

New York State Department of Financial Services

ISSUED: June 26, 2018

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES TAKES DISCIPLINARY ACTIONS AGAINST COMPANIES, AGENTS, BROKERS & ADJUSTERS

The New York State Department of Financial Services 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.

COMPANIES

LICENSEE	ADDRESS	PENALTY
Medical Liability Mutual Insurance Company	2 Park Avenue New York, NY 10016	\$10,000 fine Respondent shall fully comply with Section 7307(r) and must seek the Superintendent's approval to make any payment for professional fees incurred in connection with its Demutualization .
Respondent, in connection with its conversion from a mutual insurer to a stock insurer pursuant to Section 7307 of the Insurance Law, made multiple payments to professional advisors for professional fees rendered but did not seek or obtain the approval of the Superintendent of Financial Services for the approval of the payments as required under Section 7307 of the Insurance Law. [Consent Order Approved May 4, 2018]		

STIPULATIONS

Region: Albany

LICENSEE	ADDRESS	PENALTY
Michelle Patricia Simons (Agent)	2544 Vanvranken Avenue Schenectady, NY 12308	License Revoked
Respondent failed to disclose in her original application for an agent's license and in three renewal applications for an agent's license that she was convicted of a misdemeanor. [Stipulation approved April 12, 2018.]		

Region: Mid-Hudson

LICENSEE	ADDRESS	PENALTY
Kalayjian Oaks & Associates Inc. (Agent and Broker)	1 East Market Street Hyde Park, NY 12538	\$3,000 fine
Leon Kalayjian (Agent and Sublicensee)	Same as above	
Respondents commingled insurance premium funds and personal funds. Respondents also collected an insurance premium from an insured and failed to timely remit said insurance payment to the insurer. [Stipulation approved May 11, 2018.]		

LICENSEE	ADDRESS	PENALTY
Peter J. Rein (Agent- Relicensing application pending)	158 Tuckers Corners Road Highland, NY 12528	\$750 fine
Respondent on his renewal application for his agent's license failed to disclose that he had an application for an insurance licensed denied by the State of Florida Department of Financial Services. [Stipulation approved May 2, 2018.]		

Region: Mid-Island

LICENSEE	ADDRESS	PENALTY
Michael J. Minerva (Agent and Broker)	91 Maple Avenue Smithtown, NY 11787	License Revoked
Respondent submitted various documents to Allstate Insurance Company and the Department that contained inaccurate information regarding Respondent's licensing status and passing of an insurance licensing examination for an insurance license and Respondent on his original application for his broker's license failed to disclose that he was then charged with committing a crime. [Stipulation approved May 2, 2018.]		

LICENSEE	ADDRESS	PENALTY
Seaboard Adjustment Bureau Inc. (Independent Adjuster)	322-B Third Avenue Bayport, NY 11705	\$12,000 fine
John K. Smith (Sublicensee)	Same as above	
Respondents, after the expiration of Respondent Seaboard Adjustment Bureau Inc.'s independent adjuster's license, transacted insurance business in this State in the name of Respondent Seaboard Adjustment Bureau Inc. without a license. [Stipulation approved May 2, 2018.]		

Region: New York

LICENSEE	ADDRESS	PENALTY
Yilih Choong (Agent and Broker)	217-12 47 th Avenue Bayside, NY 11361	\$2,250 fine
Respondent, in support of her requests that the Prudential Foundation make matching charitable donations to a charity, submitted to the Prudential Foundation receipts that falsely stated that Respondent made charitable donations to the charity. Additionally, Respondent, in support of her request that the Prudential Foundation, by its Volunteer Grants Program, make a charitable donation to the aforementioned charity, falsely certified to the Prudential Foundation that Respondent provided volunteer service to the charity. [Stipulation approved May 9, 2018.]		

LICENSEE	ADDRESS	PENALTY
Leumi Investment Services Inc. (Agent)	350 Madison Avenue New York, NY 10017	\$1,500 fine
Bozidar Jovanovic (Sublicensee)	Same as above	
Jonathan Edward Graham Sublicensee)	Same as above	
<p>Respondents admit that they provided materially incomplete information on their renewal application for Respondent Leumi Investment Services Inc.'s agent's license submitted on or about March 7, 2017, in that Respondent, Bozidar Jovanovic, failed to disclose that Respondent Leumi Investment Services Inc. was a party to an administrative action by the Financial Industry Regulatory Authority, on or about November 3, 2016. Respondents also provided materially incomplete information on their original application for Respondent Leumi Investment Services Inc.'s agent's license, submitted on or about August 10, 2016, in that Respondent, Jonathan Edward Graham, failed to disclose that Respondent Leumi Investment Services Inc. was a party to administrative actions by the Securities and Exchange Commission on or about February 24, 2009 and the Financial Industry Regulatory Authority on or about September 30, 2008. [Stipulation approved April 23, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Thomas M. La Guidice (Broker)	3 Rene Drive Staten Island, NY 10306	License Revoked
<p>Respondent issued a certificate of insurance for an insured when in fact no such policy existed. [Stipulation approved May 11, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Esquire Insurance Agency Inc. (Broker)	45-01 Northern Boulevard Long Island City, NY 11101	\$75,000 fine
Frank Scivoletto (Broker and Sublicensee)	Same as above	
Vincent Tragni (Broker and Sublicensee)	Same as above	
<p>Respondents, in connection with the sale of automobile insurance policies, charged and collected different service fee amounts from numerous insureds. Respondents also in their service fee agreements stated the amount of the service fee to be charged as “up to” a dollar amount, which resulted in numerous insureds being charged different service fee amounts as stated above. [Stipulation approved May 2, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Frank Scivoletto (Broker and Sublicensee of Esquire Insurance Agency Inc.)	45-01 Northern Boulevard Long Island City, NY 11101	License Revoked
<p>Respondent was convicted of a felony for which he was sentenced to six months imprisonment, the payment of restitution, and three years’ supervised release and the payment of a special assessment. [Stipulation approved May 2, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Vincent Tragni (Broker and Sublicensee of Esquire Insurance Agency Inc.)	45-01 Northern Boulevard Long Island City, NY 11101	License Revoked
<p>Respondent was convicted of a felony for which he was sentenced to six months imprisonment, the payment of restitution, and three years’ supervised release and the payment of a special assessment. [Stipulation approved May 2, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Jonathan Jay Sung (Agent)	176-25 Union Turnpike Fresh Meadows, NY 11366	License Revoked
Respondent was terminated for cause by an insurer for submitting false documents to said insurer in order to misappropriate funds from the insurer's gift matching program and which resulted in Respondent misappropriating in excess of \$40,000 from said insurer. [Stipulation approved May 11, 2018.]		

