

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceedings by the Commissioner of)
Banking and Insurance, State of New Jersey,) **CONSENT ORDER**
to fine, revoke, and/or suspend the)
insurance producer license of)
Mordechai Rubin, Ref. No. 1142128)

TO: Mordechai Rubin
390 Berry Street
Brooklyn, NY 11211

Mordechai Rubin
58 Whispering Pines Lane
Lakewood, NJ 08701

This matter, having been opened to the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, in Order to Show Cause No. E15-63, upon information that Mordechai Rubin, formerly licensed as a nonresident individual insurance producer pursuant to N.J.S.A. 17:22A-34 until April 30, 2013 when his license expired, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent Rubin is subject to the provisions of the New Jersey Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq. (“Producer Licensing Act”), Trade Practices and Discriminations Act, N.J.S.A. 17B:30-1 et seq., and the rules governing same; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40d, the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Producer Licensing Act against any person, even if the person’s license or registration has been surrendered or has lapsed by operation of law; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(2), an insurance producer shall not violate any insurance law, regulation, subpoena, or order of the Commissioner; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(8), an insurance producer shall not use fraudulent, coercive or dishonest practices, or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22A-45a, the Commissioner shall have the power to conduct investigations, to administer oaths, to interrogate licensees and other, and to issue subpoenas to any licensee or any other person in connection with any investigation, hearing, or other proceeding pursuant to the Producer Licensing Act, without fee; and

WHEREAS, pursuant to N.J.S.A. 17B:30-2, no person shall engage in this State in any trade practice which is defined in this chapter as or determined pursuant to this chapter to be an unfair method of competition or an unfair or deceptive act or practice in the business of life insurance, health insurance, or annuity; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.8, an insurance producer shall reply, in writing, to any inquiry of the New Jersey Department of Banking and Insurance (“DOBI”) relative to the business of insurance within the time requested in said inquiry, or no later than fifteen calendar days from the date the inquiry was made or mailed in cases where no response time is given; and

IT APPEARING, that between the fall of 2008 and July 2009, Respondent Rubin spoke with T.C., a New Jersey resident, regarding obtaining a life insurance policy; and

IT FURTHER APPEARING, that, on or around July 15, 2009, Respondent Rubin completed and submitted to Lincoln Benefit Life Company (“Lincoln Benefit”) an Application for Life Insurance containing untrue, deceptive, and/or misleading financial information, seeking to obtain a \$1.5 million life insurance policy for T.C., in that the application submitted to Lincoln Benefit

falsely stated that T.C. had a total net worth of \$5,775,000, and that T.C. had unearned income of \$475,000 for the two years prior to the application; and

IT FURTHER APPEARING, that Lincoln Benefit denied the life insurance policy application for T.C. submitted by Respondent Rubin because it did not meet Lincoln Benefit's underwriting guidelines; and

IT FURTHER APPEARING, that Respondent Rubin failed to respond to DOBI's letters dated December 18, 2012 and January 22, 2013, which inquired into the false life insurance application of T.C. submitted by Respondent Rubin to Lincoln Benefit; and

IT FURTHER APPEARING, that Respondent Rubin was in violation of N.J.S.A. 17:22A-40a(2), and (8); N.J.S.A. 17B:30-2, and 17B:30-15; and N.J.A.C. 11:17A-4.8; and

IT FURTHER APPEARING, cause does exist under N.J.A.C. 11:17D-1.1 et seq. and 11:17D-2 et seq. to permanently revoke Respondent Rubin's insurance producer license and to impose fines against Respondent Rubin; and

IT FURTHER APPEARING, that Respondent Rubin has waived his right to a hearing before the Office of Administrative Law on the violations and consents to the permanent revocation of Respondent Rubin's insurance producer license and to the payment of a civil penalty totaling \$2,500.00, for violations of the Producer Licensing Act, Trade Practices and Discriminations Act, and the rules governing same; and

IT FURTHER APPEARING, that this matter should be resolved upon the consent of the parties without resort to a formal hearing on the aforementioned violations; and

IT FURTHER APPEARING, that good cause exists to enter into this Consent Order; and

NOW, THEREFORE, IT IS on this 14th day of December, 2016

IT IS ORDERED AND AGREED, that Respondent Rubin's insurance producer license is hereby permanently REVOKED; and

IT IS FURTHER ORDERED AND AGREED, that Respondent Rubin shall pay a civil penalty in the amount of \$2,500 for the violations of the Producer Licensing Act, Trade Practices and Discriminations Act, and the rules governing same, admitted to herein; and

IT IS FURTHER ORDERED AND AGREED, that any future violations of the Producer Licensing Act by Respondent Rubin shall be considered a second or subsequent violation; and

IT IS FURTHER ORDERED AND AGREED, that said civil penalty totaling \$2,500.00 shall be paid by certified check, cashier's check, or money order made payable to the "State of New Jersey, General Treasury," due and payable immediately upon the execution of this Consent Order by Respondent Rubin; and

IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order together with the payment of \$2,500.00 shall be remitted to:

Adam B. Masef, Deputy Attorney General
State of New Jersey, Division of Law
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represents a final agency decision and constitutes final resolution of the violations contained herein against Respondent Rubin.



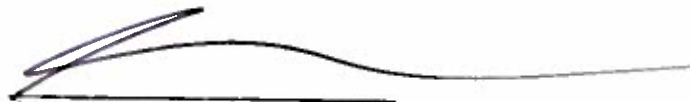
Peter L. Hart
Director of Insurance

Consented to as to
Form, Consent and
Entry:



Mordechai Rubin, Respondent


Date: 11/30/16



Ira S. Lipsius, Esq.
Attorney for Mordechai Rubin

Date: 12/5/16

Date: 12/6/16



Adam B. Masef, DAG
Attorney for the New Jersey
Department of Banking and Insurance