

OFFICE OF ATTORNEY GENERAL

INSURANCE FRAUD SECTION
TOM CORBETT • ATTORNEY GENERAL
NEWSLETTER

Insurance Agent Charged With Theft of Over \$91,000



On December 17, 2007, William Elensky, Jr., was arrested in Clearfield County and charged with twelve counts of Theft by Deception (F3 & M1) and twelve counts of Theft by Failure to Make Required Disposition of Funds Received (F3 & M1).

According to the Criminal Complaint, Elensky was an insurance agent doing business in Clearfield County during 2004 through 2006. In that capacity, Elensky took monies from eleven individuals for the purpose of obtaining various types of annuity or insurance policies, including workers' compensation and commercial liability policies. Elensky obtained approximately \$91,000 but failed to use the monies for the intended purposes. Instead, Elensky used the monies for his own purposes, which included paying various bills arising out of his insurance agency. On numerous occasions, Elensky allegedly prepared fraudulent documents for the purpose of convincing the defrauded victims that the monies were being used for the intended purposes.

Rate Evasion Charges Against West Virginia Man



On December 13, 2007, Brian Stone was arrested in Dauphin County and charged with three counts of Tampering with Public Records (F3), three counts of Insurance Fraud (F3 & M1) and three counts of Unsworn Falsification to Authorities (M3).

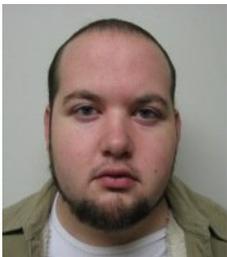
According to the Criminal Complaint, Stone was charged with lying to the Pennsylvania Department of Transportation in order to obtain a Pennsylvania driver's license and registration and lying to Progressive Insurance Company in order to obtain insurance. Stone applied for a Pennsylvania driver's license and allegedly lied on his application, stating that he had never been arrested or cited for a violation that carried a penalty of license suspension or revocation. According to the Criminal Complaint, at the time of the application, Stone had been cited for DUI on four separate occasions, including an arrest occurring less than 30 days prior to his application for a license. Stone allegedly also registered a vehicle in Pennsylvania and obtained insurance representing that he was a Pennsylvania resident. However, according to the Criminal Complaint, Stone was not living in Pennsylvania. Allegedly, while serving a sentence of home confinement in West Virginia, Stone rented a P.O. Box in Fayette County, Pennsylvania and listed the Pennsylvania address on an insurance policy he purchased. According to the Criminal Complaint, Stone registered his truck with PennDot using the P.O. Box address and listed the vehicle as being insured. However, Stone never added the truck to his insurance policy and his policy was completely terminated in February 2007 for non-payment. Stone continued to drive with no auto insurance and on July 8, 2007, was involved in an accident in West Virginia that killed five people and injured seven others.



ARRESTS

- Jamil Curry was arrested on December 4, 2007 in Philadelphia County. According to the Criminal Complaint, Curry was one of fourteen individuals who claimed to be injured when a casino tour bus was struck by a hit and run driver in Philadelphia. It is alleged that the accident was staged and that nine individuals on the bus were aware that the bus was going to be hit and/or admitted that they were not injured. Claims were submitted to Lancer, Allstate, Rutgers and American Independent Insurance Companies for chiropractic treatments. Curry has been charged with two counts of Insurance Fraud (F3), one count of Theft by Deception (F3) and one count of Conspiracy (F3).

- On December 20, 2007, Richard Way was arrested in Blair County. According to the Criminal Complaint, Way reported to the police and State Farm Insurance Company that his 2004 Ford Mustang had been stolen. It is alleged that the vehicle was not stolen but that Way used a friend's pickup truck to push the Mustang over the cliff. It is further alleged that Way removed the after-market equipment and advertised it on eBay. Way



has been charged with one count of Insurance Fraud (F3), one count of False Reports to Law Enforcement Authorities (M3) and one count of Criminal Attempt/Theft by Deception (F3).

