

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Richard J. Hughes Justice Complex
P.O. Box 117
Trenton, New Jersey 08625-0117
Attorney for Plaintiff

By: Anna M. Lascurain
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - PASSAIC COUNTY
DOCKET NO. PAS-L-002453-19

MARLENE CARIDE,	:	
COMMISSIONER OF THE NEW	:	Civil Action
JERSEY DEPARTMENT OF	:	
BANKING & INSURANCE,	:	STIPULATION OF SETTLEMENT
	:	(as to Charles Nisivoccia only)
Plaintiff,	:	
	:	
v.	:	
	:	
MARCO J. ESPOSITO, CRAIG	:	
KLEIN, AND CHARLES	:	
NISIVOCCIA,	:	
	:	
Defendants.	:	

The claims in this action have been settled and resolved limited to the following parties, Plaintiff Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff"), and Defendant, Charles G. Nisivoccia ("Defendant") (collectively the "Parties");

WHEREAS, for good cause shown, the Parties have reached an agreement resolving the issues in controversy, and

consent to the entry of the within Stipulation of Settlement ("Stipulation") pursuant to the terms and conditions below.

1. Defendant violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to 30 ("Fraud Act"), by knowingly conspiring to submit chiropractic services insurance claims for patients obtained by runners in 2010 and 2011 when he was ineligible to practice because his chiropractic license had been suspended effective December 17, 2005.

2. Such conduct constitutes a violation of the Fraud Act, specifically N.J.S.A. 17:33A-4b,-4c, and 4e.

3. Defendant agrees that he shall not engage in any future violations of the Fraud Act.

4. Defendant shall pay a total settlement amount of \$16,750.00 to the Plaintiff ("Settlement Amount"). This Settlement Amount consists of \$15,000.00 in civil penalties pursuant to N.J.S.A. 17:33A-5b; \$1,000.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5b; and \$750.00 in statutory surcharge pursuant to N.J.S.A. 17:33A-5.1.

5. Defendant shall pay the Settlement Amount upon the following terms and conditions:

a. Immediately upon execution of this Stipulation, Defendant shall remit to the attorney for the Plaintiff a lump

sum payment in the amount of \$16,750.00 by certified check, official bank check, money order, or attorney trust check made payable to the "Commissioner, New Jersey Department of Banking and Insurance" on or about December 1, 2020 and sent to:

Anna M. Lascurain, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

b. All communications from any party concerning the subject matter of this Stipulation shall be addressed as follows:

If to the Department:

Anna M. Lascurain, DAG
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

If to Defendant:

Mr. Robert Pierce, Esq.
3350 State Route 138 #113
Wall, New Jersey 07719

6. This Stipulation shall be governed by the laws of the State of New Jersey without regard to any conflict-of-laws principles. The Parties agree that the exclusive jurisdiction

and venue for any dispute arising between and among the Parties under the Stipulation will be the Superior Court of the State of New Jersey.

7. The penalties of this Stipulation 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.

8. To facilitate execution, this Agreement may be executed in as many counterparts as may be required. All counterparts hereof shall collectively constitute a single agreement.

CONSENTED AS TO FORM, CONTENT, AND ENTRY:

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

November 25, 2020

Anna M. Lascurain Dag

By:

Anna M. Lascurain
Deputy Attorney General

November 25, 2020

Robert C. Pierce, Esq.

By:

Robert C. Pierce, Esq.
Attorney for Defendant

November 25, 2020

By:

[Signature]

Charles G. Nisivoccia
Defendant