

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
Richard J. Hughes Justice Complex
P.O. Box 117
Trenton, New Jersey 08625

By: Anna M. Lascurain
Deputy Attorney General
(609)984-8469
Anna.lascurain@dol.lps.state.nj.us
Attorney ID No. 006211994

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY
DOCKET NO. OCN-L-1534-15

RICHARD J. BABOLATO, ACTING)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING & INSURANCE,)

Plaintiff,)

v.)

STEPHEN SOLOWAY,)

Defendant.)

Civil Action

STIPULATION OF SETTLEMENT

The claim in this action having been settled and resolved by the parties, Richard J. Badolato, Acting Commissioner of the New Jersey Department of Banking & Insurance ("Plaintiff"), and Stephen Soloway ("Defendant"); and

IT IS STIPULATED AND AGREED that Defendant made numerous insurance claims for magnetic resonance imaging ("MRI") services, despite being unlicensed to perform such services, in violation of

the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"); and

IT IS FURTHER STIPULATED AND AGREED pursuant to N.J.S.A. 17:33A-5(d) Defendant neither admits or denies the charges but consents to the payment of a civil penalty;

IT IS FURTHER STIPULATED AND AGREED that this conduct constitutes violations of the Fraud Act and that any future violation of the Fraud Act will be considered a subsequent violation; and

IT IS FURTHER STIPULATED AND AGREED that Defendant, shall pay a sum of \$77,100.00 to the New Jersey Department of Banking and Insurance, consisting of \$70,000.00 in civil penalties pursuant to N.J.S.A. 17:33A-5b, \$3,600.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5b, a \$3,500.00 insurance surcharge pursuant to N.J.S.A. 17:33A-5.1, in addition to total payments of restitution to insurance carriers of \$92,900.00, upon the execution of this Stipulation of Settlement, by remitting to the attorney for the Commissioner a payment in the amount of **\$77,100.00** AL made payable to **"Commissioner, New Jersey Department of Banking and Insurance"** in a certified check, money order or attorney trust account check and sent to:

Anna Lascurain, Deputy Attorney General
Division Of Law, Banking and Insurance Section
RJ Hughes Justice Complex

25 Market Street
P.O. Box 117
Trenton, NJ 08625-0117

IT IS FURTHER STIPULATED AND AGREED that Defendant shall pay restitution totaling \$92,900.00 to the following insurance carriers that were harmed as a result of Defendant's fraudulent conduct:

1. \$60,000.00 to Horizon Blue Cross Blue Shield of New Jersey.
2. \$25,000.00 to AETNA Insurance Co. of America
3. \$7,900.00 to Amerihealth Insurance Co.

IT IS FURTHER STIPULATED AND AGREED that Defendant shall provide proof that full and complete restitution has been paid to the abovementioned insurers by providing the attorney for the Commissioner, Deputy Attorney General Anna Lascurain confirmation from each insurer that full restitution has been paid.

ACCORDINGLY, IT IS ORDERED AND AGREED as follows:

1. Pursuant to N.J.S.A. 17:33A-5b, Defendant shall pay a civil administrative penalty of \$70,000.00 for violations of the Fraud Act.
2. Pursuant to N.J.S.A. 17:33A-5.1, Respondent shall pay to the Commissioner, Department of Banking and Insurance, a surcharge

equal to five (5%) percent of the settlement amount, which is \$3500.00, such amount to be in addition to the civil administrative penalty.

3. Pursuant to N.J.S.A. 17:33A-5b Defendant shall pay attorney's fees of \$3600.00.

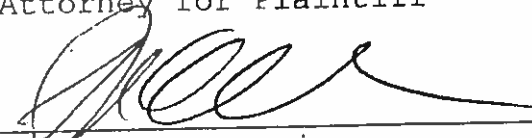
4. Restitution shall be made in the following amounts: \$25,000.00 to Aetna Insurance Company of America; \$60,000.00 to Horizon Blue Cross and Blue Shield; \$7,900.00 to Amerihealth;

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:

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

Dated: March 7, 2011 By:

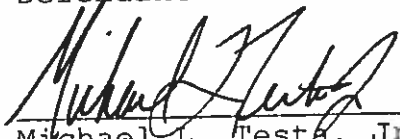


Anna M. Lascurain
Deputy Attorney General



Stephen Soloway
Defendant

Dated: 2-8-2016



Michael L. Testa, Jr., Esq.
Attorney for Defendant

Dated: 2/16/16