

New York State Insurance Department

ISSUED: 07/31/09

FOR IMMEDIATE RELEASE

NEW YORK STATE INSURANCE DEPARTMENT TAKES DISCIPLINARY ACTIONS AGAINST COMPANIES, AGENTS, BROKERS & ADJUSTERS

The New York State Insurance Department 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.

INSURANCE COMPANIES

LICENSEE	ADDRESS	PENALTY
First United American Life Insurance Company	P.O. Box 3125 Syracuse, NY 13220	\$500,000 fine
<p>Respondent violated Section 2114(a)(3) of the Insurance Law by paying commissions to the general agency on behalf of an unlicensed insurance agent; Department Regulation No. 62 [11 NYCRR §§ 52.22(b)(9) and (i)(1)] by using Medicare Supplement advertising material that was not submitted to the Department for review prior to use, and by failing to establish auditable procedures to assure that excess Medicare Supplement insurance is not sold or issued; Department Regulation No. 34 [11 NYCRR §§ 215.2(b) and 215.17(a)] by failing to maintain a system of control over the content, form and method of dissemination of its advertisements, and by failing to maintain as part of its advertising file the “Weiss” rating utilized by its agents in the sale of its Medicare Supplement insurance; Department Regulation No. 34-A [11 NYCRR § 219.4(u)] by describing an enrollment period as “last chance” or “last time” when it used successive enrollment periods as its usual method of marketing its policies; and Section 325(a) of the Insurance Law by failing to maintain the minutes of the meetings of its Audit and Evaluation Committee for the year 2005 at its principal office in this state. [Stipulation approved May 4, 2009.]</p>		

LICENSEE	ADDRESS	PENALTY
Tri-State Consumer Insurance Company	575 Jericho Turnpike Jericho, NY 11753	\$15,000 fine
<p>Respondent issued notices of non-renewal for homeowner’s insurance policies without stating the specific reason(s) for the non-renewal. [Stipulation approved June 23, 2009.]</p>		

LICENSEE	ADDRESS	PENALTY
White Mountains Reinsurance Company of America formerly known as Folksamerica Reinsurance Company	One Liberty Plaza – 19 th Floor New York, NY 10006	\$250,000 fine
Respondent entered into reinsurance treaties or agreements with reinsurers that the Superintendent has determined to be persons in Respondent's holding company system, without notifying the Superintendent in writing of its intention to enter into such transactions as required under Section 1505(d) of the Insurance Law. [Stipulation approved June 29, 2009.]		

AGENT/BROKER HEARINGS

Region: Nassau County

LICENSEE	ADDRESS	PENALTY
Jessica S. Coulter-Smith a/k/a Jessica S. Coulter (Broker)	64 Smith Street Glen Clove, NY 11542	License Revoked
Respondent's insurance producer's license was permanently revoked by the New Jersey Department of Banking and Insurance for various insurance related violations. Respondent failed to notify the Department of the New Jersey revocation within thirty days of the final disposition of the matter. Respondent failed to pay restitution to an insurance company and failed to pay an administrative fine to the New Jersey Department of Banking and Insurance thereby violating a Consent Order. Respondent owes personal income taxes and payroll taxes that she collected from her employees to the United States Internal Revenue Service. Respondent made a false statement to the Department during an Examination Under Oath and failed to notify the Department within thirty days of her change in business address. [Order issued June 18, 2009.] [Revocation has been stayed pending a judicial appeal.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Federal Adjusters Inc. (Public Adjuster)	2687 Coney Island Avenue Brooklyn, NY 11235	Licenses Revoked
Michael J. Simone (Public Adjuster and Sublicensee)	Same as Above	
<p>Respondents Federal and Simone collected insurance claim settlement payments from insurers and failed to remit the payments to their clients; and failed to respond to Departmental investigatory letters. Additionally, Respondent Federal also acted as a public adjuster after its license expired and failed to file an insurance claim with an insurer on behalf of a client even though the client had hired Respondent Federal to adjust the claim. Finally, Respondent Simone also received an insurance claim settlement check from an insurer that was payable to a client and her mortgage company and delivered the check to a contractor without the client's consent; failed to pay appraisal fees that he owed to an appraisal company for appraisal services performed for Respondent Federal; and acted as a public adjuster while using an unlicensed name. [Order issued April 30, 2009.]</p>		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Schalisa M. Tate (Agent)	250 North Illinois Street South Bend, IN 46619	License Revoked
<p>Respondent failed to notify the Department within thirty days that she was the subject of an administrative actions by the South Dakota Department of Revenue and Regulation, Division of Insurance, the Commissioner of Insurance of Kansas, and the Delaware Department of Insurance; failed to respond to Departmental investigatory letters or appear at the Department as directed thereby hampering and impeding the Department's investigation; and violated two prior stipulations entered into with the Department wherein she agreed to take all necessary steps to prevent the reoccurrence of similar violations. [Order issued June 18, 2009.]</p>		

