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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO. ATL-L-2352-15

RICHARD J. BADOLATO,
COMMISSIONER OF THE NEW
JERSEY DEPARTMENT OF BANKING)
AND INSURANCE,)

~~Civil Action~~

STIPULATION OF SETTLEMENT

BFD NO. 11-20762-35

Plaintiff,

v.

Walter Simms,

Defendant.

WHEREAS Richard J. Badolato, the Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner") and Defendant, Walter Simms, have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within Stipulation of Settlement; and

IT IS HEREBY STIPULATED AND AGREED that Defendant Simms knowingly provided false and misleading statements to Government Employees' Insurance Company ("Geico") as part of his application for insurance by failing to disclose other drivers of the policy vehicles, and by failing to disclose that the policy vehicles were being used for Defendant Simms' limousine business, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"); and

IT IS FURTHER HEREBY STIPULATED AND AGREED that Defendant Simms reported three claims for motor vehicle

accidents, on April 4, May 31, and October 1, 2011, and falsely stated during each claim that the vehicles were not being used for business purposes, in violation of the Fraud Act; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that this conduct constitutes four violations of the Fraud Act, and any future violation of the Fraud Act shall be considered a subsequent violation; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that Defendant Walter Simms shall pay restitution to Geico in the amount of \$5,000.00 ("Restitution"), and that the full Restitution amount of \$5,000.00 is due and payable to Geico by certified check, official bank check or money order within 30 days of the execution of this Stipulation of Settlement; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that, in addition to the Restitution payable to Geico, Defendant Walter Simms shall pay a total sum of \$10,000.00 ("Settlement Amount") to the Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of civil penalties in the amount of \$8,000.00 pursuant to N.J.S.A. 17:33A-5b, attorneys' fees in the amount of \$1,600.00 pursuant to N.J.S.A. 17:33A-5b, and a statutory insurance fraud surcharge of \$400.00 pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. Immediately upon execution of this Stipulation of Settlement, Defendant Walter Simms shall remit to the attorney for the Commissioner a payment in the amount of \$1,000.00 by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to

Kevin J. McGowan, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street, 2nd Floor West Wing
P.O. Box 117
Trenton, New Jersey 08625

2. Defendant Walter Simms shall remit the remaining balance of \$9,000.00 in equal monthly installment payments due on the first of each month, beginning on November 1, 2017, for 24 months. Installment payments are to be made as follows: \$375.00 per month for 24 months beginning November 1, 2017.

3. All installment payments are to be 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

4. 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

5. 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


6. If Defendant Walter Simms fails to make any scheduled payment within ten days of its due date, the Commissioner can, upon notice to Defendant Simms, declare the entire balance outstanding to be immediately due and payable. Thereafter, the Commissioner may take any action available under the law of this State to collect the amount outstanding at that time, including post-judgment interest from the date of the judgment, attorneys' fees, and any other remedies available under the law; and

7. 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:



Walter Simms
Defendant

Dated: 11.20.17



Mark Roddy, Esq.
Attorney for Defendant

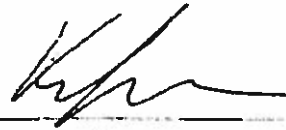
Dated: 11.20.17

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated:

12/20/17

By:



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Deputy Attorney General