

New York State Insurance Department

ISSUED: 10/11/06

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 |
|---|---|----------------|
| Clarendon National Insurance Company | 1177 Avenue of the Americas New York, NY | \$158,170 fine |
| Respondent violated Section 5106 of the Insurance Law and Department Regulations 68, 64 and 79 (11 NYCRR Parts 65, 216 and 67 respectively) which require that: an insurer must send a no-fault application within five business days after receipt of notice of claim at its claim processing office; an insurer must send a follow-up No-Fault application if the original application is not returned within thirty calendar days; an insurer must send a follow-up verification form if the original is not returned within thirty calendar days; payment or denial of claim must be made within thirty calendar days of receipt of relevant information and/or proof of claim; all overdue PIP benefits shall bear interest as a rate of two percent per month compounded and calculated on a pro rata basis using a thirty days month; in determining loss of earning from work, claimant is entitled to receive 80% of lost wages up to policy limits; after notification of a loss, the insurer will have six business days to make an inspection of the vehicle and make a good faith offer of settlement; the insurer must pay within 3 days of receipt of proof of loss or 5 days after the insured accepts an offer; during the course of negotiation of a settlement amount the insured shall be provided with a "Certification of Repair" form; in the case of an unrecovered theft loss, the insurer shall make a good faith offer of settlement within 25 calendar days following the notice of loss and in the case of all other total loss situations, the insurer shall make a good faith offer of settlement within eleven calendar days following the notice of loss; all total theft losses should be reported to NICB immediately, but no later than two business days after notice of claim; all first and third-party losses, however sustained, where damage to the claimant's vehicle exceeds \$2,500 shall be reported to the NICB no later than five calendar days after the sale of salvage; or, if the insured or claimant is permitted to retain the vehicle, no later than five calendar days after the date of loss payment; insurers shall report to the NICB vehicles involved in a property damage claim where the damage to the motor vehicle is in excess of \$2,500; if the insurer's investigation is not complete sixty calendar days subsequent to the claimant's notice of loss, the insurer shall send a written explanation of the specific reasons for the delay in claim settlement and an updated letter shall be sent every sixty calendar days thereafter; and that an inspection report must be made part of the claim file. [Stipulation approved December | | |

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| LICENSEE | ADDRESS | PENALTY |
|--|--------------------------------------|----------------|
| Global Liberty Insurance Company | 34-13 Steinway Street Astoria, NY | \$39,000 fine |
| Respondent violated Department Regulations 35-D, 129 and 57 (11 NYCRR Parts 60-2.2, 161 and 160 respectively) which require that: every insurer writing automobile liability insurance shall provide insureds with a written notice concerning Supplementary Uninsured Motorists (“SUM”) coverage; a filed and approved rating plan is mandatory and shall be applied in a non-discriminatory manner for all eligible classes of risk; and that insurers shall charge filed rates. [Stipulation approved December 24, 2003.] | | |

AGENT AND BROKER HEARINGS

Region: Mid-Hudson

| LICENSEE | ADDRESS | PENALTY |
|--|--|-----------------|
| Robert J. Brumer (Agent) | 61 Lakeview Drive PO Box 557 Swan Lake, NY | \$2,500.00 fine |
| Respondent was convicted of attempted insurance fraud in the first degree. Respondent continued to do insurance business following the conviction without obtaining the Superintendent’s written consent pursuant to 18 U.S.C. § 1033. [Order issued December 30, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--|----------------|
| Michael S. Phillips (Agent & Broker) | 117 Temple Hill Road PO Box 867 Vails Gate, NY | \$3,200 fine |
| Respondent issued premium checks that were dishonored by the bank upon which drawn. In addition, Respondent failed to cooperate with the Department’s investigation. [Order issued December 30, 2003.] | | |

Region: Nassau

| LICENSEE | ADDRESS | PENALTY |
|---|--------------------------------|-----------------|
| Norman D.Schneider (Agent) | 26 Vista Road Plainview, NY | License revoked |
| Respondent collected an insurance premium payment from his client and failed to either forward the premium to an insurance company or return the money to the insured. Respondent also failed to provide the Department with proof of his repayment of the premium and has thereby hampered and impeded the Department’s investigation. [Order issued December 30, 2003.] | | |

