

New York State Department of Financial Services

ISSUED: October 20, 2017

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.

COMPANIES

LICENSEE	ADDRESS	PENALTY
Farmers New Century Insurance Company	2245 Sequoia Drive Aurora, IL 60506	\$17,700 fine Respondent will demonstrate to the Department's satisfaction that it has taken the necessary action to prevent recurrences of the violation within three months from the date Respondent signed the Stipulation & Consent Order. Respondent will also take all necessary steps to comply with the New York Insurance Law and Regulations with respect to its insurance products in the future.
Respondent, for the time period January 1, 2014 through December 31, 2014: failed timely to provide policyholders with non-renewal notices at least forty-five but not more than sixty days in advance of the end of the policy approved. [Stipulation and Consent Order approved August 10, 2017.]		

LICENSEE	ADDRESS	PENALTY
Truck Insurance Exchange	PO Box 4402 Woodland Hills, CA 91365	<p>\$7,200 fine</p> <p>Respondent will demonstrate to the Department's satisfaction that it has taken the necessary action to prevent recurrences of the violations within three months from the date Respondent signed the Stipulation & Consent Order. Respondent will also take all necessary steps to comply with the New York Insurance Law and Regulations with respect to its insurance products in the future.</p>
<p>Respondent, for the time period January 1, 2014 through December 31, 2014: failed to state in or with its notices of cancellation to policyholders the specific reason or reasons for such cancellation. [Stipulation and Consent Order approved August 10, 2017.]</p>		

STIPULATIONS

Region: Mid-Island

LICENSEE	ADDRESS	PENALTY
Michael Caruso (Agent and Broker)	400 Oser Avenue Hauppauge, NY 11788	\$1,500 fine
Respondent failed to disclose in his renewal application for an agent's license that at the time of the submission of said application, he was charged in County Court of the State of New York, Suffolk County, with committing crimes. Respondent also 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. [Stipulation approved July 11, 2017.]		

LICENSEE	ADDRESS	PENALTY
Juan A. Morales (Independent Adjuster – License Expired)	11 Deerfield Court Babylon, NY 11702	License Revoked
Respondent was convicted of a felony. [Stipulation approved August 22, 2017.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
Smirlock & Ungar Inc. (Agent)	591 Stewart Avenue Garden City, NY 11530	\$7,500 fine
Norman Karp (Broker and Sublicensee)	Same as above	
Robert J. Feinman (Agent, Broker, General Consultant and Sublicensee)	Same as above	
Respondents collected insurance premiums from three insureds and failed to timely remit said insurance premiums to the insurers. [Stipulation approved August 22, 2017.]		

Region: New York

LICENSEE	ADDRESS	PENALTY
Sze Nga Yam (Life Broker – License Pending)	6749 152 nd Street Flushing, NY 11367	\$1,500 fine
Respondent failed to disclose in her renewal application for an agent’s license that at the time of the submission of said application, she was charged with committing crimes in the Criminal Court of the City of New York, County of Queens. Respondent also 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, which resulted in Respondent being convicted of a crime in the Supreme Court of the State of New York, County of Queens. [Stipulation approved March 17, 2017.]		

Region: Rochester

LICENSEE	ADDRESS	PENALTY
Gubiotti Agency Inc. (Agent and Broker)	348 W Ridge Road Rochester, NY 14615	Licenses Revoked
Gary Gubiotti (Sublicensee)	Same as above	
Respondent Gary Gubiotti was convicted, upon a plea of guilty, of Grand Larceny in the Third Degree, a class D felony. [Stipulation approved September 5, 2017.]		

LICENSEE	ADDRESS	PENALTY
Excel Securities & Associates Inc. (Agent)	200 Canal View Boulevard Rochester, NY 14623	\$2,750 fine
Joseph Lanzisera (Sublicensee)	Same as above	
Respondents failed to report to the Superintendent within 30 days of the final disposition of the matter that Respondent Excel was fined by: (a) the Maryland Office of the Attorney General, Division of Securities; (b) the Hawaii Department of Commerce and Consumer Affairs, Commissioner of Securities; (c) the Connecticut Department of Banking, Securities and Business Investments Division; and (d) the Ohio Department of Insurance. Respondents also failed to disclose the aforementioned Maryland, Hawaii and Connecticut fines in Respondent Excel’s 2011 and 2013 renewal applications for an agent’s license. [Stipulation approved August 1, 2017.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Brokers General Corporation (Agent)	200 Mamaroneck Ave White Plains, NY 10601	\$2,500 fine
Kelly Eastman Fraioli a.k.a Kelly Eastman (Agent, Broker, and Sublicensee)	Same as above	
Respondents, during the approximate period November 2013 through January 2015, failed to timely answer Department inquiry letters; and Respondent Kelly Eastman failed to disclose on her license renewal applications that she had a delinquent tax obligation. [Stipulation approved August 31, 2017.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Renaissance Benefit Administrators (Independent Adjuster)	4100 Okemos Road Okemos, MI 48864	\$1,000 fine
Thomas John Dimmer (Agent and Sublicensee)	Same as above	
Respondent failed to notify the Department within thirty days that Respondent Renaissance Benefit Administrators was the subject of an administrative action by the State of Nevada and Respondents failed to disclose the aforesaid administrative action on Respondent Renaissance Benefit Administrator's renewal application for their independent adjuster's license. [Stipulation approved August 22, 2017.]		

LICENSEE	ADDRESS	PENALTY
Darla Michelle Harrison (Agent)	14835 S. Dobson Avenue Dolton, IL 60419	\$1,500 fine
Respondent failed to disclose on her renewal and supplemental applications for an agent's license that she was arrested and convicted of a crime. [Stipulation approved August 28, 2017.]		

LICENSEE	ADDRESS	PENALTY
Hiscox Insurance Claims Services (Independent Adjuster)	PO Box 639 Grain Valley, MO 64029	\$3,250 fine
Respondent failed to notify the Department within thirty days that it was the subject of administrative actions by the states of Washington and Virginia, failed to disclose the aforesaid Virginia administrative action on renewal applications for its independent adjuster's license and during the approximate period April, 2017 to August, 2017, Respondent transacted insurance business in the State without a sublicensee. [Stipulation approved August 22, 2017.]		

LICENSEE	ADDRESS	PENALTY
John Morgan McLachlan Agency Inc. (Agent)	75 East Main Street Somerville, NJ 08876	\$2,000 fine
Morgan J. McLachlan (Broker and Sublicensee)	Same as above	
Respondents allowed an unlicensed individual to transact insurance business in the State of New York without the benefit of a license and paid commissions to said unlicensed individual. [Stipulation approved August 22, 2017.]		

LICENSEE	ADDRESS	PENALTY
Michael Patrick Shea (Broker)	501 E Kennedy Boulevard Tampa, FL 33602	\$500 fine
Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that the New Jersey Department of Banking and Insurance fined Respondent and ordered that Respondent cease and desist from engaging in certain conduct. [Stipulation approved August 22, 2017.]		