



NEW YORK STATE  
DEPARTMENT OF FINANCIAL SERVICES  
ONE STATE STREET PLAZA  
NEW YORK, NEW YORK 10004

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In the Matter of the Applications  
and/or Licenses of

**BERNAT LEFKOWITZ,**

Respondent.

**CITATION**

**VIDEOCONFERENCE  
HEARING**

Docket No. 2020-0029-C  
Event Number: 161 284 7343  
Event Password: ZPvX5p2PRK9

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**TO THE ABOVE-NAMED RESPONDENTS:**

**PLEASE TAKE NOTICE THAT** you are cited to appear on the 15<sup>th</sup> day of June, 2021, at 10:00 a.m. to show cause why all licenses issued to you by the New York State Department of Financial Services (“Department”) should not be suspended or revoked, and why all pending applications for licensure or renewal thereof should not be denied, or a monetary penalty imposed, by reason of the charge(s) and specification(s) hereinafter set forth. The Hearing will be held via videoconference, via Webex. **The Event Number for this Hearing is 161 284 7343, and the Event Password is ZPvX5p2PRK9.**

Pursuant to the First Amendment to Part 2 of Title 23 of the Official Compilation of Codes, Rules and Regulations of the State of New York (23 NYCRR §2.19), you may object to having the Hearing conducted via videoconference by sending a written notice of the objection to the hearing officer by first class mail or overnight mail to Videoconference Coordinator, Office of General Counsel, New York State Department of Financial Services, One State Street, New York, NY 10004, or via electronic mail to VideoHearings@dfs.ny.gov. The written notice of objection must be received at least five business days before the date set for the hearing. A copy of 23 NYCRR §2.19 is attached to this Citation.

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You are instructed to go to the Department's website, at [https://www.dfs.ny.gov/reports\\_and\\_publications/public\\_hearings](https://www.dfs.ny.gov/reports_and_publications/public_hearings), to learn how the hearing will be conducted and what you will need to do in order to appear at your Videoconference Hearing. **At least 48 hours prior to your hearing, you will need to conduct a test to ensure that you can connect to the Videoconference Hearing. Instructions for testing can be found at [https://www.dfs.ny.gov/reports\\_and\\_publications/public\\_hearings](https://www.dfs.ny.gov/reports_and_publications/public_hearings). If you wish to introduce any documents at the Hearing, you must email them at least 24 hours prior to the start of the Hearing to [VideoHearings@dfs.ny.gov](mailto:VideoHearings@dfs.ny.gov), and include a brief description of each document and your Event Number. You may also request disclosure of the evidence that the Department will introduce at the Hearing by sending an email to [VideoHearings@dfs.ny.gov](mailto:VideoHearings@dfs.ny.gov). Include in your request your name, the date of the Hearing, and your Event Number.**

If you have any questions with regard to connecting or are unable to connect to your Videoconference Hearing, call the Department Help Desk at 212-709-7777 or email [ServiceDesk@dfs.ny.gov](mailto:ServiceDesk@dfs.ny.gov).

## CHARGE I

### RESPONDENT HAS DEMONSTRATED UNTRUSTWORTHINESS AND/OR INCOMPETENCE TO ACT AS AN INSURANCE PRODUCER WITHIN THE MEANING OF SECTION 2110(a)(4) OF THE INSURANCE LAW.

#### Specification A

1. Respondent failed to pay income tax due to the Commissioner of Taxation and Finance of the State of New York for the periods ending December 31, 2007, December 31, 2008, and December 31, 2009. Consequently, a tax warrant was docketed in the Kings County Clerk's office on August 13, 2013 in the amount of \$455,246.88. The amount due through March 2, 2021 is \$114,066.72.

#### Specification B

2. Respondent failed to pay income tax due to the Commissioner of Taxation and Finance of the State of New York for the period ending December 31, 2009. Consequently, a tax warrant was docketed in the Kings County Clerk's office on June 9, 2015 in the amount of \$177,770.46. The amount due through March 2, 2021 is \$301,324.89.

