

INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE

Persons Employed in the Business of Insurance
Convicted Persons; Waivers

Adopted Amendments: N.J.A.C. 11:17E-1.4 and 1.5 and 11:17E Appendix Exhibits A and B

Proposed: October 16, 2006 at 38 N.J.R. 4394(a).

Adopted: January 17, 2007 by Steven M. Goldman, Commissioner, Department of Banking and Insurance

Filed: January 18, 2007 as R.2007 d.62, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3)

Authority: N.J.S.A. 17:1-8.1, 17:1-15e and 17:22A-26 et seq. and 18 U.S.C. §§1033 and 1034.

Effective Date: February 20, 2007.

Expiration Date: June 1, 2007.

Summary of Public Comment and Agency Response:

No comments were received

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65 require State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. A Federal standards analysis is not required in this instance because the amendments adopted enhance the State's compliance with the requirements of 18 U.S.C. §1033 as implemented by N.J.A.C. 11:17E; thus, no Federal standards or requirements are exceeded.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus*** ; deletions from proposal indicated in brackets with asterisks *[thus]*):

11:17E-1.5 Commissioner's action, order and scope of waiver

(a) – (b) (No change.)

(c) Where a determination is made that the applicant does not qualify for a waiver, the Commissioner or his or her designee shall issue to the applicant a letter initially denying the waiver application. The letter shall:

1. (No change from proposal.)

2. Advise the applicant that the initial denial of the waiver application may be administratively appealed to the Office of Administrative *[of]* Law for a contested case proceeding pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.;

3.- 4. (No change from proposal.)

(d)- (e) (No change from proposal.)

APPENDIX

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Exhibit B

State of NEW JERSEY

DEPARTMENT OF BANKING AND INSURANCE

COMPREHENSIVE APPLICATION

FOR WRITTEN CONSENT

TO ENGAGE IN THE

BUSINESS OF INSURANCE

PURSUANT TO 18 U.S.C. § 1033 AND 1034

. . .

SECTION IV - CRIMINAL HISTORY

1. - 2. (No change from proposal.)

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SECTION VIII - ATTACHMENTS

Attach the following documents to this Application for Written Consent. Applications without attachments, or Applications with incomplete attachments, will be returned to the applicant. However, if you have previously completed and submitted the *Short Form Application for Written Consent to Engage in the Business of Insurance*, you do not need to provide duplicate photos or attachments.

1.-10. (No change from proposal.)

11. A letter from the provider of any substance abuse and/or other type of counseling or therapy program you have completed or in which you are presently participating, reflecting the dates of your participation and the extent to which you either successfully completed the program or are actively participating in it. If you are or have been attending Alcoholics Anonymous and/or Narcotics Anonymous meetings, a letter from your sponsor(s) in the organization(s) containing the information set forth **[about]** ***above*** may be supplied.

12. (No change from proposal.)

The applicant may include the following evidence of rehabilitation for the Commissioner's consideration.

1.-4. (No change.)

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