

New York State Insurance Department

ISSUED: 11/17/06

FOR IMMEDIATE RELEASE

NEW YORK STATE INSURANCE DEPARTMENT TAKES DISCIPLINARY ACTIONS AGAINST COMPANIES, AGENTS, BROKERS & ADJUSTERS

The New York State Insurance Department has taken disciplinary action against the following licensees. Those categorized as stipulations have been agreed to by the licensee. Department actions that result from Department hearings are subject to judicial review and possible stay of enforcement.

INSURANCE COMPANIES

LICENSEE	ADDRESS	PENALTY
Farmers & Traders Life Insurance Company	960 James Street, Box 1056 Syracuse, NY 13201	\$150,000 fine
Respondent violated various provisions of Department Regulation 60 (11 NYCRR Part 51) in connection with the replacement of life insurance and annuity contracts; Section 53-3.5(a) of Department Regulation 74 (11 NYCRR 53-3.5(a)) by failing to obtain the applicant's signature on the illustration and providing the applicant with a signed copy of the illustration, when an electronic illustration was used to satisfy preliminary information requirements for policies being marketed with an illustration; Section 3209 of the Insurance Law by failing to comply with certain requirements in connection with the preliminary information and policy summary that must be provided to the applicant; and Section 3203(a)(16) of the Insurance Law by failing to include certain information on its policy data or specifications page for Policy Form No. 8787. [Stipulation approved October 24, 2006.]		

LICENSEE	ADDRESS	PENALTY
United States Life Insurance Company in the City of New York	830 Third Avenue, 7th Floor New York, NY 10022	\$100,000 fine
Respondent violated Section 185.5(b) of Department Regulation 27-A [11 NYCRR 185.5(b)] by using credit insurance advertisements that inaccurately described the nature of the benefit being offered and the appropriate premium to be charged; Section 3201(b)(4)(A) of the Insurance Law by failing to implement scheduled credit insurance rate reductions that were approved in its policy form filings with the Department; and Section 3214(c) of the Insurance Law by not paying interest from the date of death of the insured to the date of payment on certain death claims. [Stipulation approved October 12, 2006.]		

AGENTS AND BROKERS HEARINGS

Region: Albany

LICENSEE	ADDRESS	PENALTY
Burton Agency, Inc. (Broker)	23 West Fulton Street P.O. Box 46 Gloversville, NY 12078	License Revoked
Jeffrey J. Burton (Broker and Sublicensee)	Same as above	
Respondents collected insurance premium payments from clients and failed to remit the payments to the appropriate insurer. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Colonie General Agency, Inc. (Agent and Broker)	447 Troy Schenectady Road Latham, NY 12110	\$5,000 fine
Matthew A. Assini (Sublicensee)	Same as above.	
Respondents issued automobile insurance ID cards without authority in that there was no existing insurance. Respondents also failed to timely submit premium money and insurance applications to insurers and falsely answered a material question in the applications as to whether there was a gap in the applicant's insurance coverage. Respondents also misled various insurers by submitting false insurance documentation to the insurers. Respondents failed to respond to Departmental investigatory letters. [Order issued September 26, 2006.]		

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Carol J. Fees (Agent)	750 16 th Street Niagara Falls, NY 14301	License Revoked
Respondent misappropriated insurance premium monies and was terminated by her employer. Respondent was subsequently convicted of Petit Larceny, a misdemeanor. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Bonnie L. Trala (Agent)	5134 Briercliff Drive Hamburg, NY 14075	License Revoked
Respondent placed long term care policies with an insurer for family members and others without their knowledge. She paid the premiums on the policies, collected commissions, and then cancelled or let the policies lapse. She was subsequently terminated by the insurer. Respondent failed to substantively respond to the Department's investigation into the matter. [Order issued September 26, 2006.]		

Region: Nassau County

LICENSEE	ADDRESS	PENALTY
Mary C. Crisafulli (Agent)	133 Pine Street Garden City, NY 11530	License Revoked
Respondent failed to respond to Departmental letters, thereby hampering and impeding the Department's investigation. [Order issued May 31, 2006.]		

