

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 public adjuster)
license of Sean Michael Moore, Reference No.)
1614884.)

ORDER TO SHOW CAUSE

TO: Sean Michael Moore
FCU Fort Dix
Federal Correctional Institution
Satellite Camp
P.O. Box 2000
Joint Base MDL, NJ 08640

This matter, having been opened to the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Sean Michael Moore ("Respondent") may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, at all relevant times, Respondent was and is currently licensed as a nonresident individual insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-34; and

WHEREAS, Respondent is subject to the provisions of the New Jersey Insurance Producer Licensing Act ("Producer Act"), N.J.S.A. 17:22A-26 to -48; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(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-40a(6), an insurance producer shall not be convicted of a felony or crime of the fourth degree or higher; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(18), an insurance producer shall notify the Commissioner within thirty days of his conviction of any crime, indictment, or the filing of any formal criminal charges; and

WHEREAS, pursuant to N.J.S.A. 17:22A-47b, 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.S.A. 17:22A-45c, any person violating the Producer Act is subject to a penalty not exceeding \$5,000.00 for the first offense and not exceeding \$10,000.00 for each subsequent offense; moreover, the Commissioner may order restitution of moneys owed any person and reimbursement of the costs of investigation and prosecution; and

COUNT 1

IT APPEARING, that at all relevant times, Respondent was licensed as a nonresident insurance producer; and

IT FURTHER APPEARING, that on or about October 26, 2017, after being indicted, Respondent pled guilty and was convicted, in the United States District Court for the Eastern District of Pennsylvania, of one felony count of accessing or possessing with intent to view child pornography, in violation of 18 U.S.C. §2252(a)(4)(B); and

IT FURTHER APPEARING, that conviction under 18 U.S.C. §2252(a)(4)(B) is equivalent to a conviction under New Jersey law in the third degree pursuant to N.J.S.A. 2C:24-4b(5)(b); and

IT FURTHER APPEARING, that Respondent was sentenced to 63 months of federal imprisonment and five years of supervised release; and

IT FURTHER APPEARING, that by being convicted of a felony or crime of the fourth degree or higher, Respondent violated N.J.S.A. 17:22A-40a(2) and (6); and

COUNT 2

IT FURTHER APPEARING, that Respondent never informed the Commissioner of his being criminally prosecuted for, indicted for, or convicted of, a felony or crime of the fourth degree or higher; and

IT FURTHER APPEARING, that Respondent, by failing to notify the Commissioner within 30 days of the initial pretrial hearing date that he was being criminally prosecuted in federal court, violated N.J.S.A. 17:22A-47b; and

IT FURTHER APPEARING, that Respondent, by failing to notify the Commissioner within 30 days of his indictment or conviction that he was indicted for and convicted of a felony or crime of the fourth degree or higher, violated N.J.S.A. 17:22A-40a(2) and (18); and

NOW, THEREFORE, IT IS, on this *5th* day of *December*, 2018

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-40a; 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 the provisions of N.J.S.A. 17:22A-45c; and


IT IS FURTHER ORDERED, that Respondent appear and show cause why they should not be required to reimburse the Department of Banking and Insurance ("Department") for the costs of investigation and prosecution as authorized by N.J.S.A. 17:22A-45c; 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, N.J. 08625 or by faxing the request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Brian R. Fitzgerald by fax at (609) 777-3503 and by mail at 25 Market Street, Box 117, Trenton, NJ 08625-0117. The request shall contain:

- (a) Respondent's full name, current 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 this 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 a hearing, if one is desired:



Marlene Caride
Commissioner