

New York State Department of Financial Services

ISSUED: May 17, 2019

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.

STIPULATIONS/CONSENT ORDERS

Region: Mid-Hudson

LICENSEE	ADDRESS	PENALTY
Homeowners Insurance Brokerage Inc. (Broker)	25 Iris Circle Beacon, NY 12508	Licenses Revoked
L & K Brokerage LLC (Broker)	Same as above	
Lyna D. Pritchett (Agent)	Same as above	
<p>Respondents Homeowners Insurance Brokerage Inc. & Lyna D. Pritchett, during the approximate period September 2013 to August 2016, collected insurance premium payments from 3 clients and failed to remit the entire premium payments to an insurer, or otherwise properly account for said premium payments; on or about August 1, 2013 Respondents Homeowners Insurance Brokerage Inc. & Lyna D. Pritchett collected an insurance premium refund and failed to remit said refund to the insurer or otherwise account for said refund; Respondents Homeowners Insurance Brokerage Inc. & Lyna D. Pritchett failed to submit information and documentation to the Department that was requested in numerous Department letters that were sent to the Respondents during the approximate period November 2014 to September 2017, and thereby hampered and impeded the Department's investigation. [Stipulation approved March 20, 2019.]</p>		

LICENSEE	ADDRESS	PENALTY
Helen R. Rivera (Agent and Broker)	390 Washington Street Newburgh, NY 12550	\$1,000 fine
Respondent forged another person's name to an application for insurance. [Stipulation approved March 14, 2019.]		

Region: Mid-Island

LICENSEE	ADDRESS	PENALTY
Michael C. Hall (Independent Adjuster)	c/o Motor Works Collison & Car Care Inc. 1136 Suffolk Avenue Brentwood, New York 11717	\$2,500 fine
Respondent was convicted of Petit Larceny on July 28, 2015, for withholding sales taxes collected on behalf of New York State, and also failed to report to the Superintendent the aforementioned criminal prosecution within thirty days of the initial pretrial hearing date. [Stipulation approved March 22, 2019.]		

Region: New York

LICENSEE	ADDRESS	PENALTY
Tristan A. Compton (Agent- relicensing applications pending)	574 Maple Street Brooklyn, NY 11203	\$500 fine
Respondent failed to notify the Department within thirty days that he was the subject of an administrative action by the State of Virginia. [Stipulation approved March 4, 2019.]		

LICENSEE	ADDRESS	PENALTY
Charles DiMarino (Independent Adjuster)	New Hyde Park Auto Body Work Inc. 801 Second Avenue New Hyde Park, NY 11040	\$1,500 fine
Respondent failed to remit sales tax collected on behalf of New York State, for which he was convicted, in District Court of Nassau County, State of New York, of Criminal Tax Fraud in the Fifth Degree, a class A misdemeanor. Respondent also failed to report to the Superintendent within thirty days of the initial pretrial hearing date that Respondent was the subject of the aforementioned criminal prosecution. [Stipulation approved February 28, 2019.]		

LICENSEE	ADDRESS	PENALTY
Syed N. Haq (Agent)	102-34 220 th Street Queens Village, NY 11429	\$1,000 fine
Respondent failed to supervise employees, for which an insurance company issued Respondent a Letter of Understanding regarding ethical standards in the conduct of business, integrity, and staff oversight. [Stipulation approved March 29, 2019]		

LICENSEE	ADDRESS	PENALTY
Denise Michelle Jones (Agent)	116 Elliott Place Bronx, NY 10452	\$3,000 fine
Respondent wrote applications for State Farm Insurance Company life insurance, applications for State Farm health insurance and an application for State Farm renters insurance using another person's State Farm electronic identification, without the other person's permission, after Respondent's agency appointment was terminated by State Farm. Additionally, Respondent, on the 10 aforementioned applications for life insurance, signed the name of another person as a witness to the signature of the proposed insured. [Stipulation approved March 20, 2019.]		

LICENSEE	ADDRESS	PENALTY
Taxiland Brokerage Inc. (Agent)	36-07 32 nd Street Astoria, NY 11106	\$5,000 fine
Thanvir Sharif Laskar (Agent, Broker and Sublicensee)	Same as above	
Respondents commingled insurance premium fiduciary funds with business operating expense funds, violated their agreement in a prior Department Stipulation that Respondents would take all necessary steps to prevent the recurrence of commingling violations and circulated advertisements that contained misleading statements regarding a discount. Respondent Laskar also submitted to the Department a misleading written statement regarding the nature of certain payments made from Respondent Taxiland's premium bank account. [Stipulation approved March 29, 2019.]		

