

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)
the insurance license of, Judith Falcone Irwin) **CONSENT**
Reference No. 1602314) **ORDER**

To: Judith Falcone Irwin
 40 Heiser Rd.
 Port Murray, NJ 07865

This matter, having been opened by the Commissioner of Banking and Insurance
----- (“Commissioner”), State of New Jersey, upon information that Judith Falcone Irwin
 (“Respondent”), formerly licensed as a resident insurance producer, pursuant to N.J.S.A.
 17:22A-32a, may have violated various provisions of the insurance laws of the State of
 New Jersey; and

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

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a), the Commissioner may place on
 probation, suspend, revoke or refuse to renew an insurance producer’s license, and may
 levy a civil penalty for violation of the producer Act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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-40(a)(5), an insurance producer shall not intentionally misrepresent the terms of an actual or proposed insurance contract, policy or application for insurance; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(a)(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.A.C. 11:17A-2.3(b), no insurance producer shall offer, pay or give, or permit to be offered, paid or given, to any person, directly or indirectly, any rebate of premiums payable on a contract of insurance, other than that plainly expressed in the contract or provide for in rating systems filed by or on behalf of the insurer writing the contract and approved by the Commissioner; and

WHEREAS, on 9/10/2018, the Respondent paid premium shortfall on insured "BL" short-term disability insurance policy, in violation of N.J.S.A. 17:22A-40a (2) and (8); N.J.A.C. 11:17A-2.3(b); and

WHEREAS, on 5/9/2018, the Respondent misrepresented short-term disability insurance policy application by answering, "NO" to the question related to the prior insurance coverage, in violation of N.J.S.A. 17:22A-40a (2), (5) and (8); and

IT FURTHER APPEARING, that the 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 for the imposition of a civil penalty for the aforementioned violations of the insurance laws of this State; and

WHEREAS, the Respondent has waived the right to a hearing on the aforementioned violation and consented to the payment of a fine in the amount of one thousand dollars (\$1,000.00); 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 *26th* day of *August*, 2024

ORDERED AND AGREED, that the Respondent pay a fine in the amount of one thousand dollars (\$1,000.00) to the Department; and

IT IS FURTHER ORDERED and AGREED that said fine shall be paid by certified check, cashier's check, money order or wire transfer in the amount of one thousand dollars (\$1,000.00) made payable to the "State of New Jersey, General Treasury," payable immediately upon execution of this consent order by Respondents; and

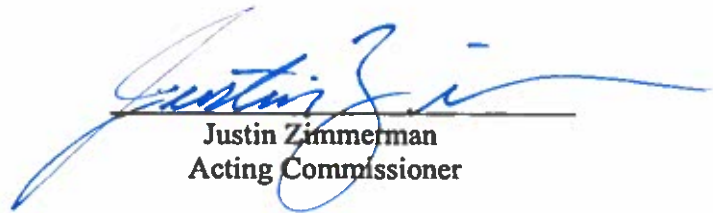
IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order, together with the fine payment of \$1,000.00, shall be remitted to:

New Jersey Department of Banking and Insurance
Attention: Eugene Shannon - Supervisor of Investigations
9th 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 constitutes a final resolution of the violations contained herein.

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.


Justin Zimmerman
Acting Commissioner

Consented to as to Form,
Entry and Content

By: 
Judith Falcone Irwin

Date: 8/26/2024