

CONSENT ORDER No. E14-114

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)
insurance producer license of)
Evan B. Flynn Reference No.)
9828650)

CONSENT ORDER

TO: Evan B. Flynn, *pro se*
25 Lincoln Road
Pittsgrove, NJ
08318

THIS MATTER, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that EVAN B. FLYNN ("Flynn"), previously licensed as a resident individual insurance producer, pursuant to N.J.S.A. 17:22A-26 et seq., until the license expired on March 31, 2012, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act ("Producer Act"), N.J.S.A. 17:22A-26 et seq., and the New Jersey Life and

Health Insurance Guaranty Association Act, N.J.S.A. 17B:32A-1 et seq. ("Guaranty Act"); and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(2), an insurance producer shall not violate any insurance law, regulation, subpoena or order of the Commissioner; and

WHEREAS, pursuant to N.J.S.A. 17B:32A-17a, no person, including an insurer, agent or affiliate of an insurer or insurance producer shall make, publish, disseminate, circulate or place before the public or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the New Jersey Life and Health Insurance Guaranty Association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Guaranty Association Act;

WHEREAS, pursuant to N.J.S.A. 17:22A-45c, any person violating any provisions of the Producer Act shall be liable to a penalty not exceeding \$5,000.00 for the first offense and not exceeding \$10,000.00 for each subsequent offense, as well as, restitution of moneys owed any person and reimbursement of the costs of investigation and prosecution; and

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

IT APPEARING, that on or about May 6, 2006, Respondent Flynn mailed a letter to New Jersey consumer "AP" in which he solicited an annuity through a licensed insurance company to AP; and

IT FURTHER APPEARING, that in the May 6, 2006 letter, Respondent stated that the life insurance company was "rated B++ by AM Best Independent Insurance rating company and their outlook is very strong and by all indications will even be upgraded in the near future. As I stated before, you are backed up by the New Jersey Guaranty Association"; and

IT FURTHER APPEARING, that cause does exist under N.J.S.A. 17:22A-40a and N.J.S.A. 17:22A-45c for the imposition of a fine upon Respondent for the violation described above; and

IT FURTHER APPEARING, that Respondent Flynn admits and agrees to take responsibility for the aforementioned violation of the Producer Act and the Guaranty Act; and

IT FURTHER APPEARING, that Respondent Flynn has waived his right to a hearing on the above violation and consented to the payment of a fine totaling \$2,000.00; and

IT FURTHER APPEARING, that this matter should be resolved upon the consent of the parties without resort to a formal hearing; and

IT FURTHER APPEARING, that good cause exists to enter into this Consent Order; and

NOW, THEREFORE, IT IS on this ^{9th} day of October, 2014,

ORDERED AND AGREED, that Respondent Flynn admits to the violation of the Producer Act and Guaranty Act as described above; and

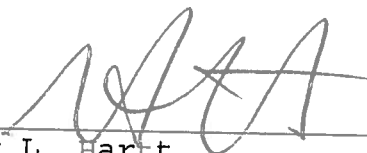
IT IS FURTHER ORDERED AND AGREED, that Respondent shall pay civil penalties in the amount of \$2,000.00 for the violation of the Producer Act admitted to herein; and

IT IS FURTHER ORDERED AND AGREED, that said civil penalties of \$2,000.00 shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," due and payable immediately upon the execution of this Consent Order by Respondent Flynn; and

IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order together with the payment of \$2,000.00 shall be remitted to:

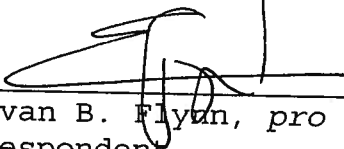
Ryan S. Schaffer, Deputy Attorney General
State of New Jersey, Division of Law
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

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



Peter L. Hartt
Acting Director of Insurance

Consented to as to
Form, Consent and
Entry:

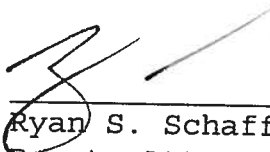


Evan B. Flynn, pro se
Respondent

Date: 9/30/14

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

Date: October 6, 2014



Ryan S. Schaffer
Deputy Attorney General
Attorney for the New Jersey
Department of Banking and
Insurance