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NEWS

Illinois Department of Insurance

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Department of Insurance Announces Two Convictions Resulting from its Workers' Compensation Fraud Investigations

Former Crystal Lake Police Officer and Former Business Owner Convicted

CHICAGO – Illinois Department of Insurance (DOI) Director Andrew Boron today announced investigations by the Department's Workers' Compensation Fraud Unit have resulted in two convictions. A former Crystal Lake police officer charged with workers' compensation fraud in McHenry County and a former business owner charged with forgery in Cook County have both been convicted and sentenced.

"As I have said before, we take accusations of fraud very seriously. These convictions are a direct result of our investigations and should send a clear message that workers' compensation fraud will not be tolerated in Illinois," said DOI Director Boron. "We're pleased to have worked with the Illinois Attorney General's Office, that prosecuted Mr. Avila's case and with the Cook County State's Attorney's Office that prosecuted Mr. Kwartowski."

Former Crystal Lake police officer Michael Avila was sentenced to one year of probation, ordered to pay \$9,588.13 in restitution, and required to pay \$730 in fines, fees, and court costs. He pleaded guilty in October to workers' compensation fraud. Avila made statements to create the impression the nature and extent of an injury he claimed to have suffered to his wrist while at work was more extensive than it really was. Video surveillance showed him lifting weights in the police station in the month following the injury while he was assigned to light duty. Additional video surveillance showed Avila not only lifting weights, but working as a personal trainer. Avila filed a case with the Illinois Workers' Compensation Commission for his wrist injury in October of 2012, but that case was voluntarily dismissed less than a month later, after DOI's investigator sought to interview Avila.

Sam Kwartowski, owner of Floor & Tile Solutions, Inc., was sentenced to two years of probation. As part of his probation, Kwartowski was ordered to complete drug treatment. He pleaded guilty to forgery in November. Kwartowski lacked workers' compensation insurance after his policy was cancelled for non-payment of premium in 2008 then issued false Certificates of Insurance to a general contractor he performed work for as proof of workers' compensation insurance. The general contractor, who relied on the Certificates of Insurance Kwartowski provided, was assessed thousands of dollars in additional premium by his own insurance company to cover the uninsured risk.

Fraud based upon the issuance of false Certificates of Insurance puts employees and companies such as general contractors at risk, yet it is one of the easiest forms of fraud to detect and prevent. If there is any question as to the authenticity of the documentation being provided regarding workers' compensation coverage, the certificate holder should contact the insurance company listed on the certificate directly to verify that a policy is in fact in place.

For more information about Workers' Compensation Fraud, including matters that may involve fraud perpetrated by a claimant, visit the DOI website at <http://insurance.illinois.gov/WCFU/default.asp>. To report an employer, healthcare provider, attorney, insurance agent or company, contact the Workers' Compensation Fraud Unit at 877-WCF-UNIT (877-923-8648) or send an e-mail to DOI.WorkCompFraud@illinois.gov.