AGENT AND BROKER STIPULATIONS

Region: Buffalo

LICENSEE	ADDRESS	PENALTY
Benz-Sardinia, Inc. (Agent and Broker)	36 Buffalo Street Hamburg, NY 14075	
Richard E. Benz (Agent, Broker, and Sublicensee)	Same as Above	\$550 fine
Thomas M. Sardinia, Jr. (Agent, Broker, and Sublicensee)	Same as Above	
Respondents failed to supervise their staff in that they accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 18, 2009]		

LICENSEE	ADDRESS	PENALTY
Mary E. Butcher (Agent)	8664 North Hill Road South Dayton, NY 14138	\$250 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
John B. Conaway (Broker)	c/o MetLife Auto and Home 18 Limestone Drive Williamsville, NY 14221	\$5,000 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer and provided incomplete statements to the Department during its investigation of the foregoing matters by denying the acceptance of such payments. [Stipulation approved June 26, 2009.]		

LICENSEE	ADDRESS	PENALTY
D.L. Smiley Insurance Agency of the Southern Tier LLC (Agent)	40 West Main Street Cuba, NY 14227	\$500 fine
Darlene L. Smiley (Agent, Broker and Sublicensee)	Same as Above	
Respondents accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 18, 2009.]		

LICENSEE	ADDRESS	PENALTY
Franz-Manno Service Corp. (Agent and Broker)	5700 Main Street P.O. Box 1568 Buffalo, NY 14231	\$250 fine
Roy Manno (Agent, Broker and Sublicensee)	Same as above	
Respondents failed to supervise their staff in that their staff accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 4, 2009.]		

LICENSEE	ADDRESS	PENALTY
David W. Friend (Agent)	c/o Allstate Insurance Company 5150 Broadway Depew, NY 14043	\$500 fine
Respondent issued an insurance premium payment transmittal check that was dishonored by the bank upon which it was drawn, and issued four additional premium payment transmittal checks for which his premium bank account had insufficient funds. [Stipulation approved July 7, 2009.]		

LICENSEE	ADDRESS	PENALTY
Knight Agency Inc. (Agent and Broker)	254 Main Street Arcade, NY 14009	\$1,150 fine
Eric P. Slocum (Agent, Broker, and Sublicensee)	Same as Above	
Respondents accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Michael S. Mitchell (Agent)	c/o MetLife Auto 42 Lake Street Hamburg, NY 14075	\$620 fine
Respondents accepted payments from on or behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 14, 2009.]		

LICENSEE	ADDRESS	PENALTY
Pressman Settlements Corporation (Life Broker)	218 Wellingwood Drive East Amherst, NY 14051	\$500 fine
Elizabeth Pressman (Life Broker and Sublicensee)	Same as Above	
Respondent failed to report to the Superintendent within 30 days of the final disposition of the matter that Respondent Pressman Settlements Corporation was fined by the Florida Department of Financial Services. [Stipulation approved May 14, 2009.]		

LICENSEE	ADDRESS	PENALTY
The Southtowns Agency, Inc. (Agent)	24 Pine Street East Aurora, NY 14052	\$250 fine
Robert J. Hagner (Agent, Broker and Sublicensee)	Same as Above	
Respondents failed to supervise their staff in that they accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 18, 2009.]		

LICENSEE	ADDRESS	PENALTY
Trank & Associates Agency Inc. (Agent and Broker)	6495 Olean Road South Wales, NY 14139	\$250 fine
Valerie I. Trank (Broker and Sublicensee)	Same as Above	
Respondents failed to supervise their staff in that they accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 30, 2009.]		

LICENSEE	ADDRESS	PENALTY
Camille D. Wachowski (Agent)	c/o Harris Hill Agency Inc. 1380 French Road Depew, NY 14043	\$630 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
Richard P. Wells (Agent and Broker)	11 Rolling Green Lane Elma, NY 14059	\$2,500 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 23, 2009.]		

LICENSEE	ADDRESS	PENALTY
Andrew R. Walker (Agent)	386 Buffalo Street Springville, NY 14141	License Revoked
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

Region: Jamestown

LICENSEE	ADDRESS	PENALTY
Hunter Agency Inc. (Agent and Broker)	115 ½ North Union Street P.O. Box 568 Olean, NY 14760	\$250 fine
Douglas R. Price (Sublicensee)	Same as above	
Respondents failed to supervise their staff in that they accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 8, 2009.]		

Region: Mid-Hudson

LICENSEE	ADDRESS	PENALTY
Donald B. Dedrick Agency, Inc. t/b/a Neumann Insurance Agency (Agent and Broker)	P.O. Box 319 Mill Street Dover Plains, NY 12522	\$1,000 fine
Jay H. Dedrick (Agent, Broker and Sublicensee)	Same as above	
Respondents paid commissions to an individual who was not a licensed property/casualty insurance agent. [Stipulation approved June 12, 2009.]		

Region: Nassau

LICENSEE	ADDRESS	PENALTY
Kerry D. Barris (Agent)	20 Canine Road Holtsville, NY 11742	License Revoked
Respondent failed to provide the Department with a notarized statement detailing the events surrounding his termination by an insurance company, as directed by the Department, and thereby hampered and impeded the Department's investigation. [Stipulation approved June 18, 2009.]		
LICENSEE	ADDRESS	PENALTY
Nidia's Brokerage Inc. (Broker)	364 Fulton Street Hempstead, NY 11550	\$1,000 fine
Nidia Reyes (Broker and Sublicensee)	Same as Above	
Respondents issued insurance premium payment transmittal checks that were dishonored by the bank upon which they were drawn. [Stipulation approved June 26, 2009.]		

LICENSEE	ADDRESS	PENALTY
Thomas C. Omarra (Agent)	28 East Maple Road Greenlawn, NY 11740	\$5,000 fine
Respondent solicited, negotiated and delivered a life insurance policy in the State of New York on behalf of an insurer who was not licensed or authorized to do an insurance business in this State, and otherwise aided and facilitated an insurance company in doing an insurance business in this State, and the foregoing transaction constituted the replacement of a life insurance policy and the Respondent failed to comply with Department Regulation 60 in connection with such replacement transaction. [Stipulation approved June 18, 2009.]		

Region: New York City

LICENSEE	ADDRESS	PENALTY
Stephen Curtis (independent Adjuster)	48 Lyle Court Staten Island, NY 10306	License Revoked
Respondent was convicted of Commercial bribery in the First Degree, a class E felony and Insurance Fraud in the 4 th degree, a class E felony and failed to respond to Departmental investigatory letters thereby hampering and impeding the Department's investigation. [Stipulation approved July 13, 2009.]		

LICENSEE	ADDRESS	PENALTY
Preferred Financial Services Group Inc. (Broker)	One Penn Plaza New York, NY 10119	Licenses Revoked
Robert J. Scher (Broker and Sublicensee)	Same as Above	
Respondents failed to respond to numerous Department requests for information and documentation and failed to appear at the Department for a statement under oath, thereby hampering and impeding the Department's investigation. [Stipulation approved June 18, 2009.]		

Region: Syracuse

LICENSEE	ADDRESS	PENALTY
The Becker-McLean Company (Agent and Broker)	16 Virginia Street Waterloo, NY 13165	\$1,275 fine
Charles B. Kaye (Agent and Sublicensee)	Same as above	
Respondents accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Jeannette H. Blount (Agent and Broker)	17 North Hunter Ave Auburn, NY 13021	\$925 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 14, 2009.]		

LICENSEE	ADDRESS	PENALTY
The Carmody Agency Inc. (Agent and Broker)	2488 West Main Street Cato, NY 13033	\$1,550 fine
Peter A. O'Connor (Sublicensee)	Same as Above	
Respondents accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 20, 2009.]		

LICENSEE	ADDRESS	PENALTY
Gay & Son Agency Inc. (Agent and Broker)	51 State Street Seneca Falls, NY 13148	\$250 fine
John E. Becker II (Sublicensee)	Same as above	
Respondents failed to supervise their staff in that they accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
John L. King (Agent and Broker)	c/o The Becker-McLean Company 16 Virginia Street Waterloo, NY 13165	\$250 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Arlene S. Rosenkrans (Broker)	c/o The Carmody Agency 32 East Genesee Street Auburn, NY 13021	\$400 fine
Respondents accepted payments from on or behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 14, 2009.]		

