

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, to fine ) CONSENT  
the insurance producer license of Kim M. Fatzer, ) ORDER  
Reference No. 1550076 )

To: Kim M. Fatzer  
19 Alize Drive  
Kinnelon, NJ 07405

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Kim M. Fatzer (“Respondent”), currently licensed as a resident insurance producer, pursuant to N.J.S.A. 17:22A-32, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, the Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq.; 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 or of another state’s insurance regulator; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (5), an insurance producer shall not intentionally misrepresent the terms of an actual or proposed insurance contract, policy or application for insurance; 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 in this State or elsewhere; and

WERERAS, a New Jersey business by the name of RJF entered into an arrangement with the American Family Assurance Company of Columbus ("AFLAC") which permitted eligible employees of RJF to purchase insurance from AFLAC with premiums to be paid through payroll deductions; and

WHEREAS, the Respondent, on or about August or September, 2015, caused, permitted or was otherwise responsible for submitting two applications to AFLAC that falsely stated that the two applicants were employees of RJF, knowing that they were not eligible employees of RJF, in violation of N.J.S.A. 17:22A-40a (2), (5) and (8); and

IT FURTHER APPEARING, that the Respondent:

- 1) Has admitted responsibility for the aforementioned violation; and
- 2) Has cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance ("Department"); and

WHEREAS, cause does exist under N.J.S.A. 17:22A-40a and N.J.S.A. 17:22A-45c, to impose a fine; and

WHEREAS, the Respondent has waived her right to a hearing on the aforementioned violations and has consented to the payment of a fine in the amount of \$5,000.00; and

WHEREAS, this matter should be resolved upon the consent of the Parties without resort to a formal hearing;

NOW, THEREFORE, IT IS on this 18<sup>th</sup> day of APRIL, 2017

ORDERED AND AGREED, that the Respondent pay a fine in the amount of \$5,000.00 to the Department; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury" with an initial payment of \$200.00 due and payable immediately upon the execution of this Consent Order by the Respondent and twenty-four (24) subsequent monthly payments of \$200.00 due and payable on the 15th of each month until paid in full; and

IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order together with the first installment payment of \$200.00 and each subsequent monthly installment payment shall be remitted to:

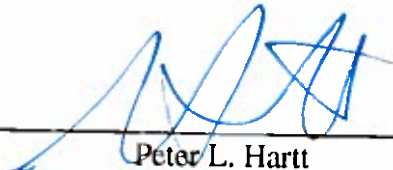
New Jersey Department of Banking and Insurance  
Attention: Virgil Downtin- Chief of Investigations  
9<sup>th</sup> Floor, Consumer Protection Services, Enforcement  
P.O. Box 329  
Trenton, New Jersey 08625

and

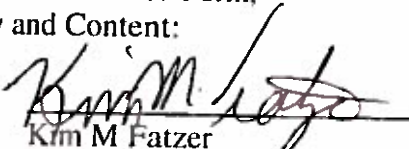
IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the fine is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to, recovery of any unpaid penalties in summary proceedings, in accordance with the penalty enforcement law, N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that the Respondent shall cease and desist from engaging in the conduct that gave rise to this Consent Order.

  
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Peter L. Hart  
Director of Insurance

Consented to as to Form,  
Entry and Content:

By:   
Kim M Fatzer

Date: 4/12/17





MARIA V. ZACCHINO  
Commission # 2310873  
Notary Public, State of New Jersey  
My Commission Expires  
January 29, 2019