

New York State Insurance Department

ISSUED: 03/03/09

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
Allmerica Financial Alliance Insurance Company	440 Lincoln Street Worcester, MA 01653	\$10,000 fine
Respondent issued notices of cancellation for automobile insurance policies for nonpayment of premium that contained incorrect information with respect to the amounts of the civil penalties that can be paid to avoid suspension of an insured's motor vehicle registration under Section 318 of the Vehicle and Traffic Law. [Stipulation approved February 11, 2009.]		

LICENSEE	ADDRESS	PENALTY
American Modern Home Insurance Company	P.O. Box 85323 Cincinnati, OH 45201	\$10,000 fine
Respondent issued notices of cancellation for insurance policies for nonpayment of premium without giving the named insured at least fifteen days notice, as required. [Stipulation approved February 11, 2009.]		

LICENSEE	ADDRESS	PENALTY
Autoone Insurance Company	201 Old Country Road P.O. Box 9027 Melville, NY 11747	\$25,000 fine
Respondent issued notices of cancellation for automobile policies with the first sixty days a covered policy was in effect without stating the specific reason(s) for the cancellation. [Stipulation approved February 19, 2009.]		

LICENSEE	ADDRESS	PENALTY
First Metlife Investors Insurance Company	200 Park Avenue New York, NY 10166	\$50,000 fine
Respondent violated Department Regulation No. 60 [11 NYCRR 51.6(b)(4)] by failing to furnish to some insurers whose coverage was being replaced a copy of any proposal, including the sales material used in the sale of the proposed annuity contract and the completed Disclosure Statement; and Department Regulation No. 34-A [11 NYCRR 219.5(a)] by failing to maintain an advertising file at its home office, and by failing to maintain a notation indicating the manner and extent of distribution of its advertisements. [Stipulation approved February 24, 2009.]		

LICENSEE	ADDRESS	PENALTY
Tokio Marine & Nichido Fire Insurance Co., Ltd. (U.S. Branch)	230 Park Avenue New York, NY 10169	\$119,500 fine
Respondent, violated various provisions of the Insurance Law and Department Regulations including the following: Department Regulation 57 (11 NYCRR 160) by charging rates that deviated from the approved rates filed with the Department; failing to update its rate filings within three years or file a statement with the Department that its analysis indicates that no updating is appropriate; and failing to maintain adequate procedures to minimize the occurrence of improperly charged rates; Department Regulations 86 & 129 (11 NYCRR 16 & 129) in connection with its rate filings and the maintenance of its underwriting files; Section 3426(e)(2) of the Insurance Law which states that a conditional renewal notice shall contain the specific reason or reasons for a conditional renewal and set forth the amount of any premium increase or a reasonable estimate of the premium increase. Respondent violated Section 3426(g)(1) which states that every notice mailed or delivered by an insurer shall advise the first-named insured and such insured's authorized agent or broker of the availability of loss information; and Section 2307 which states that no policy form shall be delivered or issued for delivery unless it has been filed with the Superintendent and either he approved it, or 30 days have elapsed and he has not disapproved it as misleading or violative of public policy. [Stipulation approved January 13, 2009.]		

AGENTS AND BROKERS HEARINGS

Region: New York City

LICENSEE	ADDRESS	PENALTY
Jose Perez (Broker)	3010 Grand Concourse Bronx, NY 10458	License Revoked
Respondent issued insurance premium payment transmittal checks that were dishonored by the bank upon which they were drawn; commingled business, operating, and personal funds in his premium bank account; conducted insurance business using an unlicensed name; and failed to respond to Departmental investigatory letters thereby hampering and impeding the Department's investigation. [Order issued February 10, 2009.]		

AGENT AND BROKER STIPULATIONS

Region: Binghamton

LICENSEE	ADDRESS	PENALTY
Mark E. Broczkowski (Agent)	12 Orchard Road Binghamton, NY 13905	\$500 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. [Stipulation approved February 2, 2009.]		

LICENSEE	ADDRESS	PENALTY
Martin T. Misiaszek(Agent)	185E Oak Street Binghamton, NY 13905	\$500 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. [Stipulation approved February 2, 2009.]		

Region: Elmira

LICENSEE	ADDRESS	PENALTY
Daniel J. Rcalto (Agent and Broker)	458 Seneca Street Hornell, NY 14843	\$750 fine
Daniel J. Rcalto t/b/a Daniel J. Rcalto Insurance (Agent)	Same as Above	
Respondent permitted a former licensee of the Department whose licenses as an insurance agent and broker were revoked by the Superintendent, to engage in the business of insurance. [Stipulation approved February 25, 2009.]		

