

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,) CONSENT
to fine M. Miller & Son LLC, Reference No. 9469033) ORDER

TO: M. Miller & Son LLC
1211 Liberty Avenue
Hillside, NJ 07205

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that M. Miller & Son LLC (“Respondent”), currently licensed as a public adjuster, pursuant to N.J.S.A. 17:22B-5, may have violated various insurance laws of the State of New Jersey; and

WHEREAS, the Respondent is subject to the provisions of the Public Adjusters’ Licensing Act, N.J.S.A. 17:22B-1 et seq. (“Public Adjuster Act”); and

WHEREAS, pursuant to N.J.S.A. 17:22B-3a, no individual, firm, association or corporation shall act as an adjuster in this State unless authorized to do so by virtue of a license issued or renewed pursuant to the Public Adjuster Act; and

WHEREAS, pursuant to N.J.S.A. 17B:22B-14a and N.J.A.C. 11:1-37.14(a) 1 and 2, a public adjuster shall not violate any provision of the insurance law, including any rules promulgated by the Commissioner, or violate any law in the course of his, or its, dealings as an adjuster; and

WHEREAS, pursuant to N.J.A.C 11:1-37.4(e)6, failure to submit a renewal application for receipt by the Department by the date of expiration of the license shall be deemed to establish that the license expired on the date shown on the license and that the licensee was not thereafter authorized to engage any activities for which the license is required; and

WHEREAS, pursuant to N.J.A.C. 11:1-37.14(a)16, a public adjuster shall not engage in the business of a public adjuster in New Jersey with an invalid or expired license; and

WHEREAS, the license issued to Respondent expired on May 31, 2017 and was not renewed until July 7, 2017; and

WHEREAS, the Respondent entered into six public adjuster contracts between June 1, 2017 and July 7, 2017, while its license was expired, contrary to N.J.S.A. 17:22B-3a and N.J.A.C 11:1-37.14a(16); and

WHEREAS, the Respondent:

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

WHEREAS, good cause exists under N.J.S.A 17:22B-17 and N.J.A.C 11:1-37.14(b) to impose a fine; and

WHEREAS, the Respondent has waived its right to a hearing on the
aforementioned violations and consented to payment of a fine in the amount of
\$5,000.00; and

NOW, THEREFORE, IT IS on the 29th day of AUGUST, 2017

ORDERED AND AGREED that the Respondent shall pay a fine in the amount of
\$5,000.00 to the Department 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 payment of \$5,000.00 shall be transmitted to:

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

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


Peter L. Hart
Director of Insurance