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Region: New York City

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|---|--|-----------------|
| Connie Bitetazakis (Broker) | 132 Vedder Avenue Staten Island, NY | License revoked |
| <p>Respondent permitted her husband, a former licensee of the Department, to use her license as a front to wrongfully conduct insurance activities at the Respondent's insurance office. In addition, Respondent issued premium checks that were dishonored by the bank upon which drawn, but were subsequently replaced, and directly or indirectly through her unlicensed husband, collected insurance premium deposits from insureds and failed to procure or maintain the requested insurance coverage. Respondent also failed to cooperate with the Department's investigation. [Order issued January 22, 2004.]</p> | | |

| LICENSEE | ADDRESS | PENALTY |
|---|--|-----------------|
| Paula Silva Rivera (Broker) | 89-68 218 th Street New York, NY | License revoked |
| <p>Respondent issued premium payment checks that were dishonored by the bank upon which they were drawn, some of which were not replaced by Respondent. In causing or permitting the checks to become dishonored, Respondent violated agreements in two prior stipulations with the Department that she would take all necessary steps to prevent the dishonor of premium payment checks. [Order issued December 30, 2003.]</p> | | |

| LICENSEE | ADDRESS | PENALTY |
|---|--|-----------------|
| Baldeo Sahabir (Agent) | 1979 Marcus Avenue Lake Success, NY | License revoked |
| <p>Respondent forged his client's name on insurance documents. Respondent failed to pay a fine of \$500 imposed after a Department hearing, resulting in the revocation of his license. [Order issued December 30, 2003.]</p> | | |

| LICENSEE | ADDRESS | PENALTY |
|--|---|-----------------|
| Winston Thomas (Broker) | 934 Seneca Avenue Apt. 2 R FL Ridgewood, NY | License revoked |
| <p>Respondent engaged in numerous violations of New York Automobile Insurance Plan ("NYAIP") rules, procedures and producer performance standards, including issuing premium payment transmittal checks that were dishonored by the bank upon which they were drawn and that were not replaced, for which Respondent's NYAIP certification was revoked by the NYAIP for a period of one year. Respondent also failed to respond to Departmental investigatory letters, to appear for an audit at the Department and to inform the Department of a change of address. [Order issued December 30, 2003.]</p> | | |

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Region: Syracuse

| LICENSEE | ADDRESS | PENALTY |
|---|-----------------------------|----------------|
| Michael L. Perkins (Agent) | 5007 Dongara LN Clay, NY | \$1,500 fine |
| Respondent signed an insured's name to an application and intentionally misled the insurer into believing that the insured had actually signed the application and had done so in New York. [Order issued December 20, 2003.] | | |

Region: Westchester

| LICENSEE | ADDRESS | PENALTY |
|--|--|-----------------|
| Luz A Cabral (Broker) | 212 Westchester Avenue Port Chester, NY | \$2,250.00 fine |
| Respondent issued checks transmitting insurance premium payments that were dishonored by the bank upon which they were drawn. Respondent caused or permitted the checks to become dishonored even though she had entered into a prior stipulation with the Department in which she had agreed to take all necessary steps to prevent the dishonor of premium payment transmittal checks. [Order issued December 30, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--|-----------------|
| Donald E. Wilson (Agent) | Tri-State Financial Inc. 303 South Broadway Suite 410 Tarrytown, NY | \$2,000.00 fine |
| Respondent submitted to an insurer a life insurance application in which he falsely stated that he had witnessed the insured sign the application. Respondent also submitted to the insurer an authorization for automatic monthly premium payments from a bank account of the insured that Respondent knew had been closed. [Order issued December 30, 2003.] | | |

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Region: Out of State

| LICENSEE | ADDRESS | PENALTY |
|---|--|-----------------|
| Burrell T. Brown, III (Broker) | 205 Village Mill West 51 Lawrenceville-Pennington Rd Lawrenceville, NJ | License revoked |
| Respondent collected a premium payment in the approximate amount of \$14,608.00 from an insured for public officials and employment liability insurance coverage and failed to remit the premium payment to the excess line broker or to otherwise properly account for the payment. Respondent violated Section 2118 of the Insurance Law and Section 27.5 of Department Regulation 41 by obtaining the coverage with an excess line carrier without submitting to the excess line broker a part C affidavit showing unsuccessful attempts to procure the coverage with authorized insurers. Respondent conducted insurance business using an unlicensed name. Respondent failed to respond to Departmental investigatory letters. [Order issued December 30, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--|-----------------|
| Damien L. Darling (Agent) | 202 Shilaelagh Blvd. Apt.#7 Papillion, NE | License revoked |
| Respondent failed to disclose on two license applications that he had been convicted of a crime. Following a Department hearing Respondent was fined \$1,000.00, which he did not pay, resulting in the revocation of his license. [Order issued December 30, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|---|-----------------|
| Mark A Lang (Independent Adjuster) | c/o Farmers Insurance Group of Companies 2401 NW 23 rd Street – Ste.4A PO Box 700004 Oklahoma City, OK | License revoked |
| Respondent failed to cooperate with a Department's investigation. [Order issued January 20, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|-----------------------------------|-----------------|
| Norman D. Meltzer (Broker) | 106 Moritz Place Fairfield, CT | License revoked |
| Respondent failed to appear at the Department for a statement under oath or produce documents as requested thereby hampering and impeding the Department's investigation. [Order issued June 27, 2003.] | | |

