

thereunder, N.J.A.C. 11:16-1.1 to -7.10, and the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 to 11:17D-2.8; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(d), the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Producer Act and Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes against any person who is under investigation for or charged with a violation of the Producer Act or Title 17 of the Revised Statutes of Title 17B of the New Jersey Statutes even if the person's license or registration has been surrendered or has lapsed by operation of law; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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-40(a)(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-40(a)(8), an insurance producer shall not use fraudulent, coercive or dishonest practices, or demonstrate in incompetence, untrustworthiness or financial irresponsibility in the conduct of insurance business in this State or elsewhere; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(10), an insurance producer shall not forge another's name to an application for insurance or to any document related to an insurance transaction; and

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

WHEREAS, pursuant to N.J.A.C. 11:17A-4.2, in cases where an applicant's signature is required, an insurance producer who takes an application for insurance shall be required to witness the signature of the prospective insured on the application prior to the submission of the application to the insurer only when the application is signed by the applicant after having been completed in a face to face meeting between the producer and the prospective insured; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a), the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license for violating the Producer Act; and

WHEREAS, pursuant to N.J.S.A. 17:33A-4a(3), no person shall conceal or knowingly fail to disclose the occurrence of any event which affects any person's initial or continued right or entitlement to (a) any insurance benefit or payment or (b) the amount of any benefit or payment to which the-person is entitled; and

WHEREAS, pursuant to N.J.S.A. 17:33A-4(a)(4)(b), no person shall prepare or make any written or oral statement. intended to be presented to any insurance company or producer for the purpose of obtaining an insurance policy, knowing that the statement contains any false or misleading information concerning any fact or thing material to an insurance application or contract; and

WHEREAS, at all relevant times, Respondent was employed as an Insurance Agent with Combined Insurance Company ("Combined"); and

WHEREAS, beginning on August 15, 2015 through October 11, 2016, Respondent submitted 17 insurance applications for Income Protector, Life, Accident Protector, Sickness Protector, Accident and Sickness Protector, and Sick Pay Plus to Combined for an individual, D.R.; and

WHEREAS, beginning on October 17, 2015 through January 21, 2016 Respondent submitted four insurance applications for Life, Accident Protector, Accident and Sickness Protector, and Sick Pay Plus to Combined for an individual, C.M.; and

WHEREAS, on October 17, 2015 and October 19, 2015, Respondent submitted two insurance applications for Life and Sick Pay Plus to Combined for an individual, D.F.; and

WHEREAS, Respondent submitted 23 insurance policy applications to Combined for three different individuals (D.R., C.M. and D.F.) for the purpose of obtaining an insurance policy, forged the signatures of the applicants on each application and intentionally included false or misleading information concerning a fact or thing material to the application in violation of N.J.S.A. 17:22A-40(a)(2), (5), (8), (16), and N.J.A.C. 11:17A-4.2; and

WHEREAS, Respondent submitted 23 insurance policy applications to Combined for three different individuals (D.R., C.M. and D.F.) for the purpose of obtaining an insurance policy, knowing that each application contained false or misleading information concerning a fact or thing material to the application in violation of N.J.S.A. 17:33A-4(a)(3) and -4(a)(4)(b); and

WHEREAS, Respondent:

- 1) Have admitted responsibility for the aforementioned violations; and
- 2) Have cooperated with the investigation conducted by the Department; and

WHEREAS, cause does exist under both N.J.S.A. 17:22A-45(c) and N.J.S.A. 17:33A-5(a) and (c) to impose a civil penalty; and

WHEREAS, cause does exist under N.J.S.A. 17:22A-40(a) to revoke Respondent's insurance producer license; and

WHEREAS, Respondent has waived his right to a hearing on the aforementioned violations and, for good cause shown, consented to both the revocation of his insurance producer license and

to the payment of a fine in the amount of \$7,204.50, which is inclusive of a civil penalty of \$5,000 pursuant to N.J.S.A. 17:33A-5(c) and N.J.S.A. 17:22A-45(c), \$950.00 in investigative costs pursuant to N.J.S.A. 17:22A-45(c), \$750.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5(c), \$250.00 Fraud Act surcharge pursuant to N.J.S.A. 17:33A-5.1, and \$254.50 in restitution pursuant to N.J.S.A. 17:22A-45(c) ("Settlement Amount"); and

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

NOW, THEREFORE, IT IS on this 19 day of July 2022,

IT IS ORDERED AND AGREED, that Respondent's insurance producer license with the State of New Jersey is hereby revoked; and

IT IS FURTHER ORDERED AND AGREED, that Respondent to date has paid \$5,352.35 of the Settlement Amount and that five (5) monthly installment payments of \$370.45 are due each month thereafter until the full fine amount is remitted to the Department; and

IT IS FURTHER ORDERED AND AGREED, that after the execution of the Consent Order by the Commissioner, Respondent shall remit the remaining balance of \$1,852.25 in five (5) monthly installments of \$370.45 until the fine amount has been paid in full, by certified check, official bank check, or money order, made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Rose V. McGill
Collections Department
Department of Banking and Insurance
20 West State Street, 10th Floor
P.O. Box 325
Trenton, New Jersey 08625

and

IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the civil penalty is not made in accordance with this Order, 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 to 12; and

IT IS FURTHER ORDERED AND AGREED, that the civil penalties in 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 is not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; 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;

Marlene Caride

Marlene Caride
Commissioner

Consented to as to Form,
Entry and Content:

By: *[Signature]*
John Kessler

Date SEP 17, 2021

[Signature]
Carlos Diaz Cobo, Esq.
Law Offices of Carlos Diaz-Cobo
(counsel for Respondent)

Date SEP. 17, 2021

MATTHEW J. PLATKIN

~~████████████████████~~
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: *[Signature]*
Telge N. Peiris
Deputy Attorney General

Date 4/19/2022