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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART-CAMDEN COUNTY
DOCKET NO. DC-005779-15

KENNETH E. KOBYLOWSKI,)	<u>Civil Action</u>
COMMISSIONER OF THE)	
NEW JERSEY DEPARTMENT OF)	STIPULATION OF SETTLEMENT
BANKING AND INSURANCE,)	
)	
Plaintiff,)	
)	
v.)	
)	
SARAH TORRES,)	
)	
Defendant.)	

WHEREAS, the Plaintiff, Kenneth E. Kobylowski, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and Defendant, Sarah Torres ("Defendant"), have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement;

IT IS HEREBY STIPULATED AND AGREED, that on or about August 31, 2011, Defendant Torres knowingly provided false and

misleading statements in support of an automobile insurance application or renewal submitted to Encompass Insurance Company, 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 Torres' 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 Torres shall pay a total sum of \$1,575.00 (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 \$1,320.00, attorneys' fees and costs in the amount of \$189.00, and a statutory fraud surcharge of \$66.00 pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. By October 1, 2015, Defendant Torres 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. 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

2. Defendant Torrès shall remit the remaining balance of said Settlement Amount, one thousand seventy five dollars (\$1,075.00), in six monthly installment payments of \$180.00, to be paid on or by the first day of each month, beginning November 1, 2015, with the last payment of \$175.00 due April 1, 2016, 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. In conjunction with the execution of this Stipulation of Settlement, the parties shall also enter into a Consent Judgment for the entire Settlement Amount; and

4. If Defendant Torres fails to make any scheduled payment within five (5) days of its due date, the Commissioner can, upon notice to Defendant Torres, 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:

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

Dated: September __, 2015

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

Charles M. Izzo, Esquire
Attorney for Defendant

Dated: September 4, 2015

By: [Signature]
Charles M. Izzo, Esquire