

ORDER TO SHOW CAUSE NO. E16-82

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 and revoke :
the insurance license of Matthew :
Michael Cocco, Ref. No. 1319527 :
 :
 :

ORDER TO SHOW CAUSE

TO: Matthew Michael Cocco
1202 Dahlia Court
Jackson, NJ 08527

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Matthew Michael Cocco (the "Respondent"), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent was licensed as an individual insurance producer pursuant to N.J.S.A. 17:22A-32, until his license expired on March 31, 2016; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act ("Producer Act"), N.J.S.A. 17:22A-26, et seq., Producer Licensing regulations,

N.J.A.C. 11:17-1 et seq. and regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17B-1.1 et seq. and N.J.A.C. 11:17C-1.1 et seq.; and

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

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(5), an insurance producer shall not intentionally misrepresent the terms of an actual or proposed insurance contract, policy, or application for insurance; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(7), an insurance producer shall not have admitted or have 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 business practices, or demonstrate incompetence, untrustworthiness, or financial irresponsibility in the conduct of insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22-40a(10), an insurance producer shall not forge another's name to an application for insurance or to any document related to an insurance

transaction; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(16), an insurance producer shall not commit any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40d, the Commissioner shall retain authority to enforce the provisions of and to impose any penalty or remedy authorized by this 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 this act or Title 17 of the Revised Statutes or 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.A.C. 11:17:A-4.8, an insurance producer shall reply, in writing, to any inquiry of the Department relative to the business of insurance within the time requested in said inquiry, or no later than 15 calendar days from the date the inquiry was made or mailed in cases where no response time is given; and

COUNT 1

IT APPEARING that at all relevant times and until on or about January 7, 2016, Respondent was employed by Metropolitan Life Insurance Company ("MetLife"); and

IT FURTHER APPEARING that on or about January 5, 2016, Respondent forged a manager's signature on a "Request to submit new business" form, altered the commission listed on the form, and submitted the form to MetLife for processing; and

IT FURTHER APPEARING that on or about January 6, 2016, Respondent admitted to the Managing Sales Director at MetLife that he had forged the signature and altered the form; and

IT FURTHER APPEARING that Respondent intentionally forged another's name on a document, and altered the document, related to an insurance transaction, which constitutes fraudulent, dishonest, and untrustworthy conduct of insurance business in the State of New Jersey, in violation of N.J.S.A. 17:22A-40a(2), (5), (7), (8), (10), and (16); and

COUNT 2

IT FURTHER APPEARING on or about April 6, 2016, the Department of Banking and Insurance sent a letter to Respondent via certified mail return receipt requested and first class mail requesting that he respond to these allegations made by MetLife and provide supporting documents; and

IT FURTHER APPEARING that the Department requested Respondent to respond to the April 6 letter with supporting documents by April 22, 2016; and

IT FURTHER APPEARING that Respondent failed to respond to the April 6 letter; and

IT FURTHER APPEARING that Respondent's failure to respond to inquiries from the Department of Banking and Insurance constitute violations of N.J.S.A. 17:22A-40a(8) and N.J.A.C. 11:17A-4.8; and

NOW, THEREFORE, IT IS on this ^{6th} day of ^{September}, 2016:

ORDERED that pursuant to the provisions of N.J.S.A. 17:22A-40a, Respondent shall appear and show cause why his insurance producer license shall not be revoked by the Commissioner; and

IT IS FURTHER ORDERED that Respondent appear and show cause why the Commissioner should not assess fines up to \$5,000.00 for the first violation and not exceeding \$10,000.00 for each subsequent violation, pursuant to the provisions of N.J.S.A. 17:22A-45c, due to his failure to comply with New Jersey's insurance laws and regulations; and

IT IS FURTHER ORDERED that Respondent appear and show cause why he should not be subject to additional penalties including reimbursement of the costs of investigation and prosecution pursuant to N.J.S.A. 17:22A-45c; and

IT IS PROVIDED that Respondent has the right to request an administrative hearing, to be represented by counsel or other

qualified representative, at his own expense, to take testimony, to call or cross-examine witnesses, to have subpoena duces tecum issued and to present evidence or argument if a hearing is requested; and

IT IS FURTHER PROVIDED that, unless a request for a hearing is received within twenty (20) days of the service of this Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by Respondents, and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Virgil Downtin, Chief of Investigations, Department of Banking and Insurance, P.O. Box 329, Trenton, N.J. 08625 or by faxing the request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Brian R. Fitzgerald at fax number (609) 777-3503. The request shall contain:

- (A) The licensee's name, address and daytime telephone number;
- (B) A statement referring to each charge alleged in this Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on the facts not contained in

the Order to Show Cause, those specific facts must be stated;

- (C) A specific admission or denial of each fact alleged in this Order to Show Cause. Where the Respondent has no specific knowledge regarding a fact alleged in this Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and
- (D) A statement requesting a hearing.



PETER L. HART
Director of Insurance