

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, ) CONSENT  
to fine James M. Cowgill, Reference No. 1308473 ) ORDER

TO: James M. Cowgill  
265 Racine Drive, Ste. 103  
Wilmington, NC 28403

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that James M. Cowgill ("Respondent"), currently licensed as a non-resident insurance producer, pursuant to N.J.S.A. 17:22A-29, may have violated various insurance laws of the State of New Jersey; and

WHEREAS, the Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (1), a producer shall not provide incorrect, misleading, incomplete or materially untrue information in the license application; and

IT APPEARING that on or about January 28, 1996, when Respondent was a freshman in college, Respondent was arrested and charged with Stealing, a Class A Misdemeanor; and

IT FURTHER APPEARING, that the Respondent plead guilty in the Circuit Court of Boone County, Missouri to the Class A Misdemeanor of Stealing on or about May 9, 1996; and

IT FURTHER APPEARING that on or about August 2, 2011, the Respondent submitted his initial license application to the New Jersey Department of Banking and Insurance; and

IT FURTHER APPEARING, that the Respondent improperly answered "No" to the application background question which asked "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" in violation of N.J.S.A. 17:22-40a (1);

and

IT FURTHER APPEARING that on or about July 25, 2013, the Respondent submitted a renewal license application to the New Jersey Department of Banking and Insurance; and

IT FURTHER APPEARING, that the Respondent improperly answered "No" to the renewal application background question which asked "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?" in violation of N.J.S.A. 17:22-40a (1); and

IT FURTHER APPEARING that on or about July 8, 2015, the Respondent submitted a second renewal license application to the New Jersey Department of Banking and Insurance; and

IT FURTHER APPEARING, that the Respondent improperly answered "No" to the renewal application background question which asked "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?" in violation of N.J.S.A. 17:22-40a (1); and

IT FURTHER APPEARING, that the Respondent:

1. Has admitted responsibility for the aforementioned violations;
2. Has cooperated with the investigation conducted by the Department of Banking and Insurance; and
3. Has asserted that the violations cited in this Consent Order were neither knowing, intentional nor willful; and

IT FURTHER APPEARING, that cause exists under N.J.S.A. 17:22A-40a and N.J.S.A. 17:22A-45c to impose a fine; and

IT FURTHER APPEARING, that the Respondent has waived its right to a hearing on the aforementioned violations and consented to payment of a fine in the amount of \$1,000.00; and

NOW, THEREFORE, IT IS on the 31<sup>st</sup> day of August 2016

ORDERED AND AGREED that the Respondent shall pay a fine in the amount of \$1,000.00 to the Department of Banking and Insurance by certified check, cashier's check or money order made payable to the State of New Jersey, General Treasury which shall be paid upon execution of this Consent Order by the Respondent; and

IT IS FURTHER ORDERED AND AGREED that the signed Consent Order together with the payment of \$1,000.00 shall be transmitted to:

New Jersey Department of Banking and Insurance  
Attention: Joseph A. McDougal  
9<sup>th</sup> Floor, Consumer Protection Services  
P. O. Box 329  
Trenton, New Jersey 08625-329


IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the fine 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 summary proceedings, in accordance with the penalty enforcement law at N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that the Respondent shall cease and desist from engaging in the conduct that gave rise to this Consent Order.

  
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Peter L. Hart  
Director of Insurance

Consented to as to Form,  
Entry and Content:  
James M. Cowgill

BY:   
Date: 7-18-2016