Region: Syracuse

LICENSEE	ADDRESS	PENALTY
Melissa M. McBride f/k/a Melissa M. Cuddeback	8409 Baptist Hill Road Port Byron, NY 13140	\$1,000 fine
Respondent engaged in the business of insurance without obtaining a license or written consent of the Superintendent as required; and Respondent, while previously licensed as an agent, failed to notify the Superintendent that she was charged with a crime within thirty days of the initial pretrial hearing date. [Stipulation approved April 23, 2018.]		

Region: Utica

LICENSEE	ADDRESS	PENALTY
William C. Green t/b/a Green & Green Attorneys at Law	50 Main Street Cooperstown, NY 13326	\$650 fine
Respondent acted as an insurance producer in the State of New York without having authority to do so by virtue of a license issued and in force pursuant to the provisions of the Insurance Law. [Stipulation approved May 7, 2018.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Roundhill Express LLC (Agent)	1055 Saw Mill River Road Ardsley, NY 10522	\$180,000 fine
Lauren Lambert (Agent, Broker and Sublicensee)	Same as above	
Respondents, after the expiration of Respondent Roundhill Express LLC's insurance agent's license, acted as an insurance agent in this State without a license. [Stipulation approved May 14, 2018.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Citizens Securities Inc. (Agent)	45 Dan Road/MCD-340 Canton, MA 02021	\$9,500 fine
Respondent failed to disclose fines imposed by other states and Financial Industry Regulatory Authority arbitration proceedings in license applications submitted to the Department. Respondent also violated Section 2103(c) of the Insurance Law by allowing persons who were not named sublicensees of Respondent to act individually as insurance agents under Respondent's license to act as an agent pursuant to Section 2103(a) of the Insurance Law. [Stipulation approved May 2, 2018.]		

LICENSEE	ADDRESS	PENALTY
Marc Mauricio Morrow (Agent-license application pending)	14027 Memorial Drive Houston, TX 77079	\$1,750 fine
Respondent, on his original application for his agent's license, failed to disclose that he was convicted of a crime and that he was the subject of administrative actions in the States of Ohio and North Carolina. [Stipulation approved May 2, 2018.]		

LICENSEE	ADDRESS	PENALTY
TMG Health Inc. (Independent Adjuster)	100 Four Falls Conshohocken, PA 19428	\$1,250 fine
Respondent violated Section 2110(i) of the Insurance Law by failing to report to the Superintendent within 30 days of the final disposition of the matter that Respondent was the subject of an administrative action by the Insurance Commissioner of the State of Oklahoma on or about February 1, 2016. Respondent also violated its agreement in a New York Insurance Department stipulation, dated May 25, 2011, that Respondent would take all necessary steps to prevent the recurrence of violations of Section 2110(i) of the Insurance Law. [Stipulation approved April 23, 2018.]		

LICENSEE	ADDRESS	PENALTY
James H. Cunningham Insurance Agency Inc. (Agent)	7234 W North Avenue Elmwood Park, IL 60707	\$500 fine
John B. Turcza (Sublicensee)	Same as above	
<p>Respondents acted as insurance producers in the name of Respondent James H. Cunningham Insurance Agency Inc. in the State of New York while Respondent James H. Cunningham Insurance Agency Inc. had no license issued and in force pursuant to the provisions of the Insurance Law. [Stipulation approved May 11, 2018.]</p>		

LICENSEE	ADDRESS	PENALTY
Beverly J. Whitaker (Agent and Life Broker)	395 Central Street Rowley, MA 01969	\$2,000 fine
<p>Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that Respondent was fined by the Massachusetts Division of Insurance, the Maine Bureau of Insurance and the North Carolina Department of Insurance, and that Respondent's license application was denied by the California Department of Insurance. Respondent also failed to disclose the Massachusetts and Maine fines and the California license denial in license applications submitted to the Department. [Stipulation approved May 2, 2018.]</p>		