



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

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In the Matter of the Application of

ANGEL HERNANDEZ,

**AMENDED
NOTICE OF HEARING**
No. 2019-0005-L

Applicant.
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TO THE APPLICANT:

PLEASE TAKE NOTICE THAT pursuant to your request, a hearing will be held at the office of the New York State Department of Financial Services, One State Street, New York, NY 10004, on the 12th day of January, 2023 at 10:00 a.m. to review the determination denying your application for a license to act as an agent pursuant to Section 2103(b) of the New York Insurance Law ("Insurance Law"). The application was denied on the grounds that you have demonstrated untrustworthiness and/or incompetence to act as an agent and to engage in the business of insurance based on the following:

1. During the approximate period June 2001 through October 2002, while licensed as a broker pursuant to Section 2104 of the Insurance Law, you submitted fraudulent insurance applications, including Driver Verification Forms, to the New York Auto Insurance Plan ("NYAIP") and allowed unlicensed support staff to operate your agency while you were working at another business and not present at the agency.

2. As a result of said conduct, your license with the New York State Insurance Department (predecessor to the New York State Department of Financial Services, the "Department") was revoked after a hearing on or about October 16, 2002. You subsequently filed an Article 78 petition, which was denied on or about July 29, 2003.

3. During the approximate period February 24, 2003 through May 2005, after your license with the New York State Insurance Department was revoked, you

continued to act as an insurance broker, conducting NYAIP business, without the benefit of a license.

4. On or about March 25, 2005, your application for a broker's license pursuant to Section 2104 of the Insurance Law was denied on the grounds that you demonstrated untrustworthiness to act as a broker. You subsequently requested a hearing, which took place on September 12, 2005. The hearing officer upheld the denial, and his decision was adopted in the Final Determination and Order issued on or about December 29, 2005.

5. After the above-mentioned broker application was received, the Department discovered that you were involved in criminal activity during the approximate period May 2001 until April 20, 2003, and as a result of that criminal activity, you were convicted, upon a plea of guilty, on or about January 14, 2005, in the United States District Court, Southern District, New York, New York, of Misprision of a Felony, in violation of Title 18, United States Code, § 4, a felony. You were sentenced on or about January 20, 2005, to one year of probation, a fee of \$250.00, and an assessment of \$100.00.

6. On or about May 1, 2015, as part of the original application for a license to operate a private service bureau or open a branch office, submitted to the New York State Department of Motor Vehicles by you for Skyline PSB, you submitted a Personal History form where you answered in the negative to the question "Have you ever been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude?", when in fact you had been convicted of a felony as noted in paragraph 5 above.

7. On your original application for an agent's license pursuant to Section 2103(b) of the Insurance Law, submitted to the Department on or about August 27, 2018, you provided a negative answer to the question "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?", when in fact you had been convicted of a felony as noted in paragraph 5 above.

8. On your original application for an agent's license pursuant to Section 2103(b) of the Insurance Law, submitted to the Department on or about August 27, 2018, you provided a negative answer to the question "Have you ever been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?", when in fact you had been named in administrative proceedings as noted in paragraphs 2 and 4 above.

9. On your updated original application for an agent's license pursuant to Section 2103(b) of the Insurance Law, submitted to the Department on or about October 7, 2021, you provided a negative answer to the question "Have you ever been named or involved as a part in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or

registration?", when in fact you had been named in administrative proceedings as noted in paragraphs 2 and 4 above.

10. Such other and further evidence relevant to your qualifications and fitness for the licenses sought as may be presented at the hearing.

PLEASE TAKE FURTHER NOTICE that the Hearing is being held pursuant to Sections 304-a, 305, and 306 of the Financial Services Law and that notice thereof is being given to you in accordance with Section 304 of the Financial Services Law. Your 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 will be furnished upon request. Should you fail to appear at the time and place fixed for the hearing, or any adjourned date thereof, your request for a hearing will be deemed withdrawn, and the denial of your application for a license will be upheld.

Dated: New York, NY
October 24, 2022

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

By: *Jessica Masullo*
 Jessica Masullo
 Senior Attorney
 (212) 709-3532

CERTIFIED & REGULAR MAIL

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SUMMARY OF HEARING PROCEDURES

(Summary of Hearing Procedures for Adjudicatory Proceedings Before the Department of Financial Services as Set Forth in Title 23, Part 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York (23 NYCRR 2), and as Required by Section 301(3) of the State Administrative Procedure Act)

1. The Hearing will be conducted and administered in compliance with the State Administrative Procedure Act and the Financial Services Law, and will be held before an impartial hearing officer who will make a Report of findings, conclusions, and recommendations to the Superintendent or the Superintendent's designee.
2. You must be ready, and prepared with your evidence, to present your case on the hearing date.
3. You may be represented by an attorney at the hearing.
4. Interpreter services shall be available for deaf persons, upon advance request, at no charge. Such request should be made as soon as possible by contacting the Department attorney who signed the Citation/Notice of Hearing.
5. You may file a written answer to the Citation/Notice of Hearing. If you do so, it should be delivered at least two days before the hearing date to the Department attorney who signed the Citation/Notice of Hearing. You will have a full opportunity at the hearing to dispute or explain any charges made against you in the Citation/Notice of Hearing whether or not you file an answer.
6. You may present evidence and have witnesses testify at the hearing. If you believe a Witness will not appear voluntarily and you do not have an attorney representing you, you may request the hearing officer to furnish you with a subpoena to compel the witness' attendance. If the hearing officer issues the subpoena, the service of the subpoena upon the witness and payment of all required fees is your responsibility.
7. You may request a hearing officer's report and an opportunity to comment on it in writing before the Superintendent acts on the report. The request must be made to the hearing officer on the record prior to close of the hearing.
8. Prior to the commencement, a hearing may be postponed upon your request upon a written application to the Department official who issued the Citation/Notice of Hearing. The application may be granted upon a showing of good cause at the discretion of the Department official who issued the Citation/Notice of Hearing.
9. A hearing in progress may be adjourned by the hearing officer at your request for good cause shown or upon consent of all parties. If you request that a hearing in progress be adjourned for good cause shown, you must present documentary evidence as the hearing officer deems appropriate. The factors to be considered in determining good cause shown include but are not limited to the illness of a party, witness,

or attorney, the temporary absence of a witness, the opportunity to obtain an attorney, the actual engagement of an attorney in a court proceeding, and the number and nature of previous requests for adjournment.

10. If you do not appear at a hearing requested upon the denial of an application for a license, your request will be deemed withdrawn.
11. If you do not appear or are not represented at the hearing on a Citation, the hearing will take place as scheduled and a decision on the charges will be made. The decision may result in the revocation or suspension of your licenses and the denial of any pending applications, and such other action as may be permitted by law, including the imposition of monetary fines.
12. If you do not appear at a hearing, the hearing may be reopened upon a written application, if you satisfy the hearing officer that there are valid reasons for your failure to appear or your failure to request an adjournment or postponement and you have a meritorious case. If you do appear at the hearing, the hearing may be reopened on written request to the hearing officer if you can show newly discovered evidence or other compelling reason for such reopening. The application to reopen must be made within one hundred and twenty (120) days from the effective date of the Superintendent's or the Superintendent's designee's decision.
13. Once a decision is made against you, you may, if you wish, take an appeal to the courts. This appeal must be made within four months from the date the decision was effective. It should be emphasized that your right to take an appeal is not connected in any way with your right to reopen the hearing as described in paragraph 12 and an application to reopen does not extend your time to take an appeal to the courts.