

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
Richard J. Hughes Justice Complex
25 Market Street
P. O. Box 117
Trenton, New Jersey 08625-0117

By: Eleanor Heck (#020951991)
Deputy Attorney General
(609) 376-2965
Eleanor.Heck@law.njoag.gov

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BURLINGTON COUNTY
DOCKET NO. BUR-L-001412-22

JUSTIN ZIMMERMAN, ACTING)	<u>Civil Action</u>
COMMISSIONER OF THE)	
NEW JERSEY DEPARTMENT OF)	STIPULATION OF SETTLEMENT
BANKING & INSURANCE, ¹)	
)	
Plaintiff,)	
)	
v.)	
)	
VALERIE SMITH and DAMAGE)	
CLEANUP CREW, LLC,)	
)	
Defendants.)	
_____)	

WHEREAS Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff" or the "Acting Commissioner"), and Defendants, Valerie Smith and Damage Cleanup Crew, LLC ("Defendants"), have reached an amicable-

¹ Pursuant to R. 4:34-4, the caption has been revised to reflect the current Acting Commissioner of the Department OF Banking and Insurance.

agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement ("Stipulation"); and

WHEREAS the Plaintiff and Defendants (collectively, the "Parties") have determined and hereby agree that settlement is in each of their best interests, and for good cause shown.

NOW THEREFORE, the Parties agree fully and finally to settle this matter pursuant to the terms and conditions below.

1. The conduct as alleged in the Complaint constituted a violation of N.J.S.A. 17:33A-1 to -30 (the "Act").

2. Any future violations of the Act shall be considered subsequent violations pursuant to N.J.S.A. 17:33A-5(c).

3. Defendants agree that he shall not engage in any future violations of the Act.

4. Defendants shall pay a total amount of \$4,000 to the Commissioner (the "Settlement Amount"). This Settlement Amount consists of a \$2,500 civil penalty pursuant to N.J.S.A. 17:33A-5(b) (jointly and severally); \$1,250 in attorneys' fees pursuant to N.J.S.A. 17:33A-5(b) (jointly and severally); and a \$250 statutory surcharge pursuant to N.J.S.A. 17:33A-5.1 (\$125 to be paid by Defendant Smith and \$125 to be paid by Defendant Damage Cleanup Crew).

5. Defendants shall satisfy the Settlement Amount on the following terms and conditions: immediately on execution of

this Stipulation by Defendants, Defendants shall remit to the attorney for the Commissioner a payment in the amount of \$4,000 by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance." Payment shall be sent to:

Anna Lascurain
Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

*\$2000, ON OR BEFORE
11/30/23 VS*

*\$2000 ON OR BEFORE
12/31/23 VS*

6. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Stipulation has been made to or relied on by the Defendants in agreeing to this Stipulation. Defendants represent that this Stipulation is freely and voluntary entered into without any degree of duress or compulsion.

7. The undersigned signatories represent and warrant that they are fully authorized to execute this Stipulation on behalf of the persons indicated below.

8. All communications from any party concerning the subject matter of this Stipulation shall be addressed as follows:

If to the Commissioner: Eleanor Heck
Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

If to Defendants: Mark J. Molz, Esq.
 Law Office of Mark J. Molz
 1400 Route 38 East, P.O. Box 577
 Hainesport, New Jersey 08036

9. This Stipulation may be executed in counterparts, each of which constitutes an original and all of which constitutes one and the same agreement.

10. The penalties in this Stipulation 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.

11. The filing of the fully executed Stipulation shall serve as a Stipulation of Dismissal with Prejudice of the Complaint.

CONSENTED AS TO FORM, CONTENT, AND ENTRY:

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated: 11/13/23 By: Anna Lascurain/RW
Anna Lascurain
Deputy Attorney General

Dated: 11/1/23 By: Valerie Smith
Valerie Smith
Defendant

DAMAGE CLEANUP CREW, LLC
Defendant

Dated: 11/1/23 By: Valerie Smith
Valerie Smith
Owner

Dated: 11/1/23 By: Mark J. Molz, Esq.
Mark J. Molz, Esq.
Attorney for Defendants