Region: Jamestown

LICENSEE	ADDRESS	PENALTY
Daniel M. Carmichael (Agent)	12 N. Main Street Stockton, NY 14784	License Revoked
Respondent was convicted of grand larceny in the third degree for collecting commissions on insurance policies that he fraudulently procured. Respondent also collected cash premium payments from insureds and failed to remit the payments to the insurer. Respondent also failed to respond to Departmental investigatory letters. [Order issued September 21, 2006.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Daniel F. Ciminera (Broker)	116 McKee Street Floral Park, NY 11001	License Revoked
Respondent issued insurance premium transmittal checks that were dishonored by the bank upon which they were drawn; commingled insurance premium and non-premium monies; failed to timely remit premium money to the insurer; aided and abetted unlicensed individuals; and hampered and impeded the Department's investigation. Respondent also violated prior agreements with the Department. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Michael Galen (Broker and Sublicensee)	655 E. 234 th Street Bronx, NY 10466	License Revoked
Respondent failed to cooperate with the Department's investigation. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
David O. Lewis (Agent)	978 St. Johns Place Brooklyn, NY 11213	License Revoked
Respondent failed to respond to Department investigatory letters. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Melinda Wynn (Broker)	1668 Davidson Ave. Bronx, NY 10453	License Revoked
Respondent issued insurance premium transmittal checks that were dishonored by the bank upon which they were drawn. [Order issued September 26, 2006.]		

LICENSEE	ADDRESS	PENALTY
Bernard Labrone Smiley (Broker)	CEM Agency 239 East 149 th Street Bronx, NY 10451	License Revoked
Respondent issued premium payment checks that were dishonored by the bank upon which they were drawn, failed to remit to the insurer premium deposits collected from insureds, commingled insurance premium and non-premium monies and acted as an insurance producer during a period when he was unlicensed. Respondent also failed to respond to Departmental investigatory letters. [Order issued September 21, 2006.]		

Region: Rochester

LICENSEE	ADDRESS	PENALTY
Kurt R. Kline (Adjuster)	3368 Averill Road Caledonia, NY 14423	License Revoked
Respondent failed to timely respond to Departmental investigatory letters and refused to cooperate with the Department's investigation. [Order issued September 21, 2006.]		

Region: Suffolk

LICENSEE	ADDRESS	PENALTY
Kimani Atkinson (Agent)	179 Sequoia Drive Coram, NY 11727	License Revoked
Respondent failed to respond to Departmental investigatory letters. Respondent also failed to notify the Department within thirty days of his change of address. [Order issued September 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Yvon Alexis (Broker)	1207 S. W. 123 rd Ave. (Building #93) Pembroke Pines, FL 33025	License Revoked
Respondent was decertified by the New York Automobile Insurance Plan for a period of 2 years for issuing insurance premium payment checks that were dishonored by the bank upon which they were drawn and various other Plan violations. Respondent also conducted insurance business under an unlicensed name, commingled insurance premium funds with personal and business expense funds, and violated a prior Department stipulation. [Order issued September 21, 2006.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Terence B. Seawright (Agent)	1700 Nedro Avenue Philadelphia, PA 19141	License Revoked
Respondent failed to disclose on his agent license application that he had been convicted of a misdemeanor. Respondent also failed to notify the Department within 30 days that his license had been revoked by the State of California Insurance Department. [Order issued July 31, 2006.]		

AGENT AND BROKER STIPULATIONS**Region: Buffalo**

LICENSEE	ADDRESS	PENALTY
Thomas Davies (Agent)	6552 Bunting Road Orchard Park, NY 14127	\$500 fine
Respondent failed to disclose on his application for an agent's license that he had been subject to administrative actions in the States of New Jersey and Maine; and failed to notify the Department that he had been subject to an administrative action in the State of Indiana within thirty days of the final disposition. [Stipulation approved October 4, 2006.]		

LICENSEE	ADDRESS	PENALTY
Jeffrey M. Jayson (Agent)	64 Old Orchard Street Williamsville, NY 14221	License Revoked
Respondent failed to respond to Departmental investigatory letters. [Stipulation approved October 23, 2006.]		

LICENSEE	ADDRESS	PENALTY
Peter F. Maurer (Independent Adjuster)	98 Steven Drive Cheektowaga, NY 14227	\$500 fine
Respondent failed to disclose on his application for independent adjuster's license that he had been convicted of disorderly conduct. [Stipulation approved October 11, 2006.]		

