

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 the	)	CONSENT
insurance producer license of Gazel Joseph	)	ORDER
Garces, Reference No. 1519472	)	

To: Gazel Joseph Garces  
293 Paterson Ave.  
Paterson, NJ 07502

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Gazel Joseph Garces (“Respondent”), licensed as a resident individual insurance producer, pursuant to N.J.S.A. 17:22A-32a, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent is subject to the provisions of New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (2), an insurance producer shall not violate any insurance laws, or violate any 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 (7), an insurance producer shall not commit or been found to have committed any insurance unfair trade practice or fraud; 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. 17:22A-40a (16), an insurance producer shall not commit a fraudulent act; and

WHEREAS, on or about April 6, 2015, the Respondent submitted an application for insurance to UnitedHealthcare Insurance Company (“United”) that was not authorized by proposed applicant “MS”, who stated that he had not requested enrollment in the plan, that his signature had been forged, and that numerous items on the application were incorrect; and

WHEREAS, as a result of the aforementioned unauthorized activity, the Respondent’s appointment with United was terminated for cause effective June 29, 2015, all in violation of N.J.S.A. 17:22A-40a (2), (5), (7), (8) and (16); and

WHEREAS, Respondent:

- 1) Has admitted responsibility for the aforementioned violations; and
- 2) Has cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance; 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, Respondent has waived his right to a hearing on the aforementioned violation and consented to the payment of a fine in the amount of \$5,000.00; and

WHEREAS, this matter should be resolved upon the consent of the parties without resort to a formal hearing on the aforementioned violation, and further good cause appearing; and

NOW, THEREFORE, IT IS on this SIX day of DECEMBER, 2015

ORDERED AND AGREED, that Respondent pay a fine in the amount of \$5,000.00 to the Department of Banking and Insurance; 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, with an initial payment of \$200.00 due and payable immediately upon execution of this Consent Order by Respondent and twenty-four (24) subsequent monthly payments of \$200.00, all due and payable on or before the 12<sup>th</sup> day of each month thereafter shall be remitted to:

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

IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the fine is not made or any payment is not made in accordance with this Order, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties in summary proceedings, in accordance with the penalty enforcement law N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represents a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that Respondent shall cease and desist from engaging in the conduct that gave rise to this Consent Order and hereafter, shall comply in all respects with the New Jersey insurance laws and regulations.

  
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Peter L. Hartt  
Director of Insurance

Consented to as to Form, Entry and Content

By:   
Gazel Joseph Garces

Date: 11/27/2015