- Donielle Houston was arrested on December 11, 2007 in Montgomery County. According to the Criminal Complaint, Houston claimed that a car struck her as it was backing out of a parking space. Houston reported this to the police and, through her attorney, filed claims against Safe Auto Insurance and Merchants Insurance Group. It is alleged that Houston deliberately placed herself behind the car as it backed up and after the car stopped, kicked it and claimed that it had hit her. Houston has been charged with two

counts of Insurance Fraud (F3), one count of Criminal Attempt/Theft by Deception (F3), one count of Theft by Deception (F3) and one count of False Reports to Police (M3).

- On December 14, 2007, Aaron Anderson and Vincent Grimm were arrested in Westmoreland County. According to the Criminal Complaint, an individual reported the theft of his Volvo to the police and to his insurance carrier, Progressive Insurance Company. The claim was paid by Progressive and the vehicle was later recovered by the police in Grimm's garage. It is alleged that Anderson arranged with another individual to take the car so that insurance proceeds could be collected. Anderson allegedly enlisted the services of Grimm in taking and storing the vehicle. Anderson and Grimm have each been charged with one count of Insurance Fraud (F3), one count of Theft by Unlawful Taking or Disposition (F3) and one count of Criminal Conspiracy to Commit Theft (F3).

- Anthony Profaizer was arrested on December 18, 2007 in Cambria County. According to the Criminal Complaint, Profaizer sustained injuries to his jaw after being struck by a wood pellet. Erie Insurance Company agreed to reimburse Profaizer for the cost incurred in hiring a driver to take him to his medical appointments in Baltimore, Maryland. It is alleged that Profaizer overbilled Erie Insurance in mileage and driver's fees. Profaizer has been charged with one count of Insurance Fraud (F3) and one count of Theft by Deception (F3).

- On December 27, 2007, Kimberly Clark was arrested in Allegheny County. According to the Criminal Complaint, Clark presented forged prescriptions for Oxycontin and Vicodin while working as a medical assistant. It is alleged Clark wrote the prescriptions in her brother's and husband's names in order to have them filled and billed through their insurance with UPMC. Clark has been charged with four counts of Insurance Fraud (F3), four counts of Act 64 Violations (F), one count of Theft by Deception (F3) and one count of Forgery (M1).

- Lynda Cimino was arrested on December 21, 2007, in Westmoreland County. According to the Criminal Complaint, Cimino presented forged prescriptions for Ultram to several pharmacies. It is alleged that Cimino had the prescriptions filled by using her husband's name which were then billed to Caremark Insurance. Cimino has been charged with one count of Insurance Fraud (F3), one count of Forgery (F3), one count of Act 64 Violations (M) and one count of Theft by Deception (M1).

- On December 5, 2007, Deborah and Warren Williams were arrested in Monroe County. According to the Criminal Complaint, Progressive Insurance Company insured the Williams' Kia, listing Warren as an excluded driver. The Williams' filed a claim for damages when their Kia was struck by another vehicle. The Williams' both gave recorded statements that Deborah was driving the vehicle at the time of the accident.



It is alleged that Warren was the sole occupant and driver of the Kia at the time of the accident. Deborah and Warren have each been charged with two counts of Insurance Fraud (F3) and one count of Criminal Attempt/Theft by Deception (M1).

- Donald Rosak was arrested on December 20, 2007 in Allegheny County. According to the Criminal Complaint, Rosak filed an insurance claim with Erie Insurance Company that his Trail Blazer was damaged by a hit and run driver. Rosak claimed that all of the damage to his vehicle was caused by this accident. It is alleged that some of the damage occurred when Rosak struck something while driving home and the rest of the damage occurred in a previous accident for which he had submitted a claim and was paid. Rosak has been charged with one count of Insurance Fraud (F3) and one count of Criminal Attempt/Theft by Deception (M1).

- On December 3, 2007, David Turner was arrested in Chester County. According to the Criminal Complaint, David's brother, Maurice, filed a bodily injury claim with Bristol West Insurance Company stating that he was a passenger in David's car when they were involved in an automobile accident. According to the Criminal Complaint, David initially gave statements to law enforcement and the insurance company stating that Maurice was not a passenger in the vehicle at the time of the accident. However, at a preliminary hearing for Maurice, David allegedly changed his story and testified that Maurice was in the car at the time of the accident. David Turner has been charged with two counts of Insurance Fraud (F3), one count of Perjury (F3) and one count of False Swearing (M2).

