

New York State Insurance Department

ISSUED: 9/15/08

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
AMEX Assurance Company	480 Pilgrim Way Suite 1400 Green Bay, WI 54304	\$1,000,000 fine
Respondent provided coverage for three insurance programs offered to American Express card members that had not been approved by the Department for use in New York as required under the Insurance Law. Respondent subsequently obtained approval of two of the programs, and the third was withdrawn pending Department approval. [Stipulation approved August 21, 2008.]		

AGENT AND BROKER HEARINGS

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Stephen R. Kenna (Agent)	1725 East Main Street Mohegan lake, NY 10547	\$400 fine
Respondent failed to respond to Departmental investigatory letters and failed to notify the Department within 30 days that he changed his residence address. [Order issued May 8, 2008]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Kimberly K. Reed (Agent)	248 Kenlake Drive Deltona, FL 32738	\$500 fine
Respondent failed to notify the Department within 30 days that she changed her business address and failed to respond to two Departmental investigatory letters, thereby hampering and impeding the Department's investigation. [Order issued July 10, 2008.]		

AGENT AND BROKER STIPULATIONS

Region: Albany

LICENSEE	ADDRESS	PENALTY
Michael E. Preville (Independent Adjuster)	c/o New-Action Chevrolet 795 Hoosick Road Troy, NY 12180	\$250 fine
Respondent failed to report to the Superintendent within 30 days of his arraignment that he was the subject of a criminal prosecution. Respondent was subsequently convicted of a traffic infraction. [Stipulation approved June 4, 2008.]		

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Gary C. Brown t/b/a/ Brown, Gary C. Insurance Agency (Agent and Broker)	100 Main Street Salamanca, NY 14779	\$250 fine
Respondent failed to report to the Superintendent within 30 days of his arraignment that he was the subject of a criminal prosecution. [Stipulation approved July 29, 2008.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
Chernoff Diamond & Co., LLC (Agent, Broker, and Excess Line Broker)	990 Stewart Avenue Garden City, NY 11530	\$500 fine
Kevin M. Quinn (Agent and Sublicensee)	Same as Above	
Respondent Kevin M. Quinn mistakenly authorized the payment of referral fees based on the amount of the commissions the Respondent Chernoff Diamond & Co., LLC received, to an individual who at the time was unlicensed. [Stipulation approved August 6, 2008.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Mercedes Bello. (Broker)	63 Arlington Avenue Brooklyn, NY 11207	\$1,500 fine
Respondent failed to notify the Department within 30 days that she changed her business and residence addresses and hampered and impeded the Department's investigation by failing to timely respond to Departmental investigatory letters requesting information and documentation. [Stipulation approved August 12, 2008.]		

LICENSEE	ADDRESS	PENALTY
KS Billing & Associates, Inc. (Agent, Broker, and Excess Line Broker)	118-12 Atlantic Avenue Richmond Hill, NY 11419	\$4,500 fine
Kirpal S. Billing (Agent, Broker, and Sublicensee)	Same as Above.	
Respondents circulated advertisement fliers for auto insurance to potential insureds that contained misleading language with respect to the rates for insurance and specified an insurance rate without providing the full name of the insurer referred to and the city in which the insurer has its principal place of business; offered incentives in the form of tax preparation services in connection with the sale of auto insurance policies; failed to give written notice to the Superintendent of the use of a satellite office as required; and commingled insurance premium funds and operating expense funds in their premium account. [Stipulation approved August 4, 2008.]		

LICENSEE	ADDRESS	PENALTY
Alexander Kats (Broker)	1002 Foster Avenue Brooklyn, NY 11230	License Revoked
Respondent's New York Automobile Insurance Plan ("NYAIP") certification was revoked by the NYAIP for demonstrating a pattern of suspected misrepresentation of rating information on applications he submitted to the NYAIP. [Stipulation approved June 3, 2008.]		

LICENSEE	ADDRESS	PENALTY
New York Adjustment Bureau Inc. (Public Adjuster)	66-19 Woodhaven Blvd. Rego Park, NY 11374	\$500 fine
Humberto A. Sarmiento (Public Adjuster and Licensee)	Same as Above	
Respondents violated Section 2102(a)(1) of the Insurance Law in that they allowed an unlicensed person to solicit the adjustment of a loss on Respondents' behalf and violated Department Regulation 10 (11 NYCRR 25.3) in that Respondents permitted that individual to solicit on their behalf the adjustment of a loss between the hours 6pm and 8 am. [Stipulation approved July 15, 2008.]		

LICENSEE	ADDRESS	PENALTY
David Pfeffer (Agent and Broker)	c/o Crown Consulting 752 Hempstead Turnpike Franklin Square, NY 11010	\$1,500 fine
Respondent submitted a false accident prevention workshop course completion certification to Empire Safety Council, Inc. [Stipulation approved July 31, 2008.]		

LICENSEE	ADDRESS	PENALTY
Samvaros Brokerage Corporation (Broker-license application pending)	1400 Myrtle Avenue Brooklyn, NY 11237	\$500 fine
Elizabeth Navarro (Broker and Proposed Sublicensee)	Same as Above	
Respondents failed to disclose on the original application for a broker's license of Respondent Samvaros Brokerage Corporation that an insurer closed the brokerage account of Respondent Elizabeth Navarro for alleged misconduct. [Stipulation approved July 24 2008.]		

LICENSEE	ADDRESS	PENALTY
Frank H. Silverberg (Agent)	767 Fifth Avenue New York, NY 10153	\$500 fine
Respondent failed to disclose on his original application for an agent's license that he was convicted of a criminal offense. [Stipulation approved August 4, 2008.]		

LICENSEE	ADDRESS	PENALTY
Laurence B. Turell (Agent)	c/o Diversified Concepts 225 West 34 th Street New York, NY 10122	\$1,500 fine
Respondent violated Section 2117(a) of the Insurance Law by acting as an agent in the State of New York for an unauthorized insurer in soliciting, negotiating and/or effectuating annuity contracts in the State of New York. [Stipulation approved August 12, 2008.]		

Region: Suffolk

LICENSEE	ADDRESS	PENALTY
Richard C. Imbert (Agent, Broker, and Excess Line broker)	c/o American Professional Agency 95 Broadway Amityville, NY 11701	\$250 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition that he was fined by the Commissioner of Insurance of the State of Texas. [Stipulation approved August 13, 2008.]		

LICENSEE	ADDRESS	PENALTY
Eugene R. Umhafer (Agent)	2552 Townhouse Circle North Bellmore, NY 11710	\$3,750 fine
Respondent, while acting as an agent for an insurer, collected loan interest payments for a client's whole life insurance policies and failed to timely remit the payments to the insurer. Respondent collected the payments by accepting from the client checks made payable to Respondent and depositing the checks into Respondent's personal bank account, thereby violating the insurer's policies and procedures and commingling the payments with Respondent's personal funds in violation of Section 2120(a) of the Insurance Law and Department Regulation 29 (11 NYCRR Section 20.3). Respondent also failed to notify the Department of an address change within 30 days. [Stipulation approved July 14, 2008.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Poder Insurance Agency, LLC (Broker)	c/o Integrity Advisor Pension Consultants, Inc. 800 Westchester Avenue Rye Brook, NY 10573	\$500 fine
Charles Gonzalez (Agent and Sublicensee)	Same as Above	
Respondents failed to disclose on their original application for broker's license that Respondent Charles Gonzalez was convicted of a misdemeanor. [Stipulation approved August 15, 2008]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Assurance Insurance Agency t/b/a Assurance Agency, Ltd. (Agent)	One Century Centre 1750 East Golf Road Schaumburg, IL 60173	\$250 fine
Anthony D. Chimino (Sublicensee)	Same as Above	
Respondents failed to notify the Department within 30 days that Respondent Assurance Insurance Agency t/b/a Assurance Agency, Ltd. was fined by the South Carolina Department of Insurance. [Stipulation approved August 14, 2008.]		

LICENSEE	ADDRESS	PENALTY
Micheal S. Fennell (Broker)	1197 Midas Trail Circle South Jordan, UT 84095	\$250 fine
Respondent failed to notify the Department within thirty days that he was fined by the State of Nevada Department of Business and Industry Division of Insurance. [Stipulation approved August 11, 2008.]		

LICENSEE	ADDRESS	PENALTY
Heffernan Insurance Brokers (Agent and Broker)	1350 Carlback Avenue Walnut Creek, CA 94596	\$2,000 fine
Brian Patrick Dantzig (Agent, Broker and Sublicensee)	Same as Above	
Respondent Heffernan Insurance Brokers acted as a property and casualty insurance broker in the State of New York even though it was not licensed to act as a broker under Section 2104 of the Insurance Law. [Stipulation approved July 8, 2008.]		

LICENSEE	ADDRESS	PENALTY
Henderson & Phillips Inc. (Agent)	300 East Main Street Norfolk, VA 23510	\$1,000 fine
John D. Kehoe (Agent and Sublicensee)	Same as Above	
Respondents transacted insurance business under an unlicensed name and in doing so violated a prior stipulation entered into with the Department. [Stipulation approved July 23, 2008.]		

LICENSEE	ADDRESS	PENALTY
Gerald F. Hoch II (Agent)	1301 East 9 th Street Cleveland, OH 44114	\$250 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition that his application for an insurance license was denied by the State of Wisconsin for 31 days. [Stipulation approved July 22, 2008.]		

LICENSEE	ADDRESS	PENALTY
Kelsey National Corporation (Agent)	3030 South Bundy Drive Los Angeles, CA 90066	\$250 fine
Mark Reilly Kelsey (Sublicensee)	Same as above	
Respondents failed to notify the Department within 30 days that Respondent Kelsey National Corporation was fined by the State of Florida Office of Insurance Regulation. [Stipulation approved August 8, 2008.]		

LICENSEE	ADDRESS	PENALTY
Melissa Maher (Agent- Relicensing application pending)	620 Arden Lane Pittsburgh, PA 15243	\$500 fine
Respondent conducted insurance business as an agent without a license. [Stipulation approved July 24, 2008.]		

LICENSEE	ADDRESS	PENALTY
Midwestern General Brokerage Inc. (Broker and Excess Line Broker)	801 West 47 th Street Kansas City, MO 64112	\$500 fine
Kevin T. Westrope. (Broker, Excess Line Broker and Sublicensee)	Same as Above	
Respondents used an unapproved name in conducting business as an insurance producer. [Stipulation approved July 24, 2008.]		

LICENSEE	ADDRESS	PENALTY
Property Risk Services LLC (Agent, Broker and Excess Line Broker)	91 Fieldcrest Avenue Raritan Plaza II Edison, NJ 08818	\$1,000 fine
Kimberly Curcio (Agent, Broker, Excess Line Broker and Sublicensee)	Same as Above	
<p>Respondents violated Section 2118 of the Insurance Law and Department Regulation 41 (11 NYCRR 27) by procuring policies providing excess line insurance coverage for which Respondents failed to file an affidavit with the Excess Line Association of New York; failed to report the premium charged the insured on the annual premium tax statements that Respondents filed with the Department; and failed to timely pay annual premium taxes to the Department. [Stipulation approved August 12, 2008.]</p>		

LICENSEE	ADDRESS	PENALTY
R.F. Mattei & Associates, Inc. (Agent)	701 Pike Street Seattle, WA 98101	\$1,000 fine
R.F. Mattei & Associates (California), Inc. (Agent)	Same as above	
Richard F. Mattei (Agent and Sublicensee)	Same as above	
<p>Respondents failed to notify the Department within thirty days that Respondent R.F. Mattei & Associates, Inc. was fined by the Oklahoma Insurance Department, State of Oklahoma. [Stipulation approved August 4, 2008.]</p>		

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