

New York State Insurance Department

ISSUED: 2/20/07

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
Massachusetts Mutual Life Insurance Company	1295 State Street Springfield, MA 01111	\$82,500 fine
Respondent issued variable universal life insurance policies that did not comply with certain nonforfeiture requirements in violation of Section 54.7(b)(2)(i)(c) of Department Regulation No. 77 (11 NYCRR 54). [Stipulation approved December 27, 2006.]		

LICENSEE	ADDRESS	PENALTY
Universal Underwriters Insurance Company	7045 College Blvd. Overland Park, KS 66211	\$35,000 fine
Respondent violated Section 2314 of the Insurance Law and Insurance Department Regulation 57 (11 NYCRR 160) by charging rates or premiums that departed from the schedules, rules and standards in effect. [Stipulation approved January 25, 2007.]		

AGENT AND BROKER HEARINGS

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Teresa M. Dunne (Agent)	2185 Violet Circle P.O. Box 4044 Niagara Falls, NY 14304	License Revoked
Respondent failed to respond to Departmental investigatory letters regarding the disposition of criminal proceedings against her. [Order issued November 6, 2006.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
Louis W. Parks (Agent)	135-08 223 rd Street Springfield Gardens, NY 11413	License Revoked
Respondent submitted fraudulent life insurance applications in an unlawful scheme to generate commissions that he was not entitled to. Respondent also misapplied his insurance clients' voided checks to purportedly pay premiums on behalf of unrelated insureds, some of whom did not exist. Respondent also failed to disclose on a supplemental statement to act as a sublicensee that he had been charged by an insurer with irregularities in money or other transactions in connection with the insurer's termination of Respondent's agency relationship for cause. [Order issued December 19, 2006.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Jean-Claude Bernagene (Broker)	1043 East 84 th Street Brooklyn, NY 11236	License Revoked
Respondent issued premium checks that were dishonored by the bank upon which they were drawn. Respondent also failed to respond to Departmental investigatory letters. [Order issued November 21, 2006.]		

LICENSEE	ADDRESS	PENALTY
Choudry Brokerage Corporation (Broker)	510 Brighton Beach Avenue Suite 175 Brooklyn, NY 11235	Licenses Revoked
Fayyaz Ahmed (Broker and Sublicensee)	Same as above	
Respondents issued a premium check that was dishonored by the bank upon which it was drawn; commingled insurance premium and non-premium monies; failed to notify the Department of a changed residence address; and failed to respond to Departmental investigatory letters. [Order issued December 19, 2006.]		

Region: Suffolk

LICENSEE	ADDRESS	PENALTY
Bianca S. Couamin (Broker)	71 Westbridge Drive Holbrook, NY 11741	License Revoked
Respondent was decertified by the New York Automobile Insurance Plan for three years for issuing premium payment checks that became dishonored, transmitting email messages to immediately effect coverage without submitting corresponding insurance applications and committing producer performance standard violations. Respondent also collected an automobile insurance premium payment from an insured and failed to remit the money to the insurer or to otherwise properly account for the money. Respondent also violated Section 2102 of the Insurance Law by aiding, abetting and allowing a revoked licensee to solicit and sell insurance through Respondent's license. Respondent also violated Section 2111 of the Insurance Law by employing or appointing the revoked licensee to conduct insurance business without the prior written approval of the Superintendent. Respondent also failed to respond to Departmental investigatory letters. [Order issued December 20, 2006.]		

LICENSEE	ADDRESS	PENALTY
Thomas James Agency, Inc. (Broker)	1699D Route 112 Medford, NY 11763	Licenses Revoked
Theresa Rienzo (Broker and Sublicensee)	Same as above	
Respondents were decertified by the New York Automobile Insurance Plan for various Plan violations, violated prior Stipulations with the Department and also failed to respond to Departmental investigatory letters. [Order issued December 20, 2006.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
William J. Trotta (Agent)	15 Briar Court Cross River, NY 10518	\$750 fine
Respondent failed to disclose on his insurance agent's license renewal application that his insurance license was revoked by the State of Washington. Respondent also failed to notify the Department that his license was revoked by the South Dakota Department of Revenue and Regulation, Division of Insurance. [Order issued November 6, 2006.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Christopher S. Hamilton (Agent)	19603 Spring Oak Drive Eustis, FL 32736	\$800 fine
Respondent failed to timely respond to Departmental investigatory letters. [Order issued December 20, 2006.]		

