

DC-1744-15

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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART - ATLANTIC COUNTY  
DOCKET No. ATL-DC-19775-14

KENNETH E. KOBYSLOWSKI,  
COMMISSIONER OF THE NEW  
JERSEY DEPARTMENT OF  
BANKING & INSURANCE,  
  
Plaintiff,  
  
v.  
  
CHERYL FOUNTAIN,  
  
Defendant.

Civil Action

STIPULATION OF SETTLEMENT

WHEREAS Kenneth E. Kobylowski, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendant Cheryl Fountain ("Defendant"), 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, that Defendant admits that she violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), by knowingly providing false or misleading information in an application for automobile insurance to CURE Insurance Company ("CURE") by failing to disclose her daughter, Terrasita Fountain, as a resident of the household; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant's aforementioned conduct constitutes one (1) violation of the Fraud Act, 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 shall pay a total sum of \$1,875.00 to the Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$1,500.00 in civil penalties for one (1) violation of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq., attorneys' fees of \$300.00 pursuant to N.J.S.A. 17:33A-5b, and \$75.00 constituting the statutory surcharge 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,

Defendant, ~~within 7 days from the day of this consent order,~~ <sup>and until August 2, 2015</sup>  
shall remit to the attorney for the Commissioner a payment in the  
amount of ~~\$500.00~~ <sup>\$200.00</sup> by certified check, official bank check, or  
money order made payable to the "Commissioner, New Jersey  
Department of Banking and Insurance" and sent to:

Garen Gazaryan, Deputy Attorney General  
Banking and Insurance Section  
R.J. Hughes Justice Complex  
25 Market Street  
P.O. Box 117  
Trenton, New Jersey 08625

2. Defendant shall remit the remaining balance of  
\$1,075.00 in monthly installment payments of ~~\$100.00~~ <sup>\$50.00</sup>, to be paid  
on or by the first day of each month, beginning ~~August~~ <sup>September</sup> 1, 2015,  
until the full settlement amount has been paid, by certified  
check, official bank check, or money order made payable to the  
"Commissioner, New Jersey Department of Banking and Insurance"  
and sent to:

Rose V. McGill  
Collections Department  
New Jersey Department of Banking and Insurance  
20 West State Street, 10th Floor  
P.O. Box 325  
Trenton, New Jersey 08625

3. In conjunction with the execution of this Stipulation of Settlement, the parties shall also enter into a Consent Judgment for the entire settlement amount; and

4. 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

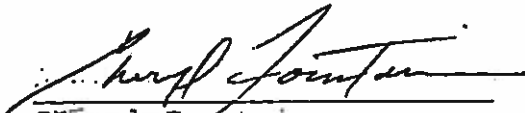
5. If Defendant fails to make any scheduled payment within ten (10) days of its due date, the Commissioner can, upon notice to Defendant, declare the entire balance outstanding to be immediately due and payable. Thereafter, the Commissioner may take any action available under the law of this State to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

6. 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, et seq.; 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.

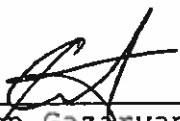
CONSENTED AS TO FORM, CONTENT, AND ENTRY:

  
Cheryl Fountain  
Defendant

Dated: 7/14/15

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

Dated: 7/16/15

By:   
Garen Gazaryan  
Deputy Attorney General