

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 license of Mark Jiorle, Reference)
No. 1209942.)
_____)

ORDER TO SHOW CAUSE

TO: Mark Jiorle
87 Chelsea Court 12
Franklin Park, New Jersey 08823

Mark Jiorle
3430 Route 27
Kendall Park, New Jersey 08824

THIS MATTER, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Mark Jiorle (“Jiorle” or “Respondent”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Jiorle was formerly licensed as a resident individual insurance producer in the State of New Jersey, pursuant to N.J.S.A. 17:22A-32a, until February 28, 2015, when his license expired; 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”), 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-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, 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. 17:23A-13, an insurance institution, agent or insurance-support organization shall not disclose any personal or privileged information about an individual collected or received in connection with an insurance transaction, except in certain enumerated exceptions; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.5, no insurance producer shall disclose or solicit the disclosure of personal or privileged information about an individual collected or received in connection with an insurance transaction except in conformity with N.J.S.A. 17:23A-1 to -22; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a, the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, and may levy a civil penalty, for a violation of the Producer Act; 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 investigation and prosecution, as appropriate; and

COUNT 1

IT APPEARING, that in September 2015, insured J.G. owned a life insurance policy with Transamerica Life Insurance Company; and

IT FURTHER APPEARING, that Respondent was the agent for J.G.'s life insurance policy; and

IT FURTHER APPEARING, that in September 2015, J.G. was going through a divorce with her then-husband, V.G.; and

IT FURTHER APPEARING, that in September 2015, J.G. changed the beneficiaries of her life insurance policy to remove V.G. and replace him with her daughters; and

IT FURTHER APPEARING, that as the agent for the policy, Respondent received notice of the change in beneficiaries; and

IT FURTHER APPEARING, that in or about September 2015, Respondent informed V.G. that J.G. had made a change to her life insurance policy to remove V.G. as a beneficiary; and

IT FURTHER APPEARING, that by informing V.G., who was not an owner of the policy, of a change in the beneficiaries of J.G.'s life insurance policy, Respondent disclosed personal or privileged information about an individual collected or received in connection with an insurance transaction, in violation of N.J.S.A. 17:22A-40a(2) and (8), N.J.S.A. 17:23A-13, and N.J.A.C. 11:17A-4.5; and

NOW, THEREFORE, IT IS on this 25th day of May, 2018:

ORDERED, that Respondent appear and show cause why his insurance producer license should not be suspended or revoked pursuant to N.J.S.A. 17:22A-40a; and

IT IS FURTHER ORDERED, that Respondent shall appear and show cause why the Commissioner should not assess a civil penalty of up to \$5,000.00 for the first violation and \$10,000.00 for each subsequent violation of the Producer Act and order Respondent to pay restitution of moneys owed to any person, pursuant to the provisions of N.J.S.A. 17:22A-45c; and

IT IS FURTHER ORDERED, that Respondent appear and show cause why he should not be required to reimburse the Department for the cost of investigation and prosecution as authorized by N.J.S.A. 17:22A-45c; and

IT IS PROVIDED, that Respondent has the right to request an administrative hearing, to be represented by counsel or other qualified representative, at his own expense, to take testimony, to call or cross-examine witnesses, to have subpoenas issued, and to present evidence or argument if a hearing is requested; and

IT IS FURTHER PROVIDED, that unless a request for a hearing is received within twenty (20) days of the service of this Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by Respondent and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Virgil Downtin, Chief of Investigations, Department of Banking and Insurance, P.O. Box 329, Trenton, N.J. 08625, or by faxing the request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Nicholas Kant at Division of Law, PO Box 117, Trenton, New Jersey 08625. The request for a hearing shall contain:

- (a) Respondent's full name, address, and daytime telephone number;
- (b) A statement referring to each charge alleged in this Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on facts not contained in the Order to Show Cause, those specific facts must be stated;

- (c) A specific admission or denial of each fact alleged in this Order to Show Cause. Where Respondent has no specific knowledge regarding a fact alleged in the Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and
- (d) A statement requesting a hearing.



Peter L. Hartt
Director of Insurance