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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART-BERGEN COUNTY
DOCKET NO. BER-DC-9383-15
APPELLATE DOCKET NO. A-5501-15T4

RICHARD J. BADOLATO,)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING & INSURANCE,)
Plaintiff-Respondent,)
v.)
VANELLE WILLIAMS,)
Defendant-Appellant.)

Civil Action

STIPULATION OF SETTLEMENT

WHEREAS Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendant Vanelle Williams ("Defendant"), have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement; and

WHEREAS on June 26, 2015, the Commissioner filed a complaint in the Bergen County Superior Court, Special Civil Part ("Trial Court"), Docket Number BER-DC-9383-15, alleging that Defendant violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"); and

WHEREAS on June 20, 2016, the matter in controversy was tried in the Trial Court; and

WHEREAS the Trial Court found that Defendant violated the Fraud Act by knowingly concealing material information on an original application for auto insurance and subsequent renewals with GEICO Insurance Company, specifically by failing to disclose Mr. Marcus Martin as a resident of her household and driver of the insured vehicles; and

WHEREAS by Order dated June 28, 2016, the Trial Court awarded a judgment in favor of the Commissioner and against Defendant for one violation of the Fraud Act in the amount of \$17,377.00, consisting of \$5,000.00 in civil penalties, \$11,377.00 in mandatory attorney's fees, and \$1,000.00 in mandatory surcharge, pursuant to N.J.S.A. 17:33A-5.1.; and

WHEREAS on August 15, 2016, Defendant appealed the Trial Court's verdict and imposition of penalties to the New Jersey Superior Court, Appellate Division, Docket Number A-5501-15T4; and

WHEREAS in the interest of amicably resolving the controversy, both parties agree to enter into this Stipulation of Settlement; and

IT IS HEREBY STIPULATED AND AGREED, that Defendant admits that she violated the Fraud Act by failing to disclose Mr. Marcus Martin as a resident of her household and driver of the insured vehicles; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant's aforementioned conduct constitutes one 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 \$5,000.00 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 Fraud Act, attorneys' fees of \$3,425.00 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, and not later than June 12, 2017, Defendant shall remit to the attorney for the Commissioner a payment in the amount of \$300.00 by certified check, official bank check, or money order made

payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

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 \$4,700.00 in monthly installment payments of \$100.00, to be paid on or before the first day of each month, beginning August 1, 2017, 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

IT IS FURTHER HEREBY STIPULATED AND AGREED, that in conjunction with, and upon execution of, this Stipulation of Settlement, Defendant shall immediately withdraw her pending appeal, Docket Number A-5501-15T4; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that 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, that if Defendant fails to make any scheduled payment within ten 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

IT IS FURTHER HEREBY STIPULATED AND AGREED, that 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:

V. Williams
Vanelle Williams
Defendant

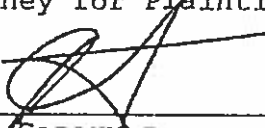
Dated: 6-8-17

Nancy Ferro
Nancy Ferro Esq.
Defendant's attorney

Dated: June 9, 2017

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated: 6/12/17

By: 
Garen Gazaryan
Deputy Attorney General