

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 )       **CONSENT**  
Joshua David Mellberg LLC, d/b/a J.D. Mellberg )       **ORDER**  
Financial, Reference No. 1274002 )

To: Joshua David Mellberg LLC  
d/b/a J.D. Mellberg Financial  
3067 W Ina Rd. Ste #105  
Tucson, AZ 85741

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Joshua David Mellberg LLC, d/b/a J.D. Mellberg Financial ("Respondent"), currently licensed as a nonresident business entity insurance producer, pursuant to N.J.S.A. 17:22A-34a, may have violated the insurance laws of the State of New Jersey; and

WHEREAS, Respondent is 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"), and the regulations governing the Advertisement of Life Insurance and Annuities, N.J.A.C. 11:2-23.1 to -10; 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(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. 17B:30-4, no person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance and annuities or with respect to any person in the conduct of his insurance and annuity business, which is untrue, deceptive or misleading; and

WHEREAS, pursuant to N.J.A.C. 11:2-23.6(a), the name of the insurer shall be clearly identified, and if any specific individual policy is advertised it shall be identified either by form number or other appropriate description; and

WHEREAS, the Respondent prepared and issued an advertisement via regular mail to New Jersey residents which failed to identify the name of the insurer and the type of plan and/or the name of the annuity product and inaccurately referred to guaranteed income payout rates of up to 13.1%, in violation of N.J.S.A. 17:22A-40a(2) and (8), N.J.S.A. 17B:30-4 and N.J.A.C. 11:2-23.6(a); and

WHEREAS, Respondent:

- 1) Has admitted responsibility for the aforementioned violations; and
- 2) Has cooperated with the investigation conducted by the New Jersey Department of Banking and Insurance ("Department"); and

3) Has asserted that the violations cited in this Consent Order were not willful;  
and

WHEREAS, cause does exist under N.J.S.A. 17:22A-40a and N.J.S.A. 17:22A-45c  
to impose a fine; and

WHEREAS, the Respondent has waived its right to a hearing on the  
aforementioned violations and consented to the payment of a fine in the amount of two  
thousand five hundred dollars (\$2,500.00); and

WHEREAS, this matter should be resolved upon the consent of the parties  
without resort to a formal hearing;

NOW, THEREFORE, IT IS on this 26<sup>th</sup> day of SEPTEMBER, 2018

ORDERED AND AGREED, that the Respondent pay a fine in the amount of  
\$2,500.00 to the Department; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid 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  
Respondent; and

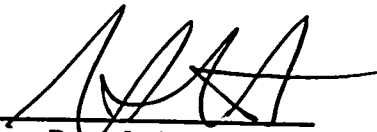
IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order,  
together with the fine payment of \$2,500.00, shall be remitted to:

New Jersey Department of Banking and Insurance  
Attention: Virgil Downtin - Chief of Investigations  
9<sup>th</sup> Floor, Consumer Protection Services, Enforcement  
P. O. Box 329  
Trenton, New Jersey 08625-0329

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 engaging in the conduct that gave rise to this Consent Order.

  
Peter L. Hartt  
Director of Insurance

Consented to as to Form,  
Entry and Content

Joshua David Mellberg LLC

By:   
Joshua Dave Mellberg, as the Designated  
Responsible Licensed Producer for Joshua  
David Mellberg, LLC

Date 9/24/18