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Attorney for Plaintiff-Intervenor  
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ALLSTATE INDEMNITY COMPANY, ALLSTATE  
INSURANCE COMPANY, ALLSTATE NEW JERSEY  
INSURANCE COMPANY, ALLSTATE PROPERTY AND  
CASUALTY COMPANY, NORTHBROOK INDEMNITY,  
ALLSTATE FIRE & CASUALTY INSURANCE  
COMPANY, ENCOMPASS INSURANCE COMPANY,  
ENCOMPASS PROPERTY AND CASUALTY INSURANCE  
OF NEW JERSEY, AND ENCOMPASS INSURANCE  
COMPANY OF NEW JERSEY,

Plaintiffs,

v.

KAMEL KAZAN, D.C., SALVATORE SANTANGELO,  
D.C., NART TSAY, D.C., MIGUEL PAGAN, D.C.,  
JOHN K. BURGER, D.O., JOAN VAN RAALTE,  
D.M.D., WAYNE MILLER, D.C., TATIANA  
SHARAHY, M.D., JENNIFER O'BRIEN, TAE YOUNG  
HONG, D.C., GIOVANNI DURAN, PTA, BERGEN  
PHYSICAL THERAPY, LLC,  
PATERSON CHIROPRACTIC CENTER, P.C., MODERN  
ACUPUNCTURE, L.L.C., HEALTH ONE MEDICAL &  
PHYSICAL REHABILITATION, L.L.C.,  
INNOVATIVE SPINE CARE, LLC, INNOVATIVE  
SPINE CARE MEDICAL CENTER, LLC, D/B/A PURE  
ANTI-AGING MEDICAL CENTER, JOAN VAN  
RAALTE, D.M.D., P.C., AND JOHN DOES 1-50,

Defendants,

v.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-7550-13

CIVIL ACTION

STIPULATION OF SETTLEMENT  
(As to Kamel Kazan, D.C. and  
Paterson Chiropractic Center,  
P.C.)

MARLENE CARIDE, ACTING COMMISSIONER OF THE  
NEW JERSEY DEPARTMENT OF BANKING AND  
INSURANCE,

Plaintiff-Intervenor,

v.

KAMEL KAZAN, D.C., SALVATORE SANTANGELO,  
D.C., NART TSAY, D.C., MIGUEL PAGAN, D.C.,  
JOHN K. BURGER, D.O., JOAN VAN RAALTE,  
D.M.D., WAYNE MILLER, D.C., TATIANA  
SHARAHY, M.D., JENNIFER O'BRIEN, TAE YOUNG  
HONG, D.C., GIOVANNI DURAN, PTA, BERGEN  
PHYSICAL THERAPY, LLC, PATERSON  
CHIROPRACTIC CENTER, P.C., MODERN  
ACUPUNCTURE, L.L.C., HEALTH ONE MEDICAL &  
PHYSICAL REHABILITATION, L.L.C.,  
INNOVATIVE SPINE CARE, LLC, INNOVATIVE  
SPINE CARE MEDICAL CENTER, LLC, D/B/A PURE  
ANTI-AGING MEDICAL CENTER, JOAN VAN  
RAALTE, D.M.D., P.C., AND JOHN DOES 1-50,

Defendants.

WHEREAS Plaintiff-Intervenor Marlene Caride, Acting  
Commissioner of the New Jersey Department of Banking & Insurance  
("Commissioner")<sup>1</sup>, and Kamel Kazan, D.C. and Paterson  
Chiropractic Center, P.C. (collectively, "Defendants") have  
reached an amicable agreement resolving the issues in  
controversy and consent to the entry of the within Stipulation  
of Settlement; and

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<sup>1</sup> This action was commenced on behalf of Richard J. Badolato, former  
Commissioner of the Department of Banking and Insurance  
("Department"). Pursuant to R. 4:34-4, the caption has been revised to  
reflect the current Acting Commissioner of the Department.

WHEREAS the Commissioner filed a Complaint alleging that Defendants violated the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1, et seq. ("IFPA");

WHEREAS pursuant to N.J.S.A. 17:33A-5(d), Defendants neither admit nor deny these allegations, but consent to a civil penalty; and

WHEREAS IT IS STIPULATED AND AGREED that Defendants, jointly and severally, shall pay the sum of \$150,000.00 ("Settlement Amount") to the New Jersey Department of Banking and Insurance, which consists of a civil penalty in the amount of \$100,000.00 in accordance with N.J.S.A. 17:33A-5b, a \$7,500.00 surcharge in accordance with N.J.S.A. 17:33A-5.1, and attorney's fees in the amount of \$42,500.00 in accordance with N.J.S.A. 17:33A-5b; and

IT IS FURTHER STIPULATED AND AGREED that Defendants shall pay the settlement amount as follows:

1. Upon execution of this Stipulation of Settlement, Defendants shall immediately pay \$15,000.00 by certified check, bank check or money order made payable to "Commissioner, New Jersey Department of Banking and Insurance" and send to:

Anna M. Lascurain DAG  
R.J. Hughes Justice Complex  
25 Market Street, 2<sup>nd</sup> Floor West  
P.O. Box 117  
Trenton, New Jersey 08625

2. Beginning on or before March 1, 2018, and continuing thereafter on or before the 1st of each month, for each of the next forty-five (45) months, Defendants shall pay the amount of \$3,000.00 (for a total of \$135,000.00 paid) by certified check, bank check, or money order payable to the **"Commissioner, New Jersey Department of Banking and Insurance"** and send to:

Commissioner, NJ Department of Banking and Insurance  
Attn: Rose McGill, Collections  
20 West State Street, 10<sup>th</sup> Floor  
P.O. Box 325  
Trenton, NJ 08625

3. Defendants further consent to the entry and docketing of a Consent Judgment against them in the amount of \$150,000.00 in conjunction with this Stipulation of Settlement; and
4. If Defendants fail to make any scheduled payment within ten (10) days of its due date, the Commissioner may, upon notice to Defendants, declare the entire balance outstanding to be immediately due and payable. Thereafter, Commissioner may take any action available under the laws of this State to collect the amount outstanding at that time, plus post-judgment interest from the date of the judgment, attorneys' fees and any other remedies available under the law; and

IT IS FURTHER STIPULATED AND AGREED that nothing in this Stipulation of Settlement shall prejudice or shall be construed as prejudicing the authority of any other agency or instrumentality of this State; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that this Stipulation of Settlement can be used in any subsequent civil or administrative proceeding by any licensing authority; and

IT IS FURTHER 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 STIPULATED AND AGREED that upon the full repayment of the Settlement Amount, counsel for Commissioner will file with the clerk of the court the warrant of satisfaction of the judgment; 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:

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiff-Intervenor

Dated: 2-20-18


By:



Anna M. Lascurain  
Deputy Attorney General

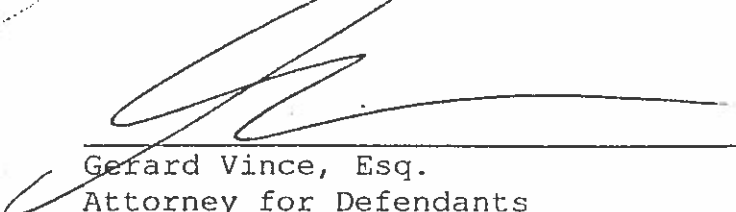
Dated:

2-15-18

  
Kamel Kazan, D.C., Individually  
and on behalf of Paterson  
Chiropractic Center, P.C.

Dated:

2-16-2018

  
Gerard Vince, Esq.  
Attorney for Defendants  
Kamel Kazan, D.C. and Paterson  
Chiropractic Center, P.C.