

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 insurance producer)
licenses of Bienvenido Dominguez, Reference)
No. 1276728, and Dominguez Agency LLC,)
Reference No. 1527865.)
)
)
)

**FINAL ORDER AS TO
BIENVENIDO DOMINGUEZ AND
DOMINGUEZ AGENCY LLC**

TO: Bienvenido Dominguez
5808 Washington Street
Apt. 303
West New York, NJ 07093

Dominguez Agency LLC
7311 Bergenline Avenue
North Bergen, NJ 07047

This matter, having been opened by Marlene Caride, Acting Commissioner, New Jersey Department of Banking and Insurance (“Commissioner”), upon information that Bienvenido Dominguez (“Dominguez”) and Dominguez Agency LLC (“Dominguez Agency”) (collectively, “Respondents”), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Dominguez was licensed as a resident insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32a, until his license expired on September 30, 2016; and

WHEREAS, Dominguez Agency, LLC, was licensed as a business entity insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32b, until its license became inactive on November 1, 2016, pursuant to N.J.A.C. 11:17-2.12(d); and

WHEREAS, Respondents are subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48, (the "Producer Act"), the Producer Licensing regulations, N.J.A.C. 11:17-1.1 to -2.17, and the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 to 11:17D-2.8; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40d, the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Producer Act and Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes against any person who is under investigation for or charged with violations of the Producer Act or Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes even if the person's license or registration has been surrendered or has lapsed by operation of law; 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(4), an insurance producer shall not improperly withhold, misappropriate or convert any monies or properties received in the course of doing insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(8), an insurance producer shall not use fraudulent, coercive or dishonest practices, or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of insurance business in this State or elsewhere; and

WHEREAS, pursuant to N.J.S.A. 17:22A-32b(2), any business entity acting as an insurance producer is required to designate a licensed insurance producer or producers responsible

for the business entity's compliance with the insurance laws, rules, and regulations of the State;
and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.8, an insurance producer shall reply, in writing, to any inquiry of the Department relative to the business of insurance within the time requested in said inquiry, or no later than 15 calendar days from the date the inquiry was made or mailed in cases where no response time is given; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.10, an insurance producer acts in a fiduciary capacity in the conduct of his or her insurance business; and

WHEREAS, pursuant to N.J.A.C. 11:17C-2.1(a), all premium funds shall be held by an insurance producer in a fiduciary capacity and shall not be misappropriated, improperly converted to the insurance producer's own use, or illegally withheld by the licensee; and

WHEREAS, pursuant to N.J.A.C. 11:17C-2.2(a), all premium funds shall be remitted to the insurer or other insurance producer, as applicable, within five business days after receipt of the funds except as otherwise required or provided by the insurance producer's contract with the insurer, any controlling statute or administrative rule or the rules of the residual market mechanism created by or pursuant to any statute; and

WHEREAS, pursuant to N.J.S.A. 17:22A-45c, any person violating any provision of the Producer Act shall be liable to a penalty not exceeding \$5,000 for the first offense and not exceeding \$10,000 for each subsequent offense, moreover, the Commissioner may order restitution of moneys owed any person and reimbursement of the costs of investigation and prosecution, as appropriate; and

WHEREAS, on December 21, 2017, the Commissioner issued Order to Show Cause No. E17-119, alleging violations of New Jersey insurance laws by Dominguez and Dominguez Agency as set forth in the following:

ALLEGATIONS COMMON TO ALL COUNTS

IT APPEARING, that Dominguez was the Designated Responsible Licensed Producer ("DRLP") for the Dominguez Agency LLC, pursuant to N.J.S.A. 17:22A-32b(2); and

IT FURTHER APPEARING, that Dominguez's producer license expired on September 30, 2016, and that as of November 1, 2016, by operation of N.J.A.C. 11:17-2.12(d), Dominguez Agency LLC was no longer an active insurance producer in this State because it was without a licensed insurance producer as a DRLP; and

IT FURTHER APPEARING, that Dominguez signed an Agent Appointment Agreement with Farmers Insurance Group ("Farmers") on September 1, 2013; and

IT FURTHER APPEARING, that on or about March 8, 2016, Dominguez collected a premium in the amount of \$1,000.00 from M.R. and failed to remit said premium to Farmers; and

IT FURTHER APPEARING, that on or about March 25, 2016, Dominguez collected a premium in the amount of \$490.00 from J.O. and failed to remit said premium to Farmers; and

IT FURTHER APPEARING, that on or about March 28, 2016, Dominguez collected a premium in the amount of \$900.00 from G.C. and failed to remit said premium to Farmers; and

IT FURTHER APPEARING, that on or about April 1, 2016, Dominguez collected a premium in the amount of \$400.00 from J.B.J. and failed to remit said premium to Farmers; and

IT FURTHER APPEARING, that on or about April 5, 2016, Dominguez collected a premium in the amount of \$125.00 from G.R.J. and failed to remit said premium to Farmers; and

IT FURTHER APPEARING, that Farmers required its agents to remit insureds' premiums to Farmers within 24 hours after receipt by depositing them into a designated Farmers' bank account; and

IT FURTHER APPEARING, that on or about June 9, 2016, Dominguez provided a written signed statement to Farmers' internal auditors in which he acknowledged collecting the five missing premiums referenced above, and admitted to failing to remit those funds to Farmers; and

IT FURTHER APPEARING, that on or about July 28, 2016, Dominguez's Agent Agreement with Farmers was terminated; and

IT FURTHER APPEARING, that on August 23, 2016, an investigator with the Department of Banking and Insurance ("Department") attempted to reach Dominguez by telephone; and

IT FURTHER APPEARING, that on August 30, 2016, the Department e-mailed an inquiry to Dominguez requesting information regarding the termination of his Farmers Agent Agreement; and

IT FURTHER APPEARING, that on September 1, 2016, the Department mailed an inquiry via certified mail to Dominguez requesting his response; and

IT FURTHER APPEARING, that there has been no response to the Department by Dominguez; and

COUNT ONE

IT FURTHER APPEARING, that Respondents failed to remit premiums provided by at least five clients, in violation of N.J.S.A. 17:22A-40a(2), (4) and (8), N.J.A.C. 11:17A-4.10, N.J.A.C. 11:17C-2.1(a) and N.J.A.C. 11:17C-2.2(a); and

COUNT TWO

IT FURTHER APPEARING, that Respondents failed to timely reply to the Department's inquiries, in violation of N.J.A.C. 11:17A-4.8, N.J.S.A. 17:22A-40a(2), and (8); and

WHEREAS, as set forth in the Certification of Anita Bittner, attached hereto as Exhibit A, Respondents were given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to Order to Show Cause No. E17-119, which was duly served by certified and regular mail upon Respondents at their last known business or mailing addresses, according to files maintained by the Department, in accordance with N.J.A.C. 11:17D-2.1(a)3; and

WHEREAS, Respondents failed to provide written responses to the charges contained in Order to Show Cause No. E17-119 within 20 days as provided by N.J.A.C. 11:17D-2.1(d)1, and therefore Respondents have waived their right to a hearing to contest these charges and the charges are deemed admitted, pursuant to N.J.A.C. 11:17D-2.1(b)1;

NOW, THEREFORE, IT IS on this 31st day of May, 2018

ORDERED, that the charges contained in Count One and Count Two of Order to Show Cause No. E17-119 are deemed admitted by Dominguez and Dominguez Agency, pursuant to N.J.A.C. 11:17D-2.1(b)1; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-40, and N.J.A.C. 11:17D-2.1(b)2, the insurance producer license of Dominguez is hereby **REVOKED** effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-40, and N.J.A.C. 11:17D-2.1(b)2, the business entity insurance producer license of Dominguez Agency is hereby **REVOKED** effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45c, Dominguez and Dominguez Agency shall be liable for the payment of civil penalties for violations of the Producer Act as follows:

Count 1: Dominguez and Dominguez Agency shall pay civil penalties in the amount of \$5,000.00, jointly and severally, for failing to remit premiums provided by at least five clients; and

Count 2: Dominguez and Dominguez Agency shall pay civil penalties in the amount of \$10,000.00, jointly and severally, for failing to timely reply to the Department's inquiries; and

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 17:22A-45c and N.J.A.C. 11:1-32.4(b)20, Dominguez and Dominguez Agency shall reimburse the Department, jointly and severally, for the costs associated with the investigation of the matter totaling \$825.00, as evidenced by the Certification of Costs by Investigator Matthew Gervasio, attached hereto as Exhibit B; and

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay the above fines and costs totaling \$15,825.00 by remitting payment to the Commissioner of Banking and Insurance, State of New Jersey, 20 West State Street, P.O. Box 329, Trenton, New Jersey 08625,

Attention: Virgil Downtin, Chief of Investigations, by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," within ten (10) days from the date of service of this Order; and

IT IS FURTHER ORDERED, that in the event full payment of the fines and costs 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 accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the fines in this Final 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 IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in Order to Show Cause No. E17-119 as to Dominguez and Dominguez Agency.


