

When This Private Eye Shoots, It's in 8-Millimeter

By RALPH BLUMENTHAL

New York Times (1857-Current file); May 12, 1992; ProQuest Historical Newspapers The New York Times (1851 - 2001)

pg. B1

When This Private Eye Shoots, It's in 8-Millimeter

Camera in Hand, Today's Investigator Stalks Insurance Fraud, Not Maltese Falcons

By RALPH BLUMENTHAL

Spade's face was white-yellow now. His mouth smiled and there were smile-wrinkles around his glittering eyes. His voice was soft, gentle. He said: "I'm going to send you over. The chances are you'll get off with life. That means you'll be out again in 20 years. You're an angel. I'll wait for you." He cleared his throat. "If they hang you I'll always remember you."

*Dashiell Hammett,
"The Maltese Falcon."*

The door and transom were secured with a square black burglar alarm, and the frosted glass panel was lettered "TC Lasky Associates Inc., Private Investigations." Inside, the narrow interior was lighted by hanging glass globes with pull chains.

At the window, Terry C. Lasky rubbed his long, high-browed face and looked down three floors over a slush-gray Broadway. It was morning. Too early for a tequila. Besides, the bottle on the bookcase was only a prop.

'What Clients Expect'

"This is what clients expect," said the impish Mr. Lasky, whose motto might be "Investigation with a sense of humor."

But if the trappings are vintage True Detective, the technology and mission are distinctly modern and serious. The mild-mannered Mr. Lasky is a Sam Spade for



The trappings that make up Terry C. Lasky's private detective office on Broadway have little in common with the props in vintage films about legendary sleuths. He viewed evidence in a recent medical malpractice case.

William E. Sauro/The New York Times

Continued on Page B2

Private Eye Shoots in 8-Millimeter

Continued From Page B1

the video age: a private eye hired by insurers and lawyers to uncover fraudulent personal injury, medical malpractice and workers' compensation claims, schemes more lucrative by far than the quest for a mere golden bird encrusted head to foot with the finest jewels of Malta.

One industry estimate puts the amount of fraudulent casualty claims at \$20 billion a year in the nation, a racket Mr. Lasky's six-person operation barely dents. Nine out of 10 claims referred to him prove "mendacious" to some degree, he says.

Licensed to pack heat — he has a Smith & Wesson .38 revolver and a Walther PPK .380 semiautomatic pistol — he much prefers to shoot with a Sony videotape camera and sleuth with a computer. Why gumshoe subjects all over creation if you can track them at your desk with a personal computer and some good biographical and geographical data bases?

No Limp From a Camera

A Sony, he says, doesn't make you walk with a limp or ruin the line of your suits.

Armed with one of the \$12,000, 8-millimeter television news cameras with its 16-to-1 zoom lens, investigators stalk claimants in multimillion-dollar medical liability lawsuits, secretly videotaping them from a gray station wagon to verify or debunk claims of injury.

The videos, which have caught supposedly incapacitated victims strolling around and driving cars, shoveling snow and cutting down trees, have swayed juries and persuaded claimants to drop or settle lawsuits mounting into the millions of dollars. In cases in which claims proved genuine, the videos have persuaded insurance companies to settle rather than go to trial and risk a large jury award.

If there is a trial, the secretly shot tapes are rarely shown in court by the defense. Because some courts have held that any such evidence gathered by the defense must be shared with the plaintiff, the existence of videotape is usually not advertised by the defense but rather used to provide material for cross-examination in depositions or in court.

'Just Finders of Fact'

There is no law against videotaping in public, and Mr. Lasky says it is not dirty work. "We're just finders of fact," said the 44-year-old Mr. Lasky, who could pass for an Air Canada reservations clerk, which, in fact, he was for a while between dropping out of Adelphi University and attending the Sorbonne in Paris and Fordham University.

