

FILED

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-005429-20

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
JOAO CARVALHO and)
OAK BUILDERS, INC.,)
)
Defendants.)

Civil Action

**ORDER OF FINAL JUDGMENT
BY DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Gurbir S. Grewal, Attorney General of New Jersey, (by Brian R. Fitzgerald, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for judgment by default; and

Defendants, Joao Carvalho ("Carvalho") and Oak Builders, Inc. ("Oak Builders") (collectively, "Defendants"), having been duly served with copies of the Summons and Complaint in the above-captioned action, and default having been entered for Defendants' failure to appear, answer, or otherwise defend;

This Court now finds that Defendants (a) made a written statement intended to be presented to an insurance company in support of a claim for payment pursuant to an insurance policy knowing that the statement contained false information concerning material facts; (b) made oral statements to an insurance company in support of a claim for payment pursuant to an insurance policy knowing that the statement contained false information concerning material facts; and (c) conspired with others to commit insurance fraud, all in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically Defendants: (a) provided an insured an invoice in support of an insurance claim that included charges for work that was never performed, in violation of N.J.S.A. 17:33A-4(a)(2); (b) told an insurance company in support of an insured's claim that the work charged on the invoice was performed, when in fact it was not, in violation of N.J.S.A. 17:33A-4(a)(1); and (c) conspired with the insured to make a claim for payment for the work listed on the invoice that was never performed, in violation of N.J.S.A. 17:33A-4(b).

FINAL JUDGMENT is on this 11th day of May 2021, is entered in the total amount of \$20,572.00 against Defendants and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of (i) \$15,000.00 in civil penalties against Defendants, jointly and severally, for three (3) violations of the Fraud Act pursuant to 17:33A-5(c); (ii) attorneys' fees of \$3,477.00, jointly and severally, pursuant to N.J.S.A. 17:33A-5(c); (iii) cost of service in the amount of \$95.00 against Defendants, jointly and severally, pursuant to N.J.S.A. 17:33A-5(b); (iv) a statutory fraud surcharge of \$1,000.00 against Carvalho, individually, pursuant to N.J.S.A. 17:33A-5.1; and (v) a statutory fraud surcharge of \$1,000.00 against Oak Builders, individually, pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within 7 days of the date of receipt.

/s/ Thomas R. Vena
Thomas R. Vena, J.S.C., J.S.C.

This motion was:

_____ Opposed
 _____ Unopposed