

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)	CONSENT
James V. Cipriotti, Reference No.)	ORDER
231150)	

To: James V. Cipriotti
2131 Maclarie Ln.
Broomall, PA 19008-2712

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that James V. Cipriotti (“Respondent”), currently licensed as a nonresident individual insurance producer, pursuant to N.J.S.A. 17:22A-34a, may have violated various insurance laws of the State of New Jersey; and

WHEREAS, Respondent is subject to the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 (the “Producer Act”); and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a, the Commissioner may place on probation, suspend, revoke or refuse to 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-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(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...demonstrate incompetence...in the conduct of insurance business in this State or elsewhere; and

WHEREAS, at all times relevant, Respondent was licensed as a nonresident insurance producer, with a resident state of Pennsylvania; and

WHEREAS, at all times relevant, Respondent was appointed to solicit and sell Midland National Life Insurance Company products; and

WHEREAS, between October 2017 and April 2018, Respondent submitted five annuity applications to Midland National Life Insurance Company, for Pennsylvania residents, which falsely stated the applications were completed in New Jersey, in violation of N.J.S.A. 17:22A-40a(2), (5) and (8); and

WHEREAS, the fixed indexed annuity products applied for were approved for sale in New Jersey, but not in Pennsylvania; and

IT FURTHER APPEARING, that the Respondent:

- 1) Has admitted responsibility for the aforementioned violations;
- 2) Has cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance (“Department”);
- 3) Has asserted that the violations cited in this Consent Order were not willful; and

WHEREAS, cause does exist under N.J.S.A. 17:22A-40a and N.J.S.A. 17:22A-45c to impose a fine; and

WHEREAS, the Respondent has waived their right to a hearing on the aforementioned violations and consented to the payment of a fine in the amount of twenty-two thousand five hundred dollars (\$22,500.00); and

WHEREAS, this matter should be resolved upon the consent of the Parties without resort to a formal hearing;

NOW, THEREFORE, IT IS on this 26 day of February, 2021

ORDERED AND AGREED, that the Respondent pay a fine in the amount of \$22,500.00 to the Department; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," which shall be paid upon execution of this Consent Order by the Respondent; and

IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order, together with the fine payment of \$22,500.00, shall be remitted to:

New Jersey Department of Banking and Insurance
Attention: Virgil Dowtin- Chief of Investigations
9th Floor, Consumer Protection Services, Enforcement
P.O. Box 329
Trenton, New Jersey 08625

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 the Respondents shall cease and desist from engaging in the conduct that gave rise to this Consent Order.

M. Caride

Marlene Caride
Commissioner

Consented to as to Form,
Entry and Content

By:


James V. Cipriotti

Date:

2-17-2021