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Trenton, New Jersey 08625

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY
DOCKET NO. SOM-L-374-15

RICHARD J. BADOLATO,
COMMISSIONER OF THE NEW
JERSEY DEPARTMENT OF
BANKING & INSURANCE,

Plaintiff,

v.

AVIVA SINVANY-NUBEL and
A NEW LIFE, LLC,

Defendants.

Civil Action

STIPULATION OF SETTLEMENT

WHEREAS Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendants Aviva Sinvany-Nubel and A New Life, LLC (collectively "Defendants"), have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement; and

WHEREAS Defendants, having raised good-faith defenses

to the allegations of the complaint, and the parties agreeing to amicably resolve this case in lieu of proceeding to trial, hereby stipulate and agree; and

IT IS HEREBY STIPULATED AND AGREED, that Defendants admit that they violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), by continuing the nursing practice and insurance company billings for professional medical services allegedly performed during the time Defendant Sinvany-Nubel's New Jersey nursing license was suspended from March 15, 2005, up to and including June 30, 2006; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendants' aforementioned conduct constitutes multiple violations 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 Defendants shall pay a total sum of \$50,000.00 to the Commissioner which amount consists of \$45,000.00 in civil penalties for multiple violations of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.; attorneys' fees of \$2,750.00 pursuant to N.J.S.A. 17:33A-5b; and \$2,250.00 constituting the statutory surcharge pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendants shall pay this total sum of \$50,000.00 to the Commissioner on the following terms:

1. Upon execution of this Stipulation of Settlement, Defendants shall remit to the attorney for the Commissioner a lump sum payment in the amount of \$10,000.00 by certified check, official bank check made payable to "Commissioner, New Jersey Department of Banking and Insurance;" and

2. The lump sum payment of \$10,000.00 shall be 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

3. Defendants shall then remit a total of 36 monthly installment payments of \$100.00, beginning on June 1, 2017, and continuing through June 1, 2019, 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

4. On July 1, 2019, Defendants shall make a final, lump sum payment in the amount of \$36,400.00 by certified check,

official bank check, or money order made payable to the
"Commissioner, New Jersey Department of Banking and Insurance"
and sent to:

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 Defendants shall pay restitution totaling \$43,974.40 to Horizon Blue Cross Blue Shield of New Jersey, subject to any defense that Defendants may have to same, as reimbursement for the payments that Defendants received from Horizon Blue Cross Blue Shield of New Jersey for the claims submitted by Defendants for services allegedly performed during the time that Defendant Sinvany-Nubel was unlicensed as stipulated above; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that 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

IT IS FURTHER HEREBY STIPULATED AND AGREED, upon receipt by the attorney for the Commissioner of the signed Stipulation of Settlement and Consent Judgment, together with the initial lump sum payment in the amount of \$10,000.00, the attorney for the

Commissioner shall request the court to dismiss this matter, docket number SLM-L-374-15, with prejudice; and

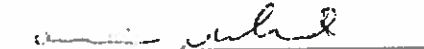
IT IS FURTHER HEREBY STIPULATED AND AGREED, that pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate licensing authority; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that in the event full payment of the Settlement Amount to the Commissioner 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:



Aviva Sinvany-Nubel
(individually and on
behalf of A New Life, LLC)

Dated: 05/19/17

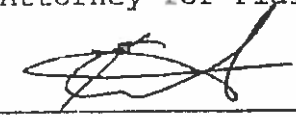


Michael DeMarco, Esq.
Defendants' attorney

Dated: 5/22/17

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

Dated: 7/13/17

By: 

Garen Gazaryan
Deputy Attorney General