LICENSEE	ADDRESS	PENALTY
Michael S. Towns (Agent)	1599 Hertel Avenue Buffalo, NY 14216	\$1,500 fine
Respondent's certification was suspended by the New York Automobile Insurance Plan ("NYAIP") for a period of sixty days for sending electronic mail messages to immediately effect coverage for which the NYAIP received no applications, issuing a premium payment transmittal check that was dishonored by the bank upon which it was drawn, submitting deficient applications to the NYAIP and committing producer performance standard violations. Respondent also issued additional checks transmitting insurance premium payments that were dishonored by the bank upon which they were drawn. Respondent subsequently replaced all dishonored checks and resolved all violations that led to his suspension by the NYAIP. [Stipulation approved October 25, 2006.]		

Region: Jamestown

LICENSEE	ADDRESS	PENALTY
Iroquois Group Inc. (Agent and Broker)	406 West State Street P.O. Box 806 Olean, NY 14760	\$2,500 fine
Laurie A. Branch (Sublicensee)	Same as above	
Respondent shared commissions with an unlicensed entity. [Stipulation approved October 23, 2006.]		

Region: Nassau County

LICENSEE	ADDRESS	PENALTY
Badge Agency Inc. (Agent, Broker and Excess Line Broker)	674 Glen Cove Ave. Glen Head, NY 11545	\$1,600 fine
Michael S. Ventura (Sublicensee)	Same as above	
Respondents filed affidavits and paid premium taxes for excess line placements that they did not personally procure. [Stipulation approved October 13, 2006.]		

LICENSEE	ADDRESS	PENALTY
Gary M. Smith (Agent and Broker)	2142 Bellewood Drive Merrick, NY 11566	\$1,000.00 fine
Respondent failed to disclose on his renewal applications for his agent's and broker's licenses that he was fined by the Banking and Insurance Commissioner of the State of New Jersey. [Stipulation approved October 2, 2006.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Buckingham Badler Associates Inc. (Broker, Excess Line Broker, and Agent)	286 Richmond Valley Road Staten Island, NY 10305	\$500 fine
Stuart Badler (Agent and Sublicensee)	Same as Above.	
Jane C. Dalli (Broker and Sublicensee)	Same as Above.	
Respondents' employee issued an insurance binder, certificate of liability insurance and a notice of cancellation for insurance coverage that had never been issued by the insurer and for which Respondents did not have authority to bind the insurer. Respondents also failed to timely remit a portion of a premium payment to an insurer and violated Section 2119 of the Insurance Law and Department Regulation 41 (11 NYCRR §27.12) by billing an insured for service fees and reimbursement for premium taxes without obtaining from the insured a signed memorandum specifying the amount of the service fees and reimbursement. [Stipulation approved October 11, 2006.]		

LICENSEE	ADDRESS	PENALTY
Shirley Cole (Agent)	324 East 108 th Street New York, NY 10029	\$2,500 fine
Respondent failed to successfully complete the required amount of continuing education credits or programs and attested on her application for renewal of her agent's license that she had completed the required credits when in fact she had not. [Stipulation approved October 10, 2006.]		

LICENSEE	ADDRESS	PENALTY
Elis A. Estevez (Broker)	102-17 Northern Blvd. Corona, NY 11368	\$1,000 fine
Respondent issued insurance premium payment transmittal checks that were dishonored by the bank upon which they were drawn and commingled insurance premium fiduciary funds with personal expense funds. Respondent subsequently replaced the dishonored checks. [Stipulation approved October 17, 2006.]		

LICENSEE	ADDRESS	PENALTY
Susanne Fiol (Broker)	805 Melrose Avenue Bronx, NY 10451	\$2,300.00 fine
Respondent collected insurance premiums and other funds from insureds on behalf of an unauthorized insurer and aided and facilitated the unauthorized insurer in doing an insurance business in this State. [Stipulation approved July 20, 2006.]		

