

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 )  
license of Dekpah J. Gueh, Reference No. )  
0197380. )  
\_\_\_\_\_

**ORDER TO SHOW CAUSE**

TO: Dekpah J. Gueh  
229 South Walter Avenue  
Trenton, New Jersey 08629

Dekpah J. Gueh  
7 Quimby Avenue  
Trenton, New Jersey 08610

THIS MATTER, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Dekpah J. Gueh (“Gueh” or “Respondent”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondent was formerly licensed as a resident insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32(a), until February 28, 2018 when his license expired; and

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

Insurance Prevention Act, N.J.S.A. 17:33A-1 to -30 (“Fraud Act”), and the regulations promulgated thereunder, N.J.A.C. 11:16-1.1 to -7.10; 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 of 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)(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)(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-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-40(a)(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-40(a)(16), an insurance producer shall not commit any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(18) an insurance producer shall not fail to notify the Commissioner within 30 days of conviction of any crime, indictment or the filing of any formal criminal charges; and

WHEREAS, pursuant to N.J.S.A. 17:22A-47(b), within thirty days of the initial pretrial hearing date, an insurance producer shall report to the Commissioner any criminal prosecution of the producer taken in any jurisdiction, which report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.2, in cases where an applicant's signature is required, an insurance producer who takes an application for insurance shall be required to witness the signature of the prospective insured on the application prior to the submission of the application to the insurer only when the application is signed by the applicant after having been completed in a face to face meeting between the producer and the prospective insured; 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 up to \$5,000.00 for the first offense and up to \$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, pursuant to N.J.S.A. 17:33A-4(a)(4)(b), no person shall prepare or make any written or oral statement, intended to be presented to any insurance company or producer for the purpose of obtaining an insurance policy, knowing that the statement contains any false or

misleading information concerning any fact or thing material to an insurance application or contract; and

WHEREAS, pursuant to N.J.S.A. 17:33A-5(a) and (c), violations of the Fraud Act subject the violator to a civil and administrative penalty up to \$5,000.00 for the first offense, up to \$10,000.00 for the second offense and up to \$15,000.00 for each subsequent offense; moreover, the Commissioner may issue a final order recovering costs of prosecution, including attorneys' fees in accordance with N.J.A.C. 11:16-7.9(c); and

WHEREAS, pursuant to N.J.S.A. 17:33A-5.1, any person who is found in any legal proceeding to have committed insurance fraud shall be subject to a surcharge in the amount of \$1,000.00; and

#### **COUNT 1**

IT APPEARING, that at all relevant times, Respondent was employed as an insurance producer for Washington National Insurance Company ("WNIC"); and

IT FURTHER APPEARING, that on or about August 23, 2011, Respondent completed an application for a life insurance policy for individual "S.J.T." and falsely represented that S.J.T. resided in New Jersey prior to the date of the application; had a valid Social Security number; and appeared before him and signed the application in his presence on the date of the application; and

IT FURTHER APPEARING, that Respondent knew that S.J.T. did not reside in the United States, did not have a valid Social Security number, and did not appear before him and sign the application on the date of the application, and thereby caused a life insurance application containing false and misleading statements to be submitted to WNIC and a life insurance policy to be issued by WNIC to an unqualified applicant; and

IT FURTHER APPEARING, that Respondent forged S.J.T.'s signature on the application;  
and

IT FURTHER APPEARING, that Respondent submitted a fraudulent life insurance policy application with a forged applicant signature to WNIC on or about August 23, 2011 for S.J.T. in violation of N.J.S.A. 17:22A-40(a)(2), (5), (8), (10) and (16), and N.J.A.C. 11:17A-4.2; and

IT FURTHER APPEARING, that in connection with the S.J.T. application, Respondent received approximately \$660.50 in commission payments from WNIC to which he was not entitled; and

### **COUNT 2**

IT FURTHER APPEARING, Respondent prepared and presented to WNIC a fraudulent life insurance application for S.J.T., knowing that the insurance policy application and claim form contained false and misleading information concerning facts material to the insurance policy application and claim, in violation of N.J.S.A. 17:33A-4(a)(4)(b); and

### **COUNT 3**

IT FURTHER APPEARING, that on or about August 23, 2011, Respondent completed an application for life insurance for individual, "M.B.D." and falsely represented that M.B.D. resided in New Jersey prior to the date of the application; had a valid Social Security number; and appeared before him and signed the application in his presence on the date of the application; and

IT FURTHER APPEARING, that Respondent knew that M.B.D. did not reside in the United States, did not have a valid Social Security number, and did not appear before him and sign the application on the date of the application, and thereby caused a life insurance application containing false and misleading statements to be submitted to WNIC and a life insurance policy to be issued by WNIC to an unqualified applicant; and