#### Specification C

3. On or about March 10, 2014, Respondent submitted to the Department a renewal application for a license to act as an agent under Section 2103(a) of the

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Insurance Law. In this application, Respondent falsely answered in the negative to Question 5, which asked “Since execution and filing of last application, have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?”.

#### Specification D

4. On or about March 5, 2018, Respondent submitted to the Department a renewal application for a license to act as an agent under Section 2103(a) of the Insurance Law and in the application, answered in the affirmative to Question 7, which asked “Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?”.

5. In connection with a Department investigation of the foregoing matters, the Department sent Respondent letters of inquiry, dated March 9, 2018, April 4, 2018, June 13, 2018, July 13, 2018, September 11, 2018, October 26, 2018, November 23, 2018, February 8, 2019, April 8, 2019, May 1, 2019, and September 4, 2019.

6. Respondent failed to respond to the Department letters dated March 9, 2018, April 4, 2018, June 13, 2018, July 13, 2018, October 26, 2018, November 23, 2018, February 8, 2019, and September 4, 2019, and thereby hampered and impeded the Department’s investigation.

7. Respondent failed to respond in a complete manner to the Department letters dated September 11, 2018, April 8, 2019, and May 1, 2019, and thereby hampered and impeded the Department’s investigation.

#### Specification E

8. On or about March 6, 2020, Respondent submitted to the Department a renewal application for a license to act as an agent under Section 2103(a) of the Insurance Law. In this application, Respondent falsely answered in the negative to Question 7, which asked “Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?”.

### **CHARGE II**

#### **RESPONDENT HAS FAILED TO PAY STATE INCOME TAX OR COMPLY WITH ANY ADMINISTRATIVE OR COURT ORDER DIRECTING THE PAYMENT OF STATE INCOME TAX WITHIN THE MEANING OF SECTION 2110(a)(14) OF THE INSURANCE LAW**

9. The allegations set forth in paragraphs 1 and 2 of this Citation are repeated and re-alleged as if fully set forth herein.

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**CHARGE III**

**RESPONDENT HAS PROVIDED MATERIALLY INCORRECT, MATERIALLY MISLEADING, MATERIALLY INCOMPLETE OR MATERIALLY UNTRUE INFORMATION IN A LICENSE APPLICATION WITHIN THE MEANING OF SECTION 2110(a)(2) OF THE INSURANCE LAW.**

10. The allegations set forth in paragraphs 3 and 8 of this Citation are repeated and re-alleged as if fully set forth herein.

**PLEASE TAKE FURTHER NOTICE THAT:**

(A) According to the records of the New York State Department of Financial Services, Bernat Lefkowitz is licensed as an agent under Section 2103(a) of the Insurance Law.

(B) This citation is issued pursuant to Section 2110 of the Insurance Law and Sections 304-a, 305 and 306 of the Financial Services Law, and notice of this hearing is given to Respondent in accordance with Section 304 of the Financial Services Law.

(C) Respondent's attention is directed to a statement in plain language, attached hereto, entitled "Summary of Hearing Procedures", summarizing the provisions of Title 23, Part 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York (23 NYCRR 2). This statement contains important information concerning your rights and the Department's hearing procedures and should be read carefully. A copy of 23 NYCRR § 2.19 is attached hereto; a copy of the balance of 23 NYCRR 2 will be furnished upon request.

(D) Should Respondent fail to appear at the time and place fixed for the hearing or any adjourned date thereof, the hearing will proceed as scheduled and the disciplinary action, if any, may result in the imposition of a monetary penalty or in the suspension or revocation of any licenses and/or the denial of all pending applications for licenses or renewal thereof.

Dated: New York, NY  
April 28, 2021

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

By: \_\_\_\_\_  
Michael S. Formichelli  
Associate Attorney  
(212) 480-5250

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**BY CERTIFIED MAIL AND REGULAR MAIL:**

Bernat Lefkowitz

[REDACTED]

Bernat Lefkowitz

[REDACTED]

COPY TO: [REDACTED].com  
[REDACTED]com