

RESOLUTION NO. 16-12

**INDEMNIFYING GLOUCESTER COUNTY INSURANCE FUND COMMISSION
OFFICIALS/EMPLOYEES**

WHEREAS, the GLOUCESTER COUNTY INSURANCE COMMISSION (hereinafter "GCIC") is duly constituted as an Insurance Commission pursuant to N.J.S.A. 40A:10-6 et seq.; and

WHEREAS, the GCIC has deemed it necessary and appropriate to formally re-organize for the 2012 commission year; and

NOW THEREFORE BE IT RESOLVED by the GCIC that Commission elected officials, appointed officials, and employees are hereby indemnified in a manner similar to the provisions of N.J.S.A. 59:10-1, et seq. and 59:10A-1 et seq.; and

BE IT FURTHER RESOLVED that the aforesaid indemnification shall include the reasonable costs of defense; and

BE IT FURTHER RESOLVED that in interpreting the above referenced statutes, all discretion statutorily vested with the State shall be exercised by the GCIC, and all discretion vested with the Attorney General shall be exercised by the GCIC Attorney, subject to review by the GCIC; and

BE IT FURTHER RESOLVED that any employee, inclusive of public officials employed by the GCIC, shall be and is hereby indemnified for exemplary or punitive damages resulting from the employee's civil violation of State or Federal law if, in the opinion of the GCIC, the acts committed by the employee, upon which the damages are based, did not constitute actual fraud, actual malice, willful misconduct, or an intentional wrong; and

BE IT FURTHER RESOLVED that the aforesaid indemnification shall include the reasonable costs of defense and shall permanently attach to all acts performed during the calendar year 2012 through 2013 GCIC Re-organization, and to all acts performed in all prior years thereto; and

BE IT FURTHER RESOLVED that the GCIC may undertake an evaluation of the acts committed by an employee, for the purpose of determining whether the acts constituted actual fraud, actual malice, willful misconduct, or an intentional wrong, at such time as there shall be sufficient factual data available to reach a reasonable determination on the issue, and such determination, based upon the availability of information, may be made either prior to or subsequent to trial or settlement of the matter in question.

ADOPTED by THE GLOUCESTER COUNTY INSURANCE COMMISSION at a properly noticed meeting held on February 23, 2012.

ADOPTED:

BY: 

GERALD A. WHITE, CHAIRMAN

ATTEST: 

DEAN R. SIZEMORE, SECRETARY