

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 Producer)
Licenses of Manuel Moreno, Reference No.)
1085063, and On Time Bail Bonds LLC,)
Reference No. 1291481)

FINAL ORDER

TO:

Manuel Moreno
461 New Brunswick Avenue
Perth Amboy, NJ 08861

On Time Bail Bonds LLC
461 New Brunswick Avenue
Perth Amboy, NJ 08861

Manuel Moreno
379 Bruck Avenue
Perth Amboy, NJ 08861

On Time Bail Bonds LLC
379 Bruck Avenue
Perth Amboy, NJ 08861

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon issuance of Order to Show Cause E18-51 alleging that Manuel Moreno (“Moreno”) and On Time Bail Bonds LLC (“On Time”) (collectively, “Respondents”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Moreno was licensed as a resident insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32(a), until his license expired on September 30, 2016; and

WHEREAS, On Time was licensed as a resident business entity insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32(b), until its license expired on May 31, 2016; and

WHEREAS, Moreno was the Designated Responsible Licensed Producer (“DRLP”) for On Time and responsible for the activities of On Time and its compliance with the insurance laws, rules, and regulations of this State, pursuant to N.J.S.A. 17:22A-32(b)(2) and N.J.A.C. 11:17A-1.6(c); and

WHEREAS, Respondents are subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001 (“Producer Act”), N.J.S.A. 17:22A-26 to -48, and the regulations governing Insurance Producer Standard 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 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.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, and may levy a civil penalty, for a violation of the Producer Act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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-40(a)(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-40(a)(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 in this State or elsewhere; and

WHEREAS, pursuant to N.J.A.C. 11:17A-1.6(c), licensed partners, officers and directors, and all owners with an ownership interest of 10 percent or more in the organization shall be held responsible for all insurance related conduct of the organization licensee, any of its branch offices, its other licensed officers or partners, and its employees; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.10, an insurance producer acts in a fiduciary capacity in the conduct of his or her insurance business; and

WHEREAS, pursuant to 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(a), all premium funds shall be remitted to the insurer or other insurance producer, as applicable, within five business days after receipt of the funds, with certain exceptions; 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, 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; moreover, the Commissioner may order restitution of moneys owed any person and reimbursement of costs of the investigation and prosecution, as appropriate; and

WHEREAS, on May 25, 2018, the Commissioner issued Order to Show Cause E18-51 ("OTSC"), alleging violations of New Jersey insurance laws by Respondents as set forth in the following Counts:

COUNT 1
(MORENO)

IT APPEARING, that on or about March 2, 2016, Moreno represented to individual K.A. that he was an independent agent for MF Bail Bonds; and

IT FURTHER APPEARING, that on that same date, Moreno accepted a \$7,000.00 premium deposit from K.A. to post bail for K.A.'s son, P.P.; and

IT FURTHER APPEARING, that Moreno never remitted the premium to any insurer and never returned the premium to K.A.; and

IT FURTHER APPEARING, that on March 4, 2016, the owner of M.F. Bail Bonds terminated Moreno's employment; and

IT FURTHER APPEARING, that Moreno's failure to remit premium funds to an insurer, or return the premium funds to the insured, within five business days after receipt, constitutes violations of N.J.S.A. 17:22A-40(a)(2), (4), and (8); N.J.A.C. 11:17A-4.10; N.J.A.C. 11:17C-2.1(a); and N.J.A.C. 11:17C-2.2(a) and (b); and

COUNT 2
(ALL RESPONDENTS)

IT APPEARING, that on or about December 16, 2014, individual A.D. contacted Moreno and/or On Time regarding posting bail for her incarcerated son, L.A.D.; and

IT FURTHER APPEARING, that A.D. paid Moreno and/or On Time \$10,000.00 for the bail bond; and

IT FURTHER APPEARING, that Moreno provided A.D. with two receipts for \$3,000.00 and \$7,000.00, respectively; and

IT FURTHER APPEARING, that Moreno informed A.D. that her son's bail was too high, there was nothing he could do, and that he would return the \$10,000.00 to A.D.; and

IT FURTHER APPEARING, that Moreno never returned the \$10,000.00 to A.D.; and

IT FURTHER APPEARING, that Respondents' misappropriation of premium funds and failure to remit premium funds to an insurer, or return the premium funds to the insured, within five business days after receipt, constitutes violations of N.J.S.A. 17:22A-40a(2), (4), and (8); N.J.A.C. 11:17A-4.10; N.J.A.C. 11:17C-2.1(a); and N.J.A.C. 11:17C-2.2(a) and (b); and

COUNT 3
(ALL RESPONDENTS)

