

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
LIEUTENANT GOVERNOR

MICHAEL KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI
UNDERSECRETARY

GARY D. ANDERSON
COMMISSIONER OF INSURANCE

Division of Insurance, Petitioner

v.

Saul Suster, Respondent

Docket No. E2019-04

Order on Petitioner's Motion for Summary Decision

On March 1, 2019, the Division of Insurance ("Division") filed an Order to Show Cause ("OTSC") against Saul D. Suster ("Suster"), who was licensed as a Massachusetts non-resident insurance producer on or about July 22, 2008. The OTSC seeks revocation of Suster's Massachusetts producer license on the grounds that he is subject to discipline pursuant to the provisions of M.G.L. c.175, §162R (a)(6) and (a)(9). In addition to revocation of Suster's license, the Division seeks orders that, among other things, require him to dispose of any insurance-related interests in Massachusetts and prohibit him from conducting business in the Commonwealth.

Suster filed no answer or other response to the OTSC. On June 10, 2019, the Division moved for entry of default and summary decision ("the Motion"). An order, entered on June 20, set a date for responding to the Motion and scheduled a hearing on the Motion for July 12, 2019. Robert Kelly, Esq. represented the Division in this matter. Neither Suster nor any person representing him attended the July 12 hearing. Mr. Kelly reported that he had not been contacted by Suster or any person purporting to represent him.

Finding of Default

According to the certificate of service submitted with the OTSC, the Division served the OTSC and Notice of Action on Suster by certified and regular first class United States mail addressed to him at the home and the business and mailing addresses shown on the Division's producer licensing records: 17000 N. Bay Road, Sunny Isles Beach, FL 33160 and

2700 W. Cypress Creek Road, Suite A110, Fort Lauderdale, FL 33309. The Division attached to the Motion photocopies of the unsigned receipts for certified mail indicating that the OTSC was not delivered to Suster at either address. It stated that the documents sent by both certified and regular mail were returned to the Division marked "Return to sender-unable to forward." M.G.L. c. 175, §174A provides that notice of disciplinary hearings required by G.L. c. 175, §162R is deemed sufficient when sent by registered mail to the last business or residence address of the licensee appearing on the records of the Commissioner [of Insurance].¹ I conclude that service of the OTSC on Suster was achieved in compliance with that statutory requirement.

The Motion is grounded on Suster's failure to answer or otherwise respond to the OTSC. I find that Suster's failure to answer the OTSC or to respond to the Motion, and his failure to appear at the hearing warrant a finding that he is in default. By his default, Suster has waived his right to proceed further with an evidentiary hearing in this case and I may consider the Motion based on the record.

The record in this proceeding consists of the OTSC, the Motion, and the exhibits attached to them. The exhibits to the OTSC consist of copies of the following documents: 1) an Order from the Chief Financial Officer of the state of Florida temporarily suspending Suster's insurance license in that state; 2) a judgment in *United State of America v. Saul Daniel Suster*, United States District Court for the Southern District of Florida, No. 17-60286-CR-Bloom-002; 3) Order from the Mississippi Insurance Department revoking Suster's Mississippi nonresident insurance producer license; 4) Order from the Insurance Commissioner of the State of Washington revoking Suster's Washington nonresident producer license; 5) Order from the Vermont Department of Financial Regulation revoking Suster's Vermont non-resident producer license; 6) Order from the California Department of Insurance revoking Suster's California nonresident producer license; 7) Order from the South Dakota Division of Insurance revoking Suster's South Dakota producer license.

Findings of Fact

Based on my review of the record, I make the following findings of fact.

1. The Division first licensed Suster as a non-resident insurance producer on or about July 22, 2008.

¹ . Registered, for purposes of this section, includes certified mail.

2. At that time, Suster was licensed as a resident insurance producer by the State of Florida.
3. By order dated February 20, 2018, Florida suspended Suster's insurance producer license.
4. As of February 20, Suster was not in good standing in Florida and therefore no longer eligible to hold a Massachusetts non-resident producer license.
5. On May 23, 2018, a judgment entered in a criminal case in which Suster was a named defendant indicating that he had pleaded guilty to conspiracy to commit wire and mail fraud in violation of 18 U.S.C. §1349.
6. By order dated May 3, 2018, the Mississippi Insurance Department revoked Suster's Mississippi producer license.
7. By order dated May 31, 2018, effective June 15, 2018, the State of Washington Insurance Commissioner revoked Suster's non-resident producer license.
8. By order dated July 10, 2018, Vermont revoked Suster's producer license.
9. By order dated July 10, 2018, California revoked Suster's producer license.
10. By order dated July 12, 2018, the South Dakota Division of Insurance revoked Suster's producer license.

Analysis and Discussion

801 CMR 1.01(7) (h) permits a party to move for summary decision when, in its opinion, there is no genuine issue of fact relating to a claim and it is entitled to prevail as a matter of law. Suster has not contested the factual allegations in the OTSC or offered any defense to the Division's claims for relief. M.G. L. c. 175, §§162G through 162X set out, among other things, the requirements for obtaining and maintaining a Massachusetts insurance producer license. Section 162R (a) specifies fourteen grounds on which the Commissioner may suspend or revoke a producer's license.

As grounds for revocation of Suster's license, the Division relies on §162R (a)(6) and (a)(9). Subsection (a)(6), in relevant part, permits disciplinary action for being convicted of a felony; (a)(9) permits disciplinary action if another jurisdiction has suspended or revoked an insurance producer's license. The first claim in the OTSC asserts that Suster's license should be revoked as a result of the suspension of his Florida license and the revocation of his license in Mississippi, the State of Washington, Vermont, California and South Dakota. The orders from those six jurisdictions support revocation of Suster's license pursuant to §162R (a)(9). The second claim in the OTSC seeks revocation on the ground that he pleaded guilty to a felony; as support for that claim, the Division attached Exhibit B, documentation from the

United States District Court for the Southern District of Florida. I find that Suster's license should be revoked for the reasons permitted in §162R (a)(6) and (a)(9).

ORDERS

Accordingly, after due notice, hearing and consideration it is

ORDERED: That any and all insurance producer licenses issued to Saul D. Suster by the Division are hereby revoked; and it is

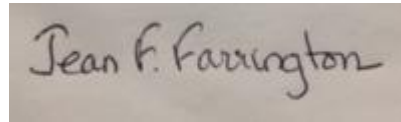
FURTHER ORDERED: that Saul D. Suster shall return to the Division any licenses in his possession, custody or control; and it is

FURTHER ORDERED: that Saul D. Suster shall cease and desist from the conduct that gave rise to this Order to Show Cause; and it is

FURTHER ORDERED: that Saul D. Suster, from the date of this order, is prohibited from directly or indirectly transacting any insurance business or acquiring, in any capacity whatsoever, any insurance business in the Commonwealth of Massachusetts; and it is

FURTHER ORDERED: that Saul D. Suster shall comply with the provisions of G. L. c. 175, §166B and dispose of any and all interests in Massachusetts as a proprietor, partner, stockholder, officer or employee of any licensed insurance producer.

This decision has been filed in the office of the Commissioner of Insurance this 17th day of June 2020.. A copy shall be sent to Suster by electronic mail at the address on the Division's records.



Jean F. Farrington
Presiding Officer

Pursuant to M.G.L. c. 26, §7, this decision may be appealed to the Commissioner of Insurance.