

**STATE OF NEW JERSEY**  
**DEPARTMENT OF BANKING AND INSURANCE**  
**BUREAU OF FRAUD DETERRENCE**



**CONSENT ORDER NO. 15-52658-35**

In the Matter of	)	<b>CONSENT ORDER</b>
Diego Capellan	)	
49 Sherman Place, Fl. 1	)	
Jersey City, New Jersey 07307	)	
Respondent.	)	

THIS MATTER having been opened by the Bureau of Fraud Deterrence, Department of Banking and Insurance of the State of New Jersey, upon information indicating that Respondent, Diego Capellan, currently residing at 49 Sherman Place, Fl. 1, Jersey City, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4, and

WHEREAS, Respondent, Diego Capellan, knowingly caused a material misrepresentation to be made to Progressive Insurance Company on June 11, 2015, by falsely reporting the time of loss in order to secure insurance coverage for a watercraft that had already suffered a loss prior to the effective time of coverage. Specifically, Respondent, Diego Capellan, caused the time of loss for the watercraft to be falsely reported as occurring on June 10, 2015 between 5:00 p.m. and 6:00 p.m., when, in fact, the loss had already taken place several hours earlier on June 10, 2015 before the policy was obtained, and

WHEREAS, the above conduct constitutes a violation of N.J.S.A. 17:33A-1 et seq., and any future violation of N.J.S.A. 17:33A-1 et seq., shall be considered to be a second offense; and

WHEREAS, Respondent has been informed that he has a right to notice and to request a hearing, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), on the violation alleged herein before a civil and administrative penalty is imposed, and

WHEREAS, Respondent understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter, and

WHEREAS, Respondent consents to pay a civil administrative penalty in the amount of \$5,000.00, and surcharge in the amount of \$250.00, the total amount of \$5,250.00 being due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance". This signed order and the payment shall be returned to Managing Investigator, Michael Palumbo, Bureau of Fraud Deterrence, Department of Banking and Insurance, PO Box 326, Trenton, NJ 08625; and

WHEREAS, the penalties of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding, and

IT FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Bureau of Fraud Deterrence desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS ON THIS 14 day of June, 2016,

ORDERED AND AGREED as follows:

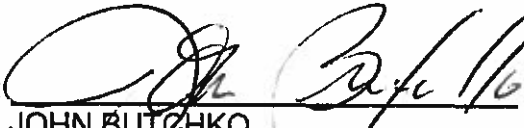
1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$5,000.00 is imposed on Respondent, Diego Capellan.
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is \$250.00, such amount to be in addition to the civil administrative penalty.
3. This Consent Order shall not be binding until it is signed by the Chief of Investigations, Bureau of Fraud Deterrence.

4. Respondent consents to the entry of this final administrative order.

Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).

RICHARD J. BADOLATO  
ACTING COMMISSIONER  
DEPARTMENT OF BANKING AND INSURANCE

By:

  
\_\_\_\_\_  
JOHN BUTCHKO  
CHIEF OF INVESTIGATIONS  
BUREAU OF FRAUD DETERRENCE

CONSENTED TO AS TO FORM, CONTENT  
AND ENTRY OF ORDER:

  
\_\_\_\_\_  
Diego Capellan, Respondent

Dated: \_\_\_\_\_

6/2/16