

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 license of Mark Jiorle, Reference)
No. 1209942.)
_____)

FINAL ORDER

TO: Mark Jiorle
87 Chelsea Court 12
Franklin Park, New Jersey 08823

Mark Jiorle
3430 Route 27
Kendall Park, New Jersey 08824

THIS MATTER, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon issuance of Order to Show Cause E18-53 (the “OTSC”) alleging that that Mark Jiorle (“Jiorle” or “Respondent”) may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Jiorle was formerly licensed as a resident individual insurance producer in the State of New Jersey, pursuant to N.J.S.A. 17:22A-32a, until February 28, 2015, when his license expired; 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 (“Producer Act”), 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 a violation 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(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. 17:23A-13, an insurance institution, agent or insurance-support organization shall not disclose any personal or privileged information about an individual collected or received in connection with an insurance transaction, except in certain enumerated exceptions; and

WHEREAS, pursuant to N.J.A.C. 11:17A-4.5, no insurance producer shall disclose or solicit the disclosure of personal or privileged information about an individual collected or received in connection with an insurance transaction except in conformity with N.J.S.A. 17:23A-1 to -22; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a, the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, and may levy a civil penalty, for a violation of the Producer Act; 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 costs of investigation and prosecution, as appropriate; and

WHEREAS, on May 25, 2018, the Commissioner issued the OTSC, alleging that Jiorle violated various New Jersey insurance laws by as set forth in the following:

COUNT 1

IT APPEARING, that in September 2015, insured J.G. owned a life insurance policy with Transamerica Life Insurance Company; and

IT FURTHER APPEARING, that Respondent was the agent for J.G.'s life insurance policy; and

IT FURTHER APPEARING, that in September 2015, J.G. was going through a divorce with her then-husband, V.G.; and

IT FURTHER APPEARING, that in September 2015, J.G. changed the beneficiaries of her life insurance policy to remove V.G. and replace him with her daughters; and

IT FURTHER APPEARING, that as the agent for the policy, Respondent received notice of the change in beneficiaries; and

IT FURTHER APPEARING, that in or about September 2015, Respondent informed V.G. that J.G. had made a change to her life insurance policy to remove V.G. as a beneficiary; and

IT FURTHER APPEARING, that by informing V.G., who was not an owner of the policy, of a change in the beneficiaries of J.G.'s life insurance policy, Respondent disclosed personal or privileged information about an individual collected or received in connection with an insurance transaction, in violation of N.J.S.A. 17:22A-40a(2) and (8), N.J.S.A. 17:23A-13, and N.J.A.C. 11:17A-4.5; and

WHEREAS, Jiorle was given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the OTSC and failed to do so; and

WHEREAS, as set forth in the Certification of Nicholas Kant, attached as Exhibit A, by cover letter dated May 30, 2018, the OTSC was sent to Jiorle via: (a) e-mail to Jiorle's then-

current e-mail address, mark@markjiorle.com; (b) certified mail, return receipt requested, and regular mail to Jiorle's then-current home address, based on a public information search, at 87 Chelsea Court 12, Franklin Park, New Jersey 08823; and (c) certified mail, return receipt requested, and regular mail to Jiorle's then-current business address, based on a public information search, at 3430 Route 27, Kendall Park, New Jersey 08824 (location of Re/Max Diamond Realtors, where Jiorle appears to still be an agent, based on multiple Internet postings); and

WHEREAS, mailing of the OTSC by regular and certified mail to the last known business and residential addresses of Jiorle constitutes lawful service, pursuant to N.J.A.C. 11:17D-2.1(a)3;

WHEREAS, Jiorle failed to provide a written response to the charges contained in the OTSC within twenty days as provided by N.J.A.C. 11:17D-2.1(d)1, and therefore has waived his right to a hearing to contest these charges and the charges are deemed admitted under N.J.A.C. 11:17D-2.1(b)1; and

NOW, THEREFORE, IT IS on this *2nd* day of *January*, 2019:

ORDERED, that the charges contained in the OTSC are deemed admitted by Jiorle due to his failure to respond to the charges, 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 Jiorle is **REVOKED** effective the date of this Final Order; and

IT IS FURTHER ORDERED, that Jiorle shall be responsible for the payment of \$5,000.00 in civil penalties for the violations of the Producer Act and regulation cited above as follows; 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, Jiorle shall reimburse the Department of Banking and Insurance, Division of Insurance Enforcement, for the costs associated with the investigation and prosecution of this matter, as


evidenced by the Certification of Costs by Investigator Jared Steward, attached as Exhibit B, totaling \$400.00. The Commissioner has reviewed the investigative costs application and finds the amount of time to be reasonable; and

IT IS FURTHER ORDERED, that Jiorle shall pay the above civil penalty and costs totaling \$5,400.00 by remitting full 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 civil penalty, restitution 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 civil penalty in this Final Order is 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 is not intended to constitute a debt 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 the OTSC.



Marlene Caride
Commissioner