



**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
**DIVISION OF INSURANCE**

1000 Washington Street • Suite 810 • Boston, MA 02118-6200  
(617) 521-7794 • FAX (617) 521-7475  
<http://www.mass.gov/doi>

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
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JAY ASH  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN  
UNDERSECRETARY

DANIEL R. JUDSON  
COMMISSIONER OF INSURANCE

November 17, 2016

Eisenberg Associates Insurance Agency  
C/O Richard Eisenberg  
1330 Centre Street  
Newton Centre, MA 02459

RE: Eisenberg Associates Insurance Agency– Massachusetts License No. 2013184  
SIU Investigation No. 9317

**VIA First Class Mail & E-Mail**

Dear Mr.Eisenberg:

I represent the Massachusetts Division of Insurance (“Division”) with regard to the above-captioned investigation. Pursuant to an investigation conducted by the Division’s Special Investigations Unit, the Division has cause to believe that Eisenberg Associates Insurance Agency violated the Massachusetts insurance laws set forth below by the conduct detailed in this settlement letter.

This case was opened on September 30, 2016, after the Division discovered that Eisenberg Associates Insurance Agency, Inc., failed to renew its licensure with the Division. Upon further inquiry, the Division learned that Eisenberg Associates Insurance Agency, Inc, was unlicensed from approximately December 24, 2015 to September 26, 2016. During this time, Eisenberg Associates Insurance Agency, Inc., renewed four (4) policies. Additionally, this is the third occasion since 2011 that Eisenberg Associates Insurance Agency, Inc., failed to timely renew their licensure with the Division.

The conduct described above is evidence of the following violations:

M.G.L. c. 175, § 162I – A person shall not sell, solicit or negotiate insurance in the commonwealth for any class or classes of insurance unless the person is licensed for that line of authority. A violation is punishable by a fine up to \$500. M.G.L. c. 175, § 194.

M.G.L. c. 175, § 162R (a)(2) . . . [t]he commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer’s license or may levy a civil penalty for . . . violating any insurance laws. Additionally, a violation is punishable by a fine up to one thousand dollars. M.G.L. c. 176D, § 7.

M.G.L. c. 175, § 162R (a)(8) . . . [t]he commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty for . . . using fraudulent, coercive or dishonest practices in the conduct of business. Additionally, a violation is punishable by a fine up to one thousand dollars. M.G.L. c. 176D, § 7.

The Division is authorized to issue an order requiring you to show cause as to why Eisenberg Associates Insurance Agency should not be made to cease and desist from the above alleged conduct. If, after a public hearing, the Commissioner of Insurance finds that Eisenberg Associates Insurance Agency did commit the alleged violations, he may impose a fine up to the amounts listed above and order that your Massachusetts Insurance Producer License be placed on probation, suspended or revoked.

The Division proposes to resolve this matter through a settlement if you agree to waive the right to a public hearing, agree to cease and desist from the above-alleged conduct and agree to pay a **fine of \$500.00**. If you choose to accept the Division's offer, please have an authorized individual sign this settlement letter where provided below and return it to my attention along with a check made payable to the Commonwealth of Massachusetts, no later than **December 16, 2016**.

The Division considers the acceptance of this settlement to constitute a reportable administrative event which should be included on your next Massachusetts producer license renewal application. You also may be required to report this action in other jurisdictions where you hold an insurance producer license. This Agreement shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

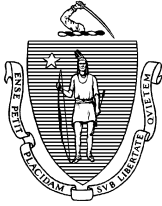
Although this correspondence does not constitute the required statutory notice of a public hearing, if this matter is not resolved by **December 16, 2016**, the Division intends to file its Order to Show Cause and will notify you of the hearing date.

Thank you for your prompt attention to this matter. Should you have any questions or wish to discuss this matter further, I may be reached at (617) 521-7471 or Scott.Peary@state.ma.us.

Sincerely,

Scott J. Peary  
Chief Enforcement Counsel

Enclosure



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**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made by and between the Commonwealth of Massachusetts, Division of Insurance (“Division”), and Eisenberg Associates Insurance Agency, licensed as an insurance producer licensed under the laws of the Commonwealth of Massachusetts (“Commonwealth”) and with an address of 1330 Centre Street, Newton Centre, MA 02459.

WHEREAS, Eisenberg Associates Insurance Agency was licensed by the Division as an insurance producer pursuant to M.G.L. c. 175, § 162H *et seq.*;

WHEREAS, an insurance producer licensed in the Commonwealth must uphold the standards in M.G.L. c. 175, § 162H *et seq.* and must comply with the Commonwealth’s insurance laws, including without limitation, those set forth in M.G.L. c. 175 & M.G.L. c. 176D; the Code of Massachusetts Regulations; and any other regulatory requirements; each of which give the Commissioner of Insurance review, approval, and enforcement authority over licensees;

WHEREAS, the Division has conducted an investigation, Special Investigation Number 9317, and contends that the acts and conduct of Eisenberg Associates Insurance Agency as set forth in the Division’s correspondence dated November 17, 2016, a copy of which is attached hereto, constitute grounds for revocation of Eisenberg Associates Insurance Agency’s insurance license and the imposition of fines;

WHEREAS, Eisenberg Associates Insurance Agency is aware of its rights to notice and to an administrative hearing with respect to the alleged violations of Massachusetts insurance laws in these matters, and hereby waives those rights.

NOW THEREFORE, in consideration of the foregoing and the covenants, warranties, representations, and agreements contained herein, it is mutually agreed as follows:

1. Eisenberg Associates Insurance Agency agrees to immediately cease and desist from the conduct outlined in the Division’s November 17, 2016 correspondence.
2. Eisenberg Associates Insurance Agency agrees to pay a \$500.00 fine by December 16, 2016. Such check shall be made payable to the Commonwealth of

Massachusetts and returned, along with an original signed version of the instant settlement agreement, to:

Massachusetts Division of Insurance  
C/O Scott Peary, Chief Enforcement Counsel  
1000 Washington Street, Suite 810  
Boston, MA 02118

3. Except as expressly set forth in this Agreement, the failure of the Division at any time to require strict performance by Eisenberg Associates Insurance Agency of any terms, provisions, or conditions hereof shall in no way affect the right thereafter to enforce the same, nor shall the waiver by the Division of any breach of any of the terms, provisions, and conditions hereof be construed or deemed a waiver of any succeeding breach of any term, provision, or condition thereof.

4. In the event that the Division finds that there has been a breach of any provision of this Agreement, the Division may, in its discretion, pursue any and all legal remedies permitted by the Massachusetts insurance laws as well as any other appropriate law of the Commonwealth.

5. The provisions of this Agreement may be amended, modified, or expanded solely in writing by joint consent of the Division and Eisenberg.

SIGNED:

\_\_\_\_\_  
Richard Eisenberg  
Massachusetts  
Eisenberg Associates Insurance Agency

Dated: \_\_\_\_\_



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Commonwealth of  
Division of Insurance  
Scott Peary  
Chief Enforcement Counsel

Dated: November 17, 2016