

No. 2017- 5164

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUL 3 1 2017

Subject Considered:

MICHAEL NIEL GOLDBERG
4210 Spicewood Springs Road, Suite 203
Austin, Texas 78759

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10184

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against Michael Niel Goldberg.

WAIVER

Goldberg acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Goldberg waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

1. Michael Niel Goldberg, individual identification no. 48302, holds a general lines agent license with a property and casualty qualification and a life, accident, and health qualification, originally issued by the Texas Department of Insurance on May 13, 1987.
2. Goldberg began doing business as Goldberg and Associates in 1996. On June 6, 2017, Goldberg submitted an application for a general lines agency license for the corporation Mike Goldberg and Associates, Inc. He has also submitted a form LDTL to register the name Goldberg and Associates as the dba for Mike Goldberg and Associates, Inc.
3. Goldberg hired Jeffrey Steven Ault, individual identification no. 1333848, on October 11, 2010, as an agent at Goldberg and Associates. Although Ault was not licensed by the department at the time, Goldberg claims he believed Ault was a licensed agent at the time he hired Ault.

4. From October 11, 2010, to June 11, 2014, Ault engaged in the business of insurance without a license. His activities included quoting, soliciting, and issuing policies.
5. The department issued Ault a life agent license with a life agent/agency qualification on June 12, 2014.
6. Goldberg hired Andrew Circosta, individual identification no. 727724, on April 20, 2015, as an agent and sales manager at Goldberg and Associates. Circosta had been previously licensed by the department but his license expired on March 7, 2011, due to failure to renew.
7. From April 20, 2015, to December 2, 2015, Circosta engaged in the business of insurance without a license. His activities included quoting, soliciting, and issuing policies.
8. The department issued Circosta a general lines agent license with a life, accident, and health qualification on December 3, 2015.
9. Goldberg agrees to comply with all licensing laws moving forward including confirming that anyone engaging in the business of insurance in his office is licensed.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001-82.056, 84.021-84.022, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Goldberg willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1), as contemplated by TEX. INS. CODE § 4005.102.
4. Goldberg violated TEX. INS. CODE §§ 101.102, 4001.101, 4054.051, and 4054.301 when he allowed two employees to engage in acts constituting the business of insurance without holding the proper licenses.

It is ordered that Michael Niel Goldberg pay a \$5,500 administrative penalty within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

2017- 5164

COMMISSIONER'S ORDER

Michael Niel Goldberg

Page 3 of 4

It is ordered that a general lines agency license is granted to Mike Goldberg and Associates, Inc., dba Goldberg and Associates.



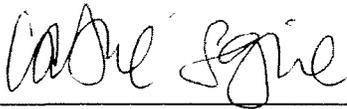
Kevin Brady

Deputy Commissioner For Agency Affairs

Texas Department of Insurance

Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Cassie Tighe

Staff Attorney

Enforcement Section

Texas Department of Insurance

2017- 5164

Affidavit

STATE OF Texas

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COUNTY OF Travis

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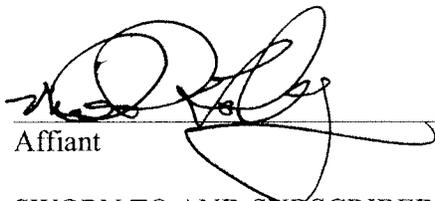
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Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

“My name is Michael Niel Goldberg. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

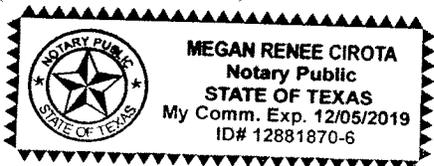
I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the State of Texas.”

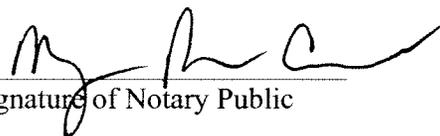


Affiant

SWORN TO AND SUBSCRIBED before me on this 14 day of July, 2017.

(NOTARY STAMP)





Signature of Notary Public