Nobody knows to what extent

cheating of all kinds inflates Americans' medical care bills, put at about \$800 billion this year. But the insurance industry has estimated that 10 percent of total billings and claims may be fraudulent, yielding a figure of \$80 billion. Of this, says one industry expert, James Garcia, a director of health plans for Aetna Life and Casualty, fraudulent disability claims may account for about one-quarter of the figure, or \$20 billion.

This does not surprise Mr. Lasky, whose recent cases include these:

QA New York City police officer on permanent employment disability because of what she claimed were disabling headaches that kept her home-

When a plaintiff shovels snow, it's a good day for the investigator.

bound was videotaped driving her family from Staten Island 1,200 miles to Florida, where she spent her days at a shopping mall.

QA 79-year-old New Jersey man supposedly incapacitated by the slip of an anesthesiologist's needle was videotaped playing golf — and even cheating, sneakily putting down a second ball when his opponent wasn't looking.

QA An executive suing his doctor over a back operation that he claimed had left him unable to sit or drive for extended periods, participate in sports or even play with his children was videotaped chain-sawing a tree in his yard. He nearly cut off a relative's finger in the process, and then ran out of the way as the tree crashed down.

Spanning All Groups

"It doesn't make any difference if you're rich or poor; fraudulent personalities span all groups," Mr. Lasky said the other day as his wife, Patricia, a psychotherapist a.k.a. Honey, typed and took calls by the door and their two dogs, Bonnie, an English pointer, and Jake, a terrier, prowled the office — a tableau out of "The Thin Man."

Mr. Lasky said that any time he solved a puzzle he was happy but that uncovering fraud "makes me very happy." Of all the cases referred to him, he said, 60 percent involve overstated claims and an additional 30 percent "out-and-out fraud." Ten percent stand up under scrutiny.

On a snowy day this spring, the office swung into action. Mr. Lasky dispatched two of his investigators, Vincent Dolan and Neil Caddell, 28-

year-old buddies from Carmel, N.Y., to the home of a New Jersey man who claimed that a botched arteriogram had left him unable to work or have sex.

The client, an insurance-company lawyer, called. "We're still on surveillance," Mr. Lasky told him. "We're hoping he goes out and shovels his walk. There's no footprints, so he's in there."

Successful Therapy

A few hours later his crew called in with good news. "You're kidding!" Mr. Lasky blurted out. "Ha! So he was shoveling? Using the arm! Great!"

He called the client back. "You ready?" he asked. "He came out to shovel! We have 10 minutes' worth of film. His occupational therapy has been maybe a total success."

Another day, Mr. Dolan, with an Italian film-star stubble, and Mr. Caddell, preppy in a college sweatshirt, reminisced as they staked out another subject (he never showed up):

There was the stakeout when they called for Chinese food. As the deliveryman passed their car they whistled him over and accepted delivery. There was the time they stalked a plaintiff who owned an upstate bungalow colony. They checked into the colony posing as film students and videotaped him at their leisure. And there was the time they were tailing a plaintiff — and one from another case drove by.

To track down claimants and witnesses, Mr. Lasky often begins with "pretext calls" in which he seems to be looking for someone else. But his bag of tricks also includes skillful use of computerized records ranging from motor vehicle licenses and registrations to property ownership and credit reports.

Mr. Lasky, who grew up in Sheepshead Bay, Brooklyn, and fled to Paris to avoid the Vietnam draft, worked several years as an investigator for various concerns before starting his agency in his West Side apartment in 1976 and winning certification as one of the state's 1,500 licensed security agencies and investigators.

A sucker for atmosphere, he was about to install a frosted glass door in his apartment when he found the perfect office in an old building at 2315 Broadway, at 83d Street.

He showed something of the same flair in finding a wife. He was sitting alone in Sarabeth's Kitchen, the one on Amsterdam Avenue at 80th Street. When the waiter asked, "You see anything you like?" his eye lit on a young woman dining with her mother.

"That girl," he said. He got the waiter to pass her his business card after he left. She called him and they got married. That was five years ago.