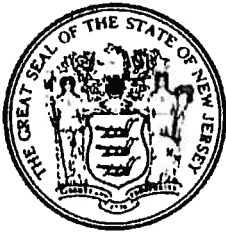


STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE  
BUREAU OF FRAUD DETERRENCE



CONSENT ORDER NO. 12-53259-41

|                                  |   |                      |
|----------------------------------|---|----------------------|
| In the Matter of                 | ) | <b>CONSENT ORDER</b> |
| Xavier Ellis                     | ) |                      |
| 361 South 7 <sup>th</sup> Street | ) |                      |
| Newark, NJ 07103                 | ) |                      |
| 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 Xavier Ellis, currently residing at 361 South 7<sup>th</sup> Street, Newark, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent, Xavier Ellis, did purposefully execute and submit a written Attending Physician Statement Form to Allstate Benefits Insurance/American Heritage Life Insurance while purporting to be a Physician, on three separate occasions (December 19, 2011, May 24, 2012 and August 8, 2012) in support of Disability Benefits. Specifically, the Respondent forged Dr. Tasneem J. Rashid's signature on three Attending Physician Statement Forms for which Dr. Rashid verified he did not author; 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 \$7,500.00, and surcharge in the amount of \$375.00, the total amount of \$7,875.00 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 \$7,500.00 payable to Essex County Probation Department. This signed order and the payment of the civil

administrative penalty shall be returned to Managing Investigator, Ronald Dellanno , Bureau of Fraud Deterrence, Department of Banking and Insurance, One Apollo Dr., Whippany, NJ 07981 ; 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 15<sup>th</sup> day of Aug<sup>st</sup>, 2014 ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$7,500.00 is imposed on Respondent, Xavier Ellis.
2. Respondent is bound to pay restitution in the amount of \$7,500.00 to Essex County Probation Department.
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 \$375.00, 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. KOBYLOWSKI  
COMMISSIONER  
DEPARTMENT OF BANKING AND INSURANCE

By:   
GARY MEUER  
ASSISTANT COMMISSIONER  
BUREAU OF FRAUD DETERRENCE

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

  
Xavier Ellis, Respondent

Dated: 8/15/14