IT APPEARING, that on or about December 11, 2015, individual E.R. paid Moreno and/or On Time a \$2,500.00 down payment on \$100,000.00 bail for E.R.'s son, P.R.; and

IT FURTHER APPEARING, that Moreno and/or On Time failed to post bail for P.R. and never returned the \$2,500.00 to E.R.; and

IT FURTHER APPEARING, that Respondents' misappropriation of premium funds and failure to remit premium funds to an insurer, or return the premium funds to the insured, within five business days after receipt, constitutes violations of N.J.S.A. 17:22A-40(a)(2), (4), and (8); N.J.A.C. 11:17A-4.10; N.J.A.C. 11:17C-2.1(a); and N.J.A.C. 11:17C-2.2(a) and (b); and

WHEREAS, as set forth in the Certification of Deputy Attorney General Brian R. Fitzgerald, attached hereto as Exhibit A, Respondents were given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the OTSC, which was duly served upon Respondents by certified and regular mail to their last known mailing addresses according to the files maintained by the Department, pursuant to N.J.A.C. 11:17D-2.1(a)(3), and their last known mailing addresses according to LexisNexis and the Motor Vehicle Commission; and

WHEREAS, Respondents failed to provide a written response to the charges contained in the OTSC within twenty days as provided by N.J.A.C. 11:17D-2.1(d)(1), and therefore have waived their right to a hearing to contest these charges and the charges are deemed admitted pursuant to N.J.A.C. 11:17D-2.1(b)(1);

NOW, THEREFORE, IT IS on this 11th day of March, 2019:

ORDERED, that the charges contained in Counts 1, 2 and 3 of the OTSC are deemed admitted by Moreno, pursuant to N.J.A.C. 11:17D-2.1(b)(1); and

IT IS FURTHER ORDERED, that the charges contained in Counts 2 and 3 of the OTSC are deemed admitted by On Time, pursuant to N.J.A.C. 11:17D-2.1(b)(1); and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-40 and N.J.A.C. 11:17D-2.1(b)(2), the insurance producer license of Moreno is **REVOKED** effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-40 and N.J.A.C. 11:17D-2.1(b)(2), the insurance producer license of On Time is **REVOKED** effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45(c), Moreno is responsible for the payment of civil penalties in the total amount of \$25,000.00, and On Time is responsible for the payment of civil penalties in the total amount of \$15,000 for the violations of the Producer Act and other regulations cited above as follows:

Count 1: Moreno shall pay a civil penalty, individually, in the amount of \$10,000.00; and

Count 2: Respondents shall pay, jointly and severally, a civil penalty in the amount of \$5,000.00; and

Count 3: Respondents shall pay, jointly and severally, a civil penalty in the amount of \$10,000.00; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45(c) and N.J.A.C. 11:1-32.4(b)(20), Respondents shall jointly and severally reimburse the Department of Banking and Insurance for the costs associated with the investigation and prosecution of this matter, as

evidenced by the Certification of Costs by Investigator Matthew Gervasio, attached hereto as Exhibit B, totaling \$1,550.00; and

IT IS FURTHER ORDERED, that Moreno shall pay individually the above fine totaling \$10,000.00, and Respondents shall pay jointly and severally the above fines and costs totaling \$16,550.00 in full by remitting payment to the Commissioner of Banking and Insurance, State of New Jersey, 20 West State Street, P.O. Box 329, Trenton, New Jersey 08625, Attention: Virgil Downtin, Chief of Investigations, by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," within ten (10) days from the date of service of this Order; and

IT IS FURTHER ORDERED, that Moreno shall pay restitution to KA in the amount of \$7,000.00 pursuant to the provisions of N.J.S.A. 17:22A-45(c); and

IT IS FURTHER ORDERED, that Respondents shall pay restitution jointly and severally to AD in the amount of \$10,000.00 pursuant to the provisions of N.J.S.A. 17:22A-45(c); and

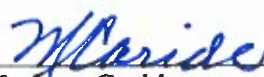
IT IS FURTHER ORDERED, that Respondents shall pay restitution jointly and severally to ER in the amount of \$2,500.00 pursuant to the provisions of N.J.S.A. 17:22A-45(c); and

IT IS FURTHER ORDERED, that in the event full payment of the fines, costs, and restitution is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties, in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the sanctions in this Final 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 IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in OTSC.



