

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE 23C-007N
BUREAU OF FRAUD DETERRENCE



CONSENT ORDER NO. 16-50826-35

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|----------------------|---|----------------------|
| In the Matter of |) | CONSENT ORDER |
| Nutley Chevrolet LLC |) | |
| 66 Washington Ave. |) | |
| Nutley, NJ 07110 |) | |
| and | | |
| Nutley Kia |) | |
| 66 Washington Ave. |) | |
| Nutley, NJ 07110 |) | |
| Respondents. |) | |

THIS MATTER having been opened by the Bureau of Fraud Deterrence, Department of Banking and Insurance of the State of New Jersey, upon information indicating that Respondents, Nutley Chevrolet LLC, and Nutley Kia, both conducting business at 66 Washington Avenue, Nutley, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, the Consent Order shall apply to Nutley Chevrolet LLC, and Nutley Kia, only and to no other entity or individual.

WHEREAS, Respondents, Nutley Chevrolet LLC, and Nutley Kia, did, by failing to properly supervise employees from July 2015 to October 2015, knowingly supplied false and misleading statements to the GEICO Insurance Company on several customer applications

for automobile insurance, in an effort to secure policies at a lower premium and increase car sales; and

WHEREAS, the above conduct constitutes multiple violations 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 subsequent offense; and

WHEREAS, Respondents have been informed that they have 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 and administrative penalty is imposed; and

WHEREAS, Respondents understand these rights and have voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondents consent to pay, jointly and severally, a civil administrative penalty in the amount of \$30,000.00, and surcharge in the amount of \$1,500.00 against Nutley Chevrolet LLC, and Nutley Kia, and Division of Law Attorney Fees of \$1,000.00, the total amount of \$32,500.00 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 shall be returned to Managing Investigator, Ronald Dellanno, Bureau of Fraud Deterrence, Department of Banking and Insurance, One Apollo Drive, Whippany, New Jersey 07981; 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 Respondents 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 31st day of January, 2023

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$30,000.00 is imposed on Respondents, Nutley Chevrolet LLC, and Nutley Kia, jointly and severally.
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondents shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the

settlement amount, which is \$1,500.00, such amount to be in addition to the civil administrative penalty.

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

4. Respondents consent to the entry of this final administrative order. Respondents understand 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.).

MARLENE CARIDE
COMMISSIONER
DEPARTMENT OF BANKING AND INSURANCE

By: Richard Besser
RICHARD BESSER
CHIEF OF INVESTIGATIONS
BUREAU OF FRAUD DETERRENCE

CONSENTED TO AS TO FORM, CONTENT
AND ENTRY OF ORDER:

Patrick Egan

By: Patrick Egan, Esq.
On Behalf of Nutley Chevrolet LLC,
and Nutley Kia

1/18/2023

Dated: