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Trenton, New Jersey 08625-0117  
Attorney for Plaintiff

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY  
DOCKET NO. BER-L-358-16

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MARLENE CARIDE, ACTING	)	
COMMISSIONER OF THE NEW JERSEY	)	Civil Action
DEPARTMENT OF BANKING &	)	
INSURANCE,	)	STIPULATION OF SETTLEMENT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
STEVEN BERNSTEIN, D.P.M.	)	
	)	
Defendant.	)	

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WHEREAS, Plaintiff, Marlene Caride, Acting  
Commissioner of the New Jersey Department of Banking & Insurance  
("Commissioner"), and Defendant Steven Bernstein, D.P.M.,  
("Defendant") have reached an amicable agreement resolving the

issues in controversy and consent to the entry of the within Stipulation of Settlement; and

WHEREAS the Commissioner filed a Complaint alleging that Defendant violated the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("IFPA");

WHEREAS pursuant to N.J.S.A. 17:33A-5(d), Defendant neither admits nor denies these allegations, but consents to a civil penalty; and

WHEREAS IT IS STIPULATED AND AGREED that Defendant shall pay the sum of \$47,750.00 ("Settlement Amount") which consists of: (1) a civil penalty payable to the Commissioner in the amount of \$15,000.00 in accordance with N.J.S.A. 17:33A-5b; (2) a \$750.00 surcharge in accordance with N.J.S.A. 17:33A-5.1; (3) and attorney's fees payable to the Commissioner in the amount of \$4,250.00; and (4) restitution to be paid to Horizon Blue Cross Blue Shield of New Jersey ("Horizon") in the amount of \$27,750.00 in accordance with N.J.S.A. 17:33A-5b.

IT IS FURTHER STIPULATED AND AGREED that Defendant shall pay the settlement amount as follows:

1. Upon execution of this Stipulation of Settlement, Defendant shall immediately pay \$20,000.00 by certified check, bank check or money order made payable to

"Commissioner, New Jersey Department of Banking and Insurance" and send to:

Carl M. Bornmann DAG  
R.J. Hughes Justice Complex  
25 Market Street, 2<sup>nd</sup> Floor West  
P.O. Box 117  
Trenton, New Jersey 08625

2. Beginning on or before April 1, 2018, and continuing thereafter on or before the 1st of each month, for the next six (6) months, Defendants shall pay the amount of \$4,625.00 each month by certified check, bank check, or money order payable to the "Horizon Blue Cross Blue Shield of New Jersey" and send to:

Horizon Blue Cross Blue Shield of New Jersey  
P.O. Box 200145  
Newark, New Jersey 07102  
Attention: Scott Johnson, CFE

3. Defendant further consents to the entry and docketing of a Consent Judgment against him in the amount of \$27,750.00 in conjunction with this Stipulation of Settlement. The Attorney General of New Jersey, Banking and Insurance section shall hold the Consent Judgment in escrow and shall not docket or file the Consent judgment until after five (5) days of an uncured default of any monthly payment. Notice of a default in payment shall be given by a Deputy Attorney General from the Banking and

Insurance section to Defendant's attorney by letter or email. Defendant shall receive credit for any monthly installment payments made before the default; and

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

IT IS FURTHER STIPULATED AND AGREED that nothing in this Stipulation of Settlement shall prejudice or shall be construed as prejudicing the authority of any other agency or instrumentality of this State; and

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation of Settlement can be used in any subsequent civil or administrative proceeding by any licensing authority; and

IT IS FURTHER 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 to -  
12; and

IT IS FURTHER STIPULATED AND AGREED, if applicable,  
that upon the full repayment of the Settlement Amount, the  
Commissioner will file with the clerk of the court the warrant  
of satisfaction of the judgment; and

IT IS FURTHER 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:

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiff

Dated: 3/16/18

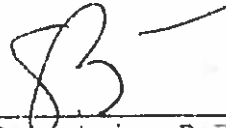
By: 

Carl M. Bornmann  
Deputy Attorney General

Dated: 3/15/18

  
Jack T. Spinella, Esq.  
Attorney for Defendant

Date: 3/14/18



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Steven Bernstein, D.P.M.