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

CONSENT ORDER NO. 16-54777-04

In the Matter of	)	**CONSENT ORDER**
Brinton Auto Body	)	
387 Springfield Avenue	)	
Westfield, NJ 07091	)	
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, Brinton Auto Body, currently doing business at 387 Springfield Avenue, Westfield, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondent, Brinton Auto Body, knowingly provided false and misleading statements on an Auto Property Damage Claim with Allstate Insurance Company dated February 11, 2016. Specifically, Brinton Auto Body repaired a vehicle body panel instead of sectioning/replacing the body as agreed in the insurance repair estimate; 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 it 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 $3,000.00, and surcharge in the amount of $150.00, the total amount of $3,150.00 being due immediately by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance". This signed order and the payment of the civil administrative penalty shall be returned to Managing Investigator, Ronald Dellanno, Bureau of Fraud Deterrence, Department of Banking and Insurance, One Apollo Drive, Whippany, New Jersey 07981; 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 _17th_ day of _December_ , _2017_ , ORDERED AND AGREED as follows:

1.   Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of $3,000.00 is imposed on Respondent, Brinton Auto Body.

2.   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 $150.00, such amount to be in addition to the civil administrative penalty.

3.   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.).

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

5.   This Consent Order may be used against Respondent in any civil or administrative proceeding related to a violation of N.J.S.A. 17:33A-1 et seq., including a license suspension or revocation proceeding.

6. Pursuant to N.J.S.A. 17:33A-10(c), a copy of this Consent Order shall be provided to the appropriate licensing authority.

MARLENE CARIDE
COMMISSIONER
DEPARTMENT OF BANKING AND INSURANCE

By: _____
RICHARD BESSER
CHIEF OF INVESTIGATIONS
BUREAU OF FRAUD DETERRENCE

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

_____ Pres.   Dated: 12/13/18
Brinton Auto Body, Respondent