

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 revoke)	CONSENT
the insurance license of Diana Wisniewski)	ORDER
Reference No. 1204775)	

To: Diana Wisniewski
20 Spring Meadow Drive
Kings Park, NY 11754-4603

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Diana Wisniewski, licensed as a nonresident individual insurance producer, pursuant to N.J.S.A. 17:22A-34, may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Diana Wisniewski (“Respondent”) is subject to the provisions of New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (1) an insurance producer shall not provide incorrect, misleading, incomplete or materially untrue information in the license application; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (2) an insurance producer shall not violate any insurance laws, or violate any 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 have been convicted of a felony or crime of the fourth degree or higher; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (16) an insurance producer shall not have committed any fraudulent act; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40a (18) an insurance producer shall notify the Commissioner within 30 days of his conviction of any crime, indictment or the filing of any formal criminal charges, or the suspension or revocation of any insurance license or authority by a state, other than this State, or the initiation of formal disciplinary proceedings in a state, other than this State, affecting the producer's insurance license; and

WHEREAS, pursuant to N.J.S.A. 17:22A-47(b) within 30 days of the initial pretrial hearing date, an insurance producer shall report to the Commissioner any criminal prosecution of the insurance producer taken in any jurisdiction. The 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.A.C. 11:17E-1.3(a) no insurance producer having been convicted of a felony involving breach of trust or dishonesty or having been convicted under 18 U.S.C. § 1033 shall be employed in the business of insurance in this State in any capacity without having first obtained a waiver from the Commissioner or

his or her designee in accordance with the provisions of 18 U.S.C. § 1033(e) (2) and this subchapter; and

WHEREAS, on February 26, 2015 Respondent executed a Guilty Plea agreement with the United States District Court, District of New Jersey, pertaining to an Information charging the Respondent with the crime of Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 371, and Respondent failed to notify the Commissioner of the criminal charge within 30 days, in violation of N.J.S.A. 17:22A-40a (2), (16) and (18) and N.J.S.A. 17:22A-47(b); and

WHEREAS, on March 6, 2016 Respondent was convicted of one count of Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 371, in violation of N.J.S.A. 17:22A-40a (2), (6) and (16); and

WHEREAS, on March 5, 2015 Respondent executed a renewal application for her insurance producer license and failed to report the criminal action against her, in violation of N.J.S.A. 17:22A-40a (1), (2) and (16); and

WHEREAS, on March 6, 2016 and thereafter, Respondent was an actively licensed nonresident producer employed in the business of insurance, had been convicted of violating 18 U.S.C. § 371 and had not obtained a waiver from the Commissioner pursuant to and in violation of N.J.S.A. 17:22A-40a (2) and N.J.A.C. 11:17E-1.3(a); and

WHEREAS, Respondent:

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

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

NOW, THEREFORE, IT IS on this 15th day of June 2016,

ORDERED AND AGREED, that pursuant to N.J.S.A. 17:22A-40a, the Respondent consents to the revocation of her nonresident insurance producer license, Reference Number 1204775, and said license shall be immediately returned to the Department upon execution of this Consent Order; and send to the attention of:

New Jersey Department of Banking and Insurance
ATTN: Virgil Downtin, Chief of Investigations
9th Floor, Consumer Protection Services, Enforcement
P O Box 329
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that pursuant to N.J.A.C. 11:17D-2.7, Respondent is barred from applying for an insurance producer license for a period of five years from the date of the Commissioner's issuance of this Consent Order and shall comply with N.J.A.C. 11:17E-1.3 should she seek to be employed in the business of insurance in this State; 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.



Peter L. Hartt
Director of Insurance

Consented to as to
Form, Content and Entry

Diana Wisniewski



Date: 5/24/16

NICK NICEFORO
Notary Public, State of New York
No. 01N15018689
Qualified in Kings County
Commission Expires October 4, 2017

