18C-1105

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

CONSENT ORDER NO. 17-52205-04

In the Matter of	)	**CONSENT ORDER**
Eric Johnson, Jr.	)	
331 Preston Ave., Apt. 2006	)	
Voorhees, NJ 08043	)	
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, Eric Johnson, Jr., currently residing at 331 Preston Ave., Apt. 2006, Voorhees, NJ 08043, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent, Eric Johnson, Jr., did knowingly provide materially false information to USAA Insurance Company in a recorded statement on April 28, 2017, by misrepresenting the prior condition of his vehicle when, in fact, his vehicle had pre-existing damage from an accident on March 29, 2017, when he did not have collision coverage; 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 $3,500.00, and surcharge in the amount of $175.00, the total amount of $3,675.00 being due immediately by certified check, bank check or money order made payable to the "Acting Commissioner, Department of Banking and Insurance", and acknowledges restitution in the amount of $3,833.30 payable to USAA Insurance Company, 9800 Fredericksburg Road, San Antonio, TX 78288. 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 Campus, Suite 205, Cherry Hill, New Jersey 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 29TH day of June, 2018,

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of $3,500.00 is imposed on Respondent, Eric Johnson, Jr..

2. Respondent is bound to pay restitution in the amount of $3,833.30 to USAA Insurance Company.

3. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Acting Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is $175.00, 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 Chief of Investigations, Bureau of Fraud Deterrence.

MARLENE CARIDE
ACTING COMMISSIONER
DEPARTMENT OF BANKING AND INSURANCE

By: _____
RICHARD BESSER
CHIEF OF INVESTIGATIONS
BUREAU OF FRAUD DETERRENCE

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

_____ Dated: 06/22/18
Eric Johnson, Jr., Respondent