LICENSEE	ADDRESS	PENALTY
Eric J. Payert (Bail bondsman)	124-34 Queens Blvd. Kew Gardens, NY 11415	\$2,500 fine
Astrid Corrales (Bail bondsman)	Same as above.	
Respondents, while they were sublicensees of a corporate bail bondsman, violated Section 6802(b) of the Insurance Law by permitting an unlicensed employee and/or agent to act for the corporate bail bondsman in soliciting, negotiating and/or effectuating deposits and/or bail bonds. [Stipulation approved October 31, 2006.]		

LICENSEE	ADDRESS	PENALTY
Star Insurance Agency Enterprises, Inc. (Broker) Aida Andia (Broker and Sublicensee)	109-16 Corona Avenue Corona, NY 11368 Same as Above	\$1,000 fine
Respondents issued a certificate of liability insurance stating that the New York State Insurance Fund (“NYSIF”) had issued workers compensation insurance coverage to a client when in fact the NYSIF had never issued the coverage. [Stipulation approved October 17, 2006.]		

LICENSEE	ADDRESS	PENALTY
Lisa M. Taffinder (Agent)	8875 24 th Avenue Brooklyn, NY 11214	\$2,500 fine
Respondent failed to successfully complete the required amount of continuing education credits or programs and attested on her application for renewal of her agent’s license that she had completed the required credits when in fact she had not. [Stipulation approved October 5 , 2006.]		

Region: Rockland County

LICENSEE	ADDRESS	PENALTY
Brian H. Panich (Agent)	P.O. Box 85 Ferndale, NY 12734	License Revoked
Respondent was convicted of Embezzlement, a class D felony. [Stipulation approved October 2, 2006.]		

Region: Westchester County

LICENSEE	ADDRESS	PENALTY
Takeshi Yoshizawa (Agent and Broker)	113 Piermont Avenue Piermont, NY 10968	\$750 fine
Respondent sold an annuity contract in this State that was issued by an unlicensed insurer; aided and facilitated the unlicensed insurer in doing an insurance business in this State; and identified the annuitant as having signed the annuity contract application in the State of Connecticut when in fact it was signed in this State. [Stipulation approved October 5, 2006.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Apollo General Insurance Agency Inc. [Need licensing status]	19485 Sonoma Highway Sonoma, CA 95476	\$500 fine
Robert C. Elster, Jr. (Sublicensee)	Same as above.	
Respondents failed to notify the Department within 30 days that they were the subject of administrative actions by the states of Minnesota, Oregon and New Hampshire. [Stipulation approved October 2, 2006.]		

LICENSEE	ADDRESS	PENALTY
Engle, Martin & Associates, Inc. (Independent Adjuster)	750 Hannond Drive – Building 19 Atlanta, GA 30328	\$1,000 fine
Jeffrey F. Ciaramella (Sublicensee)	126 Cherrydale Court Pittsburgh, PA 15237	
Respondents acted as an independent adjuster in this State without a license. [Stipulation approved October 12, 2006.]		

LICENSEE	ADDRESS	PENALTY
NBOA Marine Insurance Agency, Inc. (Agent)	4404 N Tamiami Sarasota, FL 34234	\$750 fine
Jeffery Francis Berndt (Agent and Sublicensee)	Same as Above	
Respondents failed to notify the Department within thirty days that Respondent NBOA Marine Insurance Agency, Inc. had been fined by the Commonwealth of Massachusetts and that Respondent Jeffrey Francis Berndt was fined by the Oklahoma Insurance Department. Respondents also failed to timely respond to various Department inquiry letters. [Stipulation approved October 11, 2006.]		

LICENSEE	ADDRESS	PENALTY
Craig L. Rubin (Agent)	c/o Swett & Crawford 21650 Oxnard Street Woodland Hills, CA 91367	\$500.00 fine
Respondent failed to disclose on his application for agent's license that a corporation of which Respondent is Assistant Secretary had been fined by the Commonwealth of Virginia, State Corporation Commission, Bureau of Insurance. [Stipulation approved October 5, 2006.]		

LICENSEE	ADDRESS	PENALTY
James Timothy Shelnut (Agent)	209 Hudson Trace P.O. Box 21168 Augusta, GA 30907	\$500.00 fine
Respondent failed to notify the Department that he was fined by the State of Washington Department of Insurance within thirty days of the final disposition of the matter. [Stipulation approved October 2, 2006.]		

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