

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 public adjuster)
licenses of John Marcondes, Reference No.)
1216605)
_____)

ORDER TO SHOW CAUSE

TO: John Marcondes
1629 Northstream Pkwy
Point Pleasant Boro, NJ 08742

THIS MATTER, having been opened by the Commissioner of the New Jersey Department of Banking and Insurance (the “Department”), State of New Jersey, upon information that John Marcondes (“Respondent”), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent is currently licensed as a public adjuster pursuant to N.J.S.A. 17:22B-5; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Public Adjusters’ Licensing Act, N.J.S.A. 17:22B-1 to -20 (“Public Adjusters’ Act”) and the regulations governing the licensing of public adjusters, N.J.A.C. 11:1-37.1 to -37.19; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14(a)(1), and N.J.A.C. 11:1-37.14(a)(1), a public adjuster shall not violate any provision of the insurance laws, including any rules

promulgated by the Commissioner, or violate any law in the course of his or its dealings as an adjuster; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14(a)(3) and N.J.A.C. 11:1-37.14(a)(3), a public adjuster shall not commit any fraudulent or dishonest act; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14(a)(4) and N.J.A.C. 11:1-37.14(a)(4), no public adjuster shall demonstrate their incompetency, lack of integrity, bad faith, dishonesty, financial irresponsibility, or untrustworthiness to act as a public adjuster; and

WHEREAS, pursuant to N.J.A.C. 11:1-37.14(a)(17), the Commissioner may suspend or revoke the license of a public adjuster if the licensee has committed any other act, or omission which the Commissioner determines to be inappropriate conduct by a licensee of this State; and

WHEREAS, pursuant to N.J.S.A. 17:22B-17 and N.J.A.C. 11:1-37.14(b), any person violating any provision of the Public Adjusters' Act shall, in addition to any other sanctions provided by law, be liable for a civil penalty of not more than \$2,500 for the first offense and not more than \$5,000 for the second and each subsequent offense; and

FACTUAL ALLEGATIONS

IT APPEARING, that Respondent became a licensed public adjuster in the State of New Jersey on or about November 1, 2009; and

IT FURTHER APPEARING, that Respondent was the owner of State Wide Adjusters, LLC ("Statewide"); and

IT FURTHER APPEARING, that "J.V." was the owner of Journeyman Construction ("Journeyman"); and

IT FURTHER APPEARING, that J.V. and Respondent did business together, under their companies Journeyman and Statewide, respectively; and

IT FURTHER APPEARING, that Statewide paid Journeyman for services rendered over the course of several years, in the form of handwritten checks; and

IT FURTHER APPEARING, that Respondent was the only one that handles checks and payments on behalf of Statewide; and

IT FURTHER APPEARING, that J.V. became a public adjuster at some point in 2018; and

IT FURTHER APPEARING, that according to a November 7, 2019 interview with J.V., Respondent and J.V. were competing for adjusting business; and

IT FURTHER APPEARING, that on or about October 4, 2019, the Commissioner received a complaint from “J.L.,” a licensed public adjuster, against her employer, J.V. The complaint was signed and dated May 1, 2019 (“Complaint”); and

IT FURTHER APPEARING, that on or about October 24, 2019, J.L. denied writing the Complaint; and

IT FURTHER APPEARING, that on October 24, 2019, J.L. provided the Department with a handwriting sample; and

IT FURTHER APPEARING, that on October 26, 2019, Handwriting Expert, LLC determined that the checks issued by Statewide to Journeyman contained the same handwriting as the Complaint that was filed with the Department; and

IT FURTHER APPEARING, that Respondent filed a false Complaint against J.V. and forged J.L.’s signature on the Complaint filed with the Department; and

COUNT ONE

IT FURTHER APPEARING, that Respondent filed a false Complaint against J.V. and forged J.L.'s signature on the Complaint filed with the Department, in violation of N.J.S.A. 17:22B-14(a)(1), (3), and (4), and N.J.A.C. 11:1-37.14(a)(1), (3), (4), and (17); and

NOW, THEREFORE, IT IS on this 23 day of March, 2022:

ORDERED, that Respondents shall appear and show cause why their public adjuster licenses shall not be suspended or revoked by the Commissioner pursuant to the provisions of N.J.S.A. 17:22B-14(a); and

IT IS FURTHER ORDERED, that Respondents shall appear and show cause why the Commissioner should not assess a civil penalty of up to \$2,500.00 for the first violation and not exceeding \$5,000.00 for each subsequent violation of the Public Adjusters' Act, pursuant to the provision of N.J.S.A. 17:22B-17; and

IT IS FURTHER ORDERED, that Respondents shall appear and show cause why the Commissioner should not order restitution and reimbursement of the costs of the investigation and prosecution by the Department in accordance with N.J.S.A. 17:22B-17; and

IT IS PROVIDED, that Respondents have the right to request an administrative hearing, to be represented by counsel or other qualified representative, at their own expense, to take testimony, to call or cross-examine witnesses, to have subpoenas issued and subpoenas 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 Respondents and the Commissioner shall dispose of this matter in accordance with the law. A hearing may be requested by mailing the request to Virgil

Dowtin, Chief of Investigations, Department of Banking and Insurance, P.O. Box 329, Trenton, New Jersey 08625, or by faxing the hearing request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Telge N. Peiris, Banking and Insurance Section, R.J. Hughes Justice Complex, 25 Market Street, P.O. Box 117, Trenton, NJ 08625-0117. The request shall contain the following:

- (a) Respondent's full 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 the 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.



Marlene Caride
Commissioner