

**STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE  
BUREAU OF FRAUD DETERRENCE**



**CONSENT ORDER NO. 14-52831-40**

In the Matter of ) **CONSENT ORDER**  
Charles P. Alario )  
631 Ocean Avenue, Unit 304 )  
Bradley Beach, New Jersey 07720 )  
Respondent. )

This matter having been opened by the Bureau of Fraud Deterrence, Department of Banking and Insurance of the State of New Jersey, upon information indicating that Respondent, Charles P. Alario, currently residing at 631 Ocean Avenue, Unit 304, Bradley Beach, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent, Charles P. Alario, knowingly provided false and misleading information regarding employee job titles to Hanover Insurance Company on April 16, 2014 and September 22, 2014 and the Compensation Rating and Inspection Bureau on January 29, 2015, which resulted in worker's compensation insurance policies being issued by Hanover Insurance Company and New Jersey Manufacturers Insurance Company; and

WHEREAS, the above conduct constitutes a violation of N.J.S.A. 17:33A-1, et seq., and any future violation of N.J.S.A. 17:33A-1, et seq. shall be considered to be a second offense; and

WHEREAS, Respondent has been informed that he has a right to notice and to request a hearing, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), on the violation alleged herein before a civil administrative penalty is imposed; and

WHEREAS, Respondent understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondent consents to pay a civil administrative penalty in the amount of \$30,000.00, and surcharge in the amount of \$1,500.00, the total amount of \$31,500.00 being due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance", and acknowledges restitution in the amount of \$20,252.00 payable to New Jersey Manufacturers Insurance Company and in the amount of \$186,952.00 payable to Hanover Insurance Company. This signed order and the payment of the civil administrative penalty shall be returned to Managing Investigator, Michael Palumbo, Bureau of Fraud Deterrence, Department of Banking and Insurance, PO Box 326, Trenton, New Jersey 08625; and

WHEREAS, the penalties of this Consent 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 FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Bureau of Fraud Deterrence desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS ON THIS 12<sup>TH</sup> day of December, 2018,

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$30,000 is imposed on Respondent, Charles P. Alario.
2. Respondent is bound to pay restitution in the amount of \$20,252.00 to New Jersey Manufacturers Insurance Company and in the amount of \$186,952.00 payable to Hanover Insurance Company.
3. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is \$1,500.00, such amount to be in addition to the civil administrative penalty.

4. Respondent consents to the entry of this final administrative order. Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.).

5. This Consent Order shall not be binding until it is signed by the Chief of Investigations, Bureau of Fraud Deterrence.

MARLENE CARIDE  
COMMISSIONER  
DEPARTMENT OF BANKING AND INSURANCE

By: Richard Besser  
RICHARD BESSER  
CHIEF OF INVESTIGATIONS  
BUREAU OF FRAUD DETERRENCE

CONSENTED TO AS TO FORM, CONTENT  
AND ENTRY OF ORDER:

Charles P. Alario  
Charles P. Alario, Respondent

Dated: 12/11/18