

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

FINAL ORDER

Proceedings by the Commissioner of Banking)
and Insurance, State of New Jersey, to fine,)
suspend and/or revoke the public adjuster)
license of Sean Michael Moore, Reference No.)
1614884.)

TO: Mr. Sean Michael Moore
FCU Fort Dix
#75884-066
Federal Correctional Institution
Satellite Camp
P.O. Box 2000
Joint Base MDL, NJ 08640

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon issuance of Order to Show Cause E18-119 (“Order to Show Cause”) alleging that Respondent Sean Michael Moore (“Respondent”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, at all relevant times, Respondent was licensed as a nonresident individual insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32a, until his license expired on October 31, 2018; 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 and Title 17 of the Revised Statutes or 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 or 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, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 ("Producer Act"), the Producer Licensing regulations, N.J.A.C. 11:17-1.1 to -2.17, the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 to 11:17D-2.8 and the Persons Employed in the Business of Insurance regulations, N.J.A.C. 11:17E-1.1 to-1.7; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(6), an insurance producer shall not be convicted of a felony or crime of the fourth degree or higher; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(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-47b, within thirty 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, which 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-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 the cost of investigation and prosecution; and

WHEREAS, on April 30, 2018, the Commissioner issued the Order to Show Cause alleging violations of New Jersey insurance laws by Respondent as set forth in the following Counts:

COUNT 1

IT APPEARING, that at all relevant times, Respondent was licensed as a nonresident insurance producer; and

IT FURTHER APPEARING, that on or about October 26, 2017, after being indicted, Respondent pled guilty and was convicted, in the United States District Court for the Eastern District of Pennsylvania, of one felony count of accessing or possessing with intent to view child pornography, in violation of 18 U.S.C. §2252(a)(4)(B); and

IT FURTHER APPEARING, that conviction under 18 U.S.C. §2252(a)(4)(B) is equivalent to a conviction under New Jersey law in the third degree pursuant to N.J.S.A. 2C:24-4b(5)(b); and

IT FURTHER APPEARING, that Respondent was sentenced to 63 months of federal imprisonment and five years of supervised release; and

IT FURTHER APPEARING, that by being convicted of a felony or crime of the fourth degree or higher, Respondent violated N.J.S.A. 17:22A-40a(6); and

COUNT 2

IT FURTHER APPEARING, that Respondent never informed the Commissioner of his being criminally prosecuted for, indicted for, or convicted of, a felony or crime of the fourth degree or higher; and

IT FURTHER APPEARING, that Respondent, by failing to notify the Commissioner within 30 days of the initial pretrial hearing date that he was being criminally prosecuted in federal court, violated N.J.S.A. 17:22A-47b; and

IT FURTHER APPEARING, that Respondent, by failing to notify the Commissioner within 30 days of his indictment or conviction that he was indicted for and convicted of a felony or crime of the fourth degree or higher, violated N.J.S.A. 17:22A-40a(18); and

WHEREAS, as set forth in the Certification of Deputy Attorney General Brian R. Fitzgerald, attached hereto as Exhibit A, Respondent was given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the Order to Show Cause, which was

duly served upon Respondent by certified and regular mail to where Respondent was and is currently incarcerated according to the Federal Bureau of Prisons Inmate Locator; and

WHEREAS, Respondent failed to provide a written response to the charges contained in Order to Show Cause within twenty days or at any time as provided by N.J.A.C. 11:17D-2.1(d)1, and therefore has waived his right to a hearing to contest these charges and the charges are deemed admitted pursuant to N.J.A.C. 11:17D-2.1(b)1;

NOW, THEREFORE, IT IS on this 22nd day of February, 2019

ORDERED, that the charges contained in Counts 1 and 2 of Order to Show Cause E18-119 are deemed admitted by Respondent, pursuant to N.J.A.C. 11:17D-2.1(b)1; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-40 and N.J.A.C. 11:17D-2.1(b)2, the insurance producer license of Respondent is **REVOKED** effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45c, Respondent is responsible for the payment of civil penalties in the total amount of \$6,000.00 for the violations of the Producer Act and other regulations cited above; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45c and N.J.A.C. 11:1-32.4(b)20, Respondent shall reimburse the Department of Banking and Insurance for the costs associated with the investigation and prosecution of this matter, as evidenced by the Certification of Costs by Investigator Matthew C. Gervasio, attached hereto as Exhibit B, totaling \$207.50 and

IT IS FURTHER ORDERED, that Respondent shall pay the above fines and costs totaling \$6,207.50 in full by remitting payment to the Commissioner of Banking and Insurance, State of New Jersey, 20 West State Street, P.O. Box 329, Trenton, New Jersey 08625, Attention: Virgil Downtin, Chief of Investigations, by certified check, cashier's check or money order made payable

to the “State of New Jersey, General Treasury,” within ten (10) days from the date of service of this Order; and

IT IS FURTHER ORDERED, that in the event full payment of the fines and costs 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 accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the fines in this Final Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in the Order to Show Cause E18-119 against Respondent.



