

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, suspend,)
and/or revoke the insurance)
producer license of Rosa M.)
Tavares, Reference No. 9583570,)

ORDER TO SHOW CAUSE

TO: Rosa M. Tavares
12 Park Drive
Cranford, New Jersey 07016

THIS MATTER, having been opened to the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Rosa M. Tavares ("Tavares" or "Respondent"), licensed as a resident individual insurance producer pursuant to N.J.S.A. 17:22A-26 et seq., may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Tavares 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 or regulation; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(7), an insurance producer shall not be found to have committed insurance fraud; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(16), an insurance producer shall not commit any fraudulent act; and

COUNT 1

IT APPEARING THAT on January 23, 2009, Tavares signed a Stipulation of Settlement with the Office of the Insurance Fraud Prosecutor wherein she admitted that she violated the New Jersey Insurance Fraud Prevention Act by making false and/or misleading statements to Horizon Blue Cross Blue Shield of New Jersey in her claim for benefits under her health insurance policy.

IT FURTHER APPEARING THAT Tavares agreed to payment of a civil penalty pursuant to N.J.S.A. 17:33A-1 et seq. in the amount of \$5,000.00, and reimbursement of the State's attorneys fees in the amount of \$3,100.00.

IT FURTHER APPEARING THAT Tavares's above described acts in violation of N.J.S.A. 17:33A-1 et seq., New Jersey Insurance Fraud Prevention Act, also constitute violations of N.J.S.A. 17:22A-40a(2)(7) and (16); and

NOW, THEREFORE, IT IS on this 3rd day of February , 2010

ORDERED that pursuant to the provisions of N.J.S.A. 17:22A-40a, Respondent shall appear and show cause why her insurance producer license shall not be revoked by the Commissioner; and it is further

ORDERED that Respondent appear and show cause why the Commissioner should not assess fines up to \$5,000.00 for the first

violation and not exceeding \$10,000.00 for each subsequent violation, pursuant to the provisions of N.J.S.A. 17:22A-45c, due to her failure to comply with New Jersey's insurance laws and regulations; and it is further

ORDERED that Respondent appear and show cause why she should not be subject to additional penalties, including reimbursement of the costs of investigation and prosecution by the Department of Banking and Insurance; and

IT IS PROVIDED that Respondent has the right to request an administrative hearing, to be represented by counsel or other qualified representative, at her own expense, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued and to present evidence or argument if a hearing is requested; and

IT IS FURTHER PROVIDED that, unless a request for a hearing is received within twenty (20) days of the service of this Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by the Respondent and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Thomas F. Ritardi, Manager of Enforcement, Department of Banking and Insurance, P.O. Box 329, Trenton, N.J. 08625 or by faxing the request to the Department at (609) 292-5337. The request shall contain:

- (A) The licensee's name, address, and daytime telephone number;
- (B) A statement referring to each charge alleged in this Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on facts not contained in the Order to Show Cause, those specific facts must be stated;
- (C) A specific admission or denial of each fact alleged in this Order to Show Cause. Where the Respondent has no specific knowledge regarding a fact alleged in this Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and
- (D) A statement requesting a hearing.

William G. Rader

William G. Rader
Acting Commissioner