

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
Romarke Insurance Brokerage LLC,)	ORDER
Ref. No. 1568712, Robert W. Miller, Jr.,)	
Ref. No., 1046835, and Kelly C. Bolton,)	
NPN Ref. No. 5425889.)	

TO: **Romarke Insurance Brokerage LLC.**
973 Iyannough Road
Hyannis, MA 02601

Robert W. Miller, Jr.
973 Iyannough Road
Hyannis, MA 02601

Kelly C. Bolton
973 Iyannough Road
Hyannis, MA 02601

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Romarke Insurance Brokerage LLC (“Romarke”), currently licensed as a nonresident business entity insurance producer pursuant to N.J.S.A. 17:22A-34, Robert W. Miller, Jr. (“Miller”), currently licensed as a nonresident individual insurance producer and Romarke’s designated responsible licensed producer pursuant to N.J.S.A. 17:22A-32b(2), and Kelly C. Bolton (“Bolton”), not currently licensed in New Jersey as an individual insurance producer, have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Romarke, Miller, and Bolton, (collectively “Respondents”) are 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 (8), an insurance producer shall not use fraudulent, coercive, or dishonest practices, or demonstrate incompetence in the conduct of insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (12), an insurance producer shall not knowingly accept insurance business from an unlicensed insurance producer; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (17), an insurance producer shall not knowingly facilitate or assist another person in violating any insurance laws; and

WHEREAS, pursuant to N.J.S.A. 17:22A-29, no person shall sell, solicit or negotiate insurance in this State unless the person is licensed for that line of authority in accordance with this act; and

WHEREAS, pursuant to N.J.A.C. 11:17A-1.3 (a), (b), (c), and (d), no person shall act as an insurance producer, by soliciting, negotiating or selling insurance, or maintaining or operating any office in this State for the transaction of the business of an insurance producer, without first obtaining a license from the Commissioner granting authority for the kind of insurance transacted; and no licensed insurance producer shall permit or allow any unlicensed person to transact the business of an insurance producer; and

WHEREAS, pursuant to N.J.S.A. 17:22-6.42(c), if certain insurance coverages of subjects resident, located, or to be performed in this State cannot be procured from authorized insurers, such coverages, hereinafter designated "surplus lines," may be procured from unauthorized insurers placed through a licensed New Jersey surplus lines agent; and

WHEREAS, Romarke was not issued surplus lines authority until November 24, 2014 and was not licensed in the State of New Jersey until December 4, 2014, Miller was not issued surplus lines authority in New Jersey until November 24, 2014, and Bolton is not licensed in the State of New Jersey; and

WHEREAS, beginning in or around October 2014, Respondents began to negotiate for medical malpractice insurance for New Jersey insured BVMI, and after not being able to place the risk with an authorized insurer, Respondents secured coverage in the surplus lines market for a medical malpractice policy that was issued to BVMI on or about November 19, 2014, in violation of N.J.S.A. 17:22A-40a (2), (8), (12), (17), N.J.S.A. 17:22A-29, N.J.A.C. 11:17A-1.3 (a), (b), (c), and (d), and N.J.S.A. 17:22-6.42(c); and

WHEREAS, Respondents:

- 1) Have admitted responsibility for the aforementioned violations; and
- 2) Have cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance; and
- 3) Have declared that these acts were unintentional; 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, Respondents have waived their right to a hearing on the aforementioned violations and have consented to being jointly and severally liable for the payment of a fine in the amount of \$7500.00; and

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

NOW, THEREFORE, IT IS on this 26th day of APRIL, 2015

ORDERED AND AGREED, that Respondents pay a fine in the amount of \$7500.00 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, with a fine payment of \$7500.00 due and payable immediately upon execution of this Consent Order by Respondents; and

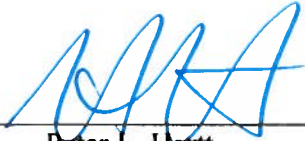
IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order together with the fine payment of \$7500.00 shall be remitted to:

New Jersey Department of Banking and Insurance
ATTN: Virgil Downtin, Chief of Investigations
9th Floor – Enforcement Unit
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 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 amounts 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 represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that Respondents 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.



Peter L. Hart
Director of Insurance

Consented to as to
Form, Entry, and Content

Romarke Insurance Brokerage LLC.

Robert W. Miller, Jr.
Robert W. Miller, managing member
(Print Name and Title)

Date: 4/21/2015

Robert W. Miller, Jr.

Robert W. Miller, Jr.

Date: 4/16/2015

Kelly C. Bolton

Kelly C. Bolton
Date: 4/21/2015