

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceeding by the Commissioner of Banking )  
And Insurance, State of New Jersey, to fine ) CONSENT  
John A. Natale. ) ORDER

To: John A. Natale  
c/o First Adjustment Group, Inc.  
31 Oak Street, Suite 25  
Patchogue, NY 11772

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that John A. Natale ("Respondent"), an unlicensed individual acting as a public adjuster in this state, may have violated various provisions of the public adjuster laws of the State of New Jersey; and

WHEREAS, the Respondent is subject to the provisions of the Public Adjusters Licensing Act of 1994, N.J.S.A. 17:22B-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22B-3 (a) and (b), no person, firm, association or corporation shall act as a public adjuster in this state unless authorized to do so by virtue of a license issued by the Commissioner and no adjuster shall act on behalf of an insured unless licensed as a public adjuster; and

WHEREAS, pursuant to N.J.S.A. 17:22B-13b, N.J.A.C. 11:1-37.13(a) and N.J.A.C. 11:1-37.13 (b) 3ii, no individual, firm, association or corporation shall have any right to

compensation from any insured for services rendered to an insured as a public adjuster unless the right to compensation is based upon a written memorandum, signed by the party to be charged and by the adjuster, which specifies or clearly defines the services to be rendered; and

WHEREAS, pursuant to N.J.A.C. 11:1-37.13 (b) 5ii and iii, the written memorandum shall also identify the rights and obligations of the parties if the contract is cancelled at any time and the cost or formula for the calculation of costs to the insured for services rendered in whole or in part; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a (1), (4) and N.J.A.C. 11:1-37.14a (1), (2), (4), (13) and (17), a adjuster shall not: violate any provisions of this state's insurance laws, including any rules promulgated thereunder; violate any laws in the course of acting as a public adjuster, demonstrate his or its, incompetency, lack of integrity, bad faith, dishonesty, financial irresponsibility or untrustworthiness to act as a public adjuster; make any misrepresentation of fact in connection with the business of a public adjuster or commit any other act, or omission which the Commissioner determines to be inappropriate conduct; and

IT APPEARING, that the Respondent in the years of 2010 and 2011 executed public adjuster contracts on behalf of First Adjustment Group, Inc. when both Respondent and First Adjustment group, Inc. did not possess the required license, in violation N.J.S.A. 17:22B-3 (a) and (b), N.J.S.A. 17:22B-14a (1) and (4) and N.J.A.C. 11:1-37.14a (1), (2), (14) and (17); and

IT FURTHER APPEARING, that Respondent had MG, a licensed public adjuster, cosign the public adjuster contracts referenced above even though MG did no work on the claims and was

not a sublicensee, partner, or otherwise affiliated with First Adjustment Group, Inc., in violation of N.J.S.A. 17:22B-14a (4), and N.J.A.C. 11:1-37.14a (1), (4) and (13); and

IT FURTHER APPEARING, that the Respondent in the year 2011 signed a written contract with a New Jersey insured to adjust a property loss, which did not contain the language identifying a list of services to be rendered, the rights and obligation of the parties if the contract is cancelled at any time and the cost to the insured or the formula for the calculation of costs to the insured for services rendered in whole or in part, in violation of N.J.S.A. 17:22B-13 (b), N.J.S.A. 17:22B-14a (1) and (4), N.J.A.C. 11:1-37.13 (b) 3ii, 5ii and 5iii and N.J.A.C. 11:1-37.14 (a) (1), (2), (4) and (17); and

IT FURTHER APPEARING, that Respondent:

- 1) Has admitted responsibility for the aforementioned violations; and
- 2) Has cooperated with the Department of Banking and Insurance's ("Department") investigation; and
- 3) Has asserted that the violations cited in this Consent Order were not willful; and

IT FURTHER APPEARING that cause does exist under N.J.S.A. 17:22B-17 to impose a fine;

and

IT FURTHER APPEARING, that Respondent has waived his right to a hearing on the aforementioned violations and has consented to payment of a fine in the amount of \$5,000.00;

and

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

NOW, THEREFORE, IT IS on this 20<sup>th</sup> day of OCTOBER 2014

ORDERED and AGREED, that the Respondent shall pay a fine in the amount of \$5,000.00 to the Department by certified check, cashier's check or money order, made payable to the State of New Jersey, General Treasury in one payment of \$5,000.00, which shall be paid immediately upon the execution of this Consent Order by the Respondent; and

IT IS FURTHER ORDERED AND AGREED that the signed Consent Order together with the fine payment of \$5,000.00 shall be remitted to:

New Jersey Department of Banking and Insurance  
Attention: Virgil Downtin, Chief of Investigations  
20 West State Street  
9<sup>th</sup> Floor, Consumer Protection Services, Enforcement  
PO Box 329  
Trenton, New Jersey 08625-0329

IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the fine is not made, 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 et seq.; and

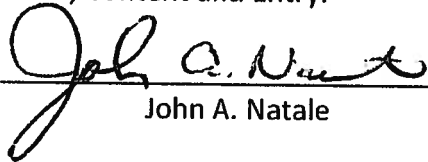
IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

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



\_\_\_\_\_  
Peter L. Hart  
Acting Director of Insurance

Consented to as to  
Form, Content and Entry:

  
\_\_\_\_\_  
John A. Natale

Date: 10/9/14