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AGENT AND BROKER STIPULATIONS

Region: Albany

| LICENSEE | ADDRESS | PENALTY |
|---|-------------------------------------|------------|
| James E. Diana (Agent) | 106 Brower Road Gloversville, NY | \$500 fine |
| Respondent failed to disclose on his original insurance agent's application that he had been adjudged a bankrupt. [Stipulation approved January 2, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|---|--------------|
| James L. Greene (Insurance Adjuster) | 117 Eastern Avenue, Apt. A Ballson Spa, NY | \$1,000 fine |
| Respondent failed to disclose on his application for an insurance adjuster's license that he had a pending criminal action against him and had been convicted of aggravated harassment. [Stipulation approved December 12, 2004.] | | |

Region: Nassau

| LICENSEE | ADDRESS | PENALTY |
|--|---------------------------------------|------------|
| Maria D. Duran (Broker) | 160 Porterfield Place Freeport, NY | \$500 fine |
| Respondent was placed by the New York Automobile Insurance Plan on the certified check requirement list for issuing checks that were dishonored by the bank upon which drawn. [Stipulation approved January 12, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--|--------------|
| Eunhae Brokerage, Inc. (Broker) | 156-11 Northern Blvd. 2 nd Floor Flushing, NY | \$1,000 fine |
| Yong S. Pong (Broker and Sublicensee) | 64 Lynwood Drive Valley Stream, NY | |
| Respondents were placed on the New York Automobile Insurance Plan's certified check requirement list for issuing premium payments checks that were dishonored by the bank upon which they were drawn. Respondents subsequently replaced the dishonored checks. In addition, Respondents commingled funds in their premium account. [Stipulation approved December 18, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|---------------------------------------|--------------|
| Ralph C. Lewis (Agent) | 30 Timberpoint Drive Northport, NY | \$1,492 fine |
| Respondent failed to comply with the requirements of Department Regulation 60 in connection with the replacement of a life insurance policy. [Stipulation approved January 14, 2003.] | | |

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| LICENSEE | ADDRESS | PENALTY |
|---|--------------------------------------|----------------|
| Vance J. Mizzi (Agent) | 576 Broadhollow Road Melville, NY | \$500 fine |
| Respondent failed to disclose on his original application for his agent's license that he had been adjudged a bankrupt. [Stipulation approved December 24, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--------------------------------------|----------------|
| Gene V. Panasenکو (Agent) | 605 Saddlebrook Road Holbrook, NY | \$500 fine |
| Respondent failed to disclose on his renewal application that he had been adjudged a bankrupt. [Stipulation approved December 18, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|---|----------------|
| Thomas W. Schmidt (Insurance Adjuster) | 164 Crystal Brook Hollow Rd. Pt. Jefferson, NY | \$500 fine |
| Respondent failed to disclose on his adjuster's application that he had been convicted of operating a motor vehicle under the influence of drugs or alcohol. [Stipulation issued January 2, 2004.] | | |

Region: New York City

| LICENSEE | ADDRESS | PENALTY |
|---|---|----------------|
| BHS Insurance Agency, Inc. (Broker and Agent) | 40-53 Junction Blvd. Corona, NY | \$500 fine |
| Sharif Sheikh (Agent, Broker and Sublicensee) | 247-06 81 st Avenue Bellerose, NY | |
| Respondents issued a certificate of insurance to their clients when in fact they were notified by the general broker that coverage had been declined. [Stipulation approved January 2, 2004.] | | |

