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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART
BURLINGTON COUNTY
DOCKET NO. BUR-DC-9349-14

KENNETH E. KOBYLowski,)	
COMMISSIONER, NEW JERSEY)	Civil Action
DEPARTMENT OF BANKING AND)	
INSURANCE,)	STIPULATION OF SETTLEMENT
)	
Plaintiff,)	
)	
v.)	
)	
ROBERT M. VANDERCOOK,)	
)	
Defendant.)	

WHEREAS, the Plaintiff, Kenneth E. Kobylowski, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendant, Robert M. Vandercook ("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;

IT IS HEREBY STIPULATED AND AGREED, that on or about February 26, 2013, Defendant Vandercook knowingly provided false and misleading statements in support of an automobile damage insurance claim submitted to CURE Auto Insurance, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. (hereinafter "the Fraud Act"); and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant Vandercook's aforementioned conduct constitutes one violation of the Fraud Act, and that any future violation of the Fraud Act shall be considered a subsequent violation; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant Vandercook shall pay a total sum of \$3,125.00 (hereinafter "the Settlement Amount") to the Commissioner of the New Jersey Department of Banking and Insurance. The Settlement Amount consists of civil penalties in the amount of \$2,500.00, attorneys' fees and costs in the amount of \$500.00, and a statutory fraud surcharge of \$125.00 pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. Upon execution of this Stipulation of Settlement, and by June 1, 2015, Defendant Vandercook shall remit to the attorney for the Commissioner a payment in the amount of five hundred dollars (\$500.00) by certified check, official bank check, or money order made payable to the "Commissioner, New

Jersey Department of Banking and Insurance" and sent to

Richard E. Wegrzyn, Jr., Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
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2. Defendant Vandercook shall remit the remaining balance of said Settlement Amount, two thousand, six hundred twenty-five dollars (\$2,625.00), in monthly installment payments of \$500.00, to be paid on or by the first day of each month, beginning July 1, 2015, until the full Settlement Amount has been paid, by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Rose V. McGill
Collections Department
New Jersey Department of Banking and Insurance
20 West State Street, 10th Floor
P.O. Box 325
Trenton, New Jersey 08625

3. If Defendant Vandercook fails to make any scheduled payment within five (5) days of its due date, the Commissioner can, upon notice to Defendant Vandercook, declare the entire outstanding balance of the Settlement Amount to be immediately due and payable. Thereafter, the Commissioner may take any action available under the law of this State to collect the outstanding balance of the Settlement Amount, plus pre-

judgment interest from the date herein, all attorneys' fees and costs incurred from the initiation of this action through judgment in addition to those fees specified herein, and any other remedies available under the 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: May 27 2015


ROBERT M. VANDERCOOK

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated: May 31, 2015

By: 
Richard E. Wegrzyn
Deputy Attorney General