

This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), specifically N.J.S.A. 17:33A-4(a)(1), by knowingly providing false statements to Plymouth Rock Assurance in support of an insurance claim for an automobile accident dated April 11, 2019, specifically, by falsely representing to Plymouth Rock that the accident occurred shortly after the automobile was

insured, when, in fact, the accident occurred shortly before the automobile was insured; and

FINAL JUDGMENT is on this 22nd day of August, 2025, entered in the amount of \$1,500.00 against Defendant, Jose I. Solivan, and in favor of Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$500.00 in civil penalties for one violation of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$1,000.00, pursuant to N.J.S.A. 17:33A-5(b); ~~and a statutory fraud surcharge of \$1,000.00, pursuant to N.J.S.A. 17:33A-5.1.~~

~~IT IS FURTHER ORDERED, that, pursuant to N.J.S.A. 39:6A-15, Defendant Jose I. Solivan's driving privileges shall be suspended for a period of one year from the date of this judgment.~~

Benjamin S. Bucca, Jr.
Hon. Benjamin S. Bucca Jr., J.S.C.

()OPPOSED
(X)UNOPPOSED

MOTION TO ENTER JUDGMENT is hereby GRANTED.

See the attached Statement of Reasons below.

If applicable, pursuant to R. 1:5-1(a), a copy of this Order shall be served upon all parties who have not been electronically served through an approved Electronic Court System pursuant to R. 1:32-2A, nor personally served in court, within seven (7) days of receipt of this Order.

Statement of Reasons

This matter comes before the Court as a civil action seeking penalties arising from fraudulent conduct on the part of the Defendant in connection with an insurance claim. Upon reviewing the facts and circumstances as established on the record, the Court finds as follows:

The Defendant filed a fraudulent insurance claim in which false representations were made regarding the timing of a motor vehicle accident and the coverage status of the relevant insurance policy. The insurance company ultimately declined coverage and denied the claim, resulting in no financial profit to the Defendant from the illegal activity. The Defendant has previously pled guilty to insurance fraud in the corresponding criminal case, for which a sentence—including a \$500.00 fine—was imposed. The Defendant has no prior record, and there is no indication of a conspiracy or pattern of repeated conduct.

In assessing the appropriate penalties in this civil action, the Court considers the relevant factors outlined in *Kimmelman v. Henkels & McCoy, Inc.*, 108 N.J. 123 (1987), including: (1) the amount of profits likely to be obtained; (2) the good or bad faith of Defendant; (3) Defendant's ability to pay; (4) injury to the public; (5) duration of conspiracy; (6) existence of criminal or treble damages action; and (7) past violations.

Of note, the Defendant received no actual profit, and there was no injury to the public in the form of paid claims or increased premiums, as the fraudulent claim was identified and denied. The matter was straightforward and based on uncontested facts, as the Defendant admitted to the offense in concurrent criminal proceedings. The Defendant has already paid a debt to society through criminal conviction and fine, and there is no evidence of prior violations or an ongoing pattern of fraud.

The Court is mindful of the necessity that law enforcement and the judicial process are viewed as fair and impartial, and that punishment must be proportionate to the seriousness of the offense. The Court is concerned that a significant civil penalty and an even more substantial award of attorney fees—given the absence of actual financial harm and the Defendant's prior criminal sanction—could be reasonably viewed as overbearing and not serving the interests of justice.

Accordingly, for the reasons stated above, the Court finds that imposing a civil fine of \$500.00 and attorney fees in the amount of \$1,000.00 is proportionate to the nature of the offense and consistent with the interests of fairness and impartial justice. This outcome reflects the Defendant's bad faith in making the fraudulent claim while also recognizing the lack of actual financial injury, absence of prior record, and the Defendant's prior payment of a criminal fine. No further penalty is warranted.