Region: Mid-Hudson

LICENSEE	ADDRESS	PENALTY
Big Z Life and Health Insurance Inc. (Agent and Broker)	20 Browns Drive New Windsor, NY 12553	\$1,500 fine
Frank J. Jannotti (Agent, Broker and Sublicensee)	Same as above	
Todd M. Jannotti (Agent and Sublicensee)	Same as above	
Respondents collected insurance premiums and other funds from insureds on behalf of an unlicensed entity doing business in the State of New York, and otherwise aided and facilitated an unlicensed entity in doing an insurance business in this State. [Stipulation approved February 12, 2009.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
Lana M. Moore (Agent and Broker)	1051 Wood Park Drive Baldwin, NY 11510	\$500 fine
Respondent failed to report to the Superintendent within 30 days of her arraignment in District Court of Nassau County that she was the subject of a criminal prosecution for a misdemeanor. Respondent was subsequently convicted of a violation. [Stipulation approved February 2, 2009.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Dur-America Brokerage Inc. (Agent and Broker)	34-11 Broadway Astoria, NY 11105	\$1,000 fine
George Douramanis (Broker and Sublicensee)	Same as above	
Respondents issued insurance premium transmittal checks when funds were not available but the checks were honored using overdraft privileges and Respondents violated a prior Stipulation wherein they agreed they would not again issue insurance premium transmittal checks when funds were not available. [Stipulation approved February 25, 2009.]		

LICENSEE	ADDRESS	PENALTY
Garifalia Christea f/k/a Garifalia Gristea (Agent)	47-07 47 th Avenue Woodside, NY 11377	License Revoked
Respondent failed to disclose on her application for an agent's license that her agent's license had been previously revoked by the Superintendent, and failed to disclose on her agent's license renewal applications that she was charged with Falsifying Business Records, Insurance Fraud and Grand Larceny, and was convicted of Attempting to Falsify Business Records. [Stipulation approved February 3, 2009.]		

LICENSEE	ADDRESS	PENALTY
Hiroshi Kinoyama (Broker)	c/o Marsh USA Inc. 1166 Avenue of the Americas New York, NY 10036	\$2,500 fine
Respondent failed to disclose on his original application for a broker's license that a corporation of which Respondent is a Managing Director was fined by the Oregon Insurance Division, the Massachusetts Division of Insurance and the New Jersey Department of Banking and Insurance, and was named as a party to an administrative proceeding initiated by the California Department of Insurance. Respondent also failed to disclose on his renewal application for a broker's license that the corporation of which he is a Managing Director was fined by the Virginia State Corporation Commission. [Stipulation approved February 4, 2009.]		

LICENSEE	ADDRESS	PENALTY
Andronicos Petrou t/b/a M A P Coverage (Broker)	110 East 138 th Street Bronx, NY 10451	\$1,000 fine
Respondent issued a check transmitting an insurance premium payment that was dishonored by the bank upon which it was drawn, but was subsequently replaced. Also, Respondent's premium account had a negative balance, and she commingled insurance premium funds and personal funds in her premium account. [Stipulation approved February 4, 2009.]		

LICENSEE	ADDRESS	PENALTY
Public Insurance Adjusters of New York Ltd. (Public Adjuster)	1177 Forest Avenue Staten Island, NY 10310	\$1,000 fine
Edgardo Beltran Jr. (Public Adjuster and Sublicensee)	Same as above	
Respondents failed to comply with representations they made to the Department, at a Department sponsored mediation, concerning a complaint against them by insureds. [Stipulation approved February 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
Pablo L. Rondon (Agent)	90-31 Whitney Avenue Elmhurst, NY 11373	\$500 fine
Respondent, during the course of his duties as an agent for an insurer, signed a life insurance policy payment request form as a witness to the signing of the form by a client, when in fact he did not witness the signing of the form by the client. [Stipulation approved February 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
Alexandre V. Zakrividoroga (Broker)	2 Gold Street New York, NY 10038	\$750 fine
Respondent failed to notify the Department of a business address change within 30 days and failed to timely respond to Departmental investigatory letters, thereby hampering and impeding the Department's investigation. [Stipulation approved February 19, 2009.]		

Region: Rochester

LICENSEE	ADDRESS	PENALTY
Dianne L. Freiner (Agent and Broker)	27 Main Street Hornell, NY 14843	Licenses Revoked
Dianne L. Freiner t/b/a Freiner Agency (Broker)	Same as above	
Respondent permitted and/or knowingly employed a former licensee of the Department whose licenses as an insurance agent and broker were revoked by the Superintendent, to assist Respondent in operating Respondent's insurance agency and/or engage in the business of insurance. [Stipulation approved February 2, 2009.]		

Region: Syracuse

LICENSEE	ADDRESS	PENALTY
Randy A. Merrell (Agent)	8186 N Court Street Canastota, NY 13032	\$1,000 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in "High Pressure Tactics" and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. Respondent also, in order to induce insureds to replace their policy with another insurer, utilized misleading advertising materials in his insurance sales presentations which made known the financial condition of two insurers and did not contain other required information. [Stipulation approved February 2, 2009.]		

LICENSEE	ADDRESS	PENALTY
Daniel A. Popek (Agent)	7847 Kirkville Road Kirkville, NY 13082	\$1,000 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. Respondent also, in order to induce insureds to replace their policy with another insurer, utilized misleading advertising materials in his insurance sales presentations which made known the financial condition of two insurers and did not contain other required information. [Stipulation approved February 2, 2009.]		