LICENSEE	ADDRESS	PENALTY
Danielle Tamarra Johnson (Agent)	c/o Progressive Express Insurance Company 6300 Wilson Mills Rd Mayfield Village, OH 44143	License Revoked
Respondent failed to notify the Department that her license was revoked by the State of Washington, Office of Insurance Commissioner within thirty days of the final disposition of the matter and also failed to disclose her revocation on her insurance agent's license renewal application. [Order issued December 20, 2006.]		

LICENSEE	ADDRESS	PENALTY
Timothy W. Newkirk (Agent)	2255 Samantha Street DePere, WI 54115	License Revoked
Respondent was convicted in the State of Wisconsin of Credit Card-False Statements and Theft-Movable Property, both misdemeanors. Respondent also failed to disclose the convictions on his insurance agent's license renewal application and failed to respond to Departmental investigatory letters. [Order issued December 20, 2006.]		

LICENSEE	ADDRESS	PENALTY
Sal A. Spedale (Agent)	4591 Summerhill Drive Doylestown, PA 18901	License Revoked
Respondent collected insurance premium monies for an annuity contract that was never issued; failed to timely return unremitted premium monies to his client; submitted altered checks to the Department as evidence of repayment; failed to disclose an insurance related judgment on his insurance agent's license renewal application; and failed to notify the Department of a change in his residence address. [Order issued December 19, 2006.]		

Agent and Broker Stipulations

Region: Albany

LICENSEE	ADDRESS	PENALTY
Susan H. Woolley (Independent Adjuster- license pending)	822 Mohawk Terrace Clifton Park, NY 12065	\$500 fine
Respondent failed to disclose on her adjuster's license application that she was convicted of Reckless Driving and Disorderly Conduct. [Stipulation approved January 12, 2007.]		

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Velma T. Szczesny (Agent)	9093 Winding Creek Lane Clarence Center, NY 14032	\$1,000 fine
Respondent failed to comply with Department Regulation 60 in connection with annuity replacement transactions. [Stipulation approved January 25, 2007.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
The Risk Management Planning Group, Inc. (Broker and Excess Line Broker)	211 Station Rd Suite 700 Mineola, NY 11501	\$50,000 forfeiture
Arthur J. Dunne, Jr. (Sublicensee)	Same as above	
Respondent adjusted claims on behalf of insurers in the State of New York without being licensed as an independent adjuster. [Stipulation issued December 28, 2006.]		

LICENSEE	ADDRESS	PENALTY
John Sciarrino (Broker)	20 Wedgewood Court East Glen Head, NY 11545	\$500 fine
Respondent failed to disclose on his application for an independent adjuster's license that he was convicted of Driving While Under The Influence, a misdemeanor. [Stipulation approved November 22, 2006.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Nathaniel R. Crumel (Adjuster)	120 Asch Loop Bronx, NY 10475	\$500 fine
Respondent failed to disclose on his original adjuster's license application that he was convicted in Criminal Court, New York County, of Criminal Possession of a Controlled Substance in the 7 th degree, a Class A misdemeanor. [Stipulation approved December 27, 2006.]		

LICENSEE	ADDRESS	PENALTY
Robert F. Heinemann (Agent and Broker)	15 Bailey Place New Rochelle, NY 10801	\$1,250 fine
Respondent failed to comply with Department Regulation 60 in connection with annuity replacement transactions. [Stipulation approved January 24, 2007.]		

LICENSEE	ADDRESS	PENALTY
Cecille Lampa (Agent)	69-05 Northern Blvd. Woodside, NY 11377	\$1,500 fine
Respondent issued checks transmitting insurance premium payments that were dishonored by the bank upon which they were drawn and violated Section 2102 of the Insurance Law by acting as an insurance producer under an unlicensed name and aiding and abetting another individual in acting as an insurance producer without a license. Respondent also violated Section 2120 of the Insurance Law and Department Regulation 29 by failing to appropriately identify her premium bank account and permitting her premium account to have a negative balance. Respondent subsequently replaced the dishonored checks. [Stipulation approved January 18, 2007.]		

