

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 revoke and	)	CONSENT
fine the insurance license of Yolanda Clarke,	)	ORDER
Reference No. 1397277	)	

To: Yolanda Clarke  
Apartment 21D  
90 Northfield Avenue  
West Orange, NJ 07052

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Yolanda Clarke (“Respondent”), currently licensed as a resident individual insurance producer, pursuant to N.J.S.A. 17:22A-32, has 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 of 2001 (“Producer Licensing Act”), N.J.S.A. 17:22A-26 et seq. and the New Jersey Insurance Fraud Prevention Act (“Fraud Act”), N.J.S.A. 17:33A-1 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 (5), an insurance producer shall not intentionally misrepresent the terms of an actual or proposed insurance contract, policy, or application for insurance; 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-40a (10), an insurance producer shall not forge another's name to an application for insurance or to any document related to an insurance transaction; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (16), an insurance producer shall not commit any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:33A-4a(4)(b), no person shall prepare or make any written or oral statement, intended to be presented to any insurance company or producer for the purpose of obtaining an insurance policy, knowing that the statement contains any false or misleading information concerning any fact or thing material to an insurance application or contract; and

WHEREAS, pursuant to N.J.S.A. 17:33A-5c, violations of the Fraud Act subject the violator to a civil penalty not to exceed \$5,000.00 for the first offense, not to exceed \$10,000.00 for the second offense and not to exceed \$15,000.00 for each subsequent offense; and

WHEREAS, pursuant to N.J.S.A. 17:33A-5.1, each person who settles an insurance fraud proceeding shall be subject to a surcharge of 5% of the Fraud Act settlement amount; and

IT APPEARING, that on July 1, 2013, Respondent provided false and misleading information to AFLAC Insurance Company in order to obtain a group rate on a new business policy. Specifically, Respondent improperly added an individual to the application for RT knowing that person was not an employee of the business and was not eligible for coverage under the policy, in violation of N.J.S.A. 17:22A-40a (2), (5), (8), (10) and (16) and N.J.S.A. 17:33A-4a(4)(b); and

IT FURTHER APPEARING, that between December 1, 2012 and February 1, 2013, Respondent demonstrated incompetence by submitting an application for a group insurance policy for FS and an application for a group insurance policy for PNH to AFLAC Insurance Company, each of which contained inaccurate information, in violation of N.J.S.A. 17:22A-40a (2), and (8); and

IT FURTHER APPEARING that the Respondent:

- 1) Has admitted responsibility for the aforementioned violations; and
- 2) Has cooperated with the Department of Banking and Insurance's ("Department") investigation; and

IT FURTHER APPEARING, that cause does exist under N.J.S.A. 17:22A-40a, N.J.S.A. 17:22A-45c, and N.J.S.A. 17:33A-5c to impose a fine; and

IT FURTHER APPEARING, that Respondent has waived her right to a hearing on the aforementioned violations and consented to the revocation of her resident insurance producer license for the violations of the Producer Licensing Act and payment of a civil penalty in the amount of \$1,500.00 for the violations of the Fraud Act; and

IT FURTHER APPEARING, that pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay a statutory insurance surcharge of \$75.00; and

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

NOW, THEREFORE, IT IS on this 29<sup>th</sup> day of OCTOBER, 2014

ORDERED AND AGREED, that pursuant to N.J.S.A. 17:22A-40a, the Respondent consents to the revocation of her resident insurance producer license, Reference Number 1397277, and said license shall be immediately returned to the Department upon execution of this Consent Order; and

IT IS FURTHER ORDERED AND AGREED, that Respondent shall pay a civil penalty of \$1,500.00 for the violations of the Fraud Act; and

IT IS FURTHER ORDERED AND AGREED, that Respondent shall pay an insurance fraud surcharge in the amount of \$75.00 for the violation of the Fraud Act; and

IT IS FURTHER ORDERED AND AGREED, that said civil penalty and surcharge shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," with an initial payment of \$275.00 due and payable immediately upon execution of this Consent Order by Respondent and 13 subsequent monthly payments of \$100.00 due and payable on or before the 25<sup>th</sup> day of each month thereafter; and

IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order together with the respondent's resident producer license and the initial civil penalty payment and surcharge of \$275.00 and each subsequent monthly installment payment shall be remitted to:

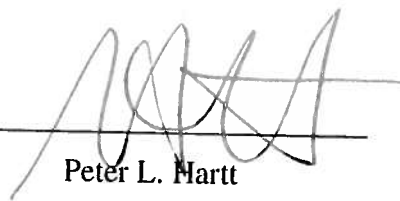
New Jersey Department of Banking and Insurance  
Attention: Jan Allen-Supervisor  
Division of Anti-Fraud  
Collections Section  
P. O. Box 329  
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that pursuant to N.J.A.C. 11:17D-2.7, Respondent is barred from applying for an insurance producer license for a period of five years from the date of the Commissioner's issuance of this Consent Order and shall comply with N.J.A.C. 11:17E-1.3 should he seek to be employed in the business of insurance in this State; and

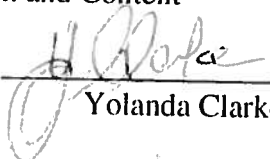
IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the civil penalty and surcharge are not made or any payment is not made in accordance with this Order, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties 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 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 and Content

By:   
\_\_\_\_\_  
Yolanda Clarke

Date: 10/9/14