Peter L. Hart
Director of Insurance

Exhibit A

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Petitioner
Richard J. Hughes Justice Complex
25 Market Street
P. O. Box 117
Trenton, New Jersey 08625
Attorney for the Department of Banking and Insurance

By: Anita Bittner
Deputy Attorney General
NJ Attorney ID: 154622015
(609) 943-5626
Anita.Bittner@law.njoag.gov

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

Proceedings by the Commissioner of Banking)
and Insurance, State of New Jersey, to fine,)
suspend, and/or revoke the insurance producer)
licenses of Bienvenido Dominguez, Reference)
No. 1276728, and Dominguez Agency LLC,)
Reference No. 1527865.)
_____)

**CERTIFICATION OF
ANITA BITTNER**

I, Anita Bittner, of full age, do of my own personal knowledge make the following statements by way of certification in lieu of affidavit pursuant to R. 1:4-4(b):

1. I am a Deputy Attorney General assigned as counsel for the New Jersey Department of Banking and Insurance (“Department”) in the above matter. I submit this certification in support of the Department’s request that a Final Order be entered against Bienvenido Dominguez (“Dominguez”) and Dominguez Agency LLC (collectively, “Respondents”), and specifically to establish that proper service of Order to Show Cause No. E17-119 was made upon Respondents.

2. The Commissioner of the Department issued Order to Show Cause No. E16-88 on December 21, 2017.

3. By letters dated January 2, 2018, my office served copies of Order to Show Cause No. E17-119 on Respondents via regular and certified mail, return receipt requested, at the following last known addresses for Respondents on file with the Department: Bienvenido Dominguez, 5808 Washington Street, Apt. 303, West New York, New Jersey 07093 and Dominguez Agency LLC, 7311 Bergenline Avenue, North Bergen, NJ 07047. My office also served Dominguez at his current employer's address at: Suez Water New Jersey Inc., 461 From Road, Paramus, New Jersey 07652. Attached as Exhibit 1 is a true and correct copy of the January 2, 2018 letters and Order to Show Cause E17-119.

4. The regular mail sent to Dominguez at his West New York address was not returned to this office.

5. The certified mail sent to Dominguez at his West New York address was returned as "unclaimed".

6. The regular mail sent to Dominguez Agency was not returned to this office.

7. The certified mail sent to Dominguez Agency was delivered to Dominguez Agency on January 8, 2018 and signed and accepted for delivery. Attached as Exhibit 2 is a true and correct copy of the signed Certified Mail Return Receipt.

8. The regular mail sent to Dominguez at his current employer's address was not returned to this office.

9. The certified mail to Dominguez was delivered to Suez Water New Jersey Inc. on January 9, 2018 and signed for and accepted for delivery. Attached as Exhibit 2 is a true and correct copy of the signed Certified Mail Return Receipt.

10. Respondents did not respond to Order to Show Cause No. E17-119 within the 20 days provided by N.J.A.C. 11:17D-2.1(d)1, or at all.

11. Pursuant to N.J.A.C. 11:17D-2.1(a)3, service of the Order to Show Cause in this manner constitutes lawful service upon Respondents.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Anita Bittner

Dated: 5/29/18

Exhibit 1



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 117
TRENTON, NJ 08625-0117

CHRISTOPHER S. PORRINO
Attorney General

MICHELLE L. MILLER
Acting Director

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

January 2, 2018

Via Regular and Certified Mail

Bienvenido Dominguez
c/o Suez Water New Jersey Inc.
461 From Road
Paramus, NJ 07652

Dear Mr. Dominguez:

We represent the New Jersey Department of Banking and Insurance ("Department"). Enclosed, please find Order to Show Cause No. E17-119 issued by the Director of Insurance on December 21, 2017. The Order to Show Cause charges you and Dominguez Agency LLC with various violations of the insurance laws and regulations of the State of New Jersey, and orders you and Dominguez Agency LLC to appear and show cause as to why your insurance producer licenses should not be suspended or revoked, and why other administrative fines and costs should not be imposed against you and Dominguez Agency LLC.