LICENSEE	ADDRESS	PENALTY
William J. Maguire (Agent)	215 Chelsea Street Staten Island, NY 10307	\$2,500 fine
Respondent signed attendance sheets for continuing education classes that he never attended. [Stipulation approved January 10, 2007.]		

LICENSEE	ADDRESS	PENALTY
Miguel J. Toimil (Broker)	101 W. Kingsbridge Road Bronx, NY 10468	\$1,000 fine
Respondent issued an insurance premium payment transmittal check that was dishonored by the bank upon which it was drawn; commingled insurance premium fiduciary funds with business operating funds in his premium account; and transacted business under an unlicensed name. Respondent subsequently replaced the dishonored check. [Stipulation approved January 4, 2007.]		

Region: Suffolk

LICENSEE	ADDRESS	PENALTY
Christopher M. Cierski (Agent)	207 Union Avenue Patchogue, NY 11772	\$500 fine
Respondent failed to disclose on his agent's license application that he was fined by the Indiana Department of Insurance. Respondent also failed to notify the Department within 30 days that his agent's license had been denied for 31 days by the State of Wisconsin Insurance office. [Stipulation approved January 18, 2007.]		

LICENSEE	ADDRESS	PENALTY
John G. Marchese (Pending Agent and Broker Licenses)	2812 Mandalay Beach Road Wantagh, NY 11793	\$1,000 fine
Respondent failed to disclose on his applications for a broker's and agent's license that he had been previously disciplined. [Stipulation approved November 22, 2006.]		

Region: Syracuse

LICENSEE	ADDRESS	PENALTY
Kenneth W. Carter (Agent)	17 Milford Court Nauet, NY 10954	\$2,750 fine
Respondent failed to comply with Department Regulation 60 in connection with annuity replacement transactions. [Stipulation approved January 25, 2007.]		

LICENSEE	ADDRESS	PENALTY
Mark H. Field (Agent)	5130 Brockway Land Fayetteville, NY 13066	\$7,000 fine
Respondent failed to comply with Department Regulation 60 in connection with annuity replacement transactions. [Stipulation approved January 24, 2007.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Robert F. Heinemann (Agent and Broker)	15 Bailey Place New Rochelle, NY 10801	\$1,250 fine
Respondent failed to comply with Department Regulation 60 in connection with annuity replacement transactions. [Stipulation approved January 24, 2007.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Armfield, Harrison & Thomas, Inc. (Agent)	20 South King Street Leesburg, VA 20175	\$250 fine
Howard M. Armfield (Sublicensee)	Same as Above	
Respondents failed to report to the Superintendent within thirty days that they were the subject of administrative proceedings by the Commonwealth Of Virginia State Corporation Commission. [Stipulation approved January 30, 2007.]		

LICENSEE	ADDRESS	PENALTY
Gerald J. Michalak (Agent)	c/o Arthur J Gallagher & Co. 14241 Dallas Parkway Dallas, TX NY 75241	\$500 fine
Respondent failed to report to the Superintendent within 30 days of disposition that he was fined by the Texas Department of Insurance. [Stipulation approved January 26, 2007.]		

LICENSEE	ADDRESS	PENALTY
Philip J. Rouse (Agent)	315 Marshall Avenue South Milwaukee, WI 53172	\$500 fine
Respondent failed to disclose on his application for his agent's license that he was fined by the Commonwealth of Pennsylvania Insurance Department. [Stipulation approved January 10, 2007.]		

LICENSEE	ADDRESS	PENALTY
Thomas W. Sachs (Agent)	c/o Lawley Sachs LLC 67 Beaver Ave – Suite 5 Annandale, NJ 08801	\$500 fine
Respondent failed to disclose on two original applications for agent's license that he was fined by the State of New Jersey, Department of Banking and Insurance. [Stipulation approved December 27, 2006.]		

LICENSEE	ADDRESS	PENALTY
Schalisa M. Tate (Agent)	c/o Liberty Mutual Insurance Co. One Liberty Square One Hundred Lincoln Way South Bend, IN 46619	\$750 fine
Respondent failed to notify the Department within 30 days that she was fined by the Insurance Commissioner of the State of Oklahoma; failed to disclose the Oklahoma administrative action on her agent's license renewal application; and failed to timely respond to Departmental investigatory letters. [Stipulation approved January 29, 2007.]		

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