

New York State Department of Financial Services

ISSUED: September 8, 2022

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES TAKES DISCIPLINARY ACTIONS AGAINST LICENSEES OR REGISTRANTS UNDER THE INSURANCE LAW

The New York State Department of Financial Services has taken disciplinary action against the following licensees and registrants. Those categorized as stipulations or consent orders have been agreed to by the licensee or registrant. Department actions that result from Department hearings are subject to judicial review and possible stay of enforcement.

HEARINGS

LICENSEE	ADDRESS	PENALTY
Alan Jacoby (Public Adjuster)	2184 Willow Street Wantagh, NY 11793	License Revoked
Respondent was found liable for defamation and libel in a lawsuit in 2015, failed to pay Plaintiffs a judgment entered in that lawsuit, and failed to disclose the aforesaid lawsuit in his license renewal application. Respondent also submitted false statements to the Department of Financial Services regarding a name change; and conducted business as a public adjuster using an unapproved name. [Order issued February 16, 2022.]		

COMPANY CONSENT ORDERS

LICENSEE	ADDRESS	PENALTY
Country-Wide Insurance Company	40 Wall Street New York, New York 10005	\$650,000 fine
Respondent, for the time period January 2015 to September 2015; failed to adhere to the claim practice principle of not demanding verification of facts unless there are good reasons to do so; failed to mail verification forms within 10 business days after receipt of no-fault application; failed to make requests for additional proof of claim verification within 15 business days of receipt of the prescribed verification forms; failed to pay or deny claims within 30 calendar days after receipt of proof of claim including all relevant verification requests; failed to pay to applicants, or applicants' assignees, proper interest on overdue personal injury protection benefits; and failed to properly calculate payments for loss of earnings from work, in violation of various sections of Insurance Regulation 68. [Consent order approved July 27, 2022.]		

LICENSEE	ADDRESS	PENALTY
First Unum Life Insurance Company	1225 Franklin Avenue Suite 250 Garden City, NY 11530	\$1,100,000 fine
<p>Respondent, for the time period 2009 to 2013: a) failed to provide preliminary information to the prospective purchaser at or prior to the time the application was taken; b) failed to provide a basic illustration prepared and delivered for policy forms that it designated as being marketed with an illustration; c) failed to obtain a compliant illustration signed and dated by the applicant or policyowner and the producer or other authorized representative of the insurer no later than the time of policy delivery; d) labeled the illustration used in the sale of a scheduled premium universal life insurance paid up at 120 policy with a generic name that was inconsistent with the name included on the policy contract form; e) failed to have the policyowner sign the illustration and attest that he or she understands that non-guaranteed elements are not guaranteed, are subject to change, and could be either higher or lower than shown; f) failed to require the completed Definition of Replacement as part of each application; g) used a form which included a reference to an insurer not authorized in New York; h) failed to include in the application to accelerate death benefits the required notice that the receipt of accelerated death benefits in periodic payments may be treated differently than the receipt in a lump sum; i) failed to include in the application the required statement by the policy owner that such application is voluntary and without coercion on the part of any third party; j) failed to wait the required 14 days before paying accelerated benefits to certificate holders; and k) failed to provide policy owners with the required disclosure information within five days of receipt of an application to accelerate benefits. Respondent violated Sections 53-2.1(c), 53-3.1(d), 53-3.5(a), 53-3.2(a)(5) and 53-3.3(d)(1) of 11 NYCRR 53 (Insurance Regulation 74); Section 51.6(a)(2) of 11 NYCRR 51 (Insurance Regulation 60); and New York Insurance Law Sections 2122(a)(2); 3230(b)(2); 3230(b)(4); 3230(c); and 3230(d). [Consent Order approved July 21, 2022.]</p>		

STIPULATIONS/CONSENT ORDERS

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Colleen B. Vosburgh (Agent)	28 Manor Lane Middleport, NY 14105	\$5,700 fine
Respondent's appointments were terminated for cause by an insurer for engaging in falsification/misrating of automobile insurance policies. [Stipulation approved June 22, 2022.]		

Region: Mid-Island

LICENSEE	ADDRESS	PENALTY
YZ Financial Services and Insurance LLC (Agent, Broker, and Life Broker)	9 West Hills Place Melville, NY 11747	\$3,500 fine
Ritesh Dhingra (Agent, Broker, Life Broker, and Sublicensee)	Same as above	
Respondent Ritesh Dhingra submitted inaccurate information to an insurance company in connection with the sales of automobile insurance policies; as a result of the foregoing conduct, Respondents had their respective appointments with an insurance company and its affiliates terminated for cause; and Respondent Ritesh Dhingra, in connection with the sale of two homeowner’s policies, submitted false information to the insurer. [Stipulation approved July 22, 2022.]		

LICENSEE	ADDRESS	PENALTY
Michael Paul Nocella (Agent, Broker and Life Broker)	9 Gibbons Ct. Sayville, NY 11782	\$15,000 fine
Respondent and/or his employee provided false information on an application for his and other homeowner policies in order to qualify for those policies. Respondent utilized the unlicensed agency name of Nocella Agency Inc. to transact the business of insurance in the State of New York. Respondent also utilized the unlicensed agency name of Main St. Agency Inc. to transact the business of insurance in the State of New York. [Stipulation approved August 3, 2022.]		