Marlene Caride
Commissioner

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)
Producer Licenses of Manuel Moreno,)
Reference No. 1085063, and On Time Bail)
Bonds LLC, Reference No. 1291481)

**CERTIFICATION OF BRIAN R.
FITZGERALD**

I, Brian R. Fitzgerald, of full age, do of my own personal knowledge make the following statements by way of certification in lieu of affidavit pursuant to R. 1:4-4(b):

1. I am a Deputy Attorney General assigned as counsel for the Department of Banking and Insurance, State of New Jersey (“Department”), in the above-captioned matter. I make this certification in support of entry of the Final Order against Respondents Manuel Moreno and On Time Bail Bonds LLC (collectively, “Respondents”).

2. On May 25, 2018, the Commissioner issued Order to Show Cause No. E18-51 against Respondents charging them with violations of the insurance laws of this State.

3. Pursuant to N.J.A.C. 11:17D-2.1(a)3, the Order to Show Cause “shall be served by personal delivery, or by certified mail to the alleged violator’s last known business or mailing address, according to the files maintained by the Department. Service in this manner shall be considered lawful service on the alleged violator.”

4. On June 2, 2018, our office mailed Order to Show Cause No. E18-51 to Respondents separately via certified mail, return receipt requested, and regular mail to Respondents’ last known business address on file with the Department at 461 New Brunswick

Avenue, Perth Amboy, NJ 08861.

5. The regular mailings were returned to this office marked "Not Deliverable as Addressed – Unable to Forward." (True and exact copies of the returned mailing envelopes are attached collectively hereto as Exhibit 1.) The certified mailings were not returned to this office. According to the United States Postal Service, the certified mailings were undeliverable. (True and correct copies of the tracking information from USPS.com for the certified mailings are attached collectively hereto as Exhibit 2.)

6. A department investigator obtained an address for Respondent Moreno from LexisNexis and the Motor Vehicle Commission of 379 Bruck Avenue, Perth Amboy, NJ 08861.

7. On December 15, 2018, our office mailed Order to Show Cause No. E18-51 to Respondents at the 379 Bruck Avenue address separately via certified mail, return receipt requested, and regular mail.

8. The certified mail was returned marked "unclaimed." The regular mail was not returned to this office. (True and correct copies of the certified mail envelopes are attached collectively hereto as Exhibit 3.)

9. That the certified mail to the 379 Bruck Avenue address was returned marked "unclaimed" and the regular mail was not returned constitutes lawful service upon Respondents.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Brian R. Fitzgerald

Dated: March 5, 2019

EXHIBIT 1

DEPARTMENT OF LAW AND PUBLIC SAFETY

From DAG Brian Fitzgerald

Richard J. Hughes Justice Complex

DIVISION OF LAW PO BOX 117 TRENTON, NJ 08625

To:

On Time Bail Bonds LLC
461 New Brunswick Avenue
Perth Amboy, NJ 08861-2128

UNDELIVERABLE TO ADDRESSEE
RETURN TO SENDER
62100-49185 TNS51Z
31/28/9023

UNDELIVERABLE TO ADDRESSEE
RETURN TO SENDER
31/28/9023

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SIXER

15200-491651N512 2111052980 : 08

02/08/2012

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31212

RETURN TO SENDER
UNDELIVERABLE
NOT KNOWN
ATTEMPTED TO FORWARD

AKK

DEPARTMENT OF LAW AND PUBLIC SAFETY

From DAG Brian Fitzgerald
Richard J. Hughes Justice Complex
DIVISION OF LAW PO BOX 117 TRENTON, NJ 08625

To:

Mr. Manuel Moreno
461 New Brunswick Avenue
Perth Amboy, NJ 08861-2128

No one known by
this name at 461 New Brunswick Ave
Perth Amboy, NJ

EXHIBIT 2

ALERT: DUE TO WILDFIRES IN CALIFORNIA, USPS SERVICES ARE IMPACTED IN TH...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70131710000079588195

Remove X

USPS was unable to deliver your item as of 12:16 pm on June 8, 2018 in PERTH AMBOY, NJ 08861. The address may be incorrect, incomplete, or illegible.

Alert

June 8, 2018 at 12:16 pm
Unable to deliver item, problem with address
PERTH AMBOY, NJ 08861

Feedback

Tracking History

June 8, 2018, 12:16 pm
Unable to deliver item, problem with address
PERTH AMBOY, NJ 08861
USPS was unable to deliver your item as of 12:16 pm on June 8, 2018 in PERTH AMBOY, NJ 08861. The address may be incorrect, incomplete, or illegible.

