

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceedings by the Commissioner of	)	ORDER
Banking and Insurance, State of New Jersey,	)	TO SHOW CAUSE
to fine, suspend and/or revoke the insurance	)	
producer licenses of Earnest Kitchens,	)	
Reference No. 1573151 and Kitchens	)	
Affordable Bails Bond, LLC, Reference No.	)	
1573889.	)	

TO: Earnest Kitchens  
1911 Raspberry Ct.  
Edison, NJ 08817

Kitchens Affordable Bail Bonds, LLC  
c/o Earnest Kitchens  
1911 Raspberry Ct.  
Edison, NJ 08817

This matter, having been opened by the Commissioner of Banking and Insurance, State of New Jersey (“Commissioner”), upon information that Earnest Kitchens (“Kitchens”) and Kitchens Affordable Bail Bonds, LLC (“Affordable Bail”) (collectively, “Respondents”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Kitchens was licensed as a resident insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32(a), until his license expired on July 31, 2017; and

WHEREAS, Affordable Bail was licensed as a resident business entity insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32(b), until its license expired on May 31, 2017; and

WHEREAS, Respondents are 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”), the Producer

Licensing regulations, N.J.A.C. 11:17-1.1 to -2.17, and the Insurance Producer Standards of Conduct regulations, N.J.A.C. 11:17A-1.1 to 11:17D-2.8; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(d), 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-33(f), an insurance producer shall inform the Commissioner by any means acceptable to the Commissioner of a change of address within 30 days of the change; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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-40(a)(4), an insurance producer shall not improperly withhold, misappropriate or convert any monies or properties received in the course of doing insurance business; and

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

WHEREAS, pursuant to N.J.A.C 11:17-2.8(f)(2), an insurance producer shall provide in the format prescribed by the Department notification of any change of business mailing or location address, residence address, phone numbers and email addresses within 30 days of the change and maintain a proof of notification for five years or until receipt of a license or other documentation from the Department showing the new address; and

WHEREAS, pursuant to N.J.A.C 11:17C-2.1(a), all premium funds shall be held by an insurance producer in a fiduciary capacity and shall not be misappropriated, improperly converted to the insurance producer's own use, or illegally withheld by the licensee; and

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

WHEREAS, pursuant to N.J.S.A. 17:22A-45(c), any person violating the Producer Act is subject to a penalty of up to \$5,000.00 for the first offense and up to \$10,000.00 for each subsequent offense; additionally, the Commissioner may order restitution of moneys owed any person and reimbursement of costs of the investigation and prosecution; and

**ALLEGATIONS COMMON TO ALL COUNTS**

IT APPEARING, that at all relevant times, Kitchens was the sole owner, officer and Designated Responsible Licensed Producer of insurance producer Affordable Bail; and

IT FURTHER APPEARING, that on or about August 22, 2016, Respondents accepted a \$1,000 payment from "R.B." as a bail bond premium for a surety bond to be issued on behalf of R.B.'s relative; and

IT FURTHER APPEARING, that on or about August 24, 2016, prior to the surety bond being issued by Respondents, R.B.'s relative was released from custody on his own recognizance under an unsecured bond; and

IT FURTHER APPEARING, that on or about August 24, 2016, Respondents were advised that a surety bond was no longer needed or required for the release of R.B.'s relative, and thereafter advised R.B. that the \$1,000 bail bond premium would be fully refunded; and

IT FURTHER APPEARING, that despite multiple demands from R.B. to return said monies, Respondents failed and refused to return the \$1,000 bail bond premium to R.B.; and

IT FURTHER APPEARING, that on or about October 16, 2016, R.B. filed a complaint with the N.J. Department of Banking and Insurance ("DOBI") regarding Respondents' refusal to issue a refund, and thereupon DOBI opened an investigation into this matter; and

#### **COUNT ONE**

IT FURTHER APPEARING, that Respondents received and accepted from R.B. a \$1,000 payment as a bail bond premium to issue a surety bond, but did not issue said bond nor render any services to secure the release R.B.'s relative and instead improperly withheld and/or converted the monies received from R.B. for their own use and/or benefit, in violation of N.J.S.A. 17:22A-40(a)(2), (4), (8) and (16) and N.J.A.C. 11:17C-2.1(a); and

#### **COUNT TWO**

IT FURTHER APPEARING, that the last known business address of Affordable Bail provided by Respondents to DOBI and recorded in DOBI's licensing records was 55 Paterson Street, New Brunswick, New Jersey 08901; and

IT FURTHER APPEARING, that the last known residential address of Kitchens provided by Respondents to DOBI and recorded in DOBI's licensing records was 536 Elise Avenue, South Plainfield, New Jersey 07080; and

IT FURTHER APPEARING, that through its investigation, DOBI determined that Respondents had abandoned and no longer occupied the above referenced addresses, without having notified the Department within 30 days of the change of mailing address and advise of the new addresses for their business and residence, in violation of N.J.S.A. 17:22A-33(f) and N.J.A.C 11:17-2.8(f)(2); and

**NOW, THEREFORE, IT IS on this 14 day of June , 2021,**

ORDERED, that Respondents appear and show cause why their New Jersey insurance producer licenses should not be suspended or revoked pursuant to N.J.S.A. 17:22A-40(a); and

IT IS FURTHER ORDERED, that Respondents appear and show cause why the Commissioner should not assess a joint and several civil penalty of up to \$5,000 for the first violation and up to \$10,000 for each subsequent violation of the Producer Act and order Respondents to pay restitution of moneys owed to any person, pursuant to N.J.S.A. 17:22A-45(c); and

IT IS FURTHER ORDERED, that Respondents appear and show cause why, in addition to any other penalty, they should not be required to reimburse the Department for the costs of the investigation and prosecution as authorized by N.J.S.A. 17:22A-45(c); and

IT IS PROVIDED, that Respondents have right to request an administrative hearing, to be represented by counsel or other qualified representative, at their 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 Respondents 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, New Jersey 08625, or by faxing the hearing request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Dakar R. Ross, Deputy Attorney General, Department of Banking and Insurance, P.O. Box 117, Trenton, New Jersey 08625. The request from each respondent shall contain the following:

- 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.



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Marlene Caride  
Commissioner