

New York State Department of Financial Services

ISSUED: January 7, 2016

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

INSURANCE COMPANIES

LICENSEE	ADDRESS	PENALTY
Mutual of America Life Insurance Company	320 Park Avenue New York, NY 1022	\$41,850 fine
Respondent, during January 1, 2007 through December 31, 2011 violated Section 91.4(c)(2) of Regulation 33 [11 NYCRR 91.4(c)(2)] and Sections 51.6(b)(4) and 51.6(e) of Regulation 60 [11 NYCRR 51.6(b)(4) and 51.6(e)] by deviating from an acceptable mean policy reserves and liabilities method of allocation regarding its net investment income on guaranteed insurance contracts; by failing to furnish sales material used in the sale of a proposed annuity contract and the completed 'Disclosure Statement' to the insurer whose coverage was being replaced within 10 days of the receipt of the applications; and by failing to ensure compliance with Section 51.5(c)(3) of Department Regulation 60 when the applicant was presented with the Important Notice and/or disclosure Statement after the applicant signed the application. [Stipulation approved November 9, 2015.]		

LICENSEE	ADDRESS	PENALTY
Nationwide Property & Casualty Insurance Company	500 Enterprise Drive Rocky Hill, CT 06067	\$7,000 fine
Respondent exceeded the maximum number of private passenger automobile non-renewals permitted for the calendar year 2014. [Stipulation approved November 5, 2015.]		

LICENSEE	ADDRESS	PENALTY
National Interstate Insurance Company	3250 Interstate Drive Richfield, OH 44286	\$90,000 fine
Respondent, during the approximate period January 2012 through December 2013, in connection with certain business liability insurance policies, charged rates that departed from the rates, rating plans, classifications, schedules, rules and standards in effect; and issued and delivered policy forms that were not filed with or approved by the Superintendent. [Stipulation approved November 13, 2015.]		

AGENT AND BROKER HEARINGS

LICENSEE	ADDRESS	PENALTY
Eldemarius Antoine Moreland (Agent)	173 Woodridge Avenue Cheektowaga, NY 14225	License Revoked
Respondent was convicted of a class E felony. Additionally, Respondent failed to disclose the conviction in his original application for an agent's license that he submitted to the Department, and failed to disclose the conviction in his Primerica Independent Business Application and his New York Resident Application Questionnaire that he submitted to Primerica. [Order issued January 8, 2015.]		

LICENSEE	ADDRESS	PENALTY
Heidi Shull (Agent)	8 City Road# 75 Mechanicville, NY 12118	License Revoked
While she was acting as an agent for an insurer, Respondent fraudulently gained access to monies deposited in bank accounts belonging to other persons, and thereafter unlawfully used the monies, without the knowledge or consent of the account holders, to pay insurance policy premiums for herself and for other persons. Additionally, Respondent submitted to the insurer an application for life insurance on behalf of another person, without said person's knowledge or consent, and Respondent also failed to notify the insurer of the election by insureds to cancel their life insurance policies during each policy's respective right-to-return open cancellation period. Respondent also failed to report to the Superintendent a change in her business address within 30 days of said change, and failed to respond to Departmental investigatory letters. [Order issued March 24, 2015.]		

STIPULATIONS

Region: Albany

LICENSEE	ADDRESS	PENALTY
Alfred J. Boniface (Agent)	16 Alice Lane Rensselaer, NY 12144	\$1,500 fine
Respondent violated Section 2123 of the Insurance Law and Regulation 60 [11 NYCRR 51.5] in connection with the replacement of a life insurance policy, in that Respondent failed to properly complete the required Disclosure Statement. [Stipulation approved November 24, 2015.]		

LICENSEE	ADDRESS	PENALTY
Jeremiah P. Pucci (Independent Adjuster)	3082 Lone Pine Road Schenectady, NY 12303	\$3,000 fine
Respondent failed to notify the Superintendent within 30 days of the initial pretrial hearing date that he was the subject of a criminal prosecution and was subsequently convicted of a felony. Respondent, after having been convicted of a felony as stated above, acted as an independent adjuster in this State without a Certificate of Relief from Disabilities. [Stipulation approved November 3, 2015.]		

LICENSEE	ADDRESS	PENALTY
Ronald R. Tippet t/b/a Ably Insurance Agency (Agent and Broker)	119 Main Street Stamford, NY 12167	\$10,000 fine
Respondent, during the approximate period January, 2013 to December, 2013, collected insurance premium payments on behalf of three insureds and issued each insured a Certificate of Insurance indicating coverage was in effect when in fact it was not. Respondent collected an insurance premium payment on behalf of an insured, and failed to remit or otherwise properly account for said premium payment; and commingled insurance premium funds and operating expense funds in his bank account and failed to properly label his bank account as a premium account. Respondent, during the approximate period January, 2014 to November, 2014, issued numerous insurance premium payment transmittal checks that were dishonored by the bank upon which they were drawn. [Stipulation approved November 3, 2015.]		

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
William R. Erickson (Agent)	205 E. Main Street Falconer, NY 14733	License Revoked
Respondent was convicted of two felonies and pled guilty to Insurance Fraud and Failure to Make Disposition of Funds and failed to notify the Superintendent within 30 days of the initial pretrial hearing date that he was the subject of a criminal prosecution, and was subsequently convicted of a crime as stated above. Respondent also failed to disclose on his renewal application for a license to act as an agent that he was convicted of the aforementioned crimes. [Stipulation approved December 1, 2015.]		

Region: Mid-Island

LICENSEE	ADDRESS	PENALTY
Michael Cassano (Independent Adjuster)	205 Flurry Lane West Babylon, NY 11704	License Revoked
Respondent, while acting in concert with others, falsified vehicle damage appraisals for three vehicles and submitted said appraisals containing false information to an insurer; Respondent failed to notify the Department within thirty days that he was the subject of a criminal prosecution; and failed to disclose a criminal prosecution on his renewal application for an independent adjuster's license. [Stipulation approved November 24, 2015.]		

