

CONSENT ORDER NO. 12-50774-41

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE
BUREAU OF FRAUD DETERRENCE

IN THE MATTER OF:

Brian Kowalczyk)
)
2503 Saylor's Pond Road)
)
Springfield, NJ 08562) **CONSENT ORDER**
)
Respondent.)

THIS MATTER, having been opened by the Bureau of Fraud Deterrence, Department of Banking and Insurance, State of New Jersey, upon information upon information indicating that Brian Kowalczyk ("Respondent"), currently residing at 2503 Saylor's Pond Road, Springfield, NJ 08562, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent did knowingly make material misrepresentations to AFLAC Insurance Company on April 19, 2010, September 22, 2010, February 24, 2011, July 15, 2011 and August 8, 2011 by signing without authorization the name of a supervisor on documents submitted to AFLAC in furtherance of a disability claim; and

WHEREAS, the above conduct constitutes a violation of N.J.S.A. 17:33A-1, et seq., and any future violation of N.J.S.A.

17:33A-1, et seq. shall be considered to be a second offense;
and

WHEREAS, Respondent has been informed that he has a right to notice and to request a hearing, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1, et seq.) on the violation alleged herein before a civil administrative penalty is imposed; and

WHEREAS, Respondent understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondent consents to pay a civil administrative penalty in the amount of \$2,000.00, and surcharge in the amount of \$100.00, attorney's fees of \$200.00, the total amount of \$2,300.00 being due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance." This signed order and the payment of the civil administrative penalty shall be returned to:

Anna M. Lascurain, 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

WHEREAS, the penalties of this Consent 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 FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Bureau of Fraud Deterrence desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS on this *27* day of *July*, 2016:

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), a civil administrative penalty of \$2,000.00 is imposed on Respondent.

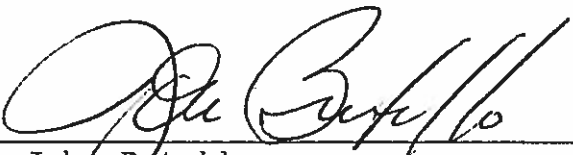
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is \$100.00, such amount to be in addition to the civil administrative penalty.

3. Respondent consents to the entry of this final administrator order. Respondent understands that this final administrative order may be docketed with the Clerk of the

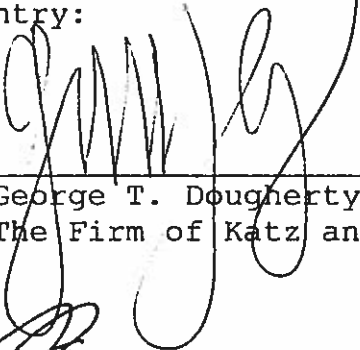
Superior Court as provided in the Penalty Enforcement Law
(N.J.S.A. 2A:58-10 et seq.).

4. This Consent Order shall not be binding until it is
signed by the Chief of Investigations, Bureau of Fraud
Deterrence.


COMMISSIONER
DEPARTMENT OF BANKING AND INSURANCE

By: 
John Butchko
Chief of Investigations
Bureau of Fraud Deterrence

Consented to as to Form, Content
And Entry:

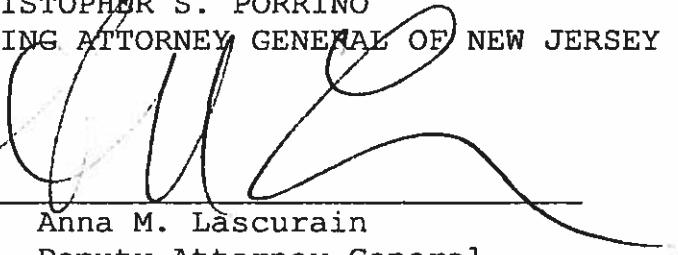
By: 
George T. Dougherty, Esq.
The Firm of Katz and Dougherty

Dated: 7/15/16

By: 
Brian Kowalczyk, Respondent

Dated: 7/15/16

CHRISTOPHER S. PORRINO
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Anna M. Lascurain
Deputy Attorney General

Dated: 7-22-2016