

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)	CONSENT
the insurance license of, Thomas Bernard,)	ORDER
Reference Number 8102195 and Anderson)	
Bernard Agency Inc, Reference No. 8833371)	

To: Thomas E. Bernard
2409 Sixth St
Fort Lee, NJ, 07024

Anderson Bernard Agency, Inc
2409 Sixth St
Fort Lee, NJ 07024

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Thomas E. Bernard (“Bernard”) and Anderson Bernard Agency (“ABA”) (collectively, “Respondents”), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Bernard is currently licensed as a resident insurance producer, pursuant to N.J.S.A. 17:22A-32a, with Bernard serving as the designated responsible licensed producer (“DRLP”) of ABA; and

WHEREAS, ABA is currently licensed as a resident business entity insurance producer pursuant to N.J.S.A. 17:22A-32b; and

WHEREAS, the Respondents are subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 (the "Producer Act"), and the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 to 11:17D-2.8; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a, the Commissioner may place on probation, suspend, revoke or refuse an insurance producer's license, and may levy a civil penalty, for a violation of the Producer Act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(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-40a(4), an insurance producer shall not improperly withhold, misappropriate or convert any monies or properties received in the course of doing insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(7), an insurance producer shall not have admitted or been found to have committed any insurance unfair trade practice or fraud; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(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 N.J.A.C.11:17C-2.1(a), all premium funds shall be held by an insurance producer in a fiduciary capacity and shall not be misappropriated, improperly converted to the insurance producer's own use, or illegally withheld by the licensee; and

WHEREAS, pursuant to N.J.A.C.11:17C-2.2(b), all premiums due the insured shall be paid to the insured or credited to the insured's account within five business days after receipt by

the insurance producer from the insurer or other insurance producer or premium finance company; and

WHEREAS, the Respondents withheld a premium refund check meant for a client for longer than five days, in violation of N.J.S.A. 17:22A-40 (2), (4), and (8) and N.J.A.C. 11:17C-2.2(b); and

WHEREAS, the Respondents provided a check to the insured for the premium refund which was returned unpaid due to insufficient funds, in violation of N.J.S.A. 17:22A-40 (2), (4), (7) and (8) and N.J.A.C. 11:17C-2.1(a); and

IT FURTHER APPEARING, that the Respondents:

- 1) Have admitted responsibility for the aforementioned violations;
- 2) Have cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance (“Department”);
- 3) Have asserted that the violations cited in this Consent Order were not willful; and

WHEREAS, cause does exist under N.J.S.A. 17:22a-40 and N.J.S.A. 17:22a-45c to impose a fine; and

WHEREAS, the Respondents have waived their right to a hearing on the aforementioned violations and consented to the payment of a fine in the amount of ten thousand dollars (\$10,000.00); and

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

NOW, THEREFORE, IT IS on this 2 day of June, 2022

ORDERED AND AGREED, that the Respondents pay a fine in the amount of \$10,000.00 to the Department; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," which shall be paid upon execution of this Consent Order by Respondent; and

IT IS FURTHER ORDERED AND AGREED that the signed Consent Order, together with the fine payment of \$10,000.00, shall be remitted to:

New Jersey Department of Banking and Insurance
Attention: Virgil Downtin - Chief of Investigations
9th Floor, Consumer Protection Services, Enforcement
P. O. Box 329
Trenton, New Jersey 08625-329

and

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that the Respondents shall cease and desist engaging in the conduct that gave rise to this Consent Order.

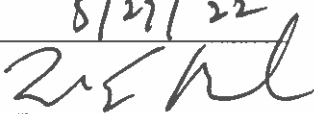


Marlene Caride
Commissioner

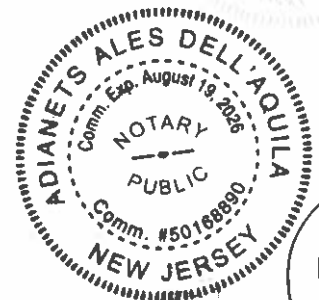
Consented to as to Form,

Entry and Content:

By:  5/27/22
Anderson Bernard Agency, Inc

Date: 5/27/22
By: 
Thomas E. Bernard

Date: 5/27/22



05/27/2022