June 8, 2018, 8:44 am
Arrived at Unit
PERTH AMBOY, NJ 08861

June 8, 2018, 12:52 am
Arrived at USPS Regional Facility
KEARNY NJ DISTRIBUTION CENTER

June 7, 2018
In Transit to Next Facility

June 6, 2018, 11:42 am
Arrived at USPS Regional Facility
JERSEY CITY NJ NETWORK DISTRIBUTION CENTER

June 4, 2018, 5:46 pm
Departed USPS Facility
LOUISVILLE, KY 40221

June 4, 2018, 2:55 pm
Arrived at USPS Facility
LOUISVILLE, KY 40221

Product Information

Feedback
∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

ALERT: DUE TO WILDFIRES IN CALIFORNIA, USPS SERVICES ARE IMPACTED IN TH...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70131710000079588188

Remove X

USPS was unable to deliver your item as of 12:16 pm on June 8, 2018 in PERTH AMBOY, NJ 08861. The address may be incorrect, incomplete, or illegible.

Alert

June 8, 2018 at 12:16 pm
Unable to deliver item, problem with address
PERTH AMBOY, NJ 08861

Feedback

Tracking History

June 8, 2018, 12:16 pm

Unable to deliver item, problem with address
PERTH AMBOY, NJ 08861

USPS was unable to deliver your item as of 12:16 pm on June 8, 2018 in PERTH AMBOY, NJ 08861. The address may be incorrect, incomplete, or illegible.

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Departed USPS Facility
LOUISVILLE, KY 40221

June 4, 2018, 2:55 pm
Arrived at USPS Facility
LOUISVILLE, KY 40221

Product Information

Feedback
∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

EXHIBIT 3

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO BOX 117
TRENTON NJ 08625-0117
DAG Brian Fitzgerald



7014 0510 0000 9097 4001

3
12/17

Mr. Manuel Moreno
379 Bruck Avenue
Perth Amboy, NJ 08861

NIXIE 075 DE 1 0001/10/19
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC SC: 08625011717 *0730-00116-16-25
08625011717
08625011717

CERTIFIED MAIL

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO BOX 117
TRENTON NJ 08625-0117
DAG Brian Fitzgerald



7014 0510 0000 9097 3998

3
12/17

On Time Bail Bonds LLC
379 Bruck Avenue
Perth Amboy, NJ 08861

NIXIE 075 DE 1 0001/10/19
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC SC: 08625011717 *0730-00116-16-25
08625011717
08625011717

ZIP 08628 \$ 006.88
02 1W
0001404285 DEC 10 2018

US POSTAGE
ZIP 08628 \$ 006.88
02 1W
0001404285 DEC 10 2018

of this matter, I reviewed my files relative to this matter, including my time records. On the basis of this review, I have prepared the below schedule of costs:

Date	Time in Hours	Phone	Case Prep	Comments
8/16/2016	4.0		X	Reviewed complaint's, reviewed licensee information, reviewed investigation reports #1 and #2.
8/17/2016	2.0		X	Reviewed additional documentation in investigation file; obtained contact information for insureds
8/17/2016	1.0	X	X	Attempted to contact complainants via mail, email and telephone
8/31/2016	1.5		X	Production of Investigative Report #3
9/14/2016	1.5		X	Certified letters created and sent out to USCIS
9/16/2016	1.0		X	Reviewed documentation received from complainant.
9/17/2016	2.0		X	Reviewed documentation received from complainant.
10/4/2016	0.5	X	X	Phone call with USCIS and creation of ROC.
10/6/2016	1.0		X	Email communication with USCBP for assistance in locating subject.

10/14/2016	1.0		X	Review of documentation received from USCBP.
10/28/2016	1.5		X	Production of Investigative Report #4
11/17/2016	1.5		X	Production of Investigative Report #5.
12/20/2016	3.0		X	Production of Facts and Evidence Report.
12/6/2017	1.0		X	Contact with USCBP to
1/3/2018	1.0		X	Contact and review of documentation with USCBP.
1/8/2018	5.5		X	Field investigation.
8/7/2018	.5		X	Contact with Dept. Labor & Workforce to determine current employer of subject.
8/8/2018	.5		X	MVC check.
12/4/2018	1.0			Certification of Costs
TOTAL:	31			

5. As this schedule reflects, the investigative efforts expended by the Department of Insurance concerning this matter total 16.5 hours. Pursuant to N.J.A.C. 11:1-32.4(b)20, costs to the Department for the investigation and prosecution for violations of the New Jersey Insurance Producer Licensing Act, N.J.S.A. 17:22A-40, are reimbursable at the rate of \$50.00 per hour, rounded to the nearest quarter hour.

6. I therefore request that the Department's costs of investigation and prosecution be reimbursed in the amount of \$1,550.00.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Matthew Gervasio

Dated: 12/4/2018