- Tina Buchanan was arrested on December 14, 2007 in Berks County. According to the Criminal Complaint, Buchanan applied for a hospital confinement sickness indemnity policy from Aflac. Buchanan stated in her application that no physician had medically recommended hospitalization. Buchanan submitted a physician's statement showing that a physician consult took place after obtaining the policy. It is alleged that Buchanan actually consulted with her doctor prior to obtaining the policy. Buchanan was charged with one count of Insurance Fraud (M1).



- Lonnie Cross pled guilty to one count of Insurance Fraud (M1) in Lancaster County. Cross was involved in a DUI related accident while operating Richard Brown's Mazda. Cross had his license suspended for a prior DUI conviction. Brown had completed and signed an application for automobile insurance with Donegal Insurance Company for the Mazda the day before the accident. Brown had listed himself as the only household member and regular operator, failing to inform Donegal Insurance Company that Cross was a member of the household and a regular operator and co-owner of the Mazda. Cross was sentenced to 141 days to

23 months incarceration following by 3 years consecutive probation and ordered to pay a fine of \$250 and all court costs.

- Karen and William Nagy pled guilty to two counts of Insurance Fraud (F3) in Cambria County. William Nagy owned a trucking company where he and his wife, Karen, were drivers delivering mail for the Post Office. Karen and William were each involved in separate vehicle accidents. Karen and William each filed fraudulent claims with the State Farm Insurance Company for wage loss and costs incurred for hiring replacement drivers. The Nagys inflated the figures they reported to the State Farm Insurance Company. The Nagys were both sentenced to serve 23 months restrictive intermediate punishment followed by 3 years consecutive probation, ordered to perform 100 hours of community service and ordered to pay a fine of \$1,000 and all court costs.



- Amanda Heiler pled guilty to one count of Insurance Fraud (F3) in Philadelphia County. Heiler was the owner of a vehicle that was involved in an accident. Heiler arrived at the accident scene shortly afterwards and claimed to have been in the car. Heiler then filed a fraudulent claim with the Lincoln General Insurance Company. Heiler was sentenced to 3 years probation, ordered to perform 50 hours of community service and ordered to pay restitution of \$2,500 and all court costs.
- Thomas Atkinson pled guilty to one count of Insurance Fraud (M1) and one count of Criminal Attempt/Theft by Deception (F3) in Montgomery County. Atkinson, an excluded driver on the policy, added his Chevrolet to his insurance policy with the American Independent Insurance Company listing Thomas Purcell as the driver. Atkinson filed a claim stating Purcell was involved in an accident while operating his car. Atkinson and Purcell were the same person. Atkinson

was sentenced to 3 years probation and ordered to pay a fine of \$1,000 and all court costs.

- On December 13, 2007, Barbara Chrisemer pled guilty to one count of Insurance Fraud (F3) in Union County. Chrisemer, while employed at a doctor's office, forged the signature of the office business manager and the signatures of five different doctors on thirteen Aflac insurance forms pertaining to her claim for short term disability. Chrisemer was sentenced to 2 years probation, ordered to perform 50 hours of community service and ordered to pay a fine of \$250 and all court costs.
- Michael Goncharsky pled guilty to one count of Theft by Deception (M1) in Cambria County. Goncharsky, acting as the agent for the Bolvins, who suffered a fire at their residence, requested that a contractor provide him with an inflated estimate to submit to the Allstate Insurance Company. Goncharsky then submitted an inflated estimate and billing statement to the Allstate Insurance Company as the actual and final cost of repair. Goncharsky was sentenced to 2 years probation, ordered to perform 50 hours of community service and ordered to pay a fine of \$500, restitution of \$5,000 and all court costs.
- David O'Donnell pled guilty to one count of Theft by Deception (M1) in Butler County. O'Donnell continued to collect workers' compensation benefits from the CNA Insurance Company for a knee injury while working for a new employer. O'Donnell was sentenced to 12 months probation, ordered to perform 50 hours of community service and ordered to pay restitution of \$4,509, a fine of \$500 and all court costs.

(ARD) DISPOSITIONS

During the month of December, three additional defendants received Accelerated Rehabilitative Disposition (ARD). Defendants who receive ARD are typically sentenced to 2 years probation, 50 hours community service, and ordered to pay full restitution, all ARD costs and all court costs.