

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)
and revoke the insurance) **CONSENT ORDER**
producer license of)
Suzanne Miscik)
Reference No. 0332135)

TO: Suzanne Miscik
c/o John F. Olsen, Esq.
The Law Office of John F. Olsen, LLC
33 Plymouth Street, Suite 108
Montclair, New Jersey 07042
Attorney for Respondent

THIS MATTER, having been opened by Marlene Caride, Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Suzanne Miscik ("Respondent"), licensed as a resident individual insurance producer, pursuant to N.J.S.A. 17:22A-32(a) until her license expired on November 30, 2018, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent is 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") and the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"); 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)(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-40(a)(16), an insurance producer shall not commit any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:33A-4(a)(1), it is a violation of the Fraud Act to present or cause to be presented any written or oral statement as part of, or in support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy or the "Unsatisfied Claim and Judgment Fund Law" knowing that the statement contains any false or misleading information concerning any fact or thing material to the claim; and

WHEREAS, pursuant to N.J.S.A. 17:33A-4(a)(4)(b), it is a violation of the Fraud Act to prepare or make any written or oral statement, intended to be presented to an insurance company or producer for the purpose of obtaining an insurance policy, knowing that the statement contains any false or misleading information

concerning any fact or thing material to an insurance application or contract; and

WHEREAS, pursuant to N.J.S.A. 17:33A-5.1, any person entering into a settlement agreement for a Fraud Act violation requiring the person to pay a sum of money shall be subject to a surcharge in an amount equal to five percent of the settlement payment; and

WHEREAS, Respondent maintained a personal automobile insurance policy with Progressive, effective December 16, 2014 to June 16, 2015, for her 2014 Hyundai Sonata; and

WHEREAS, Respondent's policy with Progressive was cancelled, effective March 10, 2015, for nonpayment of premium; and

WHEREAS, on March 27, 2015, at 7:35 a.m., Respondent was involved in an automobile accident while operating her 2014 Hyundai; and

WHEREAS, on March 27, 2015, at 8:27 a.m., Respondent reinstated her automobile insurance policy with Progressive for her 2014 Hyundai and submitted a Statement of No Loss, wherein she verified that, "no one operating a vehicle listed on my policy has been involved in an accident for the time period between 12:01 AM on March 10, 2015 and the time I signed this document"; and

WHEREAS, on March 27, 2015, at 11:47 a.m., Respondent reported the automobile accident involving her 2014 Hyundai to Progressive as having occurred at 9:30 a.m., which was after she had reinstated her automobile insurance policy, even though the accident occurred

approximately two hours prior to the time she reported, before she reinstated her policy; and

WHEREAS, on March 27, 2015, at 1:49 p.m., Respondent participated in a recorded interview with Progressive and again falsely stated that her accident occurred at 9:30 a.m.; and

WHEREAS, Respondent admits her above-referenced conduct constitutes violations of the Producer Act and the Fraud Act and takes responsibility for the violations; and

WHEREAS, cause does exist under N.J.S.A. 17:22A-40(a) and N.J.S.A. 17:22A-45(c) to impose a civil penalty against Respondent for the violations of the Producer Act described above; and

WHEREAS, cause does exist under N.J.S.A. 17:33A-4(a)(1), N.J.S.A. 17:33A-4(a)(4)(b), and N.J.S.A. 17:33A-5 to impose a civil penalty against Respondent, to impose a surcharge and to charge attorneys' fees for the Fraud Act violations described above; and

WHEREAS, Respondent waives her right to a hearing on the aforementioned violations and consents to the revocation of her insurance producer license, payment of a civil penalty in the amount of \$2,500.00 for the Producer Act violations, payment of a civil penalty in the amount of \$2,500 for the Fraud Act violations, payment of a Fraud Act surcharge of \$125 and payment of attorneys' fees of \$875; and

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

NOW, THEREFORE, IT IS on this 14th day of October, 2019,

ORDERED AND AGREED, that pursuant to N.J.S.A. 17:22A-40(a), the insurance producer license of Respondent Suzanne Miscik is hereby REVOKED; and

IT IS FURTHER ORDERED AND AGREED, that Respondent shall pay the sum of \$6,000.00 to the Department of Banking and Insurance, consisting of \$2,500 in civil penalties for violating the Producer Act, \$2,500.00 in civil penalties for violating the Fraud Act, a \$125.00 Fraud Act surcharge pursuant to N.J.S.A. 17:33A-5.1, and \$875.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5(b); and

IT IS FURTHER ORDERED AND AGREED, that any future violation of the Fraud Act shall be considered a subsequent violation; and

IT IS FURTHER ORDERED AND AGREED, that the \$6,000 shall be paid by certified check, cashier's check or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and shall be paid immediately upon execution of this Consent Order by Respondent; and

IT IS FURTHER ORDERED AND AGREED, that this signed Consent Order, together with the payment of \$6,000.00, shall be remitted to:

Telge N. Peiris, 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 in the event full payment is not made, 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:5B-10 to -12; and

IT IS FURTHER ORDERED AND AGREED, that the penalties of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED AND AGREED, that Respondent 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.

Marlene Caride
Marlene Caride
Commissioner

Consented to as to
Form, Content and
Entry:

Date: 8/29/2019

Suzanne Miscik
Suzanne Miscik
Respondent

Date: 9/17/2019

John F. Giscn, Esq.
John F. Giscn, Esq.
Attorney for Respondent
Suzanne Miscik

Date: 9/23/19

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Tejge N. Peiris
Tejge N. Peiris
Deputy Attorney General
Attorney for the New Jersey
Department of Banking and
Insurance