

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)
licenses of Hudson Brice, Reference No.)
9469276, and Hudson Bail Bonds, LLC,)
Reference No. 1013408.)

CONSENT ORDER

TO: Hudson Brice
43 Berkeley Rd.
Paulsboro, N.J. 08093

Hudson Bail Bonds, LLC
200 Broadway
Westville, N.J. 08093

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Hudson Brice (“Brice”), and Hudson Bail Bonds, LLC (“HBB”) (collectively, “Respondents”), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Brice is currently licensed as a resident insurance producer pursuant to N.J.S.A. 17:22A-32a; and

WHEREAS, HBB is currently licensed as a resident business entity insurance producer pursuant to N.J.S.A. 17:22A-32b, with Brice serving as the designated responsible licensed producer (“DRLP”) of HBB; and

WHEREAS, Respondents are subject to the provisions of the New Jersey Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 (“Producer Act”), 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-40a(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-40a(8), an insurance producer shall not use fraudulent, coercive or dishonest 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-32b(2), a DRLP is responsible for the business entity's compliance with the insurance laws, rules and regulations of this State; and

WHEREAS, pursuant to N.J.A.C. 11:17C-2.3(a), an insurance producer shall establish and maintain a trust account into which shall be deposited cash, checks and other instruments payable to the insurance producer under specified circumstances; and

WHEREAS, pursuant to N.J.A.C. 11:17C-2.3(i), an insurance producer's trust account balance shall at all times be at least equal to the amount deposited less lawful withdrawals, except where the sole reason for the deficiency is the failure by a bank to honor checks of insureds or prospective insureds accepted in good faith as payment of premium. If the balance is less than the amount deposited less lawful withdrawals, the insurance producer shall be deemed to be in violation and shall be subject to penalties as provided by N.J.A.C. 11:17C-1.3; and

WHEREAS, pursuant to N.J.S.A. 17:22A-45c, 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; moreover, the Commissioner may order restitution of moneys owed any person and reimbursement of costs of the investigation and prosecution; and

WHEREAS, on February 26, 2015, Respondents signed a Consent Order with the Commissioner fining them \$2,500.00 relating to Respondents' two violations of the Producer Act – (1) commingling of a client's funds, in violation of N.J.A.C. 11:17C-2.1; and (2) failure to establish and maintain a trust account, in violation of N.J.A.C. 11:17C-2.3; and

WHEREAS, in connection with the above-referenced violations, Respondents paid a penalty in the amount of \$2,500.00; and

WHEREAS, the February 26, 2015 Consent Order was never signed or entered by the Commissioner, and instead, on October 3, 2018, the Commissioner issued an Order to Show Cause E18-103, alleging additional violations against Respondents as follows:

IT APPEARING, that at all relevant times, Brice was the DRLP and CEO/President of HBB; and

IT FURTHER APPEARING, that at all relevant times, Brice and HBB were authorized agents of Bankers Insurance Company, a surety company ("Surety"); and

IT FURTHER APPEARING, that on December 17, 2014, a bail bond forfeiture judgment, Docket Number DJ-242574-14, was entered against HBB as an agent of the Surety and in favor of Greenwich Municipal Court in the amount of \$525.00, for an unsatisfied bail bond written by HBB for appearance of defendant C.M. in a criminal case; and

IT FURTHER APPEARING, that by Court Order dated December 19, 2014, the bail bond forfeiture judgment, Docket Number DJ-242574-14, was reduced to \$300.00; and

IT FURTHER APPEARING, that on December 19, 2014, the Clerk of Superior Court of New Jersey sent to the Surety a Notice of Preclusion from the New Jersey Surety Bond Registry ("State Bail Registry"), pursuant to Court Rule 1:13-3(e), for unsatisfied bail forfeiture judgments, including the unsatisfied judgment, Docket Number DJ-242574-14; and

IT FURTHER APPEARING, that on January 16, 2015, Respondents presented a check drawn on HBB's trust account in the amount of \$300.00 to the Gloucester County Superior Court to satisfy the judgment, Docket Number DJ-242574-14, listed in the Notice of Preclusion dated December 19, 2014; and

IT FURTHER APPEARING, that this check was returned due to insufficient funds; and

IT FURTHER APPEARING, that on February 5, 2015, the Clerk of Superior Court of New Jersey sent another Notice of Preclusion from the State Bail Registry, pursuant to Court Rule 1:13-3(e), for unsatisfied bail forfeiture judgments, including the bail bond forfeiture judgment, Docket Number DJ-242574-14; and

IT FURTHER APPEARING, that on February 20, 2015, Respondents satisfied the bail bond forfeiture judgment, Docket Number DJ-242574-14; and

IT FURTHER APPEARING, that Respondents attempted to satisfy a forfeiture judgment by presenting a check that was returned for insufficient funds, in violation of N.J.S.A. 17:22A-40a(2) and (8) and N.J.A.C. 11:17C-2.3(i).

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

WHEREAS, on October 22, 2018, Respondents filed an Answer and Request for a Hearing; and

WHEREAS, on November 5, 2018, this matter was transmitted to the Office of Administrative Law for a hearing; and

WHEREAS, this Consent Order encompasses and resolves the violations stated in the February 26, 2015 Consent Order and Order to Show Cause E18-103; and

WHEREAS, Respondents have waived their right to a hearing and consented to the payment of a fine totaling \$3,000.00; and

WHEREAS, Respondents have already provided a payment in the amount of \$2,500.00 to partially satisfy the penalty; and

WHEREAS, Respondents admit and agree to take responsibility for the aforementioned violations; and

NOW, THEREFORE, IT IS on this 2nd day of January, 2019

IT IS ORDERED AND AGREED, that Respondents shall pay a civil penalty in the amount of \$500.00 to the Department of Banking and Insurance; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," which shall be paid upon execution of this Consent Order by Respondents; and

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

Garen Gazaryan, 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


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 against Respondents contained herein.




Marlene Caride
Commissioner

CONSENTED AS TO FORM, CONTENT, AND ENTRY:




Hudson Brice

Dated: 12/7/18



Hudson Bail Bonds, LLC
By: Hudson Brice


Dated: 12/7/18



Scott Burns, Esq.
Respondents' counsel

Dated: 12/13/18

GUBRIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Commissioner



By: Garen Gazaryan
Deputy Attorney General

Dated: 12/18/18