LICENSEE	ADDRESS	PENALTY
Colleen S. Siwarski (Agent and Broker)	c/o The Becker McLean Company 16 Virginia Street Waterloo, NY 13165	\$250 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

LICENSEE	ADDRESS	PENALTY
Rose M. Tiballi (Agent and Broker)	c/o Gay & Sons Agency Inc. 51 State Street Seneca, NY 13148	\$450 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved June 18, 2009.]		

LICENSEE	ADDRESS	PENALTY
Gloria B. Uticone (Agent and Broker)	c/o The Becker McLean Company 16 Virginia Street Waterloo, NY 13165	\$250 fine
Respondent accepted payments from or on behalf of a motor vehicle repairer for referring motor vehicle repair business to such repairer. [Stipulation approved July 10, 2009.]		

Region: Westchester

LICENSEE	ADDRESS	PENALTY
Stephen J. Brefere (Agent)	14 East Way Bedford, NY 10506	\$500 fine
Respondent distributed advertisements to potential insureds for long term care insurance that purported to make known the financial condition of the insurers being referred to in the advertisement without showing the amount of the insurers admitted assets, liabilities and reserves required or permitted by law, and surplus to policyholders and distributed advertisements to potential insureds for long term care insurance that failed to specify the actual names of the insurers being referred to in the advertisement. [Stipulation approved July 6, 2009.]		

LICENSEE	ADDRESS	PENALTY
Mario Miceli (Agent)	40 Greentree Drive Scarsdale, NY 10583	License Revoked
Respondent was terminated for cause by an insurance company for signing the names of sixteen insureds on various insurance related forms without the insureds' knowledge or consent. [Stipulation approved June 18, 2009.]		

Region: Out of State

LICENSEE	ADDRESS	PENALTY
Boaters Insurance Agency Inc. (Agent)	809 Podva Road Danville, CA 94526	\$750 fine
Gary D. Swiggett (Agent and Sublicensee)	Same as Above	
Respondents failed to report to the Superintendent within thirty days of the final disposition of the matter that Respondent Boaters Insurance Agency Inc. was fined by the Commonwealth of Massachusetts, Executive Office of Consumer Affairs and Business Regulation, Division of Insurance. [Stipulation approved July 17, 2009.]		

LICENSEE	ADDRESS	PENALTY
Wilfrid W. Coleman (Agent)	3423 Lands End Drive St. Augustine, FL 32084	\$1,700 fine
Respondent acted as an insurance producer without a license in the State of New York, and subsequent to becoming licensed by the Department, Respondent also used an unapproved name in conducting business as an insurance producer. [Stipulation approved June 18, 2009.]		

LICENSEE	ADDRESS	PENALTY
CrossSummit Enterprises, Inc. (Agent)	50 Iron Forge Square Pompton Lakes, NJ 07442	Licenses Revoked
Louis M. Wetzel (Agent and Sublicensee)	Same as Above	
Respondent Louis M. Wetzel, as sole sublicensee, failed to make inquiry into, and maintain control over, the daily operations and activities of Respondent CrossSummit; Respondents permitted unlicensed entities and unlicensed individuals to sell American Medical Life Insurance Company's limited medical benefit health insurance policies; Respondents allowed Respondent CrossSummit Enterprises, inc. to act as insurance producer without a license. [Stipulation approved July 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
Kristin J. Hothersall (Agent-License Pending)	805 Thornberry Drive Alpharetta, GA 30022	\$750 fine
Respondent failed to disclose on her original application for an agent's license that she was fined by the State of Alabama, Department of Insurance. [Stipulation approved July 1, 2009.]		

LICENSEE	ADDRESS	PENALTY
Lenovo (United States) Inc. (Service Contract Provider- Application Pending)	1009 Think Place Morrisville, NC 27560	\$5,000 fine
Respondent acted as a service contract provider without first obtaining an approval of a registration to do so. [Stipulation approved June 9, 2009.]		

LICENSEE	ADDRESS	PENALTY
Dawn L. Neinas (Agent)	1490 Horton Road Muskegon, MI 49445	\$750 fine
Respondent failed to disclose on her original application for an agent's license that she was convicted of a felony. [Stipulation approved June 23, 2009.]		

LICENSEE	ADDRESS	PENALTY
Premio Insurance Agency (Agent)	19800 MacArthur Blvd Irvine, CA 92612	\$11,912 fine
Respondent conducted insurance business as an agent in this State without a license and received commissions on such insurance business. [Stipulation approved June 23, 2009.]		

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