

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) **CONSENT ORDER**
revoke the insurance license of
Dennis McDine, Reference No.
9833952

TO: Dennis McDine
773 White Birch Road
Washington Township, New Jersey 07676-4233

THIS MATTER, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Dennis McDine ("Respondent"), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent was licensed as a resident insurance producer pursuant to N.J.S.A. 17:22A-32 until his license expired on June 30, 2014; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act, N.J.S.A. 17:22A-26 to -48 ("Producer Act"); 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 of 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)(8), an insurance producer shall not use fraudulent, coercive or dishonest business practices, or demonstrate 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)(16), an insurance producer shall not commit any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(18), an insurance producer shall notify the Commissioner within thirty days of his conviction of any crime, indictment, or the filing of any formal criminal charges; and

WHEREAS, pursuant to N.J.S.A. 17:22A-47(b), an insurance producer shall, within 30 days of the initial pretrial hearing date, report to the Commissioner any criminal prosecution of the prosecutor taken in any jurisdiction and said report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents; and

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

WHEREAS, pursuant to N.J.S.A. 17:22A-45(c), any person violating the Producer Act is subject to a penalty not exceeding \$5,000.00 for the first offense, and not exceeding \$10,000.00 for each subsequent offense; additionally the Commissioner may order restitution of moneys owned any person and reimbursement of costs of the investigation and prosecution, as appropriate; and

WHEREAS, the Commissioner issued Order to Show Cause E20-02 ("OTSC E20-02") on January 2, 2020, alleging violations of New Jersey insurance laws by Respondent as set forth in the following Counts:

COUNT 1

IT APPEARING, that on January 19, 2012, individual "G.J." and Respondent entered into a promissory note whereby G.J. tendered to Respondent the amount of \$100,000.00; and

IT FURTHER APPEARING, that in exchange for \$100,000.00, Respondent promised to pay G.J. the principal sum of \$100,000.00 together with interest at a rate of ten percent(10%); and

IT FURTHER APPEARING, that Respondent represented to G.J. that the collateral for the \$100,000.00 would be Respondent's purported ownership interest in a business known as Oscar Foods, Inc. with the alleged location of 152-154 Orange Street, Newark, New Jersey 07103; and

IT FURTHER APPEARING, that Respondent had no ownership interest in that business, which business then ceased to exist; and

IT FURTHER APPEARING, that the first interest payment was to be paid to G.J. on January 19, 2013 in the amount of \$10,000.00 and commencing on April 5, 2013 quarterly payments in the amount of \$7,608.78 were to be paid to G.J. in 16 quarterly payments; and

IT FURTHER APPEARING, that on January 19, 2013, Respondent failed to pay the \$10,000.00 as promised and also failed to pay any quarterly payments when they became due; and

IT FURTHER APPEARING, that Respondent, by making a false misrepresentation to G.J. that he had an ownership interest in Oscar Foods, Inc., which was to be used as collateral for the promissory note, and his failure to pay monies to G.J. as promised, violated N.J.S.A. 17:22A-40(a)(16); and

COUNT 2

IT FURTHER APPEARING, that after G.J.'s repeated demands to Respondent for the return of the \$100,000.00, which failed to result in any payment, G.J. filed a criminal complaint with the Bergen County Prosecutor's Office; and

IT FURTHER APPEARING, that on or about June 19, 2013, Respondent was indicted (Indictment No. S-1710-13) by the Bergen County Grand Jury on the charge of Second Degree Theft By Deception for unlawfully and purposely obtaining by deception property of G.J. with value in excess of \$75,000.00,, with the purpose of depriving G.J. of said property, in violation of N.J.S.A. 2C:20-4; and

IT FURTHER APPEARING, that on or about June 19, 2013, Respondent was arrested in connection with the Bergen County Superior Court criminal Indictment No. S-1710-13; and

IT FURTHER APPEARING, that the criminal charges against Respondent were dismissed upon his successful completion of the Pretrial Intervention Program; and

