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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. MER-L-0632-15

KENNETH E. KOBYSLOWSKI,)
COMMISSIONER, NEW JERSEY)
DEPARTMENT OF BANKING AND)
INSURANCE,)
Plaintiff,)
v.)
SCOTT FEENEY,)
Defendant.)

Civil Action
STIPULATION OF SETTLEMENT
BFD# 07-23925-22

WHEREAS, the Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner") and Defendant, Scott Feeny, have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement; and

IT IS HEREBY STIPULATED AND AGREED, Defendant Feeney admits that on September 13, 2007 and September 25, 2007 he knowingly provided materially false statements to Thrivent Financial for Lutherans by misrepresenting himself as his father in order to fraudulently obtain \$9,000.00 in loans from a universal life insurance contract owned by his father, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"); and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant Feeney's aforementioned conduct constitutes two (2) violations of the Fraud Act by Defendant Feeney, and that any future violation of the Fraud Act shall be considered a subsequent violation; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant Feeney shall pay a total sum of \$3,150.00 (Settlement Amount") to the Commissioner. The Settlement Amount consists of civil penalties in the amount of \$2,500.00, pursuant to N.J.S.A. 17:33A-5b; attorneys' fees and costs in the amount of \$525.00, pursuant to N.J.S.A. 17:33A-5b; and a statutory fraud surcharge of \$125.00, pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. Upon execution of this Stipulation of Settlement by Defendant Feeney, Defendant Feeney shall remit to the attorney for the Commissioner a payment in the amount of three thousand,

one hundred, fifty dollars and zero cents (\$3,150.00) by certified check; official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to

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IT IS FURTHER HEREBY STIPULATED AND AGREED, pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate licensing authority; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, if Defendant Feeney fails to make any scheduled payment within ten (10) days of its due date, the Commissioner can, upon notice to Defendant Feeney, declare the entire balance outstanding to be immediately due and payable. Thereafter, the Commissioner may take any action available under the law of this State to collect the amount outstanding at that time, including post-judgment interest from the date of the judgment, attorneys' fees, and any other remedies available under the law; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, in the event full payment of the Settlement Amount is not made, the Commissioner may exercise any and all remedies available by law,

including, but not limited to, recovery of any unpaid penalties pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that this Stipulation of Settlement can be used in any subsequent civil or criminal proceeding; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that the penalties of this Stipulation of Settlement are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

CONSENTED AS TO FORM, CONTENT, AND ENTRY:

Scott Feeney
Scott Feeney
Defendant

Dated: 5/9/15

Dated: 5/11/15

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: [Signature]
Adam B. Masel
Deputy Attorney General