Region: Utica

LICENSEE	ADDRESS	PENALTY
Robert W. Bryant Sr. (Agent)	38 Elmwood Place Utica, NY 13501	\$1,500 fine
Respondent failed to disclose on his original and supplemental applications for an agent’s license that he was convicted of a crime. [Stipulation approved February 12, 2009.]		

LICENSEE	ADDRESS	PENALTY
Jaime L. Sanchez (Agent)	8201 Old Floyd Road Rome, NY 13440	\$1,000 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. Respondent also, in order to induce insureds to replace their policy with another insurer, utilized misleading advertising materials in her insurance sales presentations which made known the financial condition of two insurers and did not contain other required information. [Stipulation approved February 2, 2009.]		

LICENSEE	ADDRESS	PENALTY
Michael James White (Agent)	c/o Sylvan James 223 North Washington PO Box 391 Rome, NY 13440	\$1,000 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. Respondent also, in order to induce insureds to replace their policy with another insurer, utilized misleading advertising materials in his insurance sales presentations which made known the financial condition of two insurers and did not contain other required information. [Stipulation approved February 2, 2009.]		

Region: Watertown

LICENSEE	ADDRESS	PENALTY
Alan L. Laughman (Agent)	407 Judson Road Canton, NY 13617	\$1,000 fine
Respondent, in connection with the solicitation and sale of Medicare supplemental insurance to seniors, engaged in “High Pressure Tactics” and while soliciting Medicare supplemental insurance products on a door-to-door basis, Respondent solicited and sold Medicare Advantage Plans to Medicare beneficiaries without having a previously arranged appointment with the Medicare beneficiaries, as required under the Centers for Medicare and Medicaid Services Guidelines. Respondent also, in order to induce insureds to replace their policy with another insurer, utilized misleading advertising materials in his insurance sales presentations which made known the financial condition of two insurers and did not contain other required information. [Stipulation approved February 2, 2009.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Gjoka T. Camaj (Broker)	18 Carthage Lane Scarsdale, NY 10583	\$500 fine
Respondent failed to disclose on his renewal application for a broker's license that a limited liability company of which he is an officer and a director was fined by the Department. [Stipulation approved February 4, 2009.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Artex Risk Solutions Inc. (Agent)	The Gallagher Centre Two Pierce Place Itasca, IL 60143	\$500 fine
Lori A. Pertusaitis (Agent, Broker, Excess Line Broker, Life Broker, and Sublicensee)	Same as Above	
Respondents solicited excess line insurance business as agents in the State of New York without a license. [Stipulation approved February 10, 2009]		

LICENSEE	ADDRESS	PENALTY
Lynn M. Cagnetta (Broker)	1281 E Main Street Stamford, CT 06902	\$500 fine
Respondent failed to disclose on her renewal application for her broker's license that Arthur J. Gallagher & Co. of New York, Inc., a corporation of which Respondent is an officer, was fined by the New Jersey Division of Insurance and fined by the Massachusetts Division of Insurance. [Stipulation approved February 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Lincoln Financial Advisors Corporation (Agent)	1300 South Clinton Street Fort Wayne, NJ 46802	\$1,000 fine
Margaret Ann Salamy (Agent and Sublicensee)	Same as above	
<p>Respondents failed to disclose on the corporate renewal application of Respondent Lincoln Financial Advisors Corporation for it's agent's license that Respondent Lincoln Financial Advisors Corporation was fined by the State of Nevada Securities Division and by the State of Connecticut Department of Banking and in connection with the sale of annuities, Respondent Lincoln Financial Advisors Corporation was found liable in an arbitration proceeding and required to pay damages. [Stipulation approved February 24, 2009.]</p>		

LICENSEE	ADDRESS	PENALTY
Aviena Moreira (Agent)	c/o Liberty Mutual 14415 S 50 th Street Phoenix, Arizona 85044	\$500 fine
<p>Respondent failed to report to the Superintendent within 30 days of the final disposition that she was fined by the Commissioner of Insurance of the State of Kansas and the Commonwealth of Virginia, State Corporation Commission. [Stipulation approved January 29, 2009.]</p>		

LICENSEE	ADDRESS	PENALTY
William Joseph Reese Jr. (Broker and Excess Line Broker)	16800 Greenpoint Park Drive Houston, TX 77060	\$3,250 fine
<p>Respondent transacted insurance business using an unlicensed agency name and in doing so violated a prior stipulation entered into with the Department. [Stipulation approved February 18, 2009.]</p>		

LICENSEE	ADDRESS	PENALTY
Rose Scala (Agent)	6231 Linton Street Jupiter, FL 33458	\$500 fine
Respondent acted as a property and casualty agent in the State of New York after her license expired, and failed to disclose on her relicensing application for an agent's license that she had done so. [Stipulation approved February 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Craig Robert Trotter (Agent-License Pending)	c/o Humana Insurance Company 5701 Hillsborough Avenue Tampa, FL 33610	\$1,000 fine
Respondent failed to disclose on his application for an agent's license that he pled guilty to two felonies and was fined by the Florida Department of Financial Services. Adjudication was withheld on the aforementioned criminal cases. [Stipulation approved February 18, 2009.]		

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