You have the right to request an administrative hearing in regard to these allegations. Complete instructions on how to request a hearing are contained within the enclosed Order to Show Cause. Briefly here, a request for hearing must provide a specific statement responding to each charge alleged in the Order to Show Cause, specifically admit or deny each fact alleged in the Order to Show Cause, identify any facts of which you have no specific knowledge, and identify any defenses intended to be asserted in response to each charge. N.J.A.C. 11:17D-2.1(d). The request for hearing must be received by the Department within twenty (20) days of service of the Order to Show Cause upon you. The request for hearing should be sent to: Virgil Downtin, Chief of Investigations, Department of Banking



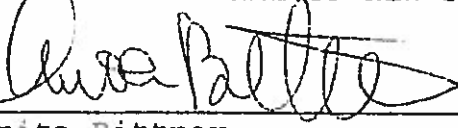
and Insurance, P.O. Box 329, Trenton, New Jersey 08625; or, faxed to Mr. Downtin's attention at (609) 292-5337, with a copy to me. If you fail to respond to this Order to Show Cause within the time provided, a Final Order will be issued by the Commissioner.

Thank you for your attention to this matter.

Sincerely yours,

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: _____


Anita Bittner
Deputy Attorney General

Encls.



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 117
TRENTON, NJ 08625-0117

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PORRINO
Attorney General

MICHELLE L. MILLER
Acting Director

January 2, 2018

Via Regular and Certified Mail

Bienvenido Dominguez
5808 Washington Street
Apt. 303
West New York, NJ 07093

Dear Mr. Dominguez:

We represent the New Jersey Department of Banking and Insurance ("Department"). Enclosed, please find Order to Show Cause No. E17-119 issued by the Director of Insurance on December 21, 2017. The Order to Show Cause charges you and Dominguez Agency LLC with various violations of the insurance laws and regulations of the State of New Jersey, and orders you and Dominguez Agency LLC to appear and show cause as to why your insurance producer licenses should not be suspended or revoked, and why other administrative fines and costs should not be imposed against you and Dominguez Agency LLC.

You have the right to request an administrative hearing in regard to these allegations. Complete instructions on how to request a hearing are contained within the enclosed Order to Show Cause. Briefly here, a request for hearing must provide a specific statement responding to each charge alleged in the Order to Show Cause, specifically admit or deny each fact alleged in the Order to Show Cause, identify any facts of which you have no specific knowledge, and identify any defenses intended to be asserted in response to each charge. N.J.A.C. 11:17D-2.1(d). The request for hearing must be received by the Department within twenty (20) days of service of the Order to Show Cause upon you. The request for hearing should be sent to: Virgil Downtin, Chief of Investigations, Department of Banking



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Sincerely yours,

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Anita Bittner

Deputy Attorney General

Encls.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 117
TRENTON, NJ 08625-0117

CHRISTOPHER S. PORRINO
Attorney General

MICHELLE L. MILLER
Acting Director

January 2, 2018

Via Regular and Certified Mail

Dominguez Agency LLC
7311 Bergenline Avenue
North Bergen, NJ 07047

Dear Dominguez Agency LLC:

We represent the New Jersey Department of Banking and Insurance ("Department"). Enclosed, please find Order to Show Cause No. E17-119 issued by the Director of Insurance on December 21, 2017. The Order to Show Cause charges Dominguez Agency LLC and Bienvenido Dominguez with various violations of the insurance laws and regulations of the State of New Jersey, and orders Dominguez Agency LLC and Bienvenido Dominguez to appear and show cause as to why your insurance producer licenses should not be suspended or revoked, and why other administrative fines and costs should not be imposed against Dominguez Agency LLC and Bienvenido Dominguez.

You have the right to request an administrative hearing in regard to these allegations. Complete instructions on how to request a hearing are contained within the enclosed Order to Show Cause. Briefly here, a request for hearing must provide a specific statement responding to each charge alleged in the Order to Show Cause, specifically admit or deny each fact alleged in the Order to Show Cause, identify any facts of which you have no specific knowledge, and identify any defenses intended to be asserted in response to each charge. N.J.A.C. 11:17D-2.1(d). The request for hearing must be received by the Department within twenty (20) days of service of the Order to Show Cause upon you. The request for hearing should be sent to:



Virgil Downtin, Chief of Investigations, Department of Banking and Insurance, P.O. Box 329, Trenton, New Jersey 08625; or, faxed to Mr. Downtin's attention at (609) 292-5337, with a copy to me. If you fail to respond to this Order to Show Cause within the time provided, a Final Order will be issued by the Commissioner.