IT FURTHER APPEARING, that Respondent failed to notify the Commissioner within thirty days of his indictment or the filing of formal criminal charges against him, in violation of N.J.S.A. 17:22A-40(a)(2) and (18), and N.J.S.A. 17:22A-47(b); and

COUNT 3

IT FURTHER APPEARING, that from on or about May 20, 2004, until his license expired on June 30, 2014, Respondent was a licensed producer with the Lines of Authority for Accident, Health, Variable, and Life Insurance; and

IT FURTHER APPEARING, that from on or about May 20, 2004, until his license expired on June 30, 2014, Respondent was not a licensed producer with the Line of Authority for Property and Casualty Insurance; and

IT FURTHER APPEARING, that between the years 2005 and 2012, Respondent completed applications for Property and Casualty Insurance without the authority to do so; and

IT FURTHER APPEARING, that between the years 2005 and 2012, Respondent sold, solicited, or negotiated Property and Casualty Insurance business; and

IT FURTHER APPEARING, that although Respondent did not possess the required licensing authority to sell, solicit, or negotiate Property and Casualty Insurance, Respondent sold, solicited, or negotiated Property and Casualty Insurance policies in violation of N.J.S.A. 17:22A-40(a)(2) and (8), and N.J.S.A. 17:22A-29; and

WHEREAS, Respondent was given notice of the aforesaid allegations and an opportunity to contest them at a hearing; and

WHEREAS, on or about January 28, 2020, Respondent filed a Request for Hearing, and this matter was transmitted to the Office of Administrative Law as a contested matter; and

WHEREAS, the Department has withdrawn Count 3 of OTSC E20-02; and

WHEREAS, Respondent admits and takes responsibility for the violations of the above-cited statutes and regulations in Counts 1 and 2 of OTSC E20-02; and

WHEREAS, cause does exist under N.J.S.A. 17B:27B-16, pursuant to the provisions of N.J.S.A. 17B:27B-24, to impose a civil penalty against Respondent for the violations of the Act described in Counts 1 and 2 above; and

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

WHEREAS, Respondent has waived his right to a hearing on the
aforementioned violations in Counts 1 and 2; and

NOW, THEREFORE, IT IS on this 11th day of June, 2023,

IT IS ORDERED AND AGREED, that Respondent shall pay the sum
of \$2,500.00 in civil penalties to the Department of Banking and
Insurance for violating the Act; and

IT IS FURTHER ORDERED AND AGREED, that Respondent agrees not
to reapply with the New Jersey Department of Banking and Insurance
for an insurance producer license; and

IT IS FURTHER ORDERED AND AGREED, that any future violation
of the Act shall be considered a subsequent violation; and


IT IS FURTHER ORDERED AND AGREED, that the \$2,500 shall be
paid by wire transfer, certified check, cashier's check or money
order made payable to the "**Commissioner, New Jersey Department of
Banking and Insurance**" and the full amount shall be paid
immediately upon execution of this Consent Order by Respondent;
and

IT IS FURTHER ORDERED AND AGREED, that this signed Consent
Order, together with the payment of \$2,500.00, shall be remitted
to:

Chandra M. Arkema, Deputy Attorney General
State of New Jersey, Division of Law
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that Respondent shall cease and desist engaging in the conduct that gave rise to this Consent Order; and

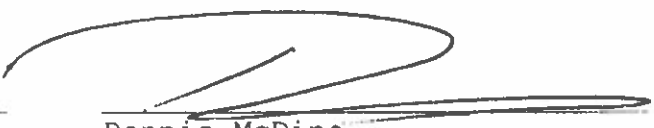
IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute final resolution of the violations contained herein.



Justin Zimmerman
Acting Commissioner

**Consented to as to
Form, Content and
Entry:**

Date: 4/29/2024



Dennis McDine
Respondent

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

Date: 5/21/2024

Chandra Arkema
Chandra M. Arkema
Deputy Attorney General
Attorney for the New Jersey
Department of Banking and
Insurance