

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 revoke)
the insurance license of Justin B. Diaczuk)
Reference No.1066249)

CONSENT
ORDER

To: Justin B. Diaczuk
220 Locust St.
Apt 2C
Philadelphia, PA 19106

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Justin B. Diaczuk (“Respondent”), licensed as a resident insurance producer, pursuant to N.J.S.A. 17:22A-32, may have violated the insurance laws of the State of New Jersey; and

WHEREAS, the Respondent is subject to the provisions of New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq.; and

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

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (3), an insurance producer shall not obtain or attempt to obtain a license through misrepresentation or fraud; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (15), an insurance producer shall not intentionally withhold material information or make a material misstatement in an application for a license; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (18), an insurance producer shall notify the commissioner within 30 days of his conviction of any crime, indictment or the filing of any formal criminal charges, or the suspension or revocation of any insurance license or authority by a state, other than this State, or the initiation of formal disciplinary proceedings in a state, other than this State, affecting the producer's insurance license; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (19), an insurance producer shall notify the commissioner within 30 days of the final disposition of any formal disciplinary proceedings initiated against the insurance producer, or disciplinary action taken against the producer, by the Financial Industry Regulatory Authority ("FINRA"), any successor organization, or other similar non-governmental regulatory authority with statutory authority to create and enforce industry standards of conduct, or of any other administrative actions or criminal prosecutions; and

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

WHEREAS, on September 19, 2012 the Respondent, as owner of Apogee One Enterprises, LLC. and operating under the named business entities of Apogee Enterprises LLC, Platinum Trust Card and Express Platinum Card, reached a settlement by Stipulated Final Judgment and Order for Permanent Injunction, Case No. 12-CV-588, with the Federal Trade Commission whereby Respondent and other named defendants were

banned from telemarketing and selling any type of credit card product or service and were also ordered to pay \$7,552,473.00 in consumer restitution; and

WHEREAS, on December 12, 2012 the Respondent, while submitting an application for a resident producer license (No. 1066249), improperly answered “NO” to the questions that inquired “Have you ever been named or involved as a party in an administrative proceeding?” and “Are you currently a party to, or have you been found liable in any lawsuit, arbitration, or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds?” pursuant to and in violation of N.J.S.A. 17:22A-40a (2), (3), (8), and (15); and

WHEREAS, on June 30, 2014 the Respondent entered into a guilty plea agreement with the United States District Court for the Eastern District of Pennsylvania, Criminal No. 14-388-03, whereby Respondent pled guilty to Counts One and Two of an Information, waiving prosecution by indictment, charging him with one count of conspiracy to commit mail fraud and one count of mail fraud and aiding and abetting mail fraud; and

WHEREAS, the Respondent failed to notify the New Jersey Department of Banking and Insurance (“Department”) within 30 days of the filing of the aforementioned criminal charges and the matter involving his prior settlement by Stipulated Final Judgment with the Federal Trade Commission, in violation of N.J.S.A. 17:22A-40a (2), (18) and (19) and N.J.S.A. 17:22A-47 (b); and

WHEREAS, the Respondent:

- 1) Has admitted responsibility for the aforementioned violations; and
- 2) Has cooperated with the Department’s investigation; 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 8th day of APRIL, 2015

ORDERED AND AGREED, that pursuant to N.J.S.A. 17:22A-40a, the
Respondent consents to the revocation of his resident insurance producer license,
Reference Number 1066249, and said license shall be immediately returned to the
Department upon execution of this Consent Order by Respondent, and sent to the
attention of:

New Jersey Department of Banking and Insurance
Attention: Virgil Downtin - Chief of Investigations
9th Floor, Consumer Protection Services, Enforcement
P.O. Box 329
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that pursuant to N.J.A.C. 11:17D-
2.7, the Respondent is barred from reapplying for an insurance producer license for a
period of five years from the date of the Commissioner's issuance of this Consent Order;
and

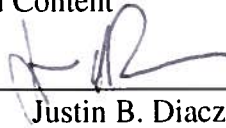
IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein.



Peter L. Hartt
Director of Insurance

Consented to as to Form,
Entry and Content

By:



Justin B. Diaczuk

Date:

3/31/15