

**Oren Nirenberg**  
**Registration Number: R8736**  
**Scarborough, Ontario**

**HEARING DATE: May 28, 2009**

**MISCONDUCT: Ont. Reg. 991, ss. 14(1) and 14(13)**

**PARTICULARS OF THE COMPLAINT:**

An E & O carrier entered into a contract with Oren Nirenberg & Oren Nirenberg & Associates Insurance Brokers Inc. (hereinafter referred to as "Oren Nirenberg & Associates") to place Professional Liability insurance for the brokerage with another insurance company effective June 6, 2002. Policy Number CEO 100525 was issued and continued until cancelled but had to be renewed on June 6, 2003 at a premium of \$4,536. The renewal certificate was sent to the brokerage via courier on May 30, 2003. The policy continued on past the June 6, 2004 expiry date and was cancelled by registered letter effective July 18, 2004.

Effective January 1, 2005, the brokerage joined with another brokerage. The premiums of \$4,536 and \$522 were not paid. The E & O carrier addressed the matter in small claims court and received a judgment on September 26, 2007. As of the date of this report, the amount remains unpaid.

Mr. Nirenberg alleges that the E & O carrier did not invoice this amount between June 30, 2003 and March 24, 2005. In his letter of response to RIBO dated October 29, 2007, there is no denial that Oren Nirenberg was a broker operating Oren Nirenberg & Associates and as such would be required to maintain a Professional Liability policy. His books and records would also indicate that a premium for the time in question would not have been paid and therefore, whenever invoiced for the amount, would be obligated to pay it. A representative of the E & O carrier did render an explanation that it was an oversight on their behalf but once it came to light that the amount had not been invoiced, they approached Mr. Nirenberg on many occasions with respect to making the payment before reporting the incident to RIBO.

**DISCIPLINE COMMITTEE'S DISPOSITION WITH REASONS:**

The Discipline Committee agreed that the June 6, 2003 renewal policy for Oren Nirenberg & Associates E & O coverage through their E & O carrier was in force, and Mr. Oren Nirenberg knew that the policy was in force and coverage was continuing.

The Committee further agrees that Mr. Nirenberg should have known that the premium was due and the fact that the bill was late coming in does not excuse payment.

The Committee acknowledges that Mr. Nirenberg is an experienced broker and feels that he was trying to benefit from an oversight in the billing and was not acting with integrity and good faith towards the E & O carrier.

The Committee finds that the allegations contained in the Direction have been proven and finds that Oren Nirenberg is guilty of misconduct as alleged therein, and ordered:

- (a) that the Certificate of Registration of Oren Nirenberg be and is hereby suspended for sixty (60) days commencing June 5, 2009.
- (b) That a recommendation be made to the Qualification and Registration Committee that the Certificate of Registration of Oren Nirenberg continue to be restricted to acting under supervision for five (5) years commencing from the date of this Order.
- (c) That Oren Nirenberg cannot apply to remove the restriction for a period of not less than five (5) years of the date of this Order.
- (d) That a recommendation be made to the Qualification and Registration Committee that Oren Nirenberg take and pass the Unrestricted Management and Technical exams prior to removing the restriction.