Marlene Caride
Commissioner

EXHIBIT A

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

)	CERTIFICATION OF
Proceedings by the Commissioner of Banking)	BRIAN R. FITZGERALD
and Insurance, State of New Jersey, to fine,)	
suspend and/or revoke the public adjuster)	
license of Sean Michael Moore, Reference No.)	
1614884.)	

I, Brian R. Fitzgerald, of full age, do of my own personal knowledge make the following statements by way of certification in lieu of affidavit pursuant to R. 1:4-4(b):

1. I am a Deputy Attorney General assigned as counsel for the Department of Banking and Insurance, State of New Jersey (“Department”), in the above-captioned matter. I make this certification in support of entry of the Final Order against Respondent Sean Michael Moore (“Respondent”).

2. On December 5, 2018, the Commissioner issued Order to Show Cause No. E18-119 against Respondent charging him with violations of the insurance laws of this State.

3. On December 10, 2018, our office mailed Order to Show Cause No. E18-119 to Respondent via certified mail, return receipt requested, and regular mail to where Respondent was and is currently incarcerated according to the Federal Bureau of Prisons Inmate Locator, at FCU Fort Dix, Inmate #75884-066, Federal Correctional Institution, Satellite Camp, P.O. Box 2000, Joint Base MDL, NJ 08640.

4. According to the Federal Bureau of Prisons Inmate Locator, Respondent is scheduled to be released from prison on June 23, 2022.

5. The regular mailing was not returned to this office. The certified mail was delivered on December 31, 2018. (A true and exact copy of the certified mail green card is attached hereto as Exhibit 1.)

6. Service of the Order to Show Cause on the last known address as described above constitutes lawful service upon Respondent.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in blue ink, appearing to be "Brian R. Fitzgerald", written over a horizontal line.

Brian R. Fitzgerald

Dated: January 22, 2019

EXHIBIT 1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Sean Michael Moore
 #75884-066
 FCI Fort Dix
 Federal Correctional Institution
 Satellite Camp
 P.O. Box 2000
 Joint Base MDL, NJ 08640



9590 9402 3824 8032 6096 98

2. Article Number (transfer from service label)

7014 0510 0000 9097 5695

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. **FORT DIX**
X MAILROOM

Agent
 Addressee

B. **PO BOX 38**
FORT DIX, NJ 08640

C. Date of Delivery
7/23/16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

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 public adjuster)
license of Sean Michael Moore, Reference No.)
1614884.)

**CERTIFICATION OF
MATTHEW C. GERVASIO**

I, Matthew C. Gervasio, of full age, does hereby certify as follows:


1. I am employed by the New Jersey Department of Banking and Insurance, Office of Consumer Protection Services ("Department") and hold the title of Investigator 3.
2. This certification is submitted in support of the Department's application for reimbursement of its costs of investigation and prosecution, in accordance with N.J.S.A. 17:22A-45(c) and N.J.A.C. 11:1-32.4(b)20.
3. On February 7, 2018 I was assigned the responsibility for conducting an investigation to determine whether Respondent Sean Michael Moore ("Respondent") violated certain provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 ("Producer Act"), which investigation contributed to the issuance of an Order to Show Cause.
4. To determine the amount of time that Department investigators spent in the investigation and prosecution of this matter, I reviewed the Department's files relative to this matter, including investigator time records. On the basis of this review I have prepared the schedule of costs attached hereto as Exhibit "1".

5. As this schedule reflects, Department investigators spent at least 4.15 hours investigating and prosecuting this matter.

6. Pursuant to N.J.A.C. 11:1-32.4(b)(20), costs to the Department for the investigation and prosecution for violations of the Producer Act are reimbursable at the rate of \$50.00 per hour, rounded to the nearest quarter hour.

7. I therefore request that the Department's costs of investigation and prosecution be reimbursed in the amount of \$207.50.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false I am subject to punishment.


Matthew C. Gervasio

Dated: 1/17/2019



State of New Jersey
DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE
CONSUMER PROTECTION SERVICES
ENFORCEMENT UNIT
PO Box 329
TRENTON, NJ 08625-0329

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

MARLENE CARIDE
Commissioner

TEL (609) 292-5316
 FAX (609) 292-5337

Exhibit 1

**RECORD OF TIME EXPENDED ON
 INVESTIGATION AND/OR PROSECUTION**

Re: Sean Michael Moore
 Department File No.: 316456
 Investigator: Matthew C. Gervasio

Date	Time in Hours	Phone	Case Prep	Comments
2-7-2018	1			Reviewed file, documents and respondent information, checked licensing report.
2-7-2018	1			Contact with appropriate parties to obtain JOC documentation
2-8-2018	1		Investigative report	
2-9-2018	1		F&E	
1-17-2018	0.15		Schedule of Costs	
TOTAL:	Hours	4.15		
Hours @ \$50 x hrs	= \$207.50			