

to an insurance company in connection with and in support of a claim for payment pursuant to an insurance policy knowing that the statement contained false or misleading information concerning any fact or thing material to the claim; and

FINAL JUDGMENT is on June 7, 2019, entered in the amount of ~~\$7,716.00~~ 2,716.00 against Defendant, Lorraine Madison, and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of ~~\$5,000.00 in civil penalties for one violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to 30;~~ attorneys' fees of \$1,716.00 pursuant to N.J.S.A. 17:33A-5(b); and a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 39:6A-15, Defendant's driving privileges will be suspended for a period of one (1) year from the date of this judgment.

A copy of this order shall be served on all parties by the moving party within 10 days. A party represented by an attorney shall be deemed served by uploading to eCourts.

Unopposed /s/William Anklowitz, J.S.C.

OPINION: *N.J.S.A. 17:33A-4* requires violations of the act to be knowing violations. The Deputy Attorney General's certification shows the violation here to be the first violation and subjects defendant to up to \$5,000 in civil penalties. *N.J.S.A. 17:33A-5(b)*. Plaintiff requested the maximum amount for the violation because the violation was intentional. However, that is double counting. The violation had to have been intentional. To accept the argument would mean that all violators are subject to the maximum civil penalty. That is not what the legislature said. They gave a range and plaintiff gave no reasons or proposed legal standard by which to gauge the amount of the penalty. The transcript in exhibit G to the investigator's certification shows that defendant intended to give the wrong date of accident, but also shows that defendant very quickly gave up on the effort. Defendant's effort was more pitiful than devious. Since defendant is already subject to the reasonable attorney's fees which were well documented, the \$1,000 penalty, and a year long loss of driver's license, the court is satisfied that the penalties are proportionate to the violation.