

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE
BUREAU OF FRAUD DETERRENCE



CONSENT ORDER NO. 10-23506-40

In the Matter of)	CONSENT ORDER
Herlindo Garcia-Merlos)	
SBI # 000950949B)	
East Jersey State Prison)	
Lock Bag R)	
Rahway, NJ 07065)	
Respondent.)	

This matter having been opened by the Bureau of Fraud Deterrence, Department of Banking and Insurance of the State of New Jersey, upon information indicating that Respondent Herlindo Garcia-Merlos, SBI # 000950949B currently residing at East Jersey State Prison, Rahway, NJ 07065, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent Herlindo Garcia-Merlos, knowingly provided false and misleading information in regards to New Jersey Casualty Company specifically, by failing to disclose the size and classification of his workforce on his worker's compensation application dated 2-26-07; and

WHEREAS, the above conduct constitutes a violation of N.J.S.A. 17:33A-1, et seq., and any future violation of N.J.S.A. 17:33A-1, et seq. shall be considered to be a second offense; and

WHEREAS, Respondent has been informed that he has a right to notice and to request a hearing, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), on the violation alleged herein before a civil administrative penalty is imposed; and

WHEREAS, Respondent understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondent consents to pay a civil administrative penalty in the amount of \$75,000.00, and surcharge in the amount of \$3,750.00, the total amount of \$78,750.00 being due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance", and acknowledges restitution in the amount of \$135,462.68 payable to New Jersey Manufacturers Insurance Company. This signed order and the payment of the civil administrative penalty shall be returned to Managing Investigator, Michele M. Margiotta, Bureau of Fraud Deterrence, Department of Banking and Insurance, Five Executive Cmps, Ste 205 Cherry Hill, NJ 08002; and

WHEREAS, 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 the 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 FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Bureau of Fraud Deterrence desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS ON THIS 24th day of November, 2014 ORDERED AND AGREED as follows:

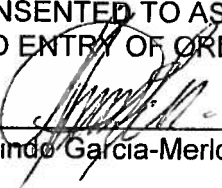
1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$75,000.00 is imposed on Respondent, Herlindo Garcia-Merlos.
2. Respondent is bound to pay restitution in the amount of \$135,462.68 to New Jersey Manufacturers Insurance Company.
3. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is \$3,750.00, such amount to be in addition to the civil administrative penalty.
4. Respondent consents to the entry of this final administrative order. Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.).

5. This Consent Order shall not be binding until it is signed by the Assistant Commissioner, Bureau of Fraud Deterrence.

KENNETH E. KOBYSLOWSKI
COMMISSIONER
DEPARTMENT OF BANKING AND INSURANCE

By: 
GARY HEUER
ASSISTANT COMMISSIONER
BUREAU OF FRAUD DETERRENCE

CONSENTED TO AS TO FORM, CONTENT
AND ENTRY OF ORDER:

X 
Herlinda Garcia-Merlos, Respondent

Dated: 10 29 2014