

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



CONSENT ORDER NO. 12-52709-33

In the Matter of) **CONSENT ORDER**
A-1 Tree Removal & Services, Inc.)
305 Cherry Quay Road)
Brick, New Jersey 08723)
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 A-1 Tree Removal & Services, Inc., currently residing at 305 Cherry Quay Road, Brick, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent A-1 Tree Removal & Services, Inc., knowingly failed to disclose Junior Ruiz, employee, on a New Jersey Workers' Compensation Insurance Plan Application for Designation Of An Insurance Company assigned to American Zurich Insurance Company dated June 19, 2009 and on a NJM Insurance Company workers' compensation insurance questionnaire dated July 1, 2010 in violation of N.J.S.A. 17:33A-4. Additionally, A-1 Tree Removal & Services, Inc. provided its insurance agent, Susan Bereman, Brouwer Hansen & Izdebski Associates, payroll records failing to disclose employee, Junior Ruiz, in reference to workers' compensation insurance premium audits involving American Zurich Insurance Company on or about August 24, 2010 and NJM Insurance Company on or about August 26, 2011 in violation of N.J.S.A. 17:33A-4. There would have been an increase in the workers' compensation insurance premium had A-1 Tree Removal & Services, Inc. disclosed employee, Junior Ruiz, on the workers' compensation

insurance application, questionnaire, and/or premium audits. Resitution will be payable to NJM Insurance Company in the amount of \$30,000.00 and to American Zurich Insurance Company in the amount of up to \$5,990.00; 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 it 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 \$25,000.00, and surcharge in the amount of \$1,250.00, the total amount of \$26,250.00 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 \$30,000.00 payable to NJM Insurance Company and restitution in the amount of up to \$5,990.00 payable to American Zurich Insurance Company. This signed order and the payment of the civil administrative penalty shall be returned to Managing Investigator, Michael Palumbo, Bureau of Fraud Deterrence, Department of Banking and Insurance, PO Box 326, Trenton NJ 08625 ; 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 25th day of September, 2014,

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$25,000.00 is imposed on Respondent, A-1 Tree Removal & Services, Inc..

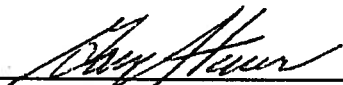
2. Respondent is bound to pay restitution in the amount of \$30,000.00 to NJM Insurance Company and in the amount of up to \$5,990.00 to American Zurich Insurance Company.

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 \$1,250.00, 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:


A-1 Tree Removal & Services, Inc., Respondent

Dated: 9/10/14