

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

21C-098N



CONSENT ORDER NO. 18-52799-40

In the Matter of)
Melissa Gomez)
590 Main Ave.)
Passaic, NJ 07055)

and

Phoenix Outsource Corp.)
590 Main Ave.)
Passaic, NJ 07055)
Respondents.)

CONSENT ORDER

CONSENT ORDER

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 Respondents, Melissa Gomez and Phoenix Outsource Corporation, both conducting business at 590 Main Avenue, Passaic, New Jersey, may have violated the provisions of N.J.S.A. 17:33A-4; and

WHEREAS, Respondents, Melissa Gomez and Phoenix Outsource Corporation, knowingly concealed information from The Hartford Casualty Insurance Company, on various Applications and Questionnaires for a Workers Compensation Policy which was effective on May 26, 2017. Specifically, by failing to list itself as a Staffing Agency as opposed to a Consulting Agency, also, by failing to report complete payroll during a premium audit and by failing to accurately list all employee class codes; 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 subsequent offense; and

WHEREAS, Respondents have been informed that they have 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 and administrative penalty is imposed; and

WHEREAS, Respondents understand these rights and have voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondents consent to pay, jointly and severally, a civil administrative penalty in the amount of \$5,000.00, and surcharge in the amount of \$250.00 against Melissa Gomez, Individually, and surcharge in the amount of \$250.00 against Phoenix Outsource Corporation, Individually, the total amount of \$5,500.00 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 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 Respondents 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 13TH day of April, 2021,

ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5(c), civil administrative penalty of \$5,000.00 is imposed on Respondents, Melissa Gomez and Phoenix Outsource Corporation, jointly and severally.
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondents shall pay to the Commissioner, Department of Banking and Insurance, a surcharge equal to five (5%) percent of the settlement amount, which is \$250.00 each, such amount to be in addition to the civil administrative penalty.
3. This Consent Order shall not be binding until it is signed by the Chief of Investigations, Bureau of Fraud Deterrence.

4. Respondents consent to the entry of this final administrative order.

Respondents understand 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:58-1 et seq.).

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:

Melissa Gomez
Melissa Gomez, Respondent

Dated: 3/29/21

Phoenix Outsource Corporation
Phoenix Outsource Corporation, Respondent

Dated: _____