Thank you for your attention to this matter.

Sincerely yours,

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Anita Bittner

Deputy Attorney General

Encls.

STATE OF NEW JERSEY
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IN THE MATTER OF:

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producer licenses of Bienvenido Dominguez,)
Reference No. 1276728, and Dominguez)
Agency LLC, Reference No. 1527865.)
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ORDER TO SHOW CAUSE

TO: Bienvenido Dominguez
5808 Washington Street
Apt. 303
West New York, NJ 07093

Dominguez Agency LLC
7311 Bergenline Avenue
North Bergen, NJ 07047

THIS MATTER, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Bienvenido Dominguez ("Dominguez") and Dominguez Agency LLC (collectively, the "Respondents") may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Dominguez was licensed as a resident insurance producer in the State of New Jersey, pursuant to N.J.S.A. 17:22A-32a, until his license expired on September 30, 2016; and

WHEREAS, Dominguez Agency LLC was licensed as a business entity insurance producer in the State of New Jersey pursuant to N.J.S.A. 17:22A-32b, until its license became inactive on November 1, 2016, pursuant to N.J.A.C. 11:17-2.12(d); and

WHEREAS, the Respondents are subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26, et seq., (the "Producer Act"), the Producer Licensing regulations, N.J.A.C. 11:17-1.1 et seq. and the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 et seq. and N.J.A.C. 11:17C-1.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40d, the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Producer Act and Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes against any person who is under investigation for or charged with violations of the Producer Act or Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes even if the person's license or registration has been surrendered or has lapsed by operation of law; 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(4), an insurance producer shall not improperly withhold, misappropriate or convert any monies or properties received in the course of doing insurance business; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a(8), an insurance producer shall not use fraudulent, coercive or dishonest practices, or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of insurance business in this State or elsewhere; and

WHEREAS, pursuant to N.J.S.A. 17:22A-32b(2), any business entity acting as an insurance producer is required to designate a licensed insurance producer or producers responsible for the business entity's compliance with the insurance laws, rules, and regulations of the State; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.8, an insurance producer shall reply, in writing, to any inquiry of the Department relative to the business of insurance within the time requested in said inquiry, or no later than 15 calendar days from the date the inquiry was made or mailed in cases where no response time is given; and

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WHEREAS, pursuant to N.J.S.A. 17:22A-45c, any person violating any provision of the Producer Act shall be liable to a penalty not exceeding \$5,000 for the first offense and not exceeding \$10,000 for each subsequent offense to be recovered in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C. 2A:58-10 et seq.); moreover, the Commissioner or the court, as the case may be, may order restitution of

moneys owed any person and reimbursement of the costs of investigation and prosecution, as appropriate; and

ALLEGATIONS COMMON TO ALL COUNTS

IT APPEARING, that Dominguez was the Designated Responsible Licensed Producer (“DRLP”) for the Dominguez Agency LLC, pursuant to N.J.S.A. 17:22A-32b(2); and

IT FURTHER APPEARING, that Dominguez’s producer license expired on September 30, 2016, and that as of November 1, 2016, by operation of N.J.A.C. 11:17-2.12(d), Dominguez Agency LLC was no longer an active insurance producer in this State because it was without a licensed insurance producer as a DRLP; and

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IT FURTHER APPEARING, that Respondents failed to remit premiums provided by at least five clients, in violation of N.J.S.A. 17:22A-40a(2), (4) and (8), N.J.A.C. 11:17A-4.10, N.J.A.C. 11:17C-2.1(a) and N.J.A.C. 11:17C-2.2(a); and

COUNT TWO

IT FURTHER APPEARING, that Respondents failed to timely reply to the Department's inquiries, in violation of N.J.A.C. 11:17A-4.8, N.J.S.A. 17:22A-40a(2), and (8); and

NOW, THEREFORE, IT IS on this 21st day of December, 2017

ORDERED that Respondents appear and show cause why their New Jersey insurance producer licenses should not be suspended or revoked pursuant to N.J.S.A. 17:22A-40a; and