Region: New York

LICENSEE	ADDRESS	PENALTY
Albert Tejada (Agent)	225 Cross Bronx Expressway Bronx, NY 10457	License Revoked
Respondent, during the approximate period November 2020 through March 2021, while Respondent was appointed as an agent for a life insurance company, paid rebates from the premium to several insureds; during the approximate period April 2021 through May 2021, Respondent misappropriated money from several insureds; and Respondent failed to respond to Department investigatory letters, thereby hampering and impeding the Department's investigation. [Stipulation approved August 2, 2022.]		

LICENSEE	ADDRESS	PENALTY
Hybrid Auto Insurance Brokerage Inc. (Broker)	1204 44 th Avenue Long Island City, NY 11101	\$8,500 fine
Nazim Bhatti (Broker and Sublicensee)	Same as above	
Respondents violated Section 2324(a) of the Insurance Law in that they provided loans to an insured by making insurance premium payments to an insurer on said insured's behalf. Additionally, Respondents collected insurance premium payments from an insured and failed to remit the payments to the insurer. [Stipulation approved June 28, 2022.]		

LICENSEE	ADDRESS	PENALTY
Steven Jean (Agent)	137-39 231st Street Laurelton, NY 11413	\$2,750 fine
Respondent, while he was appointed as an agent for an automobile insurance company, added drivers who were not legitimate risks to insurance quotes, and submitted applications for automobile insurance that contained inaccurate information; and Respondent failed to disclose in his relicensing application for a broker's license that the above referenced insurance company terminated Respondent's insurance agency contact for alleged misconduct. [Stipulation approved August 2, 2022.]		

LICENSEE	ADDRESS	PENALTY
James Katen (Agent, Broker and Independent Adjuster- license applications pending)	204-13 9th Ave Rockway Point, NY 11697	\$23,000 fine
Respondent, during the approximate period January 2019 through April 2021, acted as an independent adjuster in the State of New York without the benefit of a license. [Stipulation approved August 1, 2022.]		

Region: Syracuse

LICENSEE	ADDRESS	PENALTY
Moran, Moran & Dauphin Inc. (Agent and Broker)	354 Grant Avenue P.O. Box 1037 Auburn, NY 13021	\$5,000 fine
Ryan William Dauphin (Agent and Sublicensee)	Same as above	
Respondents paid rebates from premiums to two insureds, and had funds received in their capacity as an insurance agent in a bank account that was not identified as a premium account or otherwise appropriately identified. [Stipulation approved July 12, 2022.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Linda C. Barajas (Independent Adjuster)	474 West Duarte Road Arcadia, CA 91007	\$500 fine
Respondent failed to report to the Superintendent within 30 days of the initial pretrial hearing date, in the Superior Court of the State of California, County of Los Angeles, that Respondent was the subject of a criminal prosecution. [Stipulation approved June 23, 2022.]		

LICENSEE	ADDRESS	PENALTY
Cody Wayne Blair (Agent)	5020 NW Edgerton Terrace Port St. Lucie, FL 34983	\$1,250 fine
Respondent failed to disclose on his original application to act as an agent that he had a criminal judgment withheld and failed to timely respond to the Department's investigatory letters, thereby hampering and impeding the Department's investigation. [Stipulation approved August 2, 2022.]		

LICENSEE	ADDRESS	PENALTY
CRC Insurance Services Inc. (Agent, Broker, and Excess Line Broker)	One Metroplex Drive, Suite 400 Birmingham, Al 35209	\$197,800 fine
Philip Steven Hagan (Broker, Excess Line Broker, and Sublicensee)	Same as above	
Respondents, for the time period January 2017 to December 2020, failed to timely file documents with the excess line association for recording and stamping pursuant to Section 2118(b)(1) of the New York Insurance Law. [Consent Order approved July 27, 2022.]		

LICENSEE	ADDRESS	PENALTY
Kevin James Mc Elwee (Agent)	c/o Nationwide 1800 E. Imperial Highway Brea, CA 92821	\$1,000 fine
Respondent failed to report to the Superintendent within thirty days of the final disposition of each matter that Respondent was the subject of administrative action taken by the Indiana Department of Insurance on or about July 19, 2021, and that Respondent was the subject of administrative action taken by the Pennsylvania Insurance Department on or about December 16, 2021. [Stipulation approved June 8, 2022.]		

LICENSEE	ADDRESS	PENALTY
Robert Woodson McMillin (Broker, Excess Line Broker and Life Broker)	1201 Pacific Avenue Tacoma, WA 98402	\$2,750 fine
Respondent failed to disclose in three license renewal applications that he was convicted of a crime in the 194th Judicial District Court, Dallas County, Texas. Additionally, Respondent failed to report to the Superintendent within 30 days of the initial pretrial hearing date that Respondent was the subject of the aforementioned criminal prosecution in the 194th Judicial District Court, Dallas County, Texas. [Stipulation approved June 7, 2022.]		

LICENSEE	ADDRESS	PENALTY
Randal Charles Mobley (Agent)	c/o Group Access, Inc. 500 Lanier Avenue W Fayetteville, GA 30214	\$750 fine
Respondent failed to disclose in his original application for an agent's license that Respondent's licenses were surrendered to the Florida Department of Insurance with the same force and effect as a revocation. [Stipulation approved June 13, 2022.]		

LICENSEE	ADDRESS	PENALTY
Jason Edward Wisneski (Agent)	1355 Villa Park Circle Green Bay, WI 54306	\$750 fine
Respondent failed to disclose in his renewal application for an agent's license that in Brown County, Wisconsin, Respondent was found guilty of a criminal misdemeanor charge due to his no contest plea. [Stipulation approved June 9, 2022.]		