LICENSEE	ADDRESS	PENALTY
Premier Lines Brokerage Inc. (Agent and Broker)	31-08 Broadway Astoria, NY 11106	\$2,500 fine
Maria Papadakis (Sublicensee)	Same as above	
<p>Respondents, during the time periods February 2014 through September 2014, June 2015 through September 2015, and January 2016 through March 2016, commingled insurance premium funds with funds owned by Premier Lines Brokerage Inc., and made unauthorized withdrawals from the premium account of Premier Lines Brokerage Inc. [Stipulation approved March 29, 2019.]</p>		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
T. A. S. A. of KY Inc. (Agent)	188 Barnwood Drive Edgewood, KY 41017	\$1,500 fine
Tara S. Averdick (Agent and Sublicensee)	Same as above	
<p>Respondents failed to disclose in Respondent T. A. S. A. of KY Inc.'s original and relicensing applications for an agent's license that Respondent T. A. S. A. of KY Inc.'s application for a managing general agent firm license was denied by the Wisconsin Office of the Commissioner of Insurance. [Stipulation approved March 11, 2019.]</p>		

LICENSEE	ADDRESS	PENALTY
Gabriel J. Bustamante (Agent)	10730 NW 17 th Street Plantation, FL 33322	\$750 fine
<p>Respondent failed to disclose in his application for an agent's license that he was fined in an administrative action in Florida in 2007 for not disclosing on his securities license application that he was arrested in 2006. [Stipulation approved March 4, 2019.]</p>		

LICENSEE	ADDRESS	PENALTY
James R. Fisher (Agent and Broker)	10 Pheasant Run Clarksburg, NJ 08510	\$2,750 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that Respondent was fined by the New Jersey Department of Banking and Insurance and the California Department of Insurance, and that Respondent's request for licensure was denied by the Indiana Department of Insurance. Respondent also used two unapproved names in conducting business as an insurance producer. [Stipulation approved March 14, 2019.]		

LICENSEE	ADDRESS	PENALTY
Moondance Adventures Inc. (Agent)	209 10th Avenue South Nashville, TN 37203	\$500 fine
Hayes B. Hitchens (Sublicensee)	Same as above	
Respondents acted as travel accident insurance agents in the name of Respondent Moondance Adventures Inc. in the State of New York while Respondent Moondance Adventures Inc. had no authority to act as a travel accident insurance agent by virtue of a license issued and in force pursuant to the provisions of the Insurance Law. [Stipulation approved March 7, 2019.]		

LICENSEE	ADDRESS	PENALTY
Medical Protective Insurance Agency (Agent)	5814 Reed Road Fort Wayne, IN 46835	\$1,000 fine
Respondent acted as an insurance producer in the State of New York without having authority to do so by virtue of a license issued and in force pursuant to the provisions of the Insurance Law. [Stipulation approved March 6, 2019.]		

LICENSEE	ADDRESS	PENALTY
Theodore R. Miller (Agent)	N 7486 Country Road N New Glarus, WI 53574	\$2,250 fine
Respondent failed to disclose in his original application for an agent's license and in two renewal applications for an agent's license that: (a) the Wisconsin Department of Financial Institutions, Division of Securities censured Respondent and ordered that Respondent be prohibited from engaging in certain conduct; and (b) the National Association of Securities Dealers ("NASD") barred Respondent from association with any member of the NASD in any capacity. [Stipulation approved April 3, 2019.]		

LICENSEE	ADDRESS	PENALTY
James D. Moorman (Independent Adjuster)	913 Beechwood Drive Richardson, TX 75080	\$750 fine
Respondent failed to disclose in his original application for an independent adjuster's license that the Florida Department of Financial Services placed him on probation for a period of 12 months, and that the Georgia Insurance Department placed his license on probation for a period of 12 months. [Stipulation approved March 14, 2019.]		

LICENSEE	ADDRESS	PENALTY
PRO IS Inc. (Independent Adjuster)	3501 Concord Road York, PA 17402	\$1,000 fine
Maria N. Postupak (Sublicensee)	Same as above	
Respondents acted as insurance adjusters in the name of Respondent PRO IS Inc. in the State of New York while Respondent PRO IS Inc. had no license issued and in force pursuant to the provisions of the Insurance Law. Respondents also allowed an unlicensed employee to act as an insurance adjuster in the State of New York. [Stipulation approved March 21, 2019.]		

LICENSEE	ADDRESS	PENALTY
Maritza L. Roman (Agent and Broker)	728 Kearny Avenue Kearny, NJ 07032	\$750 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that Respondent's application for licensure as a nonresident general lines agent was denied by the Florida Department of Financial Services. [Stipulation approved April 10, 2019.]		

LICENSEE	ADDRESS	PENALTY
Niemiec Smith & Pellingier LLP (Title Insurance Agent)	427 Main Street Tonawanda, PA 18848	\$1,000 fine
Mark W. Smith (Sublicensee)	Same as above	
Respondents acted as insurance producers in the name of Respondent Niemiec Smith & Pellingier LLP in the State of New York while Respondent Niemiec Smith & Pellingier LLP had no license issued and in force pursuant to the provisions of the Insurance Law. [Stipulation approved March 7, 2019.]		