

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, suspend, and/or) **CONSENT ORDER**
revoke the insurance licenses of
Keith A. Ervin and United Integrity
Group Inc., Reference Nos. 1004195
and 1038121

TO:

Keith A. Ervin
181 Scholls School Road
Quakertown, PA 18951

United Integrity Group Inc.
515 South End West Blvd.
Suite 1
Quakertown, PA 18951

THIS MATTER, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Keith A. Ervin and United Integrity Group Inc. ("Respondents"), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondents are licensed as non-resident insurance producers in the State of New Jersey pursuant to N.J.S.A. 17:22A-34; 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 Trade Practices Act, N.J.S.A. 17B:30-1 to -57, and the Rules Governing Advertisement of Health Insurance, N.J.A.C. 11:2-11.1 to -11.22; 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)(7), an insurance producer shall not have admitted or have been found to have committed any insurance unfair trade practice or fraud; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(8), an insurance producer shall not use fraudulent, coercive or dishonest business 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. 17B:30-2, no person shall engage in this State in any trade practice which is determined pursuant to the Trade Practices Act to be an unfair method of competition, or an unfair or deceptive act or practice in the business of life insurance, health insurance or annuity; and

WHEREAS, pursuant to N.J.S.A. 17B:30-4, no person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published,

disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance and annuities or with respect to any person in the conduct of his insurance and annuity business, which is untrue, deceptive or misleading; and

WHEREAS, pursuant to N.J.A.C. 11:2-11.2, advertisements shall be truthful and not misleading in fact or implication. Words or phrases the meaning of which is clear only by implication or by familiarity with insurance terminology shall not be used; and

WHEREAS, pursuant to N.J.A.C. 11:2-11.5, all information required to be disclosed by these rules shall be set out conspicuously and in close conjunction with the statements in which such information relates or under appropriate captions of such prominence that it shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the context of the advertisements so as to be confusing or misleading; and

WHEREAS, pursuant to N.J.A.C. 11:2-11.9(a), when a choice of the amount of benefits is referred to, an advertisement shall disclose that the amount of benefits provided depends upon the

plan selected and that the premium will vary with the amount of the benefits; and

WHEREAS, pursuant to N.J.S.A. 17:22A-45(c), any person violating the Producer Act is subject to a penalty not exceeding \$5,000.00 for the first offense, and not exceeding \$10,000.00 for each subsequent offense; additionally the Commissioner may order restitution of moneys owned any person and reimbursement of costs of the investigation and prosecution; and

WHEREAS, a Consent Order dated December 8, 2015, resolved allegations of prior violations by Respondents of N.J.S.A. 17:22A-40(a)(2) and (8), N.J.A.C. 11:17A-2.6(a), and N.J.S.A. 17:29B-4(2), of N.J.S.A. 17:22A-33(f), and N.J.A.C. 11:71-2.7(f)(2); and

WHEREAS, the Commissioner issued Order to Show Cause E21-22 ("OTSC E21-22") on May 28, 2021, alleging subsequent violations of New Jersey insurance laws by Respondent as set forth in the following Counts, to which Respondents filed an Answer denying the allegations:

COUNT 1

IT APPEARING, that starting October 9, 2003, Respondent Keith A. Ervin, became a non-resident licensed insurance producer in the State of New Jersey; and

IT FURTHER APPEARING, that starting May 3, 2005, Respondent, United Integrity Group Inc., became a non-resident licensed insurance producer in the State of New Jersey; and

IT FURTHER APPEARING, that Keith A. Ervin is the owner, president and designated responsible licensed producer ("DRLP") of United Integrity Group Inc.; and

IT FURTHER APPEARING, that United Integrity Group Inc. represents several insurance carriers; and

IT FURTHER APPEARING, that in April 2016 Respondents made and disseminated an advertisement, in the form of a flyer ("Flyer"), for Medicare Supplement Policies, which were disseminated to thousands of individuals, some of whom reside in New Jersey, over a period of approximately sixty (60) days; and

IT FURTHER APPEARING, that the Flyers failed to identify the name of the insurer and the name of the policy by form number or description; and

IT FURTHER APPEARING, that the rates advertised in the Flyers pertained to Cigna and Aetna Medicare Supplement Policies; and

IT FURTHER APPEARING, that the rates advertised in the Flyers did not accurately represent rates for Medicare Supplement Policies issued by Cigna or Aetna at that time; and

IT FURTHER APPEARING, that Cigna did not offer Medicare Supplement Policies in New Jersey, although its subsidiary, Loyal American Life Insurance Company did; and

IT FURTHER APPEARING, that by making and disseminating to the public the Flyer, which failed to identify the name of the insurer and identify the policy by form number or description, Respondents violated N.J.S.A. 17:22A-40(a)(2) and (8), N.J.S.A. 17B:30-4, N.J.A.C. 11:2-11.2, N.J.A.C. 11:2-11.5, and N.J.A.C. 11:2-11.9(a); and

WHEREAS, Respondents were given notice of the aforesaid allegations and an opportunity to contest them at a hearing; and

WHEREAS, on or about June 8, 2021, Respondents filed a Request for Hearing, and this matter was transmitted to the Office of Administrative Law as a contested matter; and

WHEREAS, Respondents admit that they caused the subject flyer to be made and disseminated to at least one individual, in violation of the Producer Act, although the number of flyers disseminated in New Jersey cannot be established; and

WHEREAS, good cause exists to enter into this Consent Order; and

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

WHEREAS, Respondents have waived their right to a hearing on the aforementioned violations in OTSC 21-22; and

NOW, THEREFORE, IT IS on this 3rd day of April, 2024,

IT IS ORDERED AND AGREED, that Respondents shall pay the sum of \$25,000.00 in civil penalties to the Department of Banking and Insurance for violating the Act; and

IT IS FURTHER ORDERED AND AGREED, that the \$25,000 shall be paid by wire transfer, certified check, cashier's check or money order made payable to the "**Commissioner, New Jersey Department of Banking and Insurance**" and the full amount shall be paid


immediately upon execution of this Consent Order by Respondents;
and

IT IS FURTHER ORDERED AND AGREED, that this signed Consent Order, together with the payment of \$25,000.00, shall be remitted to:

Chandra M. Arkema, Deputy Attorney General
State of New Jersey, Division of Law
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

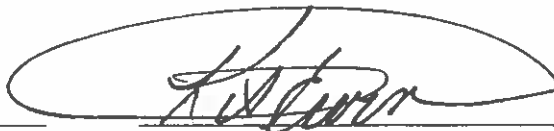
IT IS FURTHER ORDERED AND AGREED, that Respondents shall cease and desist engaging in the conduct that gave rise to this Consent Order; and

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


Justin Zimmerman
Acting Commissioner

Consented to as to
Form, Content and
Entry:

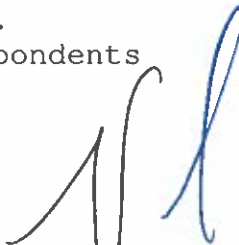
Date: 2-26-24



Keith A. Ervin, Individually
and as Owner, President and
DLRP for United Integrity Group
Inc.

Respondents

Date: 3-8-24



Nicola G. Suglia, Esq.
Fleischer, Fleischer & Suglia,
P.C.

Counsel for Respondents

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

Date: 3/13/2024



Chandra M. Arkema
Deputy Attorney General
Attorney for the New Jersey
Department of Banking and
Insurance