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| LICENSEE | ADDRESS | PENALTY |
|--|--|----------------|
| David Kaplan (Agent and Broker) | 122 East 42 nd Street Suite 1903 New York, NY | \$500 fine |
| Respondent failed to disclose on his life agent renewal application and his broker renewal application that he had been adjudged a bankrupt. [Stipulation approved December 18, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|--|----------------|
| Ok Z. Kim (Broker) | 136-83 41 st Avenue Flushing, NY | \$2,500 fine |
| Respondent failed to notify her insured that the photo inspections for his vehicle had to be done within five days of his application for insurance coverage and a member of the Respondent's staff improperly signed the acknowledgement for the photo inspection form. [Stipulation approved January 14, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|---------------------------------|----------------|
| Kofi O. Amankwaa t/b/a Beak Brokerage Services (Broker) | 1363 Jerome Avenue Bronx, NY | \$2,000 fine |
| Respondent issued insurance premium checks that were dishonored by the bank upon which they were drawn but were subsequently replaced. Respondent's certificate to produce insurance for the New York Automobile Insurance Plan ("Plan") was revoked for a period of one year for Plan violations. [Stipulation approved December 19, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|------------------------------------|----------------|
| Erica L. Williams (Agent) | 2350 Eastchester Road Bronx, NY | \$250 fine |
| Respondent failed to respond to Department letters directing her to answer particular questions and provide documentation concerning the affirmative answer given on her renewal application regarding a criminal conviction. Respondent subsequently provided the Department with the requested information. [Stipulation approved January 27, 2004.] | | |

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| LICENSEE | ADDRESS | PENALTY |
|--|--|----------------|
| Robin S. Weingast (Agent) | 100 Quentin Roosevelt Blvd. Garden City, NY | \$2,500 fine |
| Respondent deposited commission checks into her personal account payable to a former employee, without the knowledge or consent of the payee. Respondent subsequently refunded the money to the payee. [Stipulation approved December 18, 2003.] | | |

Region: Rochester

| LICENSEE | ADDRESS | PENALTY |
|---|---------------------------------|----------------|
| Samuel Ettaro (Agent) | 22 Valewood Run Penfield, NY | \$750 fine |
| Respondent failed to comply with the requirements of Department Regulation 60 in connection with the replacement of a life insurance policy. [Stipulation approved January 12, 2004.] | | |

Region: Westchester

| LICENSEE | ADDRESS | PENALTY |
|---|--------------------------------------|----------------|
| Lidia L. Higinio (Agent) | 215 North Avenue New Rochelle, NY | \$1,000 fine |
| Respondent was placed on the New York Automobile Insurance Plan's certified check requirement list for issuing checks that were dishonored by the bank upon which they were drawn but were subsequently replaced and Respondent commingled funds in her premium account. [Stipulation approved January 21, 2004.] | | |

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Region: Out of State

| LICENSEE | ADDRESS | PENALTY |
|---|---|-----------------|
| Alan E Breslow (Broker) | 474 White Birch Drive River Vale, NJ | License revoked |
| Respondent fraudulently submitted an application to the Connecticut Insurance Department for the renewal of the non-resident insurance license of a person who was deceased. Based upon this, Respondent entered into a Consent Agreement with the New Jersey Department of Banking and Insurance wherein he agreed to the revocation of his New Jersey individual resident insurance producer's license. [Order issued December 18, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|---|----------------|
| Roger N. Leight (Agent) | 375 E. Center Street PO Box 265 Ulysses, PA | \$500 fine |
| Respondent failed to disclose on his original agent's license application that he had been adjudged a bankrupt. [Stipulation approved December 29, 2003.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|--|----------------|
| Allen B. Levine (Agent) | c/o Market USA Inc. 17W642 Butterfield Road Oakbrook Terrace, IL | \$500 fine |
| Respondent failed to disclose on his original agent's license application that he had been adjudged a bankrupt. [Stipulation approved January 21, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|---|-------------------------------------|----------------|
| James Edward Pisciueneri (Agent) | 129 Lakewood Road New Castle, PA | \$500 fine |
| Respondent failed to disclose on his original agent's license application that he had been adjudged a bankrupt. [Stipulation approved January 2, 2004.] | | |

| LICENSEE | ADDRESS | PENALTY |
|--|---|----------------|
| Janet A. Wilson (Agent) | 4919 Headland Hills Avenue Tampa, FL | \$500 fine |
| Respondent failed to disclose on her original agent's license application that she had been adjudged a bankrupt. [Stipulation approved January 2, 2004.] | | |