IT FURTHER APPEARING, that Respondent forged M.B.D.'s signature on the application; and

IT FURTHER APPEARING, that Respondent submitted a fraudulent life insurance policy application with a forged applicant signature to WNIC on or about August 23, 2011 for M.B.D. in violation of N.J.S.A. 17:22A-40(a)(2), (5), (8), (10) and (16), and N.J.A.C. 11:17A-4.2; and

IT FURTHER APPEARING, that in connection with the M.B.D. application, Respondent received approximately \$649.08 in commission payments from WNIC to which he was not entitled; and

#### **COUNT 4**

IT FURTHER APPEARING, Respondent prepared and presented to WNIC a fraudulent life insurance application for M.B.D., knowing that the insurance policy application and claim form contained false and misleading information concerning facts material to the insurance policy application and claim, in violation of N.J.S.A. 17:33A-4(a)(4)(b); and

#### **COUNT 5**

IT FURTHER APPEARING, that on or about September 2, 2011, Respondent completed an application for a life insurance policy for individual "S.T." and falsely represented that S.T. resided in New Jersey prior to the date of the application; had a valid Social Security number; and appeared before him and signed the application in his presence on the date of the application; and

IT FURTHER APPEARING, that Respondent knew that S.T. did not reside in the United States, did not have a valid Social Security number, and did not appear before him and sign the application on the date of the application, and thereby caused a life insurance application containing false and misleading statements to be submitted to WNIC and a life insurance policy to be issued by WNIC to an unqualified applicant; and

IT FURTHER APPEARING, that Respondent forged S.T.'s signature on the application;  
and

IT FURTHER APPEARING, that Respondent submitted a fraudulent life insurance policy application with a forged applicant signature to WNIC on or about September 6, 2011 for S.T. in violation of N.J.S.A. 17:22A-40(a)(2), (5), (8), (10) and (16), and N.J.A.C. 11:17A-4.2; and

IT FURTHER APPEARING, that in connection with the S.T. application, Respondent received approximately \$847.25 in commission payments from WNIC to which he was not entitled; and

#### COUNT 6

IT FURTHER APPEARING, Respondent prepared and presented to WNIC a fraudulent life insurance application for S.T., knowing that the insurance policy application and claim form contained false and misleading information concerning facts material to the insurance policy application and claim, in violation of N.J.S.A. 17:33A-4(a)(4)(b); and

#### COUNT 7

IT FURTHER APPEARING, that on August 17, 2016, Respondent was indicted by a Grand Jury for second degree Insurance Fraud and Theft by Deception in the third degree; and

IT FURTHER APPEARING, that on June 19, 2017, Respondent was enrolled in the Pre-Trial Intervention Program for a period of thirty-six (36) months; and

IT FURTHER APPEARING, that Respondent failed to advise the Commissioner of the indictment within 30 days, in violation of N.J.S.A. 17:22A-40(a)(18) and N.J.S.A. 17:22A-47(b);  
and

NOW, THEREFORE, IT IS on this 25<sup>th</sup> day of August, 2019,

ORDERED, that Respondent appear and show cause why his New Jersey insurance producer license should not be suspended or revoked pursuant to N.J.S.A. 17:22A-40(a); and

IT IS FURTHER ORDERED, that Respondent appear and show cause why the Commissioner should not assess a civil penalty of up to \$5,000.00 for the first violation and \$10,000.00 for each subsequent violation of the Producer Act and order Respondent to pay restitution of moneys owed to any person, pursuant to N.J.S.A. 17:22A-45(c); and

IT IS FURTHER ORDERED, that Respondent appear and show cause why he should not be required to reimburse the Department for the cost of the investigation and prosecution, including attorneys' fees, as authorized pursuant to N.J.S.A. 17:22A-45(c), N.J.S.A. 17:33A-5(c), and N.J.A.C. 11:16-7.9(c); and

IT IS FURTHER ORDERED, that Respondent appear and show cause why the Commissioner should not assess a civil penalty of up to \$5,000.00 for the first offense, \$10,000.00 for the second offense, and \$15,000 for each subsequent offense of the Fraud Act pursuant to the provisions of N.J.S.A. 17:33A-5(c) and N.J.A.C. 11:16-7.9(a); and

IT IS FURTHER ORDERED, that Respondent appear and show cause why the Commissioner should not impose a \$1,000.00 surcharge against him in accordance with N.J.S.A. 17:33A-5.1; 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 subpoenas 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 Respondent, 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, New Jersey 08625, or by faxing the hearing request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Jessica Lugo at Division of Law, P.O. Box 117, Trenton, NJ 08625. The request shall contain the following:

- (a) Respondent's full 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 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 Respondent has no specific knowledge regarding a fact alleged in the 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 the hearing.

  
\_\_\_\_\_  
Marlene Caride  
Commissioner