fire was a direct result of an individual applying flame to the damaged areas. Furthermore, the edges of the hood were not smoke stained indicating that the hood was open at the time of the fire. The Quincy man stated the truck was warming up when he noticed smoke coming out from under the hood.

*Randolph CIFI cases are prosecuted by the Office of Norfolk County District Attorney Michael Morrissey.*

### **Western Massachusetts CIFI**

On March 29, 2018 **Cesar Fernandez** was placed on pre-trial probation for one year on charges of motor vehicle insurance fraud and attempt to commit a crime. He was ordered to pay \$6,405 in restitution. On February 15, 2015 Fernandez was involved in a single vehicle pedestrian accident. Police as well as an ambulance responded to the scene and the pedestrian was transported to a local hospital. Later that same day Fernandez called his insurer, Progressive Insurance, to check his coverage and was informed that his coverage had been cancelled for nonpayment. Fernandez stated he moved and

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allegedly never received the cancellation notice. Fernandez was informed that he was eligible to have the policy reinstated without a lapse if he had no losses between the cancellation date and the date of the call. Fernandez stated that neither he nor any household members were involved in any accidents during the time period the policy was lapsed. With that information, Progressive reinstated Fernandez's automobile insurance policy without a lapse in coverage. The pedestrian subsequently reported an injury claim to Progressive and submitted a copy of the accident report which indicated the accident occurred prior to Fernandez's policy reinstatement.

A Holyoke man and three Holyoke women were placed on pre-trial probation for six months for their roles in a jump-in case. Each had been charged with motor vehicle insurance fraud charges. Together they were ordered to pay \$1,500 in restitution. Police responded to a two-vehicle accident on February 14, 2013. The police report indicated only the operators were present in each vehicle and they were identified as a Springfield man and the Holyoke man. However, personal injury protection claims were made by the three women as alleged passengers in the Holyoke man's vehicle at the time of the accident. Based on inconsistent statements regarding the accident made by the four individuals and the police report which identified only the operators present in the vehicles at the time of the accident, the claims were denied by Safety Insurance company.

*The Western Massachusetts task force is assisted by area police departments. CIFI cases are prosecuted by Hampden County First Assistant District Attorney James Forsyth, Berkshire County Assistant District Attorney Gregory Barry and First Assistant District Attorney Steve Gagne of the Northwestern Massachusetts District Attorney's Office which covers Franklin and Hampshire counties.*

### **Worcester CIFI**

A Worcester woman was arraigned on April 6, 2018 on charges of motor vehicle insurance fraud and attempt to commit a crime. The woman reported to Mapfre Insurance that on August 2, 2015 she allegedly parked her 2008 Toyota Highlander along the side of the parking lot at her workplace. She stated that when she left work that evening it was dark, she drove the vehicle to a second job that she worked overnight and allegedly did not discover the damage to the vehicle until the following morning during daylight hours. Data from the Event Data Recorder (EDR) of the Toyota indicated the EDR had recorded seven events, with the three most recent occurring within one-half second of each other. The three events were determined to be a frontal, side, and roll-over event after the Toyota slowed from approximately 35 to 20 mph. The data revealed that the driver seatbelt was buckled and the passenger seat was unoccupied. It was determined that the EDR data was consistent with the location and profile of the damage present on the vehicle. Additionally, a galvanized pole peg with wood residue was located in the threads under the Toyota's hood which was consistent with striking a telephone pole. The Worcester woman stated she was not involved in an accident, did not lend the vehicle to anyone, and was in possession of the only key to the vehicle.

*The Worcester task force is assisted by Worcester Police Dets. Scott Blakeney and James O'Rourke and other area police departments. CIFI cases are prosecuted by Worcester County Assistant District Attorney Greer Spatz.*

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