



NEWS RELEASE

From New York State Workers' Compensation Fraud Inspector General
Catherine Leahy Scott

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ROCKLAND COUNTY AUTO WINDOW TINTING BUSINESS OWNER AND WIFE FACE FRAUD CHARGES AFTER CRASHING A CLIENT'S LUXURY MERCEDES DURING A JOYRIDE

ALBANY – New York State Inspector General Catherine Leahy Scott and Rockland County District Attorney Thomas P. Zugibe announced today the arrest of a Rockland County automobile window tinting business owner and his wife on charges they defrauded the Workers' Compensation system after the wife crashed a client's new Mercedes SUV while on a joyride and then claimed the car was being used as part of her employment.

Tammy Pena, 46, of Lomond Avenue in Chestnut Ridge, was charged with Grand Larceny in the Third Degree, two counts of the Workers' Compensation crime of Fraudulent Practices, two counts of Falsifying Business Records in the First Degree, and Insurance Fraud in the Third Degree, all felonies, and Unauthorized Use of a Vehicle in the Third Degree, a misdemeanor. Her husband Samuel, 44, was charged with two counts of Grand Larceny in the Third Degree, two counts of the Workers' Compensation crime of Fraudulent Practices, two counts of Falsifying Business Records in the First Degree, and two counts of Insurance Fraud in the Third Degree, all felonies.

Inspector General Leahy Scott said, "With profane disregard, this couple violated and abused a client's trust and went on to conceal and exacerbate their own wrongdoing with fraudulent claim filings. These two elevated a joyride and car crash into an elaborate insurance fraud scheme and will now be held accountable for their actions. I will continue to use the powers of my office to protect the Workers' Compensation system which is a vital protection for honest employees and employers."

District Attorney Zugibe said, "The defendants' scheme was devious on several levels. First, it undermined the business relationship between a customer and the company she trusted to make improvements to her vehicle. Second, by submitting fictitious information to the insurance provider, the defendants attempted to get medical bills covered by the state. These arrests send a clear message to those who are attempting to use the system for their own personal gain that law enforcement's battle against insurance fraud is ongoing and that those who cheat will be sought and prosecuted."

An investigation by Inspector General Leahy Scott found that Samuel Pena owns and operates Sam's Professional Window Tinting, an automotive window tinting business based in Nanuet, and his wife Tammy is listed as one of several employees. In May 2015, Tammy Pena filed a Workers' Compensation claim with the business's insurer for injuries sustained in a one car motor vehicle accident when she drove a client's brand new Mercedes SUV off of a road near the Penas's home and into a tree, totaling the vehicle.

Tammy Pena claimed to the business's insurance company that the accident occurred shortly after picking up a client's vehicle for services. Contrary to Tammy Pena's claim, however, she was allegedly not engaged in any work activity at the time of the accident. The vehicle had been in the Penas's possession for more than a week

before the accident. Prior to the accident, Samuel Pena and the vehicle's owner were in communications regarding when the vehicle would be finished. Samuel Pena texted the vehicle's owner minutes before the accident stating that more work was being done and the vehicle would not be finished until later that day. In fact, at the time of the crash, the work on the vehicle had already been completed.

After Tammy Pena filed the Workers' Compensation claim, Samuel Pena filed multiple documents with the Workers' Compensation Board and his business's insurance company supporting his wife's claim that the accident was work-related, exaggerating her wages and requesting reimbursement for wages allegedly paid to his wife after her accident. More than \$45,000 was paid by the Workers' Compensation insurance company for medical bills and wage indemnity benefits for Tammy Pena's allegedly fraudulent claim. Samuel Pena is also alleged to have submitted fraudulent documentation to the insurance company when applying for Workers' Compensation insurance in order to obtain a reduced premium.

The Penas were arraigned on the charges in the Clarkstown Justice Court and released pending a reappearance in court on March 21.

Inspector General Leahy Scott thanked Utica Mutual Insurance Company for assisting with the investigation and Rockland County District Attorney Thomas P. Zugibe and his office for prosecuting this matter.

The defendants are presumed innocent until and unless proven guilty in a court of law.

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The New York State Office of the Workers' Compensation Fraud Inspector General investigates fraud, abuse and/or illegal acts against the New York State Workers' Compensation system, including fraud by medical service providers, employers seeking to evade appropriate Workers' Compensation charges, and employees who fabricate injuries to fraudulently receive system benefits. Complaints and referrals are kept confidential. We can be reached by calling toll free: 1-800-367-4448, utilizing our online complaint form at <http://www.ig.ny.gov> or sending an email to: inspector.general@ig.ny.gov. You also can write to our office at: Office of the Workers' Compensation Fraud Inspector General, Empire State Plaza, Agency Building 2, 16th Floor, Albany, New York 12223