LICENSEE	ADDRESS	PENALTY
Aldean Regina Isaac (Life Broker)	43 Massachusetts Avenue Bay Shore, NY 11706	License Revoked
Respondent failed to disclose in her original application for a life broker's license that she had been previously convicted of crimes. [Stipulation approved November 24, 2015.]		

Region: New York

LICENSEE	ADDRESS	PENALTY
Chaohua Li (Agent)	45 Fleet Walk Brooklyn, NY 11201	\$1,500 fine
Respondent was terminated for cause by a life insurer for submitting various insurance applications that contained false and/or inaccurate information. [Stipulation approved December 2, 2015.]		

LICENSEE	ADDRESS	PENALTY
Samuel C. Sampson (Agent)	8918 Avenue B Brooklyn, NY 11236	\$750 fine
Respondent failed to report to the Superintendent within 30 days of the initial pretrial hearing date that he was the subject of a criminal prosecution. [Stipulation approved November 17, 2015.]		

LICENSEE	ADDRESS	PENALTY
Kevin M. Taylor (Public Adjuster)	2300 Olinville Avenue Bronx, NY 10467	\$1,500 fine
Respondent failed to notify the Department within thirty days that he was the subject of an administrative action by the State of New Jersey Department of Banking and Insurance and Respondent failed to disclose the aforesaid administrative action on his renewal application for an adjuster's license. [Stipulation approved November 3, 2015.]		

LICENSEE	ADDRESS	PENALTY
Willis of New York Inc. (Excess Line Broker)	One World Financial Center 200 Liberty Street New York, NY 10281	\$1,500 fine
Respondent, in connection with the placement of an excess line insurance policy, solicited, negotiated and/or delivered in the State of New York said insurance policy issued by an unauthorized and ineligible insurer, and otherwise aided and facilitated said insurer in doing an insurance business in the State of New York. Respondent also procured coverage for punitive damages which is prohibited for sale in this State. [Stipulation approved November 13, 2015.]		

LICENSEE	ADDRESS	PENALTY
Mei C. Wu (Agent)	303 125 th Street College Point, NY 11356	\$750 fine
Respondent was terminated for cause by Managed Health, Inc. for changing the signature dates on two insurance enrollment application forms. [Stipulation approved November 6, 2015.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Burns & Wilcox Ltd. (Agent, Broker and Excess Line Broker)	30833 Northwestern Highway Farmington, MI 48334	\$1,000 fine
Alan Jay Kaufman (Agent, Broker, Excess Line Broker and Sublicensee)	Same as above	
Respondents, as representatives of insurers authorized to do business in New York State, paid money to Quality Brokers Inc. for or because of its acting in this State as an insurance broker, and such corporation was not licensed pursuant to Section 2104 of the Insurance Law. [Stipulation approved November 9, 2015.]		

LICENSEE	ADDRESS	PENALTY
Brandon Jay Liebeskind (Agent)	24 Pitney Court Basking Ridge, NJ 07920	License Revoked
Respondent was terminated by an insurance company for reproducing insured's signatures and submitting such false documentation to the insurance company. Respondent had his insurance producer's license revoked in the State of South Carolina and failed to notify the Department within thirty days that he was the subject of an administrative action by the South Carolina Insurance Department. Respondent also failed to disclose on his renewal application for an agent's license that his insurance license was revoked in the State of South Carolina. [Stipulation approved December 1, 2015.]		

LICENSEE	ADDRESS	PENALTY
Leonard Orloff (Public Adjuster)	8302 Old York Road Elkins, MD 19027	\$750 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that he was fined by the New Jersey Department of Banking and Insurance. [Stipulation approved December 4, 2015.]		

LICENSEE	ADDRESS	PENALTY
Professional Disability Associates LLC (Independent Adjuster)	One Monument Square Portland, ME 04101	\$500 fine
Kevin A. Riley (Sublicensee)	Same as above	
<p>Respondents failed to report to the Superintendent within thirty days of the final disposition that Respondent Professional Disability Associates LLC was fined by the State of Nevada Department of Business and Industry. [Stipulation approved November 3, 2015.]</p>		

LICENSEE	ADDRESS	PENALTY
Ronald Franklin Sellers (Life Broker)	300 Avenue of the Champions Palm Beach Gardens, FL 33418	\$750 fine
<p>Respondent failed to disclose in his original application for an agent's license, his renewal application for an agent's license, and his original application for a life broker's license that he surrendered his Alabama insurance producer's license in order to resolve an administrative proceeding initiated against him by the Alabama Department of Insurance. [Stipulation approved November 18, 2015.]</p>		

LICENSEE	ADDRESS	PENALTY
Swrisk LP (Broker and Excess Line Broker)	8144 Walnut Hill Lane Dallas, TX 75231	\$2,250 fine
Timothy Sutherlin (Broker, Excess Line Broker and Sublicensee)	Same as above	
<p>Respondents failed to notify the Department that Respondent Swrisk LP was the subject of an administrative action by the Texas Department of Insurance within thirty days. Respondents also failed to disclose on Respondent Swrisk LP's renewal applications for its broker and excess line broker insurance licenses that Respondent Swrisk LP was the subject of the aforementioned administrative action. [Stipulation approved November 13, 2015.]</p>		

LICENSEE	ADDRESS	PENALTY
Craig Charles Uchytel (Agent)	503 Weatherford Place Louisville, KY 40245	\$750 fine
Respondent failed to disclose in his original application for an agent's license that he was convicted of a crime. [Stipulation approved November 5, 2015.]		