

ORDER NO. E25-12

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,)
suspend and/or revoke the insurance license) **CONSENT ORDER**
of Kenneth D. West, Reference No. 1066687.)
_____)

TO: Kenneth D. West
c/o Cynthia J. Borrelli, Esq.
Bressler, Amery & Ross
325 Columbia Turnpike
Suite 301
Florham Park, NJ 07932

THIS MATTER, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Kenneth D. West ("Respondent"), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent was formerly licensed by the Department as a non-resident insurance producer in the State of New Jersey, pursuant to N.J.S.A. 17:22A-32(a), until July 31, 2021 when his license expired; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act, N.J.S.A. 17:22A-1 to -57 (the "Producer Act"), 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-40(d), the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the

Producer Act and Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes against any person who is under investigation for or charged with a violation of the Producer Act or Title 17 of the Revised Statutes of Title 17B of the New Jersey Statutes even if the person's license or registration has been surrendered or has lapsed by operation of law; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(2), an insurance producer shall not violate any insurance laws, regulation, subpoena, or order of the Commissioner or another state's insurance regulator; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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 to N.J.S.A. 17:22A-29, a person shall not sell, solicit, or negotiate insurance in this State unless the person is licensed for that line of authority; and

WHEREAS, pursuant to N.J.A.C. 11:17A-1.3, no person shall act as insurance producer in this State without first obtaining a license from the Commissioner granting authority for the kind of insurance transacted; and

WHEREAS, pursuant to N.J.A.C. 11:17A-1.4, no person shall solicit, negotiate, or sell an insurance contract in this State unless they are a licensed insurance producer; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a), the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license for violating the Producer Act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-45(c), any person violating the Producer Act is subject to a penalty not exceeding \$5,000.00 for the first offense and not exceeding \$10,000.00 for

each subsequent offense; additionally, the Commissioner may order restitution of moneys owed any person and reimbursement of costs of the investigation and prosecution; and

WHEREAS, the Commissioner issued Order to Show Cause E24-43 ("OTSC E24-43") on July 31, 2024, alleging violations of New Jersey insurance laws by Respondent as set forth in the following allegations:

ALLEGATIONS COMMON TO ALL COUNTS

IT APPEARING, that, on or about November 13, 2018, Respondent sold a health insurance policy for New Jersey residents, "B.P.," "E.P.," "J.P.," "K.P.," and "M.P."; and

IT FURTHER APPEARING, that, on or about March 9, 2019, Respondent sold another health insurance policy for New Jersey resident M.P.; and

IT FURTHER APPEARING, that Respondent was first licensed as an insurance producer in New Jersey on October 8, 2019; and

COUNT ONE

IT FURTHER APPEARING, that Respondent sold two health insurance policies to New Jersey residents prior to becoming licensed, in violation of N.J.S.A. 17:22A-40(a)(2), N.J.S.A. 17:22A-40(a)(8), N.J.S.A. 17:22A-29, N.J.A.C. 11:17A-1.3, and N.J.A.C. 11:17A-1.4; and

IT FURTHER APPEARING, that each instance where Respondent sold insurance policies to New Jersey residents prior to becoming licensed constitutes a separate violation; and

WHEREAS, Respondent was given notice of the aforesaid allegations and an opportunity to contest them at a hearing; and

WHEREAS, on or about August 28, 2024, Respondent filed an Answer and Request for Hearing, in which Respondent denied the allegations, and this matter was transmitted to the Office of Administrative Law as a contested matter; and

WHEREAS, Respondent asserts that he unintentionally engaged in activity in the state of New Jersey which constituted the solicitation or negotiation of insurance without first obtaining a license from the Commissioner for the kind of insurance transacted, but now realizes he violated provisions of the insurance laws of the State of New Jersey, including N.J.S.A 17:22A-1 to 57 and N.J.A.C. 11:17A-1.1 to 11:17D-2.8; and

WHEREAS, Respondent has cooperated with the investigation conducted by the New Jersey Department of Banking & Insurance; and

WHEREAS, cause does exist under N.J.S.A. 17B:27B-24 for the imposition of a civil penalty for the aforementioned violations of the insurance laws of this State; and

WHEREAS, Respondent has waived his right to a hearing on the aforementioned violations in OTSC E24-43; and

WHEREAS, this matter should be resolved upon the consent of the parties without resort to a formal hearing on the aforementioned violation; and

NOW, THEREFORE, IT IS on this 14th day of April, 2025:

ORDERED AND AGREED, that Respondent shall pay a total of \$6,087.50 for the violations of the Producer Act and other insurance laws cited above as follows:

IT IS FURTHER ORDERED AND AGREED, that Respondent shall pay a civil penalty totaling \$5,000.00 to the Department of Banking and Insurance for violating the Producer Act; and

IT IS FURTHER ORDERED AND AGREED, that pursuant to N.J.S.A. 17:22A-45(c) and N.J.A.C. 11:1-32.4(b)(20), Respondent shall reimburse the Department of Banking and Insurance, Division of Insurance Enforcement, for the costs associated with the investigation and prosecution of this matter totaling \$1,087.50; 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 \$6,087.50, shall be remitted to:

William E. Vaughan
Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-117

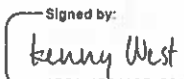
; and

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.




Justin Zimmerman
Commissioner


Consented to as to Form, Content, and Entry:

Signed by:

ADB916ED02BE4F7

By: _____ Date: January 29, 2025
Kenneth West

By:  _____ Date: January 29, 2025
Cynthia Borrelli, Esq.
Attorney for Kenneth West

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Commissioner

By:  _____ Date: 2/19/25
William E. Vaughan
Deputy Attorney General