

23C-412C

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



**CONSENT ORDER NO. 23-52022-21**

In the Matter of	)	<b>CONSENT ORDER</b>
Marvin Martinez-Avelino	)	
35 3 <sup>rd</sup> Street	)	
East Brunswick, New Jersey 08816	)	
and		
Express Cleaning Facility Services	)	
35 3 <sup>rd</sup> Street	)	
East Brunswick, New Jersey 08816	)	
Respondents.	)	

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 Respondents, Marvin Martinez-Avelino, dba, Express Cleaning Facility Services , both conducting business at 35 3<sup>rd</sup> Street, East Brunswick, New Jersey 08816, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondents, Marvin Martinez-Avelino, dba, Express Cleaning Facility Services, did knowingly provide materially false and misleading information to the Progressive Group of Insurance Companies on a commercial automobile insurance application dated October 21, 2022 by failing to add himself as a rated driver of the policy vehicle(s); and

WHEREAS, the above conduct constitutes multiple violations 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 subsequent offense; and

WHEREAS, Respondents have been informed that they have 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, Respondents understand these rights and have voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondents consent to pay, jointly and severally, a civil administrative penalty in the amount of \$1,500.00, and surcharge in the amount of \$75.00 against Marvin Martinez-Avelino, Individually, and surcharge in the amount of \$75.00 against Express Cleaning Facility Services, Individually, the total amount of \$1,650.00 being due immediately by certified check, bank check or money order made payable to the "Acting Commissioner, Department of Banking and Insurance". This signed order and the payment shall be returned to Managing Investigator, Michael I. Palumbo, Bureau of Fraud Deterrence, Department of Banking and Insurance, PO Box 326, Trenton, New Jersey 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 Respondents 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 22<sup>nd</sup> day of November 2023,  
ORDERED AND AGREED as follows: RS November 2023  
RS RS

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$1,500.00 is imposed on Respondents, Marvin Martinez-Avelino, dba, Express Cleaning Facility Services, jointly and severally.
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondents shall each pay to the Acting Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent

of the settlement amount, which is \$75.00 each, 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 Assistant Commissioner, Bureau of Fraud Deterrence.

4. Respondents consent to the entry of this final administrative order. Respondents understand 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:58-10 et seq.).

JUSTIN ZIMMERMAN  
ACTING COMMISSIONER  
DEPARTMENT OF BANKING AND INSURANCE

By: Richard Besser  
RICHARD BESSER  
ASSISTANT COMMISSIONER  
BUREAU OF FRAUD DETERRENCE

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

Marvin Martinez-Avelino  
Marvin Martinez-Avelino, Respondent

10/28/2023  
Dated:

Marvin Martinez-Avelino  
Express Cleaning Facility Services, Respondent  
By: Marvin Martinez-Avelino

10/28/2023  
Dated: