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Attorney for Plaintiff
R.J. Hughes Justice Complex
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Trenton, New Jersey 08625

By: Richard E. Wegryn, Jr.
Deputy Attorney General
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(609) 777-3733

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SUSSEX COUNTY
DOCKET NO. SUX-L-407-14

KENNETH E. KOBYSLOWSKI,)
COMMISSIONER, NEW JERSEY)
DEPARTMENT OF BANKING AND)
INSURANCE,)
Plaintiff,)
v.)
DESMOND FITZGERALD,)
Defendant.)

Civil Action
STIPULATION OF SETTLEMENT

WHEREAS, the Plaintiff, Kenneth E. Kobylowski, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendant, Desmond Fitzgerald ("Defendant"), have reached an amicable agreement resolving the

issues in controversy without admitting liability or fault, and consented to the entry of the within Stipulation of Settlement;

WHEREAS, the commission has alleged that the Defendant committed violations of the New Jersey Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.

WHEREAS, the Defendant has denied liability for the acts alleged by the Commissioner;

WHEREAS, all parties agree that this is a full and final settlement of any and all claims the Commissioner may have had against the Defendant; and

WHEREAS, the parties agree the settlement is in the best interest of all,

IT IS HEREBY STIPULATED AND AGREED, that Defendant shall pay a total sum of Three Thousand Nine Hundred Thirty Seven Dollars and Fifty cents (\$3,937.50) ("Settlement Amount") to the Commissioner of the New Jersey Department of Banking and Insurance, which consists of civil penalties in the amount of \$3,750.00, pursuant to N.J.S.A. 17:33A-5b, and a statutory surcharge of \$187.50 pursuant to N.J.S.A. 17:33A-5.1, with no admission of liability or fault; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that, upon Defendant's execution of this Stipulation of Settlement, Defendants' shall remit to the attorney for the Commissioner of the New Jersey Department of Banking and Insurance the full Settlement Amount, by certified check, official bank check, or money order, made payable to "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Richard E. Wegryn, Jr., Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

IT IS FURTHER HEREBY STIPULATED AND AGREED, that within ten (10) days of executing this Stipulation of Settlement, Defendant shall formally notify the New Jersey Board of Pharmacy, in writing, with a copy to Richard E. Wegryn, Jr., DAG, that he formally surrenders his New Jersey pharmacist license ending in #~~28R101~~062700; 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 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 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:

¶

Dated: _____

By: _____ ¶

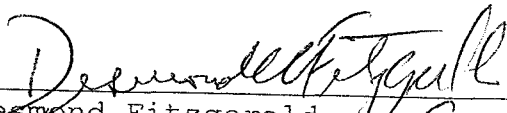
~~Desmond Fitzgerald~~ ¶

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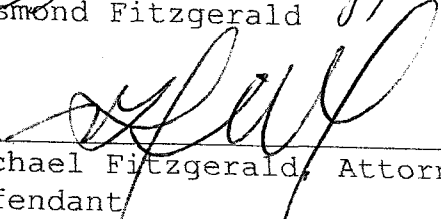
Dated: 4/22/2015

By: Richard E. Wegryn, Jr.
Richard E. Wegryn, Jr.
Deputy Attorney General

Dated: _____

By: 
Desmond Fitzgerald

Dated: 3/12/11

By: 
Michael Fitzgerald, Attorney for
Defendant