IT IS FURTHER ORDERED, that Respondents 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 pursuant to the provisions of N.J.S.A. 17:22A-40 and N.J.S.A. 17:22A-45c; and

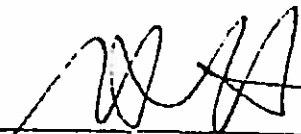
IT IS FURTHER ORDERED that Respondents appear and show cause why they should not be required to pay restitution and reimburse the Department for the costs of investigation and prosecution, as authorized pursuant to N.J.S.A. 17:22A-45c; and

IT IS PROVIDED, that Respondents have the right to request an administrative hearing, to be represented by counsel or other qualified representative, at their 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 the licensees 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,

New Jersey 08625, or by faxing the request to the Department at (609) 292-5337. The request shall contain the following:

- (A) The licensee's name, 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 the Respondents have 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.



Peter L. Hartt
Director of Insurance

Exhibit 2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Ben Venido Dominguez
 c/o Suez Water New Jersey Inc.
 401 From Rd.
 Patamona, NJ 07652



9590 9402 2343 6225 0433 07

2. Article Number (Transfer from service label)
 7011 1570 0003 3760 4144

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 K. COATES JAN 09 2017

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Dominguez Agency LLC
 1311 Sycamore Lane
 North Bergen, NJ 07047



9590 9402 2343 6225 0433 14

2. Article Number (Transfer from service label)
 7011 1570 0003 3760 4151

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

Exhibit B

EXHIBIT B

Proceedings by the Commissioner of Banking and Insurance, State of New Jersey, to fine, suspend, and/or revoke the insurance producer licenses of Bienvenido Dominguez, Reference No. 1276728, and Dominguez Agency LLC, Reference No. 1527865.

CERTIFICATION OF COSTS
BY INVESTIGATOR
MATTHEW GERVASIO

I, Matthew Gervasio, of full age, do of my own personal knowledge make the following statements by way of certification in lieu of affidavit pursuant to R. 1:4-4(b):

1. I am an investigator with the New Jersey Department of Banking and Insurance, Division of Insurance, and Consumer Protection Services, Enforcement ("Department").

2. This certification is submitted in support of the Department's application for reimbursement of its costs of investigation and prosecution, in accordance with N.J.S.A. 17:22A-45(c).

3. On or about August 3, 2016, I was assigned responsibility for conducting an investigation to determine whether Bienvenido Dominguez and Dominguez Agency LLC, may have violated certain provisions of the New Jersey Producer Licensing Act of 2001, N.J.S.A. 17:22A-26, et seq., and related insurance regulations.

4. To determine the amount of time that I spent in the investigation and prosecution

of this matter, I reviewed my files relative to this matter, including my time records. On the basis of this review, I have prepared the below schedule of costs:

Date	Time in Hours	Phone	Case Prep	Comments
8/3/2016	1.0		X	Reviewed complaint, reviewed licensee information, requested documentation from complainant
8/9/2016	2.0		X	Reviewed additional documentation received; obtained contact information for insureds
8/10/2016	.50	X	X	Attempted to contact insureds via telephone
8/12/2016	.50	X	X	Second attempt to contact insureds via telephone
8/19/2016	1.5	X	X	Phone call with subject's business partner, production of report of contact
8/30/2016	1.0		X	Attempts to contact subject Dominguez
8/31/2016	2.0		X	Production of Investigative Report #1
9/6/2016	1.0		X	Review of information received from subject's business partner
9/22/2016	1.0		X	Production of Investigative Report #2
10/18/2016	3.0		X	Production of Facts and Evidence Report

1/27/2017	2.0		X	Contact with Dept. Labor & Workforce to determine current employer of subject.
2/13/2018	1.0			Certification of Costs
TOTAL:	16.5			

5. As this schedule reflects, the investigative efforts expended by the Department of Insurance concerning this matter total 16.5 hours. Pursuant to N.J.A.C. 11:1-32.4(b)20, costs to the Department for the investigation and prosecution for violations of the New Jersey Insurance Producer Licensing Act, N.J.S.A. 17:22A-40, are reimbursable at the rate of \$50.00 per hour, rounded to the nearest quarter hour.

6. I therefore request that the Department's costs of investigation and prosecution be reimbursed in the amount of \$825.00.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


